

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**June 5, 2023**

**Members Present:** Scott Grant; David L. Patch; David Shedd; Michael Galante; Kevin Bennett; Joe Heuston. **Members Absent:** Vicki Garland.

**Also Present:** Andrew Fisher of Ammonoosuc Survey; Jason Brown; Edward Bradbury; Kerry Guptill; Joann & Thomas Shugrue; Patricia Kelly; E.W. Kelly; Dennis Egan; Mike Brink; Lily Robles; Kim Talbot.

**1. Pledge of Allegiance:** Chairman Scott Grant opened the meeting at 6:00 pm, led all present in the Pledge of Allegiance, and announced items on the agenda.

**2. Public Hearing: Jason Brown, Route 302, Bartlett NH.** File: 2023-1290. Application to subdivide a 12.27-acre parcel on Route 302 into a 16-unit PUD. Tax Map 2RT302-2, Lots 161L00, 165L00, and 170L00.

Andy Fisher presented and provided new plans which he said had been slightly revised from the set previously submitted in that he had added the green space. Mr. Fisher said the applicant was proposing to merge his three lots and then create a 16-unit PUD, which would have a looped road built to town standards. Multiple driveways would come off this road, with the majority of drives serving three units each. Mr. Fisher said each unit would have its own septic system and Lower Bartlett Water Precinct would be supplying water. The Chairman reminded him that the town did not allow increased density due to offsite water. Mr. Fisher said he was aware of that, but since there were no wells, the 75-ft. protective well radius was not required.

The Chairman asked if there were any questions from the board. David Shedd noted Mr. Fisher had added green space to the plan, but said he believed residential developments were required to have open space. Mr. Fisher was asked whether he knew what the difference was between residential open space and commercial green space. Mr. Fisher said the only thing he found in the zoning referred to green space. Mr. Shedd read the applicable zoning regulation which required any residential development great than 5-acres to set-aside 15% of the total land area as permanently-designated open space. This open space was to be owned and maintained by a homeowner's association for the use and enjoyment of the residents of the development. Further, the zoning called for this open space to consist of larger blocks, rather than small, narrow, or elongated areas. Mr. Shedd said what Mr. Fisher had shown on the plan was just some greenspace in the boundary setback, which he did not feel satisfied the open space requirements. Mr. Fisher said 15% of 12.27 acres equaled 1.84 acres, and the greenspace shown on the plan was 2.39-acres, so it was greater than what was required. He offered to change the wording on the plan from greenspace to open space. He said he believed the zoning ordinance allowed for green areas to be used to satisfy open space requirements. There was a short discussion as to whether PUD developments were required to meet the residential development open space requirements, since they were not lotted subdivisions and generally contained exclusive-use areas around the dwellings.

Mr. Shedd spoke of the road regulations which required a certain distance from where a town road entered a highway, i.e. Route 302, and suggested Mr. Fisher check that requirement. Mr. Fisher said he had taken that into account.

Mr. Fisher advised a HISS survey had been done and the information had been provided on a plan. Also provided were plans depicting the design and layout for the looped road, which town engineer Burr Phillips will review for compliance. Mr. Fisher said he had already spoken to Burr, so he was aware the project was pending. The board will provide Burr with a set of plans so he can determine what his fee will be. Once that figure is known, the applicant will sign an agreement at the selectmen's office for Burr to complete his review. When David Patch asked who had done the HISS, he was told it was Greg Howard.

The Chairman noted that these three lots were not yet merged into one twelve-acre lot. When Mr. Fisher agreed that had not been done, the Chairman said in that case this meeting would be an informal discussion on the merits of the subdivision since the application could not be accepted whilst still three lots. Mr. Fisher agreed the application could not be approved tonight, but felt it could be accepted. He was informed the lot merger would need to be done first. David Patch said since so many abutters were in attendance in anticipation of a public hearing, he had no problem in allowing them to look at the plans tonight and express any comments or concerns they may have. The Chairman said they were also welcome to return when the public hearing was actually held, after the lots were merged.

Several people accepted the offer and reviewed the plans. Dennis Egan spoke to the Chairman's previous comment regarding well radii by saying even if there was no well, a septic/sewer line was still required to be 20-ft. away from a water line. Michael Brink asked about the greenspace, noting it was not shown on the plan he had received with his abutter notice. He asked where it was being proposed. Mr. Fisher said it was essentially around the perimeter of the property. Mr. Brink asked about the electric easement which served his property. Mr. Fisher said nothing about the easement would change as of now, though it was possible the location of a power pole may change later on, but that would not affect Mr. Brink. Ed Bradbury asked what the letters PUD stood for and was it the same as a condo unit? He was told a PUD was a planned unit development, where people owned their own home which usually had an exclusive-use area around it.

Ed Kelly said he realized a PUD allowed for more density on any particular piece of land and asked if this development were not a PUD, then what was the maximum of number of houses that could have been built. David Patch explained how density was based on soil type and that Bartlett only allowed 75% of what the state allowed for septic density. David Shedd said a PUD cannot build any more houses than would be allowed on a lotted subdivision and reiterated how the minimum land area requirement, or density, was based on soil type. He also explained how a single-family lot was required to have 50-ft. of frontage on a town road and explained a PUD was a way of not having to meet that standard. In this case, the developer was not creating lots, but was creating housing sites.

With no further questions from the audience, the Chairman asked Mr. Fisher whether the survey pins had been placed yet. Mr. Fisher said no. Joe Heuston asked whether they were proposing to clear-cut the property, as developers of the project next to the old Scarecrow had done. Mr. Fisher said some clearing would obviously be necessary, but the property would not be clear-cut. Mr. Brink said he hoped the mature trees would remain as they offered him some privacy. Mr. Brown said it was his intention to keep landscaping as natural as possible, which would include retaining as many of the existing mature trees as he could.

Since the application had not been accepted tonight because the three lots had not been merged, a short discussion ensued on how to continue the public hearing to the next meeting without having to renotify abutters and publicly notice the meeting again, which was expensive to do. Andy Fisher apologized for his oversight in failing to merge the lots before submitting a subdivision application. Since abutters were in attendance tonight, had seen the plans, and were aware of the need for a continuance, a motion was eventually made by David Patch to continue the application to the July 3, 2023 public hearing. Motion was seconded by Kevin Bennett. Vote: All in favor.

**3. Public Hearing: Daniel & Ashley Elliman, Jericho Road, Bartlett, NH.** File: 2023-1291.

Application to subdivide a 6.02-acre parcel on Jericho Road into three lots containing 2.59, 1.84, and 1.59 acres respectively, then further subdivide the 2.59-acre lot into a 2-unit PUD. Tax Map 2JENKS-1, Lot 30L00.

Andy Fisher presented. The first item discussed was which lot on Jericho Road was actually being subdivided, as the tax map numbers and the surveyed plan did not match. Mr. Fisher felt the lot numbers shown on the tax maps were wrong. David Patch agreed and stated the lot shown on the tax map as Lot 30, belonged to Karin Wakefield, and that the lot being subdivided was actually Lot 25. He acknowledged the tax map was old, but said he wanted to be sure we recorded the correct lot number. Mr. Fisher agreed and said while he may be mistaken, he believed the printout of the tax records showed it as being Lot 30.

Mr. Fisher went on to describe how the intent of the application was to subdivide a parcel of land into three lots, and then create a 2-unit PUD on the larger of the newly-created lots. Mr. Fisher said the two cabins on the PUD will share a septic and a well, while the other two lots would have individual septic systems and wells.

The Chairman asked why a PUD was being proposed. Mr. Fisher said so that it would be possible for each unit to be sold separately and be under different ownership. He said the owners were proposing to build one of the PUD units and live in it while they built the second one. He said their eventual plan was to build their forever home on the 1.84-acre L-shaped lot shown as Lot 30L01. He said a PUD and two single lots was a better use of the land than to divide it into four separate lots which would require their own road frontage, driveway, septic, etc.

The Chairman asked why the driveway serving the two PUDs stopped at the boundary line and did not go down to Lot 30L01, noting a driveway was allowed to serve three units. He also asked whether the pins had been set, saying he was unable to find them. Mr. Fisher said the pins had not been set, and the driveway will eventually go down to the lower lot.

David Shedd asked why setbacks were not shown on the interior boundary line and whether soil scientist Greg Howard had signed the plans. He also questioned Mr. Fisher about the square footage figures shown on the density table, which he said did not make sense to him. The table showed the original six acre parcel would support 13 bedrooms under Bartlett's standards, while twelve were being proposed between the three individual lots.

The Chairman asked if there were any further questions from the board. With none, he called for a motion to accept the application. Motion made by David Shedd; seconded by David Patch. Vote: All in favor.

The Chairman then opened the meeting to public comment. Ed Bradbury asked about a culvert shown to run under Jericho Road near the corner of his property. The board was in receipt of an email Mr. Bradbury had sent earlier expressing concern that the culvert would put water onto his driveway. The Chairman explained the culvert was draining north to south, so Mr. Bradbury's property should not be affected. David Patch said, if anything, the culvert should help with Mr. Bradbury's drainage.

Tom Shugrue asked about two houses being on a single lot, and whether they would be single-family homes. David Shedd explained how density was determined by the size of the lot and the type of soil it contained. He said the town would not allow a septic system to be designed for less than three bedrooms. Mr. Shugrue also noted he had been issued a cease-and-desist notice by the town for a second driveway on his lot and wondered why two were being allowed in this situation. The Chairman said he believed the issue with Mr. Shugrue's driveway was with the angle it approached the road. He said the planning board dealt with subdivisions and the selectmen dealt with driveways when someone applied for a building permit. Ed Bradbury spoke of the number of bedrooms allowed as well, saying that sounded like an apartment building to him. It was explained that while twelve bedrooms were being proposed, they would be distributed over the entire 6-acre property.

With no further questions, the Chairman closed the public comment period. The Chairman made a motion to continue the application to the July 3, 2023 public hearing; seconded by Joe Heuston. Vote: All in favor.

**4. Review and Approve Minutes:** The board reviewed the minutes of the May 1, 2023 meeting. The Chairman asked if there were any comments or corrections. With none, a motion was made by Michael Galante; seconded by David Patch to approve the minutes as written. Vote: All in favor. There were no minutes for the May 16 work session as the meeting was not held.

**5. Mail and Other Business:**

- David Shedd advised that Gary Chandler, the superintendent of the Lower Bartlett Water Precinct, would attend the July 3 meeting to update the board on the precinct's proposed infrastructure expansion. Anita Burroughs and Chris McAler will also be invited to attend.

There being no other business, the Chairman called for a motion to adjourn. Motion made by David Patch; seconded by Joe Heuston. Vote: All in favor. The meeting adjourned at 7:28 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary