

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**July 3, 2023**

**Members Present:** Scott Grant; David L. Patch; David Shedd; Michael Galante; Kevin Bennett; Joe Heuston; Vicki Garland. **Members Absent:** None.

**Also Present:** Andrew Fisher of Ammonoosuc Survey; Gary Chandler of Lower Bartlett Water Precinct; Anita Burroughs; Michael Brink; Lily Robles; James Shedd; and two other people.

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

**2. Voluntary Merger of Lots: Jason Brown, Route 302, Bartlett NH.** File: 2023-1292. Application to merge Tax Map 2RT302-2, Lots 161L00, 165L00, and 170L00.

The board reviewed the application and found no issues with what was submitted. Motion to approve made by Kevin Bennett; seconded by David Patch. Vote: All in favor.

**3. Continuation of 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. The Chairman informed him the lot merger to consolidate these three lots had just been approved and that the subdivision application could now go ahead. Mr. Fisher provided updated plans which included newly-added proposed exclusive-use areas around the houses. He said these areas would be for the exclusive use of each homeowner for gardens, sheds, or even a garage etc. and all the other land would be considered as open space. Mr. Fisher also provided a full set of plans to be forwarded to Burr Phillips for review.

The Chairman asked if the board had any questions. David Shedd revisited the issue of green space/open space which he had addressed at the last meeting. He recalled that Mr. Fisher had provided green space in the setback areas and called it "open space". Mr. Shedd said he had since reviewed the zoning and found that only the side and rear green areas could be used to satisfy the open space requirements, not the front area. He asked Mr. Fisher whether the front setback area had been included in his calculations. Mr. Fisher said he thought this issue was settled last meeting and he believes he followed the wording of the zoning ordinance. Mr. Shedd did not feel that he had. Mr. Fisher said he respectfully disagreed, and repeated that he had followed the wording of the zoning, and the board had not expressed any concern at the last meeting about using the front setback area. He said if the board would not allow the front setback area to be used, that he would try to find another area. He felt the issues of green space and open space could be clarified a little better.

The Chairman called for a motion to accept the application. Motion made by David Shedd; seconded by David Patch. Vote: All in favor. The public comment period was opened. Michael Brink introduced himself as an abutter and said since the last meeting a new test pit had been dug within 75-ft. of his well. He wanted to know what it was for. Andy Fisher said additional test pits had been dug and overseen by Greg Howard, but these were for the drainage and road design and had nothing to do

with septic. Mr. Brink expressed concerns about drainage retention items such as culverts being close to his property line and possibly flooding his driveway. He asked whether they would be considered structures and if they would have to comply with setbacks. Mr. Fisher said he would defer to the town as to the definition of a structure, but advised that drainage had been designed to ensure that all water would be contained on-site and nothing would venture onto his property. Mr. Brink also had a lot of questions for Mr. Fisher regarding a utility easement which crossed the property to his house, the location of a power pole, and what type of development was being proposed, i.e. full-time residents or short term rental, etc. Mr. Fisher answered what questions he could for Mr. Brink. The Chairman informed Mr. Brink that town engineer, Burr Phillips, would be reviewing all the road and drainage plans for compliance. Vicki Garland added that Mr. Phillips does a very thorough job and keeps on top of things. She said she hoped this would alleviate some of Mr. Brink's concerns, and said he could call the selectmen if he encountered any problems.

With no further questions, the Chairman closed the public hearing and called for a motion to continue the application to the August 7, 2023 meeting. Motion made by David Patch; seconded by Joe Heuston. Vote: All in favor.

**4. Discussion with Gary Chandler of Lower Bartlett Water Precinct.** Mr. Chandler had been invited to the meeting to update the board on the Precinct's proposed upgrade to their infrastructure. He was joined by House Representative, Anita Burroughs.

Mr. Chandler provided an informative colored map, prepared by Horizons Engineering, which showed the proposed groundwater protection area and its different phases; proposed sewer mains, pump stations, manholes, etc., as well as existing features. He said this map was still preliminary and could change based on NHDES input, but it offered an overview of what was being proposed. Mr. Chandler explained that the sole intent of the Precinct's upgrade was to protect the groundwater aquifer as well as their water supply wells from contamination due to septic, nitrate levels, fertilizer, flushed pharmaceutical products, etc. Mr. Chandler also provided a lengthy explanation about the difficulty associated with disposing of sludge as well as chemical contaminants known as PFAS, which do not degrade naturally.

Mr. Chandler described how this project would be completed in phases. He explained the limits of each phase; the cost, construction time-frame and funding process for each, as well as what USDA grant money was available. He spoke briefly on the possibility of some of the larger residential developments such as Eagle Ridge, Woodland Pines, Fox Run, Birchlea, Merriman Forest, etc. being connected, as well as businesses such as Story Land. David Patch asked whether it would be a different process if they went outside the boundary of the precinct area for places such as Story Land. Mr. Chandler said it would depend on whether they could become a franchise area if they expanded that far out, whether the Precinct was capable of serving it, and whether the PUC would allow it. However, he said the process would not be different. David Shedd shared the board's concern with Mr. Chandler about density changes which may come-about inadvertently through state regulations. Mr. Shedd noted that the Precinct's density requirements were stricter than what the town had and wondered whether the state may require towns to increase their density requirements if municipal sewage was available in order to help alleviate the housing shortage. Mr. Shedd also noted several years ago the water rates were the same for customers inside the Precinct as it was for those outside it. Mr. Chandler said they

still were. He said he understood the town's concern about density changes Vicki Garland expressed her concern about the continued loss of local control. Anita Burroughs said state representatives were committed to towns retaining local control, although acknowledged that may change. There was an exchange about the housing crisis in Bartlett and what affect increased density may have on it. Anita Burroughs encouraged the town to look into innovative solutions such as shared housing. Vicki Garland said that only expensive second homes for out-of-town people were being built in Bartlett, not affordable starter homes for locals.

Mr. Chandler continued to answer various questions asked by the board, saying taxpayers within the precinct were the decision makers regarding whether this proposal went forward; customers in the franchise areas were not taxpayers since they were billed for services, not taxed; only people inside the precinct would be required to hook-up to sewer and to wastewater lines if they were within 100-ft of a sewer; he explained the difference between water and wastewater lines; explained how North Conway had ample capacity to handle the expansion since the needs of outlying areas had been factored into the design of their collection system; and finally advising there were approximately 470 properties currently within the precinct. He said most people wanted their water and sewer needs taken care of.

The board continued listening to Mr. Chandler's presentation with interest and finally thanked him for coming tonight and for his participation and the information he provided.

**5. Continuation/Final Approval: 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 and provided a new plan which he had slightly updated by changing the name of the road to Jericho Road. He said he had re-run the density figures after hearing questions from the board last meeting and he stands-by his original numbers. He was asked by David Shedd if the density table could show the actual number of bedrooms allowed on each lot, rather than expressing them as a percentage. This would make it easier when issuing building permits to ensure the number of bedrooms being requested did not exceed what was allowed. The percentage figures were explained as meaning that 100% represented four bedrooms as allowed by the state, and three bedrooms as allowed by the town. Mr. Fisher said that was how he usually expressed the density numbers, but said he would keep the board's suggestion in-mind for future applications.

This application is still waiting for subdivision approval from the state. A motion to continue to the August 7 public hearing was made by Joe Heuston; seconded by Mike Galante. Vote: All in favor.

**4. Review and Approve Minutes:** The board reviewed the minutes of the June 5, 2023 meeting. The Chairman asked if there were any comments or corrections. With none, a motion was made by Kevin Bennett; seconded by Mike Galante to approve the minutes as written. Vote: 6-0-1, with Vicki Garland abstaining since she had not attended the meeting. There were no minutes for the June 20, 2023 work session as the meeting was not held.

**5. Mail and Other Business:**

- The board reviewed a copy of a draft letter to the NH Municipal Association which had been written to ask for clarification of a question pertaining to short-term rentals. After approving the wording of the letter, a motion was made by Kevin Bennett; seconded by Michael Galante to forward the letter to the MA.
- Michael Galante re-addressed the discussion with Gary Chandler and expressed his opinion that any construction bond would need to be approved by the town. He wondered whether that meant the town would be responsible for it in the unlikely event the precinct ever failed and ceased to exist.
- The Chairman informally updated the board on the status of AMSCO's Block G at Stillings Grant. He specifically mentioned issues with the water storage tanks and the need to recycle the water in them to prevent concentrations of bacteria forming.

There being no other business, the Chairman called for a motion to adjourn. Motion made by David Patch; seconded by Kevin Bennett. Vote: All in favor. The meeting adjourned at 8:10 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary