

Town of Bartlett Office of Selectmen
Meeting Minutes: July 10, 2009
Attendance: Douglas Garland, Jon Tanguay
Absent: Chairman Gene Chandler
Reporters: None

Meeting opened at 08:35 AM.

Selectman Garland made a motion at 08:45 AM to enter nonpublic session to discuss a request for aid under NH RSA 91-A: 3 II (c). Selectman Tanguay seconded the motion. Motion carried unanimously. Selectman Garland made a motion at 09:00 AM to end the nonpublic session and to seal the minutes. Selectman Tanguay seconded the motion. Motion carried unanimously.

Chris DiMarzio, owner of Moose Tracks Restaurant (5VILLG0-MAI-250), Linda Bernard, Richard Kolmer, potential buyers, Paul Mayer, Black Bear Realty and Maureen Garette, Badger Realty realtors met with the Selectmen to discuss changing the restaurant to a deli/store. Selectman Garland inquired as to what the plan was. DiMarzio stated that a PUD (planned unit development) had been sought but for now Bernard is going to lease the property. Selectman Garland stated that a PUD would have to go before the Bartlett Planning Board and he cautioned them that they would be going ahead at their own risk if the PUD doesn't go thru. He also mentioned that they would need 25' of green space on the side property lines. Right now they are looking at the property as one whole lot and even if the Selectmen gave them permission to go ahead that doesn't guarantee the PUD will go thru. Selectman Garland informed them that they would need documentation from the State of NH Department of Environmental Services that the new use of the building would match the septic system capacity. DiMarzio replied that Dave Pandora, engineer, had submitted papers to the State. Selectman Tanguay stated that if that was for the restaurant that they now need to update the information for the State. Lynn Jones, AA, stated that the septic has to match the activities on the lot and the State is the one who makes that decision. Garette commented that they would send the septic plans to the State. Selectman Garland stated that they needed to send a revised plan that gives information such as it is a deli, the number of employees, all activities of the store defined for the State to be able to approve the plans. Selectman Tanguay suggested that they may want to go

back to Pandora since he is already familiar with the septic system plans. Selectman Garland mentioned that the green area on the side of the house needs to be defined as they need 25' of green space on the side and that we don't have enough information to determine this yet. DiMarzio claims that he hasn't disturbed the green area only a tree in front of the house and he doesn't know where the boundary line is. Selectman Garland inquired how he knows where the green area is if they don't know where the boundary line is. DiMarzio stated that it is an existing non conforming lot. Selectman Garland inquired as to why the boundary line was a problem. Mayer replied that it is a legal title issue and they are having a title search done as it would be in the best interest to everyone, however, there is no question as to where the boundary is. Selectman Garland replied that he could live with that and he would be willing to set up a day and time to walk the boundary. Selectman Garland inquired about the intent of the PUD. Garette stated that they were no longer going for the PUD but looking at doing a condo conversion. Selectman Garland replied that that would be the way to go for the least resistance as then it would be looked at as one piece of property. Garette inquired if they should define the green space before the change of use is done. Selectman Garland stated that perhaps on Monday he can take a look at the green space but they would still need a drawing which clearly marks out the green space area. Selectman Tanguay inquired if they could perhaps put up a couple of grade stakes to show the boundary. DiMarzio replied that he has tried to work thru this and it always comes back to the green area and that he has never said this before but the Board of Selectmen are wrong on what he cut in the green area. He maintained the property as what was there and that he only cut trees that were too close to the house for painting purposes. Selectman Tanguay replied that it is really a minor fix and this has been a topic for a couple of years now. DiMarzio stated that the 25' green area growing fallow and the flowers out front have been a stumbling block. Selectman Tanguay stated that we need plans of what he is planning on doing to replace what was chopped down. DiMarzio mentioned that all this started because of cut trees and a site visit had been mentioned before but didn't happen. Once again Selectman Tanguay stated that he needs to mark off the plans indicating the green area and what he plans to do to replace the disturbed areas. Lynn Jones, AA, suggested that he use the surveyed plans and go from there. Selectman Garland informed them that we also needed a sketch of the parking lot with parking spaces lines that indicate the size of the space and the number of spaces. Selectman Garland

inquired if they had a lighting plan. Bernard replied that they are not changing any lights except maybe make them brighter so that the employees will feel safe when they leave so they would know if there was a bear in the lot. Selectman Garland reminded her that there is a lighting ordinance which has a height requirement to it as well as controls the brightness of the lights. Bernard replied that she wouldn't change any lighting. Selectman Garland asked her to please come in to see the Selectmen first if she decided to make any changes. Selectman Garland inquired as to what they were planning on doing for the sign. Bernard stated that they are planning on using the existing sign only changing the name. Selectman Garland summed up what had been discussed: 1.) Have to go to State re: septic matching activity at building. 2.) Figure out the green area, mark it out, and submit plan showing the green area to the Selectmen. 3.) Parking spaces need to be marked and number of spaces and size of spaces need to be submitted to the Selectmen. 4.) Lighting not a problem as there is no changes, but if decide to change them check with the Selectmen. 5.) Sign - need to see new message that will be on the existing sign.

Mahesh Patel of the Villager Motel (3RT302-309-R00) met with the Selectmen to discuss possibly taking the house on his lot and converting it into a store with an apartment upstairs. Selectman Garland stated that he didn't know if this could be done or not as he doesn't know the size of the lot and there is the issue of the state septic requirements as he would be changing a residential house to a commercial building. He would need to apply for a change of use. Selectman Tanguay suggested that Patel review the Bartlett Zoning Ordinance as it would answer questions that he might have. Patel stated that there had been an issue of trees being removed on his property and he had only removed one tree and that the rest of them had been removed by the power company. He did clean up the stumps that they had left. Selectman Garland stated that the clearer information that Patel provides the smoother it will go. Selectman Garland went over the following that Patel needs to do. 1.) Have someone (engineer) calculate out the state septic design figures as he is going from a residential building to a commercial building. They would need the minimum land area calculation for the apartment and store submitted to the State as well as to the Selectmen. 2.) Make out the change of use form and provide a plan that maps out the green area. 3.) Parking needs to be defined with the size and number of spaces. 4.) Make out a permit for a sign.

Patel had previously applied for a sign permit for his existing motel business adding that he now serves breakfast. Selectman Garland explained that when

the Bartlett Zoning Ordinance was enacted that some signs were larger than the ordinance allows but that they were grandfathered. Patel’s sign is already larger than allowed so he wouldn’t be able to expand the sign however he could remove some signage to allow room for the new sign as if he added something he would have to remove something that equals the same size as the added sign. Selectman Garland informed Patel that if he was approved for the store that he could have a 16 square foot sign located at the store area. Selectman Tanguay inquired as to who lives in the house now. Patel replied that his maintenance man does.

Selectman Garland made a motion at 10:15 AM to enter nonpublic session under NH RSA 91-A: 3 II (a) to discuss a personnel issue with Bartlett Police Chief Timothy Connifey and a Bartlett resident. Selectman Tanguay seconded the motion. Motion carried. Selectman Tanguay made a motion at 10:25 AM to end the nonpublic session and to seal the minutes. Selectman Garland seconded the motion. Motion carried.

Selectman Tanguay made a motion at 10:30 AM to enter into nonpublic session to discuss a legal issue by telephone with town attorney, Charles Tucker. Selectman Garland seconded the motion. Motion carried unanimously. Present for the telephonic discussion was Selectman Garland, Selectman Tanguay, Lynn Jones, AA, and David Publicover, Chairman of the Bartlett Planning Board. Selectman Garland made a motion at 11:00 AM to end the nonpublic session and to seal the minutes. Selectman Tanguay seconded the motion. Motion carried unanimously.

F.X. Lyons, Supt. for Lower Bartlett Water Precinct (LBWP), Mike Duffy, Horizons Engineering for Lower Bartlett Water Precinct, and Dick Glines, Commissioner for Lower Bartlett Water Precinct met with the Selectmen to discuss the water line project on Glen Ledge. Duffy stated that he did not want to wait for Chairman Chandler or Engineer Phillips (both out of town) and he wanted permission for Coleman to keep going on the project. Lyons stated that Coleman was at the intersection of Ellis Ridge road and could go to the base of the hill before they started digging in the pavement which

would be probably four days worth of work. Duffy stated that the last 500’ of that stretch of road was the problem. Selectman Garland inquired if Phillips had been sent the last information as the last e-mail we received from Phillips indicated he has some questions. Glines replied that Phillips can’t keep changing his mind as the project goes along. Selectman Garland stated that he wouldn’t go there without Phillips being here to defend himself and to verify the position he is taking on this. Duffy claims that he received an e-mail from Phillips that sprung a 500’ box cut requirement on him. This was not in the contract and he approached the contractor for figures which he just received. Selectman Garland questioned that the box cut had never been mentioned before. Selectman Garland inquired as to when Duffy became aware of the box cut. Duffy replied that it was talked about on the back of the truck when they met up at Glen Ledge after the last meeting. Selectman Tanguay stated that since the contractor had four days of work that we should contact Phillips and Chandler to get their input on this. Glines stated that he was willing to work with a good frame of mind and that when he voted for Doug Garland it was for Doug Garland as an individual and when he voted for Jon Tanguay it was the same and didn’t know why they couldn’t make their own decisions. Glines inquired as to who hired Burr Phillips in the first place. Selectman Garland stated that the Town did. Selectman Tanguay replied that Glines voted for each person individually but out of courtesy to the other Selectman he would like to let him know the situation as there is still four days of work that can be done. Duffy remarked that they need to know now what they are doing next week and by next Friday they would be into the pavement. Lyons also stated that Coleman is bringing another crew down from Pinkham to work on the project. Selectman Garland mentioned that we weren’t sure what the Town was getting for \$90,000 and so they had Phillips review the plans. Selectman Garland inquired about bonding between the Town and the Precinct. Glines replied that we don’t as this is federal money and already bonded. Selectman Garland stated that the Town needs a bond from Coleman just in case they get into trouble. Duffy replied that in the documents it states that Coleman will provide a \$100,000.00 bond to the Town. Brenda Medeiros, Sec. will contact Coleman to request the bond. It was agreed that Coleman could continue working, but that the Town needed the bond before he gets into the pavement. A map was shown and the Selectmen agreed that Coleman could work until he reached the end of sheet six. It was also agreed that Lyons,

Glines, Duffy, Phillips, and Selectmen would meet next Friday to discuss the box cut issue. Glines questioned that Phillips had been the one who had quoted to them a price of \$90,000.00 that the town would pay and shouldn't the Selectmen have been the ones to sign this. Selectman Garland agreed that the Selectmen should have signed this.

The Selectmen acknowledged the receipt of a letter from the Jackson Selectmen to modify the Bartlett Jackson Transfer Station agreement and it will be discussed next week with the return of Chairman Chandler.

Selectman Tanguay made a motion at 12:15 PM to enter nonpublic session to discuss a request for aid under NH RSA 91-A: 3 II (c). Selectman Garland seconded the motion. Motion carried unanimously. Selectman Garland made a motion at 12:25 PM to end the nonpublic session and to seal the minutes. Selectman Tanguay seconded the motion. Motion carried unanimously.

The Selectmen reviewed correspondence, building permits, signed checks prior to and throughout the meeting

Meeting adjourned at 12:30 PM.

Respectfully submitted,

Brenda Medeiros, Sec.