

TOWN OF BARTLETT
ZONING BOARD OF ADJUSTMENT
56 TOWN HALL ROAD
INTERVALE, NH 03845
603-356-2226

APPROVED MINUTES

ZBA MEETING

June 8, 2026

6 p.m.

Present: Julia King (Chair); Steve Hempel (Vice Chair); Peter Gagne; Scott Grant; Peter Pelletier

Absent: Richard Plusch (Alternate); Kali Brennick(Alternate)

1. **Call to Order-** by chair at 6:00 PM
2. **Pledge of Allegiance-** led by Peter Gagne
3. **Minutes of last meeting-** April 13, 2026. Motion made by Scott Grant seconded by Peter Pelletier. Vote unanimously to accept the minutes as amended of April 13, 2026
4. **Unfinished Business-** Board made aware that a previous applicant (Mr. Lamanna) has filed again and has been denied by the Selectmen. He apparently made good on the 48 feet, but he is less than 10 feet from the other boundary line. He wrote his neighbors were good with the placement of the container and the secretary made him aware that a letter stating so from the neighbor would be helpful for his case. Board asked if the case regarding the campground has filed any additional applications. Secretary replied no.
5. **New Business-**
 - Discussion of NHMA article on “Multiple Membership on Land Use Boards and Select Boards”. Board discussed the article briefly. It was decided that it really applied to one member of the ZBA board (Scott Grant) because he is on the Planning Board and ZBA. Juila King stated that if there was a denial from the Planning Board now presented to the ZBA Scott Grant would have to recluse himself. It is fairly obvious

that the board that denies somebody permission to do something should not be on the board where they are seeking relief from the decision. They need to reclude themselves. She suggested the board keep the article in their handbook as a reference going forward. Steve Hempel added that it is not only in relationship to a vote but also it is in the discussion of the matter. He thought you would have to be as arbitrary as you can as far as presenting any information you have on the subject. When we discuss the matter, it is not biased in favor of a decision that you have already made, and I think you have always done that. Julia King added that when she was appointed from the Planning Board to the Zoning Board the thought was if the zoning board had any questions, I could answer them. Scott Grant clarified that most of the time the decisions made by the Planning Board go to the Selectmen and if denied then to the ZBA. Julia King remembered one situation where the Planning Board wanted a bridge in Stillings Grant and Joe Berry from AMSCO did not want one. The case came before the ZBA who agreed with the Planning Board.



Article from NHMA
Multiple Membershi

- o Discussion on status of the ZBA moving forward- legal ramifications. Julia King asked the board if they read the letter presented by Lynn Jones on behalf of the Selectmen. We agreed to take the advice under advisement and to discuss the response. She and the secretary contacted NHMA and the response received back was it is their opinion to not take the Selectmen's advice- they felt that the ZBA has a responsibility to the town's people to listen to them and have them come in and ask about the process. (Selectmen letter and response from NHMA attorney along with a synopsis of court cases added for reference)



Selectmen Letter re
ZBA process 04-15-2



NHMA Attorney
Response and case

She added that the board has been very careful about letting the towns people know we are not here to solve their problem, but we are here to help them figure out what they are looking for. Scott Grant added the new instruction booklet posted regarding if you have x problem here are the things you can do. If you have additional questions, please come and talk to us. We are a relief board and he expressed that what the board has done will solve the majority of issues raised. Secretary mentioned she did bring this up with the attorney and his response was to just hand them this booklet is not good enough- you have a to make sure you follow through with your duty and if they request to come in you have a responsibility to talk to them. The court cases cited were sent and a hard copy was given to each board member. Julia King added she felt the situation with Mr. Lamanna was a good example of how that process really worked. He clearly did not understand why he could not have his container, and it took some doing to get him to process that. At no time did we say you should do this or you should do that. These are the things that are available to him. I also do not see where the Select Board has any authority whatsoever to give instructions to the Zoning Board- I see that as a conflict of interest. Scott Grant added as a point of historical perspective we are sovereign boards elected by the public- the Planning Board and ZBA. We have a combined budget- just one number, the selectmen take care of the financing, but the spending of the budget is our decision. Julia King asked the board what they wanted to do in regard to an answer to the Selectmen's letter. Peter Gagne made a motion seconded by Scott Grant that the response from Jonathan Cowal from NHMA be sent to the selectmen. Steve Hempel asked if a cover letter should be sent with the response. Julia King stated yes it should include that the ZBA met on June 8, 2026 and Peter Pelletier added that we are going to continue assisting people as they come forward. Here is

the documentation supporting that decision. Steve Hempel added it should end with thank you very much for your concern. He added that if there is something that is in the zoning as it is often the case – a rule that does not work anymore and the ZBA votes in favor of the applicant over the Select Board – then if they want they can change the zoning because if they don't like the rule they have to change it. Julia King explained that the way it works is the Planning Board writes the rules. The Select Board is supposed to enforce the rules, and we are supposed to give relief from the rules or not depending on the request. Peter Gagne asked if the Master Plan had been revised yet. Scott Grant stated the plan is being looked at and we have to change some technical stuff like the size of town property or the school size. We have to update the Master Plan on no sewer going outside the precinct up to Story Land. We had a slight discussion on AI and Data Centers. Peter Gagne asked if the Planning Board would have public input to the Master Plan? Scott Grant answered yes after the plan had been updated the public would be welcome for their input. Peter Gagne added he has had so many people come to him because they do not understand the difference between a variance and a special exception- so they want to apply for a variance and do not realize how difficult that is. It is explained they should do a special exception, and I believe education is very helpful for potential applicants. People are not aware of the 20% rule. Julia King stated a variance stays with the property in perpetuity and that is never a good idea plus it is burdensome but a special exception in the current moment if it works then it is done. Motion made by Peter Pellitier seconded by Scott Grant vote unanimously that secretary shall send the information from the attorney along with a cover letter approved by the Zoning board to the Select Board.

6. Communications

7. Other Business

- **ZBA Application fees-** ongoing project- update from clerk
- **Update on House/Senate Bills-** any updates regarding bills in house and senate emailed to board. Session has ended and the next piece of news will be if the governor vetoed or approved the bills passed in the Senate/House.

8. Adjournment

9. Next Meeting: July 13, 2026

Steve Hempel added at the end of the meeting he would like to know if the Special Exceptions or Variances go with the deed- are they sent to the Carroll County Registry of Deeds? He gave an example of a situation where a neighbor had a lawsuit with another neighbor, and they also sued the Stillings Grant Board as well. It was over a variance that was there before they bought the house, so the variance was there with the original owner – they came into the house and the variance was there over a piece of property that was between these two houses. The variance was still in force for the new owner, and it wasn't a business. The new owner was aware of the variance. Julia King asked how would the new owner be aware of the variance- would the seller say oh there is a variance there? Steve Hempel added he believed the variance is in the town office. However, if it is in the town office is it also registered in the registry of deeds? He added it was a line adjustment to which the Secretary added boundary line adjustments have paperwork that goes to the Carroll County Registry of Deeds but not variances or special exceptions. Peter Gagne added if a variance is granted for somebody for a shed that is in the buffer zone it does not get recorded. Steve Hempel asked what would happen if a neighbor moved into the adjoining property that does not have the shed and said oh that shed is too close to my property line. Peter Gagne stated the town would have a record of it and they would tell the person yes there is a variance for that. Secretary added she will try and find out the mechanism other towns use about filing of variances and special exceptions. Steve Hempel read from an online source that standard zoning variances do not typically get registered directly with your property's deed. Your variance approval and its associated plot plans are kept on permanent file at the local municipal office, usually the town or city's ZBA or planning department. Variances run with the land and is permanently attached to the physical property itself not the person who owns it. When you sell your property the variance automatically passes to the new owner so there is no need to update or attach anything to the deed. Exceptions in rare cases such as a variance for a conditional use, flood plain building or ADU, the municipality may require you to execute what's called a notice of decision or deed restriction, if required by the ZBA. This document gets recorded at the New Hampshire County Registry of Deeds to ensure future buyers are explicitly

notified of the condition. I guess the flood plain building or ADU is pretty serious that you would want to know about it. This is so the new buyer would know about it.

Secretary informed the board that she is still trying to find out if publishing ZBA decisions online meets the requirements of publishing the decisions or does it have to be published in the paper? Scott Grant answered that the secretary takes thorough minutes and they are posted after they get approved and they are a matter of record and they are the legal document. Julia King replied the law says for the ZBA the decisions have to be published and she expressed that she felt it should be published in the paper. Julia King added that people in her generation do not get online media and as a result the paper publishing is the way to go.

Board discussed the next meeting and if there is no new business the meeting will be cancelled.

Motion made by Scott Grant seconded by Peter Gagne vote unanimously to adjourn at 6:37 PM



Board sign in
06-08-2026.pdf

Respectfully Submitted

Louise B. Burns

Planning Board/ZBA Secretary