

# LOWER BARTLETT WATER PRECINCT

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#### I. Introduction

During the fall of 1986, the Commissioners of Lower Bartlett Water Precinct (the "Precinct"), the Precinct Planning Board and the Precinct Board of Adjustment met together to review recent experience under the Zoning Ordinance and to consider the need for amending it so that it will be better adapted to meet prospective zoning-type issues during the next few years. In the course of this discussion, it was found that as a result of changes in New Hampshire law with respect to local land use regulation since the adoption of the Zoning Ordinance on December 8, 1978, 1 the Planning Board is charged with a statutory duty to prepare a Master Plan which can serve as a guide to the Precinct in the development of proposed zoning changes as well as the preparation of proposals for any other form of local land use controls which may hereafter become appropriate.

Accordingly, a Master Plan Committee was established in the fall of 1986 to work upon this project. It consisted of the following members:

Robert Bigelow
Tom Caughey
Ruth Darville
Robin & Steve Found
Ruth & Bill Goodwin
Nancy Greenberg
Al Holbrook

Carla & Jim McGonigle Andre Nadeau Gail Paine Jane Perley Priscilla Stimpson Muriel & Walter Tully Bernard Allard

<sup>&</sup>lt;sup>1</sup>The Ordinance was enacted pursuant to a special act of the New Hampshire legislature enacted as Chapter 414 of Laws of 1977.

### II. Community Profile

### A. Historical Resources

### History of Town of Bartlett and Lower Bartlett Water Precinct (Intervale)

Bartlett may truthfully be called the gateway of Crawford Notch. As one heads north and leaves behind the charming valley of the Saco River and the beautiful and diversified scenery of mountains and valley of North Conway, one is impressed with the solid grandeur of the everlasting hills.

Bartlett is bounded north by Jackson, east by Chatham and Conway, south by Conway and Albany, west by Grafton County, Hart's Location, and Coos County. It has an area of thirty-eight thousand acres. The principal stream is the Saco, which first assumes the character of a river in Bartlett.

Bartlett was incorporated on June 16, 1790, and named in honor of Josiah Bartlett, who was then President (Governor) of the state.

The history of Bartlett reflects quiet and uneventful growth; its annals are marked by few conspicuous happenings, but the beautiful and comfortable community of today tells the story of the patience and of the hard and unenviable lot of the worthy pioneers in this area.

Before the Revolution, two brothers, Enoch and Humphrey Emery, and Nathaniel Harriman settled in Lower Bartlett on land given to them by Capt. William Stark. In 1777, the Hon. John

During the winter of 1987-87, the Committee met regularly to discuss essential background matters with respect to the development of an appropriate Master Plan and also to consider how the Precinct's goals may best be identified, described and implemented. This Report is the result of that work.

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# years later.

The singular colony of Intervale Park was established in the late 1800s by Dr. Charles Cullis of Boston, as a summer residence for religious people who preferred to spend the summer in devotional exercises and in the glorification of God. Intervale occupied the crest and slopes of a foothill of Bartlett Mountain, commanding beautiful views over the valley of the Saco and its imposing walls (Intervale Scenic Vista). Prayer meetings were held every day, and one day in seven was set aside for prayers for the sick.

In 1915, the residents of Lower Bartlett signed a petition that would establish a Precinct in the town. The letter to the Selectmen, Walter Pitman, W.F. Chandler and E.B. Cobb, stated:

Fourteen inhabitants of the Village of Lower Bartlett respectfully request you to fix by suitable boundary, a precinct or district, to include all of such part of said Village as may seem to you best and convenient for the purpose of furnishing to the people of said precinct or district a supply of pure water for domestic, mechanical and manufacturing purposes, and to said precinct or district, water for the sprinkling of streets, extinguishing of fires, and all other public uses.

This petition was dated the 3rd of April, 1915, in Lower Bartlett, New Hampshire.

Following this request to the Selectmen of the Town of Bartlett, a notice was posted by the residents of the Village of Lower Bartlett inviting all to meet at the Schoolhouse in Lower Bartlett, in the Town of Bartlett, on the 24th day of April, 1915, at 2 o'clock in the afternoon, to vote to accept the creation of the following village district or precinct:

Commencing in the Northwest corner of the Mack Farm, so-called, in Bartlett, thence northerly by the Saco River to the East Branch River, thence easterly by the East Branch River to lot #10 in Bartlett, to the West line of McMillin location thence Southerly by the west line of the McMillin location, to the northline of the Intervale Precinct, thence westerly by the North line of said Precinct (Tasker Farm) to the first mentioned bounds, and give to it a name of the Lower Bartlett Precinct.

- 1. To select a moderator to preside.
- To choose a clerk, three commissioners, a treasurer and such other officers and other business judged necessary for managing the

district affairs, hold offices until the first annual meeting for said district to be held in March 1916.

On April 24, 1915, the village residents elected Charles
Wrikis as the moderator and Walter Pitman, Fred Eastman and
Wallace Jefferson as commissioners, and they named the district
"the Lower Bartlett Precinct."

Two subsequent meetings of the Precinct were held, at which time \$7,500 was appropriated to install a water system, and to adopt a charter giving the franchise to establish a water system to Walter Pitman, George L. Nute and Whitman C. McGill.

The Precinct grew slowly but steadily. In 1922, the Precinct voted to add the water system in Intervale Park. In 1927, the Precinct voted to examine the feasibility of installing fire hydrants.

The first mention of a reservoir occurred in 1931. When the pipe from the reservoir crossing the East Branch River was broken during the ice-out in 1936, water was secured from North Conway until repairs could be made that summer.

The need to repair pipes was first discussed by the Precinct in 1937, but no action was taken until 1961. During the intervening years, money was appropriated to maintain the existing system. Despite attempted minor repairs, the Precinct continued to experience leakage problems. These problems persisted because of lack of funds and inconsistent maintenance, culminating in a major freeze-up of the system in 1961. This situation forced the Precinct commissioners to borrow \$42,500 to install new pipes.

These pipes were buried only 4 feet deep and therefore required a bleeder at the southerly end to prevent freezing. The Precinct voted in 1962 to appropriate \$10,000 to install a chlorinator. In 1964, \$4,400 was appropriated for land and building for the chlorinator, which became completely operational by 1967.

In 1970 the Alpendorf Development was annexed and a new 6" main pipe was installed on East Branch Road.

In June 1973, the Precinct contacted the Farmer's Home Administration ("FHA") about additional funding to expand and improve the water system, and in July, 1974, FHA notified Lower Bartlett Precinct that grant money was available, upon meeting certain criteria. The Precinct was eventually awarded a loan of \$300,000 and a grant of \$284,000 in May, 1975.

The new water system became operational in July, 1977 and includes a new gravel packed well and pumphouse, a 250,000 gallon storage tank, a high pressure main connecting the well with the tank, an 8" distribution main on Route 16A, and 22 hydrants. In 1977, the Precinct appropriated additional funds to install a new 6" plastic main, 7' deep, in Intervale Park. It also authorized, and the NH Water Supply & Pollution Control Commission approved, the installation of equipment for treating low pH in the water supply.

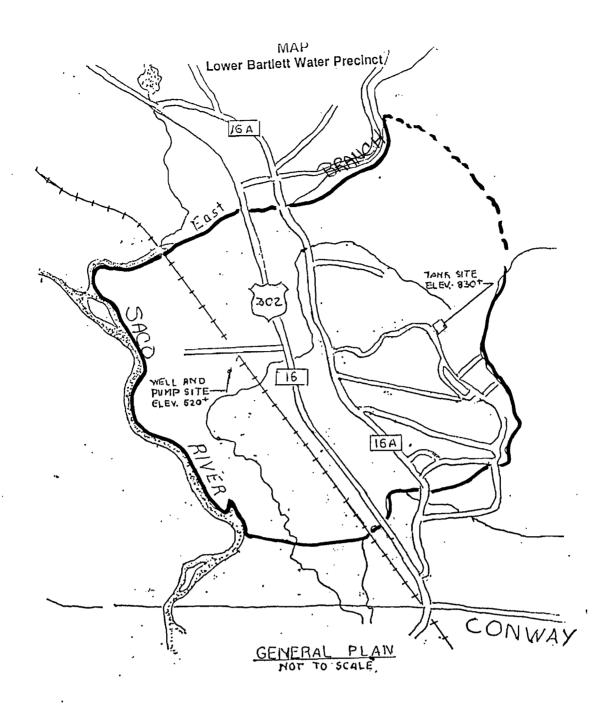
In 1977, the Precinct officially changed its name to "Lower Bartlett Water Precinct." That same year, the Precinct appointed a zoning committee and requested the State Legislature to pass an Act allowing it to enact zoning regulations. State approval was

given July 5, 1977, and subsequent Precinct approval of the zoning ordinances was given at a special Precinct meeting on December 8, 1978. (See New Hampshire Laws of 1977, Chapter 414:1 and 2.)

The first condominium development was added to the system in 1978. It is known as "East Branch" and eventually became part of Woodland Pines. A 6" main was laid in Intervale Lane from the Main Central tracks to the end of the road.

In 1982, the voters approved a Planning Board for the Precinct and in 1983, an amendment to the zoning ordinance was proposed and approved by a unanimous vote at the Precinct Meeting. Also in 1983, a hydrant and 560' of 8" water main was installed at Alpendorf.

A requirement that all new or renewed water services must be metered was approved by the Commissioners in 1986. Consumption of water continues to increase and is particularly heavy during holiday periods, as evidenced by a dramatic increase in use in December, 1986. (See part III, Section E below.)



### B. Natural Resources

The Precinct is bounded on the north by the East Branch River, on the west by the Saco River, and on the east by the Merriman State Forest. The area directly within these borders has been sparsely developed until recently, and as a result community members and visitors to the Precinct have traditionally been able to enjoy its natural beauty and peaceful environment. It is in part because of this past history and the nature of anticipated future development, especially within the river areas, that the Precinct feels a need to encourage the ecologically sound use of all its natural resources.

The Precinct has certain natural features which affect flood conditions and erosion problems. Much of this area is mountainous and forested, with very little effective pond or valley storage. Flooding of the streams and rivers may occur during any season and river stages can rise from normal elevations to extreme flood stages in a short period of time due to the numerous steep slopes. Repeated flood flows and sediment deposits have resulted in a tremendous alluvial flood plain scarred by extremely undersized channels. Until recently, land use in the flood plain was limited because of the frequent floods. However, recent growth in our community has resulted in encroachment upon the flood plains with possible harsh effects on both the flood plain and adjacent land. The new homes and road systems in unplanned areas have reduced the amount of forest and field land available to absorb precipitation, producing more rapid storm

runoff and therefore increasing the flood hazard locally and downstream. The encroachments of buildings and structures, together with land fill and embankments for roads, driveways and parking areas, within developments, have con-stricted the flow of floodwater and increased flood depths in areas upstream.

Meanwhile, careful planning to provide for erosion control along roads, embankments and at stream crossings has become increasingly important.

#### C. Human Resources

#### 1. Population

Over the past ten years, the number of registered voters in the Precinct has increased by only seven percent. The Precinct is not tallied separately from the Town of Bartlett for national census purposes, so no exact population figures are available which would indicate the number of residents in the Precinct over the past decade. However, Precinct records reveal that the number of water users (each "user" being a separate residential or commercial unit requiring hook-up to the Precinct system) has increased dramatically, with an overall growth of 170% over the past 10 years and an increase of 158% in just the past four years.

Registered Voters as of January 1st each year:

1978	73	1983	82
1979	82	1984	82
1980	78	1985	79
1981	87	1986	76
1982	85	1987	78

Total number of water users as of January 1st each year:

1978	192	1983	207
1979	192	1984	224
1980	193	1985	243
1981	196	1986	255
1982	196	1987	326

The disparity between the number of registered voters and the number of water users is explained by the fact that much of the development over the past 10 years has resulted from an

increase in the number of recreational homes or "second" homes for those who use their property seasonally or rent it out for investment purposes.

The Planning Board recognizes that the Precinct and its neighboring communities have long been a popular vacation area for travellers from all over the world. The increase in the number of smaller housing units in the Precinct over the past four years has made short-term rental to tourists, as well as seasonal use by property owners, a much more common occurrence. As a result, the Precinct has experienced an increasing flow of traffic and has had to increase its services to accommodate its seasonal residents and transient visitors. The large numbers of these "temporary residents" have had a dramatic effect on the nature of the Precinct community, and must be considered in anticipating future population growth in the Precinct.

## 2. Residential Development

The residential zone of the Lower Bartlett Water Precinct is located on the Easterly side of Route 16 and 302, and the Westerly side on the Maine Central Railroad tracks. Residential development within the Precinct showed only a 2% increase in the total number of water users in the five-year period from 1978 to 1982. However, the next five years, 1983 to 1987, showed a dramatic rise of almost 160% in the number of residential users. While single home users increased at a modest rate of 3% over 10 years, condominium water users increased by 1118% over just the

past five years. Significantly, the greatest increase in condominium users has occurred over the past year, by 232%. The accompanying table shows the number of users in each category as of each January 1 from 1978 through 1987.

Water users as of January 1st each year:

	1978	1979	<u>1980</u>	1981	1982	<u>1983</u>	1984	<u>1985</u>	1986	1987
Single Homes	183	183	184	187	187	187	191	191	192	193
Condo- miniums	0	0	0	0	0	11	24	42	53	123

# 3. Commercial Development

# Commercial Property in Residential Zone

The residential zone is located on the Easterly side of Route 16 and 302, and Westerly side of the Maine Central Railroad tracks. All of the commercial property in the residential zone is located on Route 16A. It is identified and described below, from South to North.

	Name	Side	of Route 16A
1.	Pumpkin Hollow Nursery		East
2.	The Farm Antiques		West
3.	Perry's Motel		West
4.	Rose and Thistle (Bed 'n Breakfast	:)	East
5.	Old Schoolhouse Mineral Shop		West
6.	The Forest - A Country Inn		East

- 7. The New England Inn and Annex East
- 8. Intervale Nordic Learning Center West
- 9. The Old Field House Motor Lodge West

# Commercial Property in Commercial Zone

The commercial zone is located on Route 16 and 302 with all property on the West side of the highway. The properties involved are named and described below from South to North.

- Hill's Farm (vegetable and fruit sales)
- 2. Hill's Florist and Nursery (flowers and plants)
- 3. Presidential Motors (auto sales)
- 4. L.A. Drew Corporation (General Contractor)
- 5. Yankee Chef Restaurant
- 6. Country Squire Motel
- 7. Carlton & Johnson (accountants)
- 8. Joseph Luke Real Estate
- 9. N.H. Electric Company (No. Conway district office)
- 10. Sketchley's Bakery
- 11. Scarecrow Restaurant

As appears from the following tabulation, the number of commercial properties in the Precinct has remained fairly stable over the past 10 years.

Water Users as of January 1 each year:

	<u>1978</u>	1979	1980	1981	1982	1983	1984	1985	<u>1986</u>	1987
Inns	3	3	3	3	3	3	3	3	3	3
Restaurants	1	1	1	1	1	1	1	2	2	2
Motels	3	3	3	3	3	3	3	3	3	3
N.H. Elec. Coop.	1	1	1	1	1	1	1	1	1	1
Bakery	1	1	1	1	1	1	1	1	1	1

### 4. Transportation

There is presently no public transportation in the Precinct.

The main method of transportation consists of privately owned vehicles. In reviewing the modes of transportation used in the Precinct, the Planning Board finds that automobile traffic on Routes 16 & 302 and 16A will be significantly affected by the prospective growth in the Precinct as well as growth outside of it.

A high percentage of any future development in and around the Precinct and especially on the Easterly side of Route 16A will directly impact traffic along Route 16A with an increased number of cars. The Planning Board is concerned about this increased traffic and its impact on the narrow and relatively unimproved state highway. The following tabulation gives some suggestion of the increasing urgency of this problem.

# Traffic Survey

# August/1986

Rec. Location	Route No.	Year	Av./ Sun.	Av./ Wkdy		Adj. Av. Day	Comp. Ttl. Veh	Gain over
Convey	US302/	1006	23,180	23,981	25,456	24,090	746 796	3.3
Conway	Rt. 16	1900	23,100	23,901	25,456	24,090	746,786	3.3
Jackson	NH16	1986	6,179	4,537	5,569	4,968	154,015	10.8
Bartlett	US 302	1986	4,951	3,454	4,860	3,922	121,596	5.5
				Septemb	<b>er/</b> 1986			
Conway	US302/ Rt. 16	1986	18,934	20,479	20,061	20,216	606,499	6.7
Jackson	NH 16	1986	4,972	3,124	5,090	3,632	108,972	14.5
Bartlett	US 302	1986	3,655	2,173	3,786	2,585	<b>7</b> 7,559	6.1

## D. Political Resources

## 1. Municipal Ordinances, Laws and Guidelines

The Precinct adopted its own Zoning Ordinance on December 8, 1978 and is not subject to the zoning requirements of the Town of Bartlett. It is the intent of the Planning Board to further implement the goals stated within this Master Plan seeking authority from the Precinct to enact subdivision regulations and by proposing that the Precinct adopt certain appropriate amendments of the current Zoning Ordinance.

### 2. Governing Bodies

- A. <u>Precinct Commissioners</u> There are three Precinct Commissioners who each serves a three-year term (one being elected each year). They are elected by the residents of the Precinct at the annual meeting. They meet one time each month unless business requires meetings at more frequent intervals. One member is a permanent member of the Precinct Planning Board.
- B. <u>Planning Board</u> There are seven members of the Planning Board. They are appointed by the Commissioners for a term of three years. They meet when necessary.
- C. Zoning Board of Adjustment ("ZBA") There are five members of the ZBA with two alternates. They serve for three years and are appointed by the Commissioners. They meet when necessary.

### 3. Legal Process

Precinct property owners wishing to build, change use of structures or make additions to existing structures, must apply for and receive a building permit from the Precinct Commissioners. The Commissioners review the application in light of the Precinct Zoning Ordinance. If a special exception or variance is required, the application is referred to the ZBA to determine whether it can be approved under the terms of the Ordinance, including its "spirit and intent" and subject to any necessary conditions which the ZBA finds proper.

In the Precinct, requests for subdivisions of property or buildings are presently handled through the Town Planning Board as the Precinct has not yet adopted Subdivision Regulations. Subdivision Regulations are expected to be completed in the Spring of 1987. After these are issued, applications for subdivision within the boundaries of the Precinct will be handled by the Precinct Planning Board.

# E. Other Community Resources

## Utilities and Public Service

# 1. Electrical Supply

Electricity to the Precinct is supplied by the New Hampshire Electric Co-operative.

#### 2. Public Water Supply

Water is supplied by the Precinct which has one artesian well and a pump house located on the westerly side of Routes 16 & 302. The system also includes a water storage tank located in the Alpendorf Development. The well supplies 300 GPM. The storage tank holds 250,000 gallons when filled to capacity. Both the well and storage tank were built in 1977.

The changes made in the water supply system in the mid 1970s provided the residents of the Precinct with the highest quality drinking water possible. The water is efficiently delivered, with adequate storage for fire protection, enabling a reduced fire rating for property owners. These factors have improved property values and the quality of life within the Precinct.

The recent growth and development of the Precinct has taxed the water supply system to the limits of its pumping and storage capacity. This growth has been discussed in Section C above and is reflected in the following tabulation:

WATER USAGE

	Per	Day	Per Year			
	Min. Gal.	Average	Max. Gal.	Total		
1979	69,763	112,910	166,644	41,212,510		
1980	97,382	126,694	203,564	46,243,185		
1981	99,351	161,517	227,385	58,792,092		
1982	104,163	149,683	204,230	54,846,657		
*1983	94,529	162,505	204,887	54,314,290		
1984	115,457	149,700	204,772	54,490,290		
1985	111,386	152,780	200,886	56,681,750		
**1986	139,100	224,975	292,500	82,115,967		

<sup>\*1983</sup> As a result of meter problems, figures are approximate.

As a result of increased use, the Commissioners began planning for a ten-year period of continued growth in January, 1987, and the following goals were established by them in February 1987:

- 1. To provide adequate pumping capacity and location for facilities.
  - 2. To provide adequate storage capacity for fire protection.
- 3. To provide adequate water main for expansion of the distribution system, and installation of new main in areas served by substandard and outdated piping.

<sup>\*\*1986</sup> Estimated loss of 4,000,000 gallons due to two major leaks has been deducted from total.

- 4. To provide a metering plan for all users in the Precinct.
  This would control the use and cost of pumping water.
- 5. To provide a schedule of fees and charges for new services. These charges will cover the cost of providing capacity to serve each new service with domestic water and fire protection.
- 6. To provide a schedule of fees and charges for maintenance and operational costs which will be specific to individual users (residential or commercial) and not related to normal operation of the distribution system.
  - 7. To provide a revised Administration Procedure to include:
    - a. procedures for the collection of fees;
    - b. accessibility of public information;
    - c. office hours;
    - d. transmittals;
    - e. facility management and operation handbook.
- 8. To provide a comprehensive engineering plan for the Precinct with regard to supply, storage and distribution of water. Also to provide a current system evaluation, construction plans and cost estimates, and procurement of funds required to meet all other recommendations as to goals established as part of this ten-year planning period.

9. To accomplish the goals cited above in a timely fashion, without unduly increasing tax rates or costs of providing water to the current users in the Precinct.<sup>2</sup>

When the programs are developed to cover this ten-year period (1987-1997), they will be submitted to the Planning Board for inclusion in this Master Plan. It is hoped that this will be accomplished during the year 1987.

### 3. State of New Hampshire

The State of New Hampshire provides many services to towns and municipal agencies. The services that the Precinct uses are related to water supply and pollution control administered by the New Hampshire Water Supply and Pollution Control Commission.

The two main roads within the Lower Bartlett Water Precinct are Routes 16 and 302 and 16A (a single road within the Precinct limits). These State Highways are maintained by the New Hampshire Public Works & Highway Department.

<sup>&</sup>lt;sup>2</sup>The firm of Provan and Lorber, Inc. has been selected by the Commissioners to develop a plan to meet Goal No. 8, beginning in May, 1987. The Commissioners have also been meeting to establish fee schedules as outlined specifically in Goals No. 5 and 6. Such schedules will ultimately have to be revised to cover the costs of providing improved service pursuant to the engineering plan and the costs of financing of any system improvements which may be made called for by it.

## 4. Town of Bartlett

The Precinct is located within the Town of Bartlett, which provides the following services:

Police Department
Road Agent
Tax Collector
Bartlett Public Library
Ambulance Service

Fire Department
Health Officer
Planning Board
Bartlett Elementary
School (through Bartlett
School District)

#### III. GOALS

### A. Introduction

The goals of this Master Plan seek objectively to foster the coordinated and harmonious development of the Precinct in a manner which will preserve the quality of life (rural nature, tranquil environment and residential atmosphere) of its residents, provide for orderly growth and development, keep the best features of the community as they are, and prevent unwise or haphazard growth which can affect both the quality of life and the cost of providing services. It is the assumption of the Planning Board that future growth of the Precinct should be carefully guided in order to preserve and enhance the resources of the Precinct in the future. It is the policy of the Master Plan to identify goals to provide for future change with an awareness and consideration of the resources of the Precinct.

The goals stated within this Master Plan are based on:

- a. the physical and natural characteristics of the terrain;
- b. the historical evolution of the Precinct to date:
- c. the growth patterns in the Precinct;
- d. the expressed desires of Precinct residents;
- e. the availability of resources; and
- f. the fiscal realities of increasing costs, increasing taxes, and continued growth.

The following discussion identifies a number of the more important areas of growth and development which may be expected to have an impact upon the Precinct in future years, and suggests some of the more important goals which the Precinct boards and officers should take into consideration.

### B. Land Use

#### Goals:

- 1. Insure that a balance exists between municipal services and growth.
- 2. Preserve the residential nature of Route 16A and the land west of the Maine Central Railroad line.
  - 3. Preserve the rural character of the Precinct.
  - 4. Protect open space within the Precinct.
- 5. Encourage orderly commercial development of existing commercial centers and discourage free-standing strip commercial shopping centers.

# Implementation:

- l. Assess availability of services and identify feasible expansion consistent with predictions for future growth.
- 2. Adopt and update subdivision regulations to ensure that growth can be accommodated in proportion to available services.
- 3. Consider limiting number of building permits issued to maintain growth consistent with availability of services.
- 4. Encourage Precinct Boards to construe the Zoning Ordinance and subdivision regulations in strict compliance with the policies which they express.
- 5. Restrict commercial activity to the Commercial zone, except as specifically authorized in the Zoning Ordinance.
- 6. Encourage periodic review and revision of the zoning ordinance and subdivision regulations.
- 7. Maintain low density, dispersed development pattern in 3 areas of the Precinct.
- 8. Consider revising the Zoning Ordinance to provide for cluster development, including the following provisions:
  - a. Permit no more units than would be allowed under the existing zoning ordinance.

- b. Require the developer to accept protective covenants to assure that the character and harmony of the area are not adversely affected.
- c. Insure that required septic disposal systems for any development be fully adequate, with a generous margin of leeway to ensure that the development will not create pollution or ground water contamination problems.

## C. Housing

### Goals:

- 1. Maintain present housing mix.
- 2. Maintain moderate rate of growth in housing consistent with the Precinct's ability to provide services.

## Implementation:

- 1. Encourage strict construction and enforcement of zoning ordinance and subdivision regulations.
- 2. Monitor and report annually on the number of permits issued for single family, multi-family, and mobile homes and their impact on available service.

# D. Transportation

#### Goals:

- 1. Encourage development which is consistent with a safe, efficient, and orderly traffic flow through the Precinct.
- 2. Cooperate with the Town of Bartlett to evaluate highway traffic patterns on Route 16A.
- 3. Discourage development which is unsafe or which inappropriately burdens existing roads in the Precinct.

# Implementation:

l. Review proposed development and its impact on traffic patterns within the Precinct.  $\hfill \hfill \hfi$ 

John Jan

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