

Town of Bethlehem

Planning Board Office
Wednesday, January 23, 2013

Present: Andrea Bryant, Patrick Doughty, Donald Lavoie, Alecia Loveless, Mike Bruno, Peter Roy, Jeanne Robillard, Dianne Lambert

Excused: Harold Friedman

Patrick Doughty opened the meeting at 6 pm. Pat placed Mike Bruno as a full member in the **absence** of Harold Friedman.

Christopher McGrath is in to see the board about selling minnows at his residence on 21 Wing Road. He explained that he would like sell minnows from his residence and at this time there would be no additional building. The minnows are kept in a cooler and sold from it. He doesn't expect more than 2 vehicles at any one time. The minnows are brought in from Vermont and you do have to have a state license to sell. Mr. McGrath has his license and presented it to the board for the file. The board asked if there would be a sign or additional lighting. Mr. McGrath replied no additional lighting and a sign that is portable.

Mr. McGrath asked the board to waive site plan review.

Donald Lavoie made a motion to waive site plan review for Mr. McGrath to sell live bait as long as no changes are made to the driveway at 21 Wing Road and seconded by Mike Bruno. Motion passed with a unanimous vote.

John Seely wrote to the board informing him that he has not had a gravel pit inspection done. The board invited Mr. Seely in to discuss the matter.

John explained that he has two pieces of property located in the national forest on Map 422 Lots 002 and 002-001 and in 2008 he was granted two excavation permits.

The board asked Mr. Seely if he had a formal reclamation plan. At this time he was unsure however there are notes on the plan for it. He didn't remember being asked for a bond.

The board went over the excavation regulations.

John Seely has not removed any material at this time but he wants to be in compliance with the excavation regulations.

Donald Lavoie proposed the application for clarification for a 2008 gravel excavation and reclamation permit be added to the inspection list. Motion was seconded by Andrea Bryant. Motion passed with a unanimous vote.

Board reviewed the minutes of December 19, 2012.

First page 3rd paragraph add a waiver for site plan review.

Second page change **FAS** to **FAST**

Third page 6th paragraph remove changed to challenged

Third page 7th paragraph remove negative growth and replace it with actions that would limit

Patrick Doughty made the motion to approve the amended minutes of December 19, 2012. Motion was seconded by Alecia Loveless and the motion passed with a unanimous vote.

The Bethlehem Planning Board will conduct a 2-lot subdivision Public Hearing for Martin & Sarah Riley, Map 407 Lot 002 Cherry Valley Rd January 23, 2013 @ 6:30 p.m., Town Building 3rd floor. The Application is available for review in the Planning Board Office during normal business hours.

Mark Vander-Hayden explained that Martin & Sarah Riley would like to subdivide the house off and possibly in the future sell it.

He presented an application for approval of subdivision of land that was sent in to the state.

The two lots would share the existing driveway. The well is addressed in with note to the plat plan.

The Board went through the checklist.

Donald Lavoie made a motion to approve the 2-lot subdivision for Martin & Sarah Riley, Map 407 Lot 002 Cherry Valley Rd as substantially complete. The motion was seconded by Peter Roy and the motion passed with a unanimous vote.

The board discussed the utility lines easements and the requirement of underground utility requirements.

Donald Lavoie made a motion to approve the 2-lot subdivision for Martin & Sarah Riley, Map 407 Lot 002 Cherry Valley Rd with a condition of utility easement and a waiver for underground utilities. Motion was seconded by Alecia Loveless and the motion passed with a unanimous vote.

Rita Farrell asked the board who they used for lawyers. The reply from the board was we use LGC because it is free. When needed we consult Attorney Brenda Keith from Boutin & Altieri or when a specific issue about land use we have in the past used Attorney Jae Whitelaw from Mitchell & Bates.

Bethlehem Subdivision Map Numbering

Proposed wording

1. Retain original number and start with 001 for second lot (example: original number 206 068, 206-068-001)
2. Parcel area shown

This proposes change would make our map number more uniform as proposed by Cartographic (our mapping company).

Donald Lavoie made the motion to change the numbering under 7.01 to letters and insert the subdivision map numbering in Article 7.01 letter J as proposed by Cartographic. Motion was seconded by Alecia Loveless and the motion passed with a unanimous vote.

PROPOSED CHANGES FOR SITE PLAN REVIEW

Donald Lavoie made a motion to replace the existing language of 3.14 and 3.15 with the new proposed language as follows:

3.1 Proposed Change to Site Plan Review

Whenever any development or change or expansion of use of a site is proposed or whenever any changes are proposed that differ from an existing site plan as previously approved by the Planning Board; before any construction, land clearing, building development or change is begun and before any permit for the erection of any building or authorization for development on such site shall be granted, the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. Where there is any doubt as to whether or not a project requires Site Plan Review, the affected party should request a determination from the Board.

To clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

1. If the proposal involves new construction of nonresidential or multi-family development.
2. If the proposal involves a change of use category, e.g., from residential to commercial, or from single family to multi-family.
3. If the proposal involves external modifications or construction, including parking lots (except for single family or duplex housing).
4. If the proposal involves expansion of a building or intensification of use that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc.
5. If the proposal involves a property that has never received Site Plan Review from the Planning Board for previous non-residential or multi-family use

3.2 Activities eligible for waiver for Site Plan Review

1. *Proposals that involve no change in use or level of activity.*
2. Internal building modifications to a nonresidential use that do not affect the scale or impact of the existing use.
3. A re-use of a premise for which a Site Plan Review has already been conducted, provided the new use is not different in type or impact.
4. See Section X

Motion was seconded by Alecia Loveless and the motion passed with a unanimous vote.

PROPOSED CHANGES TO DEFINITION OF SUBDIVISION

3.14 Subdivision, Major: Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and/or utilities, regardless of the number of lots.

3.15 Subdivision, Minor: Means a subdivision of land into not more than three (3) lots for building development purposes, with no potential for re-subdivision on an existing street; or one which does not involve the creation of new streets and/or utilities.

The board wanted to use common language so the public could comprehend the meaning of Major & Minor Subdivision. The board would like to make the proposed more clearly and so it includes all new and existing streets.

3.14 Subdivision, Major: Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and changes to existing streets/or utilities, regardless of the number of lots.

3.15 Subdivision, Minor: Means a subdivision of land into not more than three (3) lots for building development purposes, with no potential for re-subdivision on an existing street; changes to existing streets or one which does not involve the creation of new streets and **changes to existing streets** /or utilities.

Changes in bold (**changes to existing streets**)

Andrea Bryant made a motion to adopt the amended **changes to definition of subdivision 3.14 and 3.15 as follows:**

3.14 Subdivision, Major: Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and changes to existing streets/or utilities, regardless of the number of lots.

3.15 Subdivision, Minor: Means a subdivision of land into not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street; changes to existing streets or one which does not involve the creation of new streets and **changes to existing streets** /or utilities

Motion was seconded by Mike Bruno and passed by a unanimous vote.

The Board had asked Patrick Doughty to seek legal advice on the following questions.

1. Does a Planning Board have the authority to form committees? To be more precise, we would like to form a committee to form an amendment to the Town's Zoning, the amendment needs to strike a balance in regulating/restricting certain businesses from operating in certain districts and/or to have certain architectural restrictions on new buildings in certain districts. The committee would be tasked to come up with wording that would be balanced, concise and more importantly be legally correct as to not knowingly put the Town into any potential future litigation.

2. Can a current Planning Board member sit on this committee, considering any conflict of interest if a Board vote comes about after the committee makes any recommendations. As far as

the committee goes, is there any direction as to number of members, who should sit on, who should chair, etc.?

The board didn't go into a discussion on this matter because some of them said they didn't receive it. Patrick Doughty will resend it and will revisit it at the next meeting.

Andrea Bryant Made the motion to adjourn at 8:00 p.m. Motion was seconded by Peter Roy and motion passed with a unanimous vote

Respectfully Submitted
Dianne Lambert, Secretary