

BETHLEHEM PLANNING BOARD

MEETING MINUTES

BETHLEHEM TOWN BUILDING MEETING ROOM

APRIL 13, 2011

Present: Don Lavoie, Dan Webb, Alecia Loveless, Pat Doughty, Harold Friedman

Alternates: Andrea Bryant, Rose Israel

Chairman Lavoie opened the meeting at 6:05 pm. He appointed Rose Israel and Andrea Bryant as voting members for this meeting.

The Board discussed alternate positions and rules and procedures.

Chairman Lavoie referred to the former Harley Davidson property on Route #116. He stated that he had contacted Andy Smith who told him that Mike Ritter stated he didn't need to come before the Planning Board. Mike Ritter told Don that he had never made this statement. Don asked Andy Smith to forward any and all correspondence which he was referring to.

Rose Israel asked what the RSA say about this situation.

Don Lavoie noted that our local regulations say that any change in use requires coming in before the Planning Board.

Don suggested sending a letter to Andy Smith stating that we have not received any correspondence and ask him to call his client to come before the Planning Board.

Don read page 3, section 3.1 of the Site Plan Review Regulations.

Don stated that the aquifer zone could be affected by this change of use. The Board agreed to send a letter stating that Site Plan Review will be necessary. Pat Doughty suggested that the letter be sent to Andy Smith and that he be asked to come in to the next meeting. Pat Doughty put this in the form of a motion which was seconded by rose Israel and carried 7-0.

Don Lavoie opened the meeting for Mark Waitkus representing Vantage Five. He stated that the applicant had last been before the Board in February of 2008. At this meeting they received approval with conditions of providing further documentation. The economy has since changed and they are now asking for an extension of time on their approval.

Don asked the applicant if the project were to be condominiums.

Mark Waitkus stated that it may be necessary to reapply for a driveway permit.

Harold Friedman asked if any of the abutters had changed since the approval had been given.

Alecia Loveless stated that she did not believe this would be the case.

The Board reviewed the minutes from February of 2008. There was a verbal motion of approval.

There is a lot line adjustment which needs to be done as this was part of the approval.

Chairman Lavoie stated that a new application would be subject to the new ordinances and as there are no new ordinances which would affect this particular situation, the applicant would just have to meet their conditions. The applicant is looking for an extension beyond the specified 4 year period.

Chairman Lavoie stated that a Board cannot bind future Boards.

Mr. Waitkus asked if the Board can give their approval if any of the new ordinances if applicable are addressed.

Harold Friedman stated that he feels that this situation should be looked into further.

Pat Doughty suggested that the applicant come back when he is ready.

Chairman Lavoie noted that it is very expensive for engineer plans but that the applicant should resubmit an application when he is ready.

Harold Friedman stated that he felt that if the abutters have changed, the applicant will have to start all over.

Pat Doughty stated he would like to see all of the previous conditions met first.

It was noted that the RSA applies to an approved plan which has been recorded at the Registry of Deeds. This plan has not been recorded because the conditions had not been met. The Board discussed the significance of this.

Chairman Lavoie stated he did not believe the applicant has to go through Site Plan Review again just subject to changes .

Alecia Loveless suggested getting legal advice on this situation.

Mr. Waitkus asked if he can get a copy of whatever legal counsel gets. Chairman Lavoie stated that he will contact Jae Whitelaw and try to get some information before the next meeting.

Chairman Lavoie stated that the Board should get some documentation from Horizons Engineering that the plan is still compliant.

Pat Doughty stated that the Board should make sure that the date on the engineers stamp has not expired.

Mr. Waitkus stated that due to the economy the applicant does not expect to start soon but would like to keep the approval current.

Chairman Lavoie read RSA 674:39; V.

Pat Doughty noted that the approval with conditions had not been met. He feels that they have to start over and pay the application fees again.

Chairman Lavoie stated that the Board will need another application and the abutters will need to be noticed.

Mr. Waitkus said that he would wait for a letter from the Planning board advising him how to proceed.

The Planning Board is in receipt of a letter from David Crane of PSNH. PSNH would like to schedule a public hearing to address cutting and trimming on the scenic roads. The public hearing is scheduled for May 4 at 6:15 pm. Chairman Lavoie noted that per RSA 2312:159 PSNH needs prior written approval before any trimming or cutting is done on a scenic road. Mr. Lavoie stated that town meeting can dictate who has jurisdiction over scenic roads. The Planning board has been the responsible party in the past. The public hearing should be scheduled and notices should go to the Conservation Commission, Selectman and PSNH. No abutter notices are required.

The Board reviewed merger documents for John Wedick and Marilyn Manfra.

The Board was told about a complication with the Dale Sollars Boundary Line adjustment which recently got approval from the Board. The mylar has not been recorded as there are problems with the plan. The assessment card and boundary line adjustment plan are in dispute. The board agreed that Boulanger Surveying need to come in and explain the discrepancies.

Chairman Lavoie moved to ask Boulanger Consulting to come in to the next meeting . In the meantime the mylar will not be recorded. The motion was seconded by Pat Doughty and carried 7-0.

There was information handed out for the spring Planning Board Conference.

Chairman Lavoie would like a copy of the legal bill.

Rose Israel voiced concern over the trees which have been cut on the former Baker Brook property. She stated that there should have been an environmental study. The Conservation Commission should have had input in this. According to the aquifer ordinance and DES website list this area as one that should be protected.

Harold Friedman stated that Baker Brook has been polluted for over twenty years.

Rose stated that the Board should be thinking about future planning and need to start looking at the Town as being environmentally friendly. Property buffers should be increased when there is a case of clear cutting.

Chairman Lavoie asked if there are RSA's which the town can regulate.

Pat Doughty stated that DES has nothing to do with sustainable forestry.

Rose asked that she be considered when the Master plan is updated. Pat will get the Master Plan and CIP information.

Chairman Lavoie discussed gravel pits and the inspection he did last year. He noted that the Zsackmary gravel pit had three area of concern and a letter was sent to him with the concerns and an additional follow up letter was sent which is still pending.

There was discussion regarding gravel pits and what the Planning board can do about the pits which are not in compliance.

Notes taken by April Hibberd and typed up by Cheryl Sargent

Respectfully submitted

