

Town of Bethlehem

Planning Board Public Hearing

December 19, 2012

Town Building 3rd Floor

Present: Patrick Doughty, Donald Lavoie, Michael Bruno, Peter Roy, Andrea Bryant, Jeannie Robillard, Mark Fiorentino and Dianne Lambert, Secretary

Excused: Alecia Loveless, Harold Friedman

Patrick Doughty opened the meeting at 6:03 pm.

Donald Hilliard from 108 Willson Heights Road is a licensed loan broker and he is in to see the board about operating a business in his home. He will offer FHA, VA loans and he already processes regular loans within a 60 mile radius. There is no signage. The State and Federal Government allows you to do is operate a home office however they need a letter from the municipality. He is asking the board for a letter stating it is ok to operate the business. The board informed him he could ask for a request a waiver for site plan review.

Patrick Doughty explained in the past the board has waived site plan review for these types of home businesses.

The Don Lavoie pointed professional offices are an allowable use in district II.

With that being said Donald Hilliard requested a waiver to for site plan review operate a business from 108 Willson Heights Road.

There will be no changes to the home with no lighting and no signage.

Donald Lavoie said the letter could state –

In District II Professional Offices are allowable uses. The Applicant has met all the requirements and on December 19, 2012 the Planning Board waived site plan review for Donald Hilliard located at 108 Willson Heights Road in Bethlehem, NH to operate a home business.

Donald Lavoie made a motion to waive site plan review for Donald Hilliard located at 108 Willson Heights Road to operate a small business. Seconded by Peter Roy and the motion passed with a unanimous vote.

At 6:15 pm the Planning Board opened the public hearing per RSA675:7 for an amendment to our zoning by petition. Copies of the petition were available at the Planning Board Office during normal business hours.

Patrick read the follow proposed petition warrants article –

ARTICLE _____

Are you in favor of the adoption of the Amendment#____, as proposed by citizen petition to amend the Bethlehem Town Zoning Ordinances by adding to the existing language of **Article V- Zoning Districts and Uses, Section B District #1?Main Street, Section A District 1 – Main Street Used to read:**

(Additional Language being proposed is highlighted in bold, existing language in regular type)

“Retail establishments for the sale and/or repair of food, clothing, drugs, jewelry, scientific insuriments (**should be instruments**) and other general merchandise, **but not to include Formula Retail and Formula Fast Food Restaurants**”.

ARTICLE _____

Are you in favor of the adoption of the Amendment #____,as proposed by citizen petition to amend the Bethlehem Town Zoning Ordinance by adding the following language to Article XXI Definitions.

DEFINITIONS:

FORMULA RETAIL AND FORMULA FAST FOOD RESTAURANTS – means retailers or restaurant that are required by contractual or other arrangements to utilize any of the following: prescribed employee uniforms, interior and exterior color schemes, architectural design, signage, name, presentation format, or similar standardized features which cause the retailer or restaurant to be substantially identical to another retailer or restaurant regardless of ownership or location.

They have the required signatures and Patrick Doughty read the Attorney Brenda Keith’s letter to the Planning Board dated December 19, 2012. (see attached)

Patrick Doughty opened the floor up for discussion.

David Pickman wanted the board to sum up the content of the letter.

Patrick Doughty stated that the attorney has pointed out these warrant article are attempting to restrict a Formula Retail and Formula Fast Food Restaurants in District 1 Main St.

Donald Lavoie understanding is that the article as written - Attorney Brenda Keith does not believe would not hold up in court if challenged.

Jeannie Robillard questioned if the petitioners could make a change to the articles.

The article would have to be changed and all the petitioners could have to agree to the change however the deadline for petition warrants has passed.

David Pickman, Katherine Ferrier, Julia Berbec and Sally Siren have concerns on the growth of the town. They do not want business just to be allowed because they have all their applications in order. They would like the town to have more control over what is allowed in District 1.

Donald Lavoie proposed that this could be done with ordinances. It would have a better chance if the ordinances meet State and Federal Laws.

Roger Metras stated that he doesn't recommend the ordinances because it will also restrict local residents to open businesses and the town is already full of run down and empty buildings. If these articles violate the US Constitution we will lose if challenged in court.

Carol Kerivan warned people about actions that would limit growth especially to certain retailers. She urged people get involved in the chamber of commerce and as a group things like this could be addressed and presented to the local board. If a business wants to come to Bethlehem we should work with them.

Mary Moritz owner of the Mulburn Inn spoke in favor of the two warrant articles. She stated it is a real shame the planning board could not support the articles.

Elizabeth Staples replied it is not our intention to restrict business in coming to town we want to preserve the town.

More discussion ensued on preserving the town and standing up for intelligent growth to Bethlehem.

Patrick Doughty closed the public input at 7:45 p.m.

Mark Fiorentino made the motion not to recommend the definition warrant article as stated by town attorney. Motion was seconded by Peter Roy. Andrea Bryant abstained – Jeannie

Robillard No and Patrick Doughty, Donald Lavoie, Peter Roy, Michael Bruno and Mark Fiorentino voted Yes - Motion **passed**

Donald Lavoie made a motion not to recommend the second warrant article = allowed uses. Seconded by Mark Fiorentino - Andrea Bryant abstained – Jeannie Robillard No and Patrick Doughty, Donald Lavoie, Peter Roy, Michael Bruno and Mark Fiorentino voted Yes - **Motion passed**

The petitioners thanked the board for all the information given tonight. They feel they got a lot out of this meeting. They would like the board to ask how to form a committee.

Donald Lavoie made a motion for Chairman Patrick Doughty to seek legal advice on how to form a committee before warrant articles are voted on and is it legal for a planning board member to serve on these committees. Seconded by Michael Bruno. Motion passed with a vote of 6-1

The board review minutes of November ---

Changes to be made are second page

After discussion this will be brought forward to a future noticed meeting for action.

Change to page one last paragraph

Change lengthy discussion to just discussion on this matter

Peter Roy made a motion to approve amended minutes. Seconded by Donald Lavoie Motion passed with a vote of 6 yes and Mark Fiorentino abstained he was not present

Andrea Bryant made a motion to release the legal advice from LGC concerning Historical Districts to the public. Michael Bruno seconded and the motion passed with a vote of 6-1

Donald Lavoie asked the planning board to observe a moment of silence in memory of the Sandy Hook tragedy.

Jeannie Robillard made a motion to adjourn at 8:30 p.m. Seconded by Peter Roy and the motion passed with a unanimous vote.

Respectfully Submitted

Dianne Lambert, Secretary