

**BETHLEHEM PLANNING BOARD
MEETING MINUTES
JUNE 25, 2014
BETHLEHEM TOWN HALL MEETING ROOM**

Present: Chris McGrath, Mike Bruno, Peter Roy, Dave Wiley, Andrea Bryant, Jeannie Robillard, and Don Lavoie

Excused: Sandy Laleme and Kevin Roy

Absent: Neil Brody, Alecia Loveless, and Libby Staples

Dave called meeting to order at 6:00.

Dave appoints Jeanne as a full member for Alecia.

The board determines there is not a quorum to accept the minutes from 6/11/2014. They will be added to the Agenda for the 7/9/2014 meeting.

Tom Ricci – Letter of 6/20/2014

Dave recaps the last Planning Board meeting and reminds the board that they are looking to clarify some decisions made by the previous board. There are three topics being looked at, the lighting issue, the consolidation of lots, and the restriction on the strip of land behind the stonewall on Mr. Ricci's property.

The board, after some discussion, decided the lighting was a non-issue. It was decided that the lot consolidation and the restriction of land could not be addressed without a new application or an appeal to the ZBA. Either would require noticing abutters and a public hearing. Mr. Ricci is adamant that he will not submit a new application, but would investigate the appeal process to the ZBA.

Gravel Pit Inspections:

The Board discussed the scheduling of gravel pit inspections. Dawn will send a letter to each of the gravel pit owners with three available times for inspection and ask that they respond with the date that works best for them. The dates will be: Saturday, 8/16, Monday 8/18, and Thursday 8/21 (evening).

Zoning Ordinances:

A brief discussion took place regarding the review of the zoning ordinances for re-write. Don suggested this wait until the completion of the Master Plan. June Garneau will be at the 7/9 Planning Board meeting to discuss.

Don questions how hard the Planning Board should be working to tighten ordinances if the Select Board is not going to support the Planning Board, case in point, the lack of enforcement of the Dalton Drag Strip. Don points out that the Select Board “cracks the whip” over here, and then when the Planning Board lays out a well researched, well formulated plan for enforcement and they just say, “we’re not going to bother.” If the town doesn’t have the political will to carry out, even handed, legal enforcement, then why push for more laws?

Peter brings up the article in the newspaper which stated the Select Board made their decision based on the fact that there is not an actual project in the works. The law has not been broken yet. Andrea and Jeanne disagree. The Planning Board established Mr. Ingerson needed to come in for Site Plan Review and he has refused.

Andrea reads from Article XVIII, Enforcement of the Zoning Ordinance, in the 2011 Town of Bethlehem Zoning Ordinance which states:

G. Upon any well-founded information that these Regulations are being violated, the Selectmen shall take immediate steps to enforce the provisions of these Regulations by seeking an injunction in the Superior Court or by any other legal action.

H. It shall be the duty of the Board of Selectmen or their duly authorized agent to enforce the provisions of these Regulations.

The Planning Board came to the conclusion that Mr. Ingerson was to come in for Site Plan Review. Mr. Ingerson did not respond to the Planning Board’s request, the Planning Board voted to send the matter to the Select Board for enforcement. The Select Board, based upon the Article XVIII, “shall take immediate steps to enforce the provisions of the regulations by seeking an injunction in the Superior Court or by any other legal actions.” Andrea and Jeanne feel it was not appropriate for the Select Board to take a vote; they had no choice and should have enforced the request for Site Plan Review. Andrea feels the Select Board made a choice to not back the Planning Board. Jeanne believes what they did was inappropriate and perhaps illegal. She goes further to comment that the project needs local approval for state approval, and the Select Board is setting a bad precedent. ***Dave questions what width our zoning ordinance have if they’re not enforced.***

Public Input:

Rita Farrell is before the board with some questions/thoughts/comments.

First she inquired about drinking water wells. She believes the last survey was completed by Stan Borkowski in 2005. Dave offers that the NH Board of Health Inspectors has been in touch regarding a well survey.

Rita would like the Planning Board to investigate NH Preservation Alliance regarding Main Street and the Master Plan.

Rita states she was at this week's Select Board meeting and she heard a lot of conjecture, but nothing about the ¼ mile of road in Bethlehem, which is the only issue in front of the Bethlehem Select Board, and should be their only concern. "Is the road capable?" "Is there a Site Plan that states this road can handle that traffic?" She feels the Select Board took a stance they could do nothing until the drag strip was constructed. Rita questions how would you have anything to say after it's constructed? All the laws are about before you construct, and thinks the town would want to make sure the project was compliant with all the laws. Rita feels a thoughtful process was lacking on the part of the Select Board. Christ states that DOT gave the Mr. Ingerson a permit with the drag strip noted. Perhaps the thought process of the Select Board took this into consideration and felt that if DOT thought the entrance was suitable then it was most likely so.

Rita stated that Sandy Laleme, liaison for the Planning Board, led the discussion, but pointed out that in a previous Planning Board meeting she recused herself and should have done the same on the Select Board side. Peter points out that all the Select Board members voted the same way, so even if Sandy had recused herself the vote would have passed.

Andrea **believes** that at every Planning Board meeting where a vote was taken as to whether or not Mr. Ingerson should come in for SPR it was unanimous, with the liaison voting in favor, along with the rest of the board. She also feels the SB should not have taken a vote, they should have enforced.

Jeanne is concerned that the vote was inappropriate based on the regulations and wonders how the Select Board could overrule a decision the Planning Board had already spend an arduous amount of time on. If they had questions about the decision why didn't they ask? Jeanne is concerned about the legal ramifications.

Don states the purpose of having a liaison is to provide coordination of communication between the two boards. The liaison doesn't have to agree with the vote, but it's their duty to present the Planning Board point of view. Don questions whether or not Sandy, at the meeting, attempted to present the PB point of view? Sandy is entitled to her opinion. It's no secret that she is a racing fan, she's entitled to that, but she has a duty to attempt to represent the action of the Planning Board and explain it to the Select Board. If she didn't do that then "we as a board should say could you send us someone who attempts to communicate and attempts to present our point of view?" Don feels she made little attempt to explain the rationale of the Planning Board decision.

Jeanne reminds the Board that they have put in over a year's work to come to this decision and to have the matter over in five minutes was inappropriate. Andrea, it was not up for a vote. They were to enforce.

Jeanne suggests that the PB request a joint meeting with the SB to discuss the matter. Dawn relays the message from Mary Lou Krambeer is on the agenda for Monday night's SB meeting and would like PB members to attend.

Andrea doesn't care what the matter is, if the Planning Board is sending a directive to the Select Board stating "we need you to back us, then they need to back us, not vote on it. If we know someone is not following what we know to be our regulations, and we are sending it to them to enforce it than they need to enforce it , no questions asked, otherwise we are useless."

Chris states that perhaps he should have added Monday night, but he didn't, that Ingerson said himself at the last Planning Board meeting he attended, he didn't come in for SPR for the asphalt company. A discussion takes place regarding the lack of enforcement by the previous board and the question is raised as to whether or not the Planning Board requests the change of use now. Mike thinks that is not appropriate. Both companies are in Dalton. Bethlehem's only concern would be the road, which, either way, is being traveled by the same size trucks. The gravel pit and the asphalt company are not in the jurisdiction of Bethlehem. Vehicles traveling on that ¼ mile are no different. The change of use is in Dalton, not in Bethlehem. Andrea feels the Planning Board should stick to the matter at hand.

Dave motions to request a joint meeting with the Select Board to discuss enforcement regulations. Jeanne seconds.

Discussion: Mike would like to stress that the discussion should only be about enforcement. Jeanne doesn't believe the Planning Board can preclude the drag strip. The regulations say the Select Board doesn't have a say, they "shall enforce."

The motion passes; Chris, Dave, Andrea and Jeanne in favor, Peter opposed, Mike abstains.

Mike motions to adjourn at 8:45. Jeanne seconds with all in favor.

Respectfully Submitted,

Dawn Ferringo
Planning and Zoning Clerk