

**BETHLEHEM PLANNING BOARD**  
**PUBLIC HEARING MINUTES**  
**BETHLEHEM TOWN HALL MEETING ROOM**

**May 14, 2014**

Present: Chris McGrath, Mike Bruno, Sandy Laleme, Peter Roy, Dave Wiley, Don Lavoie, and Libby Staples

Excused: Andrea Bryant and Kevin Roy

Absent: Alecia Loveless, Jeanne Robillard and Neil Brody

Dave called meeting to order at 6:00 and appoints Libby Staples as full board member for Andrea Bryant

The board does not have a quorum to vote on the minutes from April 23, 2014. They will do so at the next meeting on May 28, 2014.

Dawn passes out surveys from North Country Council for each board member to complete.

Dave presents the Conservations Commission's plans to move forward with project review for a wetlands application for Debra Kelleher and Wayne Taeger.

**Update on Douglas Drive:**

Sandy motions to waive attorney client privilege in order to make Jae Whitelaw's most recent email public. Mike seconds, all in favor, motion carries.

Dave Wiley reads the email from Jae Whitelaw:

*Mr. Mauck confirmed that DES does not require an applicant to provide proof of compliance with local regulations for the Alternation of Terrain permit. The only requirement is that the applicant establishes that it provided notice to involved towns, which Mr. Ingerson did do. The state will not be taking any action based on Mr. Ingerson's failure to obtain local permits.*

*The planning board will have to decide whether it wants to take action to enforce its site plan regulations, which require site plan approval for the change in use of the driveway. If it chooses to do so, I recommend that I contact the applicant's attorney, whom you believe may be Phil Hastings, to discuss the matter. Mr. Ingerson did not use an attorney in the appeal of the DES permit to the Water Council; he appeared pro se.*

Discussion takes place regarding the decision of pursuing the matter or sending the matter to the Select Board for enforcement.

Dave asks for a motion. Chris motions to speak further with the attorney. Peter seconds.

Sandy questions what exactly we want the attorney to speak to Mr. Ingerson's attorney.

Mike speaks about jurisdiction and warns that the Planning Board needs to tread carefully, with specific intent. The Planning Board needs to be very firm. This is the crack in the door that would open the project up to regional impact and the Planning Board needs to not over step their boundaries.

Sandy reminds the Planning Board that they are not the enforcers, the Select Board is. She questions just how much more the Planning Board can do. A discussion takes place regarding the history of this matter. Sandy thinks this is only one question now, does the Planning Board want to take action or send it to the Select Board.

Community member David Van Houghton weighs in, and confirms the timeline. The Planning Board determined that Site Plan Review was required, the developer was informed, and there is nothing else the Planning Board can do. David feels the matter should be referred to the Select Board.

Sandy points out that the Alteration of Terrain permit is under appeal and therefore no work is being done.

Chris withdraws his motion, and Peter withdraws his second.

Chris motions to send the matter to the Select Board for enforcement. Peter seconds. As a Select Board member Sandy abstains from the vote. The remaining members vote in favor of sending the matter to the Select Board.

#### **Szakmary Gravel Pit:**

Dave informs the board that he will be meeting with DES for an inspection of the Szakmary gravel pit on Tuesday, May 27<sup>th</sup> at 9:00 am. Dawn will email Kevin Roy to see if he can also attend.

Don Lavoie arrives at 6:30. Dave appoints Don as a full member for Alecia Loveless.

#### **Tom Ricci Site Plan Review Modification:**

Tom Ricci presents the board with a list of challenges he has for the Planning Board. (see attached)

Dave asks for the original approval from the Planning Board in 2002. Dawn presents the board with the original notice of decision from the Planning Board. One of Mr. Ricci's major concerns is that the Planning Board closed a meeting on 8/28/2002, but discussed it again at the following meeting without notifying him. Mr. Ricci claims this is all on video, and has provided the board with a copy. He is also concerned with the restriction of use for a piece of his land. Mr. Ricci would like to know why he can't use this strip of land.

Don motions to close the matter. With a new Site Plan Review application, and proper notification to abutters no modifications can be made.

Mr. Ricci disagrees, and feels what they did was illegal. He states if this can't be resolved tonight then he will go back to court.

Mike would like to hear the matter. Don feels that even a conceptual at this point needs to be noticed.

Mr. Ricci refuses to file a new application for a new Site Plan Review with modifications. He will not be supplying any more information on the matter.

Mike would like the opportunity to become more familiar with the issues. Dawn will gather all the information from the file and leave it out for the Planning Board members to review.

Mr. Baker approaches the board regarding zoning ordinances. He would like to know what the procedure is to change them. Don Lavoie explains the procedure. Mr. Baker wants to know if the Planning Board has ever looked at block grants, and wonders the condition of the walking tour signs. Don suggests that the Planning Board is not the right place to bring these concerns.

#### **MAPS/Master Plan:**

June Garneau has submitted the new contract with the language changes suggested at the May 14<sup>th</sup> meeting. Dave motions to send the contract to the Select Board for a signature. Peter seconds. Sandy abstains as a Select Board member. Chris, Mike and Libby are in favor; Don is opposed.

#### **Rules of Procedure:**

Dave would like to address how the alternate members are appointed as full board members when needed at meetings. Don gives a history as to how the procedure came about. Dave points out in the rules the chair has the authority to appoint. Dave would like to see members appointed in rotation.

Don discusses the variance before the Littleton Zoning Board. Public information meeting is set for Wed, 5/28 at 6:00.

Sandy motions to adjourn at 8:08. Mike seconds; all in favor, meeting adjourned.

Respectfully Submitted,

Dawn Ferringo  
Planning and Zoning Clerk