

BETHLEHEM PLANNING BOARD
PUBLIC HEARING MINUTES
BETHLEHEM TOWN HALL MEETING ROOM

August 14, 2013

Present: Andrea Bryant, Sandy Laleme, Pat Doughty, Alecia Loveless, Jeanne Robillard, Mike Bruno, Peter Roy, Harold Friedman and Don Lavoie

Excused: Dave Wiley and Kevin Roy

Absent: Neil Brody

Andrea called meeting to order at 6:01.

The Board reviewed the minutes from 7/24/2013. Sandy motioned to accept the minutes as presented. Alecia seconded. Harold and Peter abstained due to their absence. Motion carried.

Andrea appointed Mike Bruno as full board member for Dave.

Board discussed the 2 remaining gravel pits that need inspection. Peter and Mike can both attend to inspections on Saturday, August 24th. Still looking for one more board member who has completed inspections before. Pat is available on August 31st if needed.

The Board discussed reviewing and updating the Sub Division Regulations as they pertain to the Hazard Mitigation plan. Jack Anderson will be in to see the board to discuss.

Dawn brought to the board's attention a letter received from the State of NH Food Protection section pertaining to Gerry Ramback's property on Main Street known as Indian Brook Trading Company. Dawn will contact Gerry regarding the change of use of the property and request he come before the board.

Dawn handed out copies of the 2013 budget as it stood on 7/31/13.

June Garneau of MAPS (Mapping and Planning Solutions) has indicated that she can complete the Master Plan for about a third of what North Country Council charged last time. North Country Council's proposal was \$15,000.00, and June felt she could complete the project for \$5000.00. The Board would like to invite June to come in to see them. Dawn will contact her.

Tyrell's Automotive, Site Plan Review Waiver - Todd and Sarah Tyrell were in to see the board requesting a Site Plan Review Waiver for their auto repair business located in the Presby Energy building, as well as

an official signature on the State of NH paperwork allowing Tyrell's to become a State inspection station. Todd Tyrell pointed out that there has been an automotive repair business in that location for years. The board saw no problems with this. Peter motioned to grant the SPR waiver to Tyrell Automotive. Sandy seconded, all in favor, motion passes. Sandy then motioned to provide the needed signature for Tyrell's to become an auto inspection station. Alecia seconded, all in favor, motion passes.

Pat arrives at 6:17.

6:30, Doug Ingerson, Conceptual, Change of Use for Douglas Drive. Doug Ingerson, Attorney Phil Hastings, and designer Dick Morneau were all present.

Attorney Hastings questioned the board's jurisdiction in the matter of Douglas Dr and the Dalton Drag Strip. He feels the board doesn't have jurisdiction because Douglas Drive is not the only access to the property, and feels the road, as it is now, is perfectly adequate for the Drag Strip. He was interested in hearing what the board thought about this.

Andrea pointed out the burden was on Mr. Ingerson to show the road was adequate for the proposed change of use.

Dick Morneau presented alternate access points from Forest Lake Road and Hunter Farm Road.

Jeanne questioned if these were private roads, if they were on Mr. Ingerson's property, and whether or not you could drive cars on these roads in their current condition. A citizen familiar with the property felt there was no way these roads could be traveled in their current condition.

The maps were made available to the public for viewing.

A conversation took place regarding the number of cars expected for each event, which was in the area of 500. It was also asked as to what kind of vehicles would travel these roads. An answer of regular cars and motorcycles was provided, and finally whether or not these other access roads were useable at this point to support that much traffic. A discrepancy on whether or not the roads were in good enough condition to move 500 cars and emergency vehicles was again brought up. It was pointed out that if the cars could not move through the roads in their current condition then there were truly not access roads. Mr. Ingerson indicated he would not maintain the other access roads.

Attorney Hastings remarked that the statute does not talk about emergency vehicles and requested the board set parameters so Mr. Ingerson could provide sufficient information to the board.

Pat pointed out that Douglas Drive was not the sole access, and that the statute states if the road is not the sole access then the board has no jurisdiction.

The board questioned what they truly needed from Mr. Ingerson, what items were available to look at. DOT specs, road dimensions, and engineering reports were all mentioned, but again jurisdiction was questioned.

Mary Lou Krambeer requested everyone think about the questions, 1) how does RSA 674:53 apply to this situation? 2) The definition of sole access? And 3) Change of use for Douglas Dr and Bethlehem's jurisdiction. Mary Lou continued to point out that this road was intended for a gravel pit, and now there's a proposal for Drag Strip use, which are two very different uses.

A discussion regarding whether or not it was customary for DOT to regulate usage took place. Pat pointed out that any driveway off of a state road would include DOT. Andrea supported this by stating people often go to DOT first. A former DOT employee stated plans for the road were available through DOT.

A discussion regarding emergency vehicles began when asked which ambulance would be called for a medical emergency. Mr. Ingerson responded that the Dalton Fast Squad would be called. Pat Doughty pointed out that most likely, during events at the Drag Strip, emergency vehicles would already be on site. Mr. Ingerson stated Dalton was already in the plan, and would be on site for all events.

The subject of regional impact was brought up. Pat stated North Country Council would need an application in order for a regional impact study to occur. Attorney Hastings stated Dalton would have to initiate a regional impact study. Jeanne pointed out that Dalton has no obligation to conduct a regional impact study because they have no zoning. In that case, Bethlehem would then have an obligation to determine regional impact. Attorney Hastings responded that Bethlehem's jurisdiction would be limited to a small section and therefore the board would only have to determine regional impact for that small section of road. Then he requested that the board inform Mr. Ingerson what they felt their jurisdiction was.

Jim Heighton raised the question as to where sole access comes into Site Plan Review. Andrea pointed out it didn't, sole access was RSA based only. Pat offered that the Planning Board was under the assumption that Douglas Dr was the sole access to the proposed Drag Strip. Mr. Heighton wondered how the Board felt this differed from another project that involved the towns of Littleton and Bethlehem. Jeanne offered that it differed greatly because Littleton has zoning, and therefore an obligation to proceed with regional impact. Dalton has no zoning, and therefore no obligation. Jeanne added that the Bethlehem Planning Board asked Mr. Ingerson to come in to discuss change of use and Site Plan Review.

Pat stated he thought the Board needed to get a legal definition of sole access, ask Mr. Ingerson to submit his plan, and come back to it.

More discussion took place about the road. How wide does the road need to be? Minimum of 22 feet. Should it be gated? Not during business hours. Were there side provisions for emergency vehicles? Car

would pull over making a center lane available to emergency vehicles. Would there be parking on the road? No, parking is within the Dalton town line. The driveway apron had a DOT permit. Would the Town of Bethlehem be giving a permit for the gravel pit? No, the DOT permit is different from a town permit, and DOT has control of access on their highway. Attorney Hastings offered that the road was perfectly adequate.

Don arrives at 7:25. He questioned whether or not the Board had read the new language for Site Plan Review, specifically what guidelines would be observed when clarifying “what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board Action.” Guideline #4 states, “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, light, etc.”

A Whitefield resident felt there needed to be a regional impact study as there were going to be 500 vehicles coming and going, and that was going to have an impact.

Mary Lou Krambeer stated the road, Route 116, is the primary road, and because a primary road exists that’s what needed to be talked about.

Peter questioned the definition of sole access. Andrea stated she would like to call the town attorney for clarification. Sandy agreed we needed clarification from our attorney in an effort to decipher the RSA, and reminded everyone we were only concerned about that ¼ mile stretch of road.

Don questioned whether or not the Board had received an application yet. Andrea pointed out they were just in the conceptual stage. Don thought the Board needed to do a Site Plan Review. Pat suggested we couldn’t to SPR without an application. Jeanne suggested the Board request an application. Pat questioned what for, Andrea stated change of use. Don and Jeanne both felt that SPR was needed as the regulations were clear this required SPR.

Attorney Hastings wondered if the RSA didn’t supersede town SPR.

Sandy motions the Town get an interpretation from our attorney as to what the Town’s jurisdictional authority was, and does the state statute supersede the town regulations. At that point, based on the response, the Town will send a letter.

Attorney Hastings stated over the course of the past few months the Board has been talking about Mr. Ingerson’s property without his knowledge. He felt there was a “witch-hunt aspect” and wanted a serious answer as to what the Board’s jurisdiction was. Sandy requested that he please let the Board answer their questions and then the next step could be taken.

Mike seconds Sandy’s motion. All in favor, motion passes.

Chris Crowe Letter – the Planning Board feels it is on Chris Crowe to show maps, and activity for 35 years, and to cease and desist until he solves this. Attorney’s letter was discussed. Don suggested the letter be amended requesting Mr. Crowe come before the board for a public meeting, and to call to make an appointment. Dawn will amend the letter, Andrea will sign. Alecia motions to send the amended letter, Pat seconds, all in favor, motion carries.

Rita Farrell came before the board wondering about a sign that states “Restricted Access. Violators may be prosecuted.” Wanted to know if the board had ever seen a sign like this, and did it have any significance legally. The board was unfamiliar with the sign, but thought it would be similar to a no trespassing sign, and should be adhered to.

8:40 Sandy motions to adjourn. Pat seconds, all in favor.

Respectfully Submitted,

Dawn Ferringo
Planning and Zoning Clerk