

Town of Bethlehem  
Zoning Board of Adjustments  
Meeting Minutes  
June 18, 2015

Present: Lon Weston, Kevin Morse, Maurice Stebbins, Alan Jackson, Amy Delventhal, and Ruth Heinz.

**Administrative Items**

Minutes from 5/15/2014

Kevin Morse motions to approve the minutes from the May 15, 2014 meeting. Maurice Stebbins seconds the motion, all members in favor, motion carries.

There is a full board present so alternate Ruth Heinz leaves the meeting at 6:15.

**Rek-Lis Brewing Request for a Variance and Special Exception Public Hearing:**

Lon Weston opens the public hearing for Ian Dowling and Rek-Lis Brewing and asks Amy Delventhal reads the public hearing notice.

The board reviews the checklist. The following requirements are waived by motion:

- Motion by Lon Weston, seconded by Amy Delventhal to waive the requirement of the name, number and signed seal of surveyor or engineer. All in favor, motion carries.
- Motion by Lon Weston, seconded by Amy Delventhal to waive the requirement of location of all buildings on abutting properties within 50 feet of subject property lines. All in favor, motion carries.
- Motion by Lon Weston, seconded by Amy Delventhal to waive the requirement of location of existing and proposed property deed restrictions easements, covenants, ect. All in favor, motion carries.
- Motion by Lon Weston, seconded by Amy Delventhal to waive the requirement of existing and proposed grades (where the grade is less than 5 percent, the contour intervals shall not exceed two feet with spot elevation; otherwise the contour interval shall not exceed 5 feet). All in favor, motion carries.
- Motion by Lon Weston, seconded by Amy Delventhal to waive the requirement of size and location of existing and proposed public or private utilities and connections with all engineering data. All in favor, motion carries.

Motion made by Amy Delventhal, seconded by Kevin Morse to accept the application as complete. All in favor, the application is accepted.

Ian Dowling explains his plan to the ZBA. The Brewery consists of one 12 x 12 shed. Ian has been brewing since 2004. He would like to move his elaborate hobby into sales. He current system runs on propane and has a 10 gallon capacity. He would like to see that become a 15 gallon capacity system that runs on electricity. The plan is to brew once a week, and open for retail sales on Friday evenings.

The board reviews the criteria for a Special Exception.

**Criteria 1:** The specific site is an appropriate location for the proposed use, structure, or change to a structure, in relation to surrounding properties.

Motion made by Kevin Morse, seconded by Amy Delventhal that the application meets criteria 1. All in favor, motion carries.

**Criteria 2:** The proposed use, structure, or change to a structure, will be compatible with adjoining land uses and with the character of the surrounding neighborhood.

Motion made by Amy Delventhal, seconded by Maurice Stebbins that the application meets criteria 2. All in favor, motion carries.

**Criteria 3:** The proposed use, structure, or change to a structure, will not generate substantial amounts of noise, odor, or create substantial increase in traffic.

Motion made by Kevin Morse, seconded by Amy Delventhal that the application meets criteria 3. All in favor, motion carries.

**Criteria 4:** The proposed use, structure, or change to a structure, will not create any other nuisance or hazard.

Motion made by Amy Delventhal, seconded by Kevin Morse that the application meets criteria 4. All in favor, motion carries.

**Criteria 5:** The proposed use, structure, or change to a structure, will be in harmony with surrounding properties and consistent with the spirit and intent of this ordinance.

Motion made by Amy Delventhal, seconded by Kevin Morse that the application meets criteria 5. All in favor, motion carries.

The board then reviews the application for a variance for side setback requirements.

Kevin Morse questions whether the property is on town water, which it is.

The ZBA goes through the 7 statements the application needs to pass before the variance is granted.

- I. The proposed use would not diminish surrounding property values because:  
The shed has been in place since 2006. It is not unattractive and blends in with the neighborhood. The closest abutter to the shed also has a shed close to the property line.

Discussion: None

Kevin Morse motions to approve condition number one. Amy Delventhal seconds. All members are in favor, motion carries

- II. Granting the variance will not be contrary to the public interest because:  
There is no opposition from neighbors.

Discussion: None.

Kevin Morse motions to approve condition number two. Amy Delventhal seconds. All members in favor, motion carries.

- III. Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguish it from other properties similarly zoned.

- A) The zoning restriction as applied to the applicant property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment because:

The neighborhood is made up of substandard lots

Discussion: None

Kevin Morse motions to approve condition number three, subsection A. Amy Delventhal seconds. All members are in favor, motion carries.

- B) No fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property because:

The abutter has a similar pre-existing shed with less than standard set-backs.

Discussion: None

Amy Delventhal motions to approve condition number three, subsection B. Maurice Stebbins seconds. All members are in favor, motion carries.

- C) The variance would not injure the public or private rights of others because:  
Doesn't change.

Discussion: None

Kevin Morse motions to approve condition number three, subsection C. Amy Delventhal seconds. All members are in favor, motion carries.

IV. Granting the variance would do substantial justice because:

This proposal expands current and future business opportunities in Bethlehem.

Discussion: None

Amy Delventhal motions to approve condition number four. Kevin Morse seconds. All members are in favor, motion carries.

V. The variance is not contrary to the spirit of the ordinance because:

There is no change to the current atmosphere of the neighborhood.

Discussion: None

Amy Delventhal motions to approve condition number five. Maurice Stebbins seconds. All members are in favor, motion carries.

Lon Weston asks for two motions; one to approve the Special Exception and one to approve the variance.

Motion made by Alan Jackson, seconded by Amy Delventhal to grant the appeal of Ian Dowling for a special Exception for Map 204, lots 82 in District 1, regarding allowed uses of a brewery listed in Article XVIII; Section B; in the 2011 Bethlehem Zoning Ordinances. All members vote in favor, motion carries.

Motion made by Alan Jackson, seconded by Amy Delventhal, to grant the appeal of Ian Dowling for a side setback variance for Map 204, Lot 82, District 1. All members vote in favor, motion carries.

Maurice Stebbins motions to adjourn at 7:56. Amy Delventhal seconds, all in favor, meeting adjourned.

Respectfully submitted,

Dawn Ferringo  
Planning and Zoning Board Clerk