

Town of Bethlehem  
Zoning Board of Adjustment  
March 3, 2016

*SYNBOGUE*

Present: Maurice Stebbins, Alan Jackson, Ruth Heintz, Amy Delventhal, Lon Weston.

The Board reviewed the minutes from 02/04/2016. Mr. Stebbins moved to accept the minutes as presented. Ms. Delventhal seconded. Motion carried.

Mr. Weston opened the public hearing at 6:15 and appointed Ms. Heintz as a full member. Mr. Jackson read the public hearing notice.

The Board reviewed the application:

Waive locust map

Add district 1 Main Street

Contingent – District

Covenants – Bill Oliver said none of record other than what is shown.

Lighting – waived – deferred to Planning Board.

Mr. Oliver said he is looking to Board for guidance on screening and buffers and said many things are not applicable to tonight's meeting.

Ms. Delventhal moved to accept the application with 2 contingencies. Mr. Stebbins seconded. Motion carried.

Mr. Oliver presented the application and explained there will be a direct egress from the basement level. He said the approved plan was just under 40 feet and the architect realized it would be beneficial to have egress from the basement level. There was discussion about lighting and location of hot tubs. Ms. Delventhal said they are not making the building taller but taking the ground away. Mr. Oliver said there won't be an entrance to hotel it will be for guests and for safety. Ms. Delventhal said the Fire Chief and Building Inspector are in favor of the change. It was discussed that it would be a benefit to guest to be screened and that the access road is still being planned out. Also the retaining wall to grade down to road to blend in.

Public Input:

Donna Devlin Young said she agrees there should be an egress out of the basement but her concerns are there are a lot of missing items from the checklist and Ms. Delventhal explained that it was bumped back to planning contingency for district and landscape. Mr. Weston said things are waived that are not applicable. Mrs. Devlin Young also expressed concern about the impact to the neighbors and the need for screening. Mr. Weston said screening can be added. Mrs. Devlin Young said she also has a problem with the hot tubs. Mr. Oliver said they are not looking for approval for the hot tubs just the height. He also said the architect put them on the

plans but that they are there only for height special exception. Mr. Weston said he will note the concerns about the hot tubs and add additional screening if there will be hot tubs. There was discussion about parking and how it has shifted locations because of Additional property being purchased.

Neil Brody's attorney said there is frontage on Main Street Arlington not 302. Mr. Weston said they never had access off 302 and is grandfathered and pointed out the hearing is for height only. There was discussion about the overhang on the building and Ms. Delventhal pointed out that doesn't have anything to do with the height.

Mr. Brody's attorney has concerns about the 5 criteria. Mr. Weston said he should wait until they are going through the criteria to address his concerns.

Carol Johnson Haywood asked that the screening be in writing that the owner has to maintain the planting. Mr. Weston said the conditions the Board assigns can always be enforced by a cease and desist from the Select Board. He also said these conditions are for approval and if conditions aren't met then the approval can be rescinded.

Mr. Oliver said it is not in the owner's best interest to not have the screening. He also said the developer wants to have good relationships with the neighbors and won't allow the property to deteriorate and will meet the conditions.

Rod Haywood asked if the current owners are the same owners of the new Arlington and said he doesn't want the new hotel to turn out like the old hotel. Joel Strulovic said he always tried to make it look decent and agrees the hotel was an eyesore. He said he inherited it that way and gave his assurances that the new hotel would not be that way. Mr. Weston said they will stipulate permanent screening.

Jill Davidson said they need to consider this as a year round hotel.

Scott L'ecuyer said he is concerned about lighting and concerned about turn around on Berkley property. Mr. Weston said that is beyond the scope of tonight's hearing.

Rita Farrell said people come when they have a problem and they are unfamiliar with the process. She said the Board can put people at ease that their problems will be addressed. People don't understand the 5 minute tutorial up front.

Criteria # 1: There were no question from the Board. The attorney said the criteria has not been met that the neighborhood has beautiful single family homes and said designer took a risk for applying for the permit without the egress in place. Mr. Oliver said it's always been a 40 foot hotel with a basement and said only a small corner will have the walkout to ground level. He said they have minimized the impact and appearance. John (who is John? Degroat? Arnold?) said he agrees with importance of egress and expressed concern about obtaining a building permit after the fact and skirting the issue. Ms. Delventhal said this is the first special

exception they have come in for. Mr. Oliver said new plans will increase the cost and they wouldn't dream of "back dooring" it.

There was discussion about "what if it went over 60" and it was explained that would require a variance instead of a special exception.

Ms. Delventhal moved to accept criteria #1. Mr. Stebbins seconded. Motion carried (all in favor).

Criteria #2: There was discussion about the covered patio having an impact on the neighbors. Ms. Delventhal said it is not part of criteria 2. John Arnold said the neighborhood is 2 story single family homes and this request is not compatible with neighborhood. There was discussion about the hot tubs and the need for a retaining wall. Mr. Oliver said he is looking to see if a final retaining wall is needed. Mr. Stebbins moved to accept criteria #2. Ms. Delventhal seconded. Motion carried (all in favor).

Criteria #3: There was discussion about the egress being an emergency egress only and not guest ingress. There was discussion about where the door and window will be and whether or not the hot tubs will be there. Mr. Oliver said putting a door in will not generate substantial amount of noise, odor, or create substantial traffic. There was discussion about the patio and whether it has a cover or not. Mr. Oliver said they are not there asking for a change of use and a patio is permitted and doesn't require board approval. He said they have to talk about proposed changed not use. Mr. Haywood said the traffic is a component with the playground with traffic coming and going to access the playground. Donna Devlin Young asked what the spirit and intention asking for 11 feet is and said it is unusual because it is not at the top but at the bottom (ground level) and asked if it is for egress only or egress and ingress. Matt Kristoff said it wouldn't need a patio or hot tub if it was for egress only. Mr. L'ecuyer asked about noise and trash and was told it wasn't relative because it is only about the height. Mr. Stebbins said the concerns brought up at this meeting need to be brought to the Planning Board and said the final decision lies in the hands of the Planning Board. There was discussion about the concerns being appropriate for ZBA process or through the Planning Board process. Mr. Stebbins said it is the responsibility of the zoning board to accept criteria 3 with hot tubs and recreational area. Ms. Delventhal said Mr. Haywood made a valid point about the playground. Mr. Weston asked if the board could condition it to emergency use only and not to be used as a recreational area and the doorway limited to emergency egress only. Mr. Oliver said hotels generate traffic and it is an allowed use and said everything has been properly addressed by the planning board. Mr. Haywood suggested the Arlington give their word that it will be egress only. Mr. Stebbins moved to approve with doorway limited to emergency. Ms. Heintz seconded. Motion carried (all in favor).

Criteria # 4: Ms. Delventhal moved to approve. Mr. Stebbins seconded. Motion carried (all in favor).

Criteria #5: Mr. Arnold said a 50 – 51 foot building is not in the spirit of the neighborhood. Mr. L'ecuyer said the architecture seems boxy. Mr. Weston said the planning board has addressed

this and Mr. Strulovic has made an effort. Ms. Delventhal moved to approve. Ms. Heintz seconded. Motion carried (all in favor).

It was noted that all 5 criteria have been met with conditions.

Zoning

Screening- year round permanent

Emergency Access (amendment for exit only).

Ms. Delventhal moved to approve all 5 criteria with the conditions. Ms. Heintz seconded. Motion carried (all in favor).