

**BETHLEHEM PLANNING BOARD  
MEETING MINUTES  
September 9, 2015  
BETHLEHEM TOWN HALL MEETING ROOM**

Present: Mike Bruno, Chris McGrath, Andrea Bryant, Steve Gorman, Sandy Laleme, Don Lavoie and Dave Wiley.

Excused: Marie Stevenson and Jeanne Robillard

Mike opens the meeting at 6:30 and appoints Don Lavoie as a full member for Marie Stevenson.

Dolly McPhaul is in to see the board regarding an upcoming Joint Legislative Committee on Administrative Rules meeting scheduled for October 15<sup>th</sup>. Dolly is concerned the rule review and revision process is skewed more with the energy industry than with the people by giving the SEC the authority to preempt local planning and zoning board ordinances, master plans, and such. Dolly feels it is critically important that the Planning Board make it clear that this is not acceptable. The board discusses the matter briefly and decides to table the discussion until the end of tonight's agenda.

The Board reviews the minutes from 8/26/2015 and requests the following amendments:

1. Include that Dave Wiley had offered to review the checklist for Site Plan Review.
2. Make corrections the motion to adjourn; indicating that Dave Wiley made the motion and Marie Stevenson was the second.

**Motion made by Dave Wiley, seconded by Andrea Bryant, to approve the minutes as amended for August 26, 2015 Planning Board meeting. Sandy Laleme, Steve Gorman and Don Lavoie abstain due to absence, the remaining members vote in favor. Minutes are approved.**

Chris Hodge is before the board by the request of Dave Wiley to review the building plans for the new Arlington Hotel. Dave presents the board with the drawing that was approved with the Site Plan Review application, and the new plans, which are significantly different. Dave is concerned about a section of the building that creates a walk out from the basement level of the building and whether or not that walk out complies with the Town's ordinance that states the "No building or structure shall be greater than forty (40) feet in height, unless a Special Exception is granted by the Zoning Board of Adjustments. A discussion ensues as to whether or not there needs to be a Site Plan Modification Public Hearing to address this matter or if the applicant needs to go before the ZBA for a Special Exception. Concerns were raised that there was a change in terrain for the drainage of the walkout. It is brought up a couple of times that the Select Board has jurisdiction over the design of the building. Chris Hodge feels that the applicant would modify the plans rather than go before the board for a modification. Don raises concerns over the piles of earth at the corner of 302 and Lewis Hill Rd. Mike Bruno feels this will fall under the building permit and Dave will address it then.

Dawn points out to the board that currently there is not a Planning Board representative to North Country Council. She expressed a desire to fill the role. She feels consistent representation would help

the board utilize the services that NCC provides. Mike Bruno appoints Dawn as the new North Country Council Rep.

**Motion by Dave Wiley, seconded by Chris McGrath to make the legal opinion about the Site Visit procedure public. All in favor, motion passes.**

From NHMA Legal Services Counsel, Stephen Buckley, Esquire:

***Proposed site visit section 5.14 is a reasonable proposal and is well written.***

***Proposed Section 8.12 up to the last paragraph is a reasonable proposal and is well written***

***I have some concerns about the last paragraph. I believe the idea is to say that if the general public and/or the planning board is not permitted by the applicant to attend/conduct a site visit then the planning board may use this refusal as a reason to deny approval of the proposal. I would recommend the last sentence make reference to the fact that failure of the applicant to provide access to the site, in the absence of countervailing reasons such as health and safety concerns, would only be used as a basis for denying approval where a site visit is deemed to be essential for the board to fully evaluate the proposal.***

Sandy would like to see the board remove the last sentence; Andrea on the other hand feels it should be changed as the attorney suggested; Don feels, it the board thinks it's important to conduct a site visit for information gathering, then they should have the means to do it.

**Motion by Andrea Bryant, seconded by Steve Gorman that the proposed Site Visit procedure be amended as recommended by NHMA counsel Stephen Buckley.**

Discussion: Don questions whether this is in regards to changing the Rules of Procedure or the Site Plan Review Regulations. Mike confirms this is a change to the Site Plan Review Regulations. Don would like to have Dawn check the Rules of Procedure to see what the process is for such a change.

**Vote: Don, Andrea, Mike and Steve vote in favor. Sandy, Dave and Chris are opposed. Motion passes.**

Scott L'Ecuyer of 79 Berkley Street is in the see the board with questions about the Arlington project. Scott is concerned the Arlington has purchased land that fronts on Berkley Street, as well as a ROW that currently exists. The board refers Scott to Nicole McGrath to research any transfers of property.

Dawn proposes that going forward the agenda for Planning Board meetings follow the Rules of Procedure, which states:

*In accordance to The Bethlehem Planning Board Rules of Procedure, Section 4, Meetings, sub section (c) Order of Business shall be as follows:*

- i. *Call to order by Chairman*
- ii. *Town/Planning Board Secretary shall take attendance and recorded minutes & all votes*
- iii. *Minutes of previous meeting*
- iv. *Reading of communications directed to the Board*
- v. *Report of officers and committees*
- vi. *Unfinished business*
- vii. *Hearings on subdivisions/site plan reviews*
- viii. *Other business – public comment*

The board is in favor of following this order of business.

Dawn informs the board that because there was not a quorum at the last Master Plan meeting none of the work completed will be valid without a vote from the board. Dawn will request the revisions from June and email them to the board for review. Mike suggests the board try to make their second meeting of the month a Master Plan meeting rather than trying to schedule a third monthly meeting. Dawn will inform June of the change.

Don reminds the board it is the time of the year when they needs to begin thinking about warrant articles. He suggests looking at the general provision regarding lot coverage. In lieu of tonight's meeting it is also suggested the board look at the 40 foot height restriction. The current provisions read as follows:

*C. No building or structure shall be greater than forty (40) feet in height, unless a Special Exception is granted by the Zoning board of Adjustments. However, under no circumstances shall any structure, or building, exceed sixty (60) feet in height. Appurtenances, such as antennae, will not exceed an additional ten (10) feet over the highest point of the building or structure. Personal wireless service facilities and amateur radio antennae are exempted from this provision. (Adopted 3/9/99) (Amended 3/03)*

*E. In all districts building coverage on the site shall not exceed twenty-five percent (25%) of the lot area unless otherwise stated here in. (Adopted 3/11/08)*

Dawn will research other towns' ordinances to see what sort of language is being used.

The Board returns to Dolly McPhaul's request that the Bethlehem Planning Board weigh in on the SEC rule review. Sandy feels, at the very least, the board should write a letter against the preemption.

**Motion made by Andrea Bryant, seconded by Sandy Laleme, that the Bethlehem Planning Board writes a letter to the list of people provided by Dolly McPhaul opposing the Joint Legislative Committees attempt to give the SEC the power to preempt local Planning and Zoning Boards in the State of NH. All members in favor, motion carries.**

Sandy offers to contact Dolly for key talking points, and to draft the letter. The board will review at its next meeting.

**Motion made by Sandy Laleme, seconded by Dave Wiley to adjourn at 8:50.**

Respectfully submitted,

Dawn Ferringo  
Planning and Zoning Board Clerk

