

TOWN OF BETHLEHEM
Planning Board Public Hearing
January 25, 2023
Minutes

Present: Chair Mike Bruno, Vice Chair Anthony Rodrigues, Veronica Morris, Kim Koprowski, Martie Cook, Kevin Roy, and Alecia Loveless

Mike Bruno opens the meeting with the Pledge of Allegiance at 6:00.

Mike reviews the Rules of Procedure for public comment. *The time allowed for public comment will be set by the Chair at 3 minutes per person. Comments will only be heard from Town of Bethlehem residents and property owners. No one speaks unless recognized by the chairperson. Speakers must go to the microphone and state their name and address. Mike also reminds the public that this is not a question-and-answer period.*

Mike then reads the Public Hearing Notice.

The Bethlehem Planning Board will hold a public hearing at the Town Hall on Wednesday, January 4, 2023, at 6:00 p.m. to receive public comment on the following amendments proposed for the Zoning Ordinance of the Town of Bethlehem, New Hampshire.

PROPOSED AMENDMENT No. 1 for Public Hearing on Wednesday January 25, 2023

This amendment would make revisions throughout the Zoning Ordinance to clarify, update, and correct terminology; improve consistency; make editorial corrections; remove redundant, unused and unneeded language; improve organization of the document; conform with state laws and court decisions such as regarding accessory dwelling units, signs, and the Zoning Board of Adjustment; update agency references; and incorporate the stand-alone wind energy ordinance adopted in 2011.

Also renumber document accordingly after making changes and incorporating any additional amendments approved by voters.

Tara summarizes that the only substantive change made from the last meeting was based on Town Attorney Walter Mitchell's suggestion to not include removing the Impact Fees this year.

Mike points out situations where things were reworded /reformatted for clarity.

PROPOSED AMENDMENT No. 2 for Public Hearing on Wednesday January 25, 2023

This amendment would update language in Article XIV Floodplain Development and Article XXI Definitions as required for continued participation in the National Flood Insurance Program.

No changes between hearings.

Public input from Calum McNeil of 105 Main St questions the intent of this requirement from the National Flood Insurance Program.

PROPOSED AMENDMENT No. 3 for Public Hearing on Wednesday January 25, 2023

This amendment would update language in Article II General Provisions and Article XI Multi-Family Dwelling Unit Development in order to make the parking requirements in the Zoning Ordinance consistent with the requirements in the recently updated Site Plan Review Regulations. Detailed requirements would be removed from the Zoning Ordinance and the requirements contained in the Site Plan Review Regulations would be included by reference.

No changes between hearings

PROPOSED AMENDMENT No. 4 for Public Hearing on Wednesday January 25, 2023

This amendment would add a Home Business as an accessory use allowed in any dwelling in town. Site Plan Review would continue to be required when the public or certain types of impacts are involved.

No changes between hearings.

Public input:

Kathy Qi, 59 Pleasant St, does she need a permit to work from home? Does her daughter need a permit to bake from home? Mike reminds attendees this is not a question-and-answer period.

Wayne Derby, 134 Maple St. I've been in business in this town for 44 years with a sign up for 42 years. What constitutes heavy equipment? I run a guide business from my home. Is that allowed. Who gets to decide these things? You have the authority, but do you have the right?

Andrea comments that essentially everything is permitted, unless it meets any of the provisions listed in the Amendment 4.

***Would add the following new language at the end of Article II General Provisions:
Home businesses shall apply for Site Plan Review from the Planning Board when involving any of the following:***

- a. On-site customers or employees*
- b. Outdoor storage or activity*
- c. Signage or outdoor lighting*

- d. Noise, vibration, fumes, smoke, dust, glare, heat, or odors that may be perceptible at the property boundary.*
- e. Use or storage of heavy equipment*
- f. Truck traffic in greater than typical residential volumes*

Chris Noyes, 791 Cherry Valley Rd. Feels this amendment violates Constitutional rights and the town does not have the right to regulate these matters.

Kimberley Johnson, 215 Agassiz St. Thinks the amendment is way too vague and could be flushed out a little bit more.

Kathy Qi, does not think the Planning Board has the authority to enforce this amendment.

Calum McNeil claims this amendment is discriminatory towards the business owner. This violates the constitutional rights of Bethlehem's citizens. Why is the town putting this liability on itself?

Frank Buddense, 370 Old Franconia Rd. Feels this is over regulation and how does that effect his ability to sell his property in the future?

Veronica Morris wanted to clarify that the Housing Opportunity Grant is not in any way connected to any of the proposed amendments.

Eddie Qi, 59 Pleasant St. Came here for freedom. More and more regulations jeopardize our personal property rights.

PROPOSED AMENDMENT No. 5 for Public Hearing on Wednesday January 25, 2023

This amendment would give the Zoning Board of Adjustment the ability to grant Special Exceptions to allow expansion of nonconforming uses under certain conditions and would allow nonconforming lots to be developed under certain conditions.

Changes per advice from legal counsel are in **bold**.

*Nonconforming uses may be expanded only by Special Exception from the Zoning Board of Adjustment. The Board shall determine, in addition to the Special Exception criteria contained in Article XIX, that: a) the proposed expanded use will not be a substantial change from the nature and purpose of the original nonconforming use; **b) the change or expansion will comply with all other requirements of the Zoning Ordinance**; and c) the change or expansion will not have a substantially different or adverse impact on surrounding properties.*

All nonconforming lots on record at the Grafton County Registry of Deeds prior to the enactment or amendment of this Ordinance affecting the lot shall be considered buildable lots provided:

- 1. All required setbacks are met.*

2. A NHDES septic system permit has been obtained if not on municipal sewer.
3. A source of water is available on the lot with a protective radius required by NHDES unless on a public water supply.

PROPOSED AMENDMENT No. 6 for Public Hearing on Wednesday January 25, 2023

This amendment would bring the Zoning Ordinance into compliance with the provision of RSA 674:32 Manufactured Housing which prohibits requiring a Special Exception for manufactured homes on individual lots unless a Special Exception is also required for single family homes.

No changes between hearings.

PROPOSED AMENDMENT No. 7 for Public Hearing on Wednesday January 25, 2023

This amendment would replace existing language in Article VI Signs with language from the recently updated Site Plan Review Regulations for consistency.

No changes between hearings.

PROPOSED AMENDMENT No. 8 for Public Hearing on Wednesday January 25, 2023

This amendment would give the Zoning Board of Adjustment the ability to allow other uses similar to those listed in the Ordinance by granting Special Exceptions in Districts I-Main Street, I and IV, similar to the flexibility already allowed in Districts II and III.

Districts 2 and 3 already had this terminology. This amendment adds the terminology to District 1, District 1 Main St, and District 4.

Chairman Bruno closes the public hearing with a motion which is seconded by Veronica Morris. All Planning Board member vote in favor.

Chairman Bruno motions to accept proposed amendments 1 through 8 to be presented to the public for deliberative session and the ballot in March. Kim Koprowski seconded the motion and all Planning Board members voted in favor.

Tara will get the Warrant Article language to Mary Moritz tomorrow so the Warrant can be posted by Monday. Board will need to record a full set of the full amendments with the Town Clerk as well.

Mike proposes that the Board table the minutes for the next meeting and updates the Board on the Client Feedback Survey.

Kim Koprowski motions to adjourn the meeting. Martie Cook seconds and all members vote in favor.

Respectfully submitted,

Dawn Ferringo

