

TOWN OF BETHLEHEM
ZBA Public Hearing
October 22, 2024
Minutes

Present: Andrea Bryant, Ruth Heintz, Chris McGrath, David Van Houten, Josh Leiberman

Andrea Bryant opened the meeting at 6:00.

The board reviewed minutes from the three most recent meetings.

Chris McGrath motioned to approve the minutes from 7/23/2024. David Van Houten seconded the motion; motion carried 4-0. Andrea abstained due to absence.

David Van Houten motioned to approve the minutes from 8/28/2024. Chris McGrath seconded; motion carried 3-0. Andrea and Josh abstained due to absence.

Chris McGrath motioned to approve the minutes from 9/25/2024. Ruth Heintz seconded the motion; motion carried 4-0. David Van Houten abstained due to absence.

Andrea Bryant opened the Public Hearing and read the Public Hearing Notice for the Special Exception for Multi-Family Dwelling Unit for Housing Initiatives of New England Corp.

Josh Lieberman explained to the attendees that this project was multi-faceted and had to go before the Planning Board as well. No final approvals would be made on the entirety of the project this evening.

Bill Walker of Housing Initiatives of New England Corp (HINEC) gave a brief overview of the plan and introduced other members of his team: Scott Milliken from HINEC, Andrew Pieroni from Horizons Engineering, and Bethlehem Reimagined representatives Eric Raichle and Paul Greenlaw.

Eric Raichle, Ridgewood Lane, provided an overview of the property, the project, and the long-standing relationship Bethlehem has had with HINEC. Eric suggested that what was really up for decision this evening was whether or not this project was a good economic opportunity for the community. Eric stated that BRI was able to clean up the site of the former Sinclair Hotel without any costs to the town or its residents, and now, 46 years after the fire that took the Sinclair, it was time to move forward. He reminded everyone that BRI was a community development group; they work for the benefit of the community and HINEC has been part of our community for 26 years. As part of the sale price, BRI would receive a \$300,000 donation, which would be reinvested in the town.

Andrea Bryant explained that the ZBA does not consider the economic benefits and strictly looks at the facts that are land/property related.

Bill Walker then went over the survey map of the property and pointed out the location of wetlands, the abandoned tennis court, and the existing pool. He then began addressing the water/sewer accessibility, the underground power that would be provided by Eversource, the minimum parcel size (an application for a variance for density will also be heard), building coverage (which will be part of the Site Plan Review), and finished with a statement that none of the abutters were interested in helping with a 2nd access from Jefferson Street. He also noted that there were two more applications to be heard by the ZBA on Thursday: a special exception to the number of attached units allowed, and a variance for the building height. Lastly, he pointed out that there are 3 multifamily developments in the neighborhood.

Andrea opened the meeting for ZBA members to ask questions.

Ruth asked if the current Hillview Apartments were still being managed by Stewart Properties. Bill Walker confirmed they were. Ruth also asked what type of funding they were seeking. Bill explained it was a combination of funding; both low-income tax credits and a funding opportunity from NH Housing Authority, which has a deadline of October 31st. Ruth also wanted to know if the rent for these apartments was based on individual income and would HINEC be allowed to give Bethlehem residents preference. Bill responded yes to both.

Josh asked what number of Bethlehem residents are currently on the waiting list? Bill responded 55 people, but it depends on the amount of time they have to wait. Many may choose to move to another place until something comes available.

Chris wanted to know more about the conversation with the Village District and asked about the current treatment capacity. Andrew Pieroni responded that the cap capacity was 340,000 gallons per day and goes on to say in the first 9 months of 2024 the average was 236,000 per day, or 69.4% of the capacity, and the estimate for additional if the project was approved would be increased by 7,200 per day, or 71.5% of capacity. Andrea asked if they had anything in writing. They said the minutes hadn't been published yet.

Josh wanted to know if the sewer lines were going to run on Agassiz St. Bill Walker responded yes, they would tap into the existing sewer lines.

Ruth asked what the building coverage would be for the new lot. Bill responded 12% for the new lot. Andrea pointed out that there is a maximum building coverage of 25% in District I dimensional standards, so that would be met. Josh pointed out that in 2024 Ordinances there is not a 10% limit for district one.

Bill reiterated that this conversation was specifically for the Special Exception for the Multi-Family Dwelling and not the entire project.

The board reviewed the checklist.

David Van Houten motioned to accept the checklist as complete. Josh Lieberman seconded; a unanimous vote followed.

The ZBA began to review the application.

Special Exception Criteria

The proposed use, structure or change to a structure or use:

Criterion 1 - Shall meet the requirements of the Bethlehem zoning ordinances and is consistent with the spirit and intent of the Bethlehem Master Plan.

HINEC explained they are trying to expand their current use of multi-family in District 1, which is allowed by Special Exception. Currently they operate a 20-unit, affordable housing project for seniors located on the adjacent lot. They are proposing an additional 32 units of affordable senior housing on the expanded lot.

HINEC will be promoting the health, safety, and welfare of the community by providing safe and secure, affordable housing for Bethlehem seniors, improving on an abandoned site, and substantially improving the current Hillview property. Additionally, the new building will be within walking distance of the downtown area shops and services, which is noted in Goal 5 of the Master Plan. Additionally, this will contribute to Master Plan Goal 1, maintaining the “small town feel because there will be screening.”

Josh Lieberman stated that if it was not intrusive it wouldn't need screening.

Andrea Bryant had questions about the “proportion of green space,” Bill Walker responded 66.9% .

Chris McGrath was concerned about the size of the building and noted when he took part in writing the current Master Plan ten years ago, a three-story building was not what he had envisioned.

Josh Lieberman feels the parcel size might require a special exception and a variance.

Andrea opened the floor to residents attending the meeting.

Ian Dowling, 1505 Prospect Street, was happy to learn the applicant listened to concerns and relocated the building. He agreed we need senior housing but noted that workforce housing is also needed. He asked if Bethlehem residents would have priority for these new units. Bill Walker noted that Bethlehem residents would have priority.

Fire Chief Jack Anderson, 52 Muchmore Rd, wanted to assure everyone that such new buildings are built to be fire resistant and therefore the fire aspect of the buildings is minimized. He added that HINEC is a reputable organization, and he thinks this project is much needed. He agreed with Ian Dowling regarding work force housing and stated that seniors would leave their current living situations to move into the new housing project, and thereby free up more units for work force housing.

Josh Lieberman asked Jack if there are any special considerations to evacuating disabled seniors from the third floor. Jack noted that this would be addressed in the safety plan, and that the fire department can override the elevator.

Andrea Bryant asked Chief Anderson how many calls were from Hillview last year. The chief responded there were 14 medical calls and 2 fire calls. Andrea also asked if Jack felt comfortable with access for the town's fire trucks. He responded yes.

Heidi Van Luven, daughter of Rita Farrell of 52 Agassiz St, had many concerns: lights, emergency calls, the size of the building, the lack of a traffic study, and access to water.

Andrew Pieroni from Horizons Engineering stated that the traffic study was in the works. He also noted there had not been enough time to get a hydrologic study done for these applications, but it would be part of the wetlands permitting.

Heidi Van Luven said it would be hard for the ZBA to make a determination without more information. She also felt property owners had not received early enough notice. She was concerned about approvals being made without more work being done.

Josh Lieberman noted that each approval is contingent on the other approvals.

Bill Walker said the stream would be unaffected and maintained. He noted that other items such as wetlands permits would also be contingencies.

Richard Southwell, 219 Longfellow Dr, shared Heidi Van Luven's concerns. He understood that the Town wanted to be accommodating, however, this process shouldn't be rushed. He stated this was not to the town's benefit, but the developer's. He added that traffic studies matter. He expressed concern about the tight squeeze of the project on the property.

Stefan Shapiro, 44 Jefferson St, stated that he appreciated the plan and the time and effort it took to put it together, but has concerns about the nature and character of downtown. He doesn't think it is always beneficial to people in town and feels there are contrary motives. He questioned the validity of 32 Bethlehem residents being housed immediately.

Andrea read a letter from Andrea and William Knowles of 126 Cross Street, who opposed the proposed oversized building, which they felt does not belong on the small 2.36 acre lot. They also opposed the building's height, the closeness to adjacent properties, other structures and wetlands.

Andrea Bryant read the letter received from abutter Linda Herman, 2060 Main St, who was concerned about water runoff draining onto her property and the large size and scope of the building in her backyard.

Jared Sullivan, 64 Congress St, State Representative for Bethlehem and Franconia expressed support for the project and reminded the board that "all housing is good housing." He pointed out

that this housing would free up other housing opportunities in Bethlehem and the project shouldn't be dismissed. Finally, he added that strict regulations lead to expensive housing and preserving character can be restrictive to developers.

Brenda Vital, 49 Jefferson St, and an abutter of the property expressed concern for the affects this project will have on her property. She realized that morning, while sitting on her back deck, that if it passed, she would be staring at the building and have no more morning sunlight. Andrea then read the letter submitted by the Vital family.

Shane MacElhiney, 67 Fairview Dr, pointed out that this discussion is about the Special Exception for a Multi-Family Dwelling only and reminded everyone that this is a property that the Town wants to develop well for its future. If it's not this project, it will be another project on this site. However, he felt the rush question is a legitimate one as there aren't any other applicants looking to develop this site. Finally, he questioned whether a small town feel really exists in Bethlehem and agreed that there are many unanswered questions.

Josh Lieberman agreed with Shane and wondered what the cumulative effects would be for future applicants if this project didn't get the go ahead.

KP, 46 Agassiz Street, a Hillview Apartments resident, expressed concerns that traffic through the existing development would create a thoroughfare, posing safety issues for residents. She also expressed concerns about emergency services access.

Allegra Wright, 106 Congress St, felt that the rush for funding is unfortunate and thought that the biggest problem with the proposal was the look of the building. She understood we need housing in Bethlehem, but felt the design needed to change because it cheapened the neighborhood.

Andrea Bryant brought the conversation back to the criteria of the Special Exception application. She did not think the project was in the spirit of the Master Plan.

Chris McGrath didn't feel this plan fit with Master Plan as it was written.

Andrea reminded everyone that they couldn't talk about the project, just the Special Exception for Multi-Family housing.

Josh Lieberman agreed that the ZBA is just considering the special exception. He also pointed out that this would be a conceptual approval and not for the entire project.

Ruth Heintz moved to approve Criteria 1. Josh Lieberman seconded the motion. Andrea Bryant voted to approve, David Van Houten abstained, and Chris McGrath voted against the approval. Motion passed 3-1.

Criterion 2 - shall not negatively impact the health, safety, or general welfare of the neighborhood and/or the town, including but not limited to noise, odor, vibrations, glare, hours of operation, traffic, lighting, runoff, and/or pollutants.

HINEC responded that they would be promoting the health, safety and welfare of the community by providing safe and secure, affordable housing for Bethlehem seniors, improving an abandoned site, and substantially improving the current Hillview property.

HINEC added that they believed that the project would not create any issues that would negatively impact the neighborhood including, but not limited to, noise, odor, vibration, glare, hours of operation, traffic, lighting, runoff, and/or pollutants. Senior, affordable housing is not known to be a nuisance for neighborhoods. They stated they would manage all runoff onsite.

Chris McGrath stated that without a traffic study there is no way anyone could decide if traffic will be a problem. He would also like to see a letter from the Village District about access to water and sewer. He was deeply concerned that there weren't any outside professional opinions pertaining to this project.

Ruth Heintz was concerned that the abutters would be sacrificed and that needed to be considered. She would feel different about this project if it was on Main Street.

Bill Walker from HINEC wanted to set the record straight on a few things.

- The occupancy will be 32 residents, not 64.
- Only 80% of the residents at Hillview 1 have cars.
- The tree canopy will prevent scenic views.
- The district is made up of mostly small lots; only 84 lots meet the zoning requirement.

He added that he reached out to the Village District 3 weeks ago for a statement, but never heard back from them.

Andrea Bryant felt there were too many unanswered questions about the project.

David Van Houten made the point that the ZBA heard 11 comments from attendees; 8 opposed, 1 in favor, and 2 in the middle.

Rich Southwell asked how the ZBA can even consider this application without a traffic study.

Roland Schick, 2056 Main Street, stated the Variance application should have come before the Special Exception application. The impact on the abutters is huge and if this goes through, they will have no recourse; light, noise, loss of daylight, all of this would have an adverse effect on their lives. The massive building would be only 40 feet from his son's home.

Andrea felt the ZBA needed legal consultation and wanted to continue the multi-family special exception consideration.

David Van Houten moved to deny criterion 2. Chris McGrath seconded the motion and Ruth Heintz voted in favor of denying, Andrea Bryant abstained, Josh Lieberman voted not to deny criterion two. The motion passed 3-1-1. The application for Special Exception was therefore denied on the basis of criterion 2 not being fulfilled.

Josh Lieberman stated this project came on too fast and too abruptly for the abutters.

Bill Walker said he would like a clear picture of what the negative impact on abutters is. He also stated that some people would like to see the lot remain empty forever.

Andrea expressed that if someone wanted a building that close to them they would live in the city not Bethlehem. If the project was more like the current Hillview is now, it would be more in character with the neighborhood.

Ruth reiterated her comment that the project was better suited for a Main St property. Bill Walker responded that this project is an extension of the existing Hillview Apartments and therefore can't entertain another location.

David Van Houten moved to adjourn the public hearing at 8:48 pm. Josh Lieberman seconded, all voted in favor. Meeting adjourned.

Respectfully submitted by,

Dawn Ferringo, Planning and Zoning Board Clerk

