

TOWN OF BETHLEHEM
Planning Board Meeting
January 8, 2025
Minutes

Present: Linda Moore, Alecia Loveless, Kevin Roy, Jerry Blanchard, Sally Fitzgerald and Veronica Morris (via zoon)

Absent: Sean Gawlik,

Linda Moore opened the meeting at 6:00 pm and read the public hearing notice for the Crowe Family Investments Subdivision. Steve Boulanger is presenting the project.

The Planning Board reviewed the application checklist for completeness. Two items were missing from the site plan: the address of the owner and the existing and proposed topography was at five-foot intervals instead of two.

Alecia Loveless made a motion to waive the 2-foot interval requirement and accept the 5-foot intervals provided. Linda Moore seconded. Motion passed 6-0

Alecia Loveless motioned to accept the application is complete pending the address of the owner. Jerry Blanchard seconded the motion. Motion passed 6-0.

Linda invited Steve Boulanger to present the project.

Steve noted that there is a state road approval pending contingent on Bethlehem and Littleton's approval.

Linda invited the abutters to the table to review the plans.

Alecia motioned to approve the subdivision contingent on the owner's address being added to the plan and the approval of the Littleton Planning Board. Linda Moore seconded the motion. Motion carried 6-0

Linda closed the public hearing at 6:24.

Linda opened the public hearing for the Zoning Ordinance amendments at 6:27 and read the Public Hearing Notice.

Proposed Amendment No. 1 would make Hotels, Motels, and Condotels by Special Exception in Districts I, II, III, and IV; Remove Hotels, Motels, and Condotels from the definition of Public Accommodations and add individual definitions for Hotels, Motels, and Condotels in Article XXII, Definitions.

Article No. 1

Are you in favor of the adoption of Amendment No 1 to the Bethlehem Zoning Ordinance as proposed by the Planning Board as follows: remove motels, hotels, and condotels from the definition of Public Accommodations, add new individual definitions of Hotels, Motels, and Condotels, and allow those uses by Special Exception in all Districts except District V, the Landfill District?

Linda opened the floor for the public to comment.

Mike Bruno, 38 Whitcomb Hill, is concerned that this will add another level of bureaucracy and may turn businesses away from Bethlehem. He stated that District 3 was designed to be a commercial zone and thinks the blanket change for all districts would be a mistake.

Chris McGrath of 38 Mount Lafayette Way and ZBA member offered some context on how the suggestion for this change came about during a recent ZBA public hearing. He stated he no longer thinks it is appropriate and asked that the Board wait another year so more discussion could be had. He also felt the Town should not limit their only commercial district.

Linda Moore is concerned there isn't enough time to work through these proposed changes. She also feels the district 3 concern is valid.

Kevin Roy agrees this is going too quick and adds he thinks it sends an anti-business message.

Josh Lieberman, ZBA member, feels there are disparities in how commercial housing interacts with the Master Plan and feels those things should match up better to clear up gray areas and gaps. He feels this amendment should be suspended and more of an effort made to make it part of the updated Master Plan.

Mike Bruno agrees, let the Master Plan drive the changes.

Jerry Blanchard feels the Planning Board hasn't discussed it enough and supports putting it on hold.

Sally Fitzgerald agrees with postponing it.

Jerry Blanchard motioned to table draft amendment number 1 until a more complete conversation is had. Linda Moore seconded the motion; a unanimous vote followed.

Proposed Amendment No. 2 would propose changes to the Town's current Sign Ordinance to help reduce light pollution.

Article No. 2

Are you in favor of the adoption of Amendment 3 to the Bethlehem Zoning Ordinance as proposed by the Planning Board as follows: Amend Article VI to prohibit new internally lit signs and to require all external lighting to be aimed downward and to require lighting of signs to be dimmed by at least 50 percent, motion-activated, or turned off outside of business operating hours. Existing signs are exempt until they are modified.

Under the proposed change, no internally lit signs would be permitted because the light cannot be shielded and directed away from public streets and adjoining structures such as homes. Signs may be externally lit only, using lighting that faces downward. In addition, sign lighting shall be dimmed by 50 percent, or turned off, outside of business operating hours. Existing signs would not be affected.

Selectboard member Nancy Strand feels the existing lights should be addressed.

The Selectboard Chair Mike Bruno is happy this is being addressed. He agrees with Nancy and thinks the town should incentivize current businesses to come into compliance. Mike also stated that he feels signs should be under the jurisdiction of the Planning Board rather than the Selectboard.

Rachelle Lyons, a Conservation Commission member feels strongly that the town doesn't want to create an undue burden on existing businesses.

Chris McGrath questions if this will affect the library sign, to which he was told no. He is also concerned this amendment might hurt small businesses.

Casey MacDonald of 71 Fairview Ave would like clarification on the following: *Whenever an existing internally lit sign is modified, extended, expanded or added to, it shall be subject to the requirements of this ordinance.* Is changing a lightbulb count as modifying, or is that changing the sign entirely? What specific changes are we talking about? He feels it's a great ordinance, but it doesn't do anything to change the offending lights that are already in place.

Rachelle Lyons doesn't feel an ordinance is the best approach to bring existing signs into compliance and thinks there are some other avenues that can be taken.

Doug Arion thinks a change in possession would be another opportunity that triggers bringing a sign into compliance and suggests adding that to the amendment.

Alecia Loveless makes a motion to change the second line in the last paragraph from "whenever an existing internally lit sign is modified, extended, expanded or added to, it shall be subject to the requirements of this ordinance" to "whenever an existing internally lit sign is modified, extended, expanded, or added to, or if there is a change of ownership of the business it shall be subject to the requirements of this ordinance.

Jerry seconded the motion.

James Gleason asks if that should read change of ownership of the business or the property, or both?

Alecia amends her motion to read owner or operator.

"whenever an existing internally lit sign is modified, extended, expanded, or added to, or if there is a change of owner or operator of the business it shall be subject to the requirements of this ordinance.

Jerry seconds the amended version. Linda, Alecia, Veronica, Jerry, and Kevin voted in favor. Sally Fitzgerald was opposed to the changes. The motion passed 5-1.

Linda Moore moved to adopt draft amendment No. 2 with changes. Alecia seconded and a unanimous vote followed.

Proposed Amendment No. 3 would propose changes to the lighting ordinance to protect human and ecological health, preserve the benefits of safe, healthy outdoor lighting, provide clear guidelines for its installation and operation, and encourage widespread adoption of the five principles of responsible outdoor lighting put forth in the guidelines developed by the Illumination Engineering Society and Dark Sky International.

Article No. 3

Are you in favor of the adoption of Amendment 2 to the Bethlehem Zoning Ordinance as proposed by the Planning Board as follows: repeal and replace Article VIII, Lighting, to require all new and modified outdoor lighting to be shielded, directed downward, and designed to prevent spillover onto neighboring properties or public areas; to require lighting hues to avoid certain blue hues; and to require commercial and industrial lighting to be reduced outside of business hours, avoid excessive illumination, and prevent glare. Temporary, emergency, and seasonal lighting are exempt, as well as existing fixtures until replacement, will be exempted from the requirements of the new provisions.

The Conservation Commission Chair Cheryl Jensen gives an overview of the amendment and introduces fellow Conservation Commission member Rachelle Lyons and local scientists, and Bethlehem resident Doug Arion are present to answer any questions.

These proposed changes aim to prevent the spread of light pollution, enhance safety, limit energy waste, protect the well-being of residents and local wildlife and preserve the rural character of our night skies.

The proposed ordinance does this by establishing clear guidelines for outdoor lighting to reduce glare, limit light from trespassing onto neighboring properties, and improve the functionality of outdoor lighting.

Doug Arion suggested a change of ownership should also be incorporated into the updated light ordinance and suggested "Exception A" should be changed as follows:

From:

- a. Existing non-conforming structures and uses are exempt. Any time a fixture is being replaced or changed, it *must* be brought into compliance.

To:

- a. Existing non-conforming structures and uses are exempt. Any time a fixture is being replaced, changed, **or if there is a change in ownership**, it must be brought into compliance.

The Board chair requested the clerk check with the attorney to see if a change in ownership could trigger a requirement to bring the lighting into compliance.

Chris McGrath has concerns if Amendment 2 fails and Amendment 3 passes there is a discrepancy and suggested the removal of section D in the Requirements, which states: "Internally lit signs are prohibited." Chris also had concerns about the change in ownership triggering coming into compliance. He feels that there might be a hardship on new residential owners. He's also concerned that enforcement has not been addressed in the ordinance, nor has any information regarding fines been shared.

Josh Lieberman of Swazey Lane feels the enforcement mechanism is denial of the permit. He agrees with Chris, there are limited ways this can be enforced.

Allegra Wright, Congress St. would like to know how these changes effect Town Hall. Select Board member Veronica Morris noted that if the article passes then the lights at Town Hall will have to be updated.

Chris Jensen agrees with Chris McGrath, "internally lit signs are prohibited" should be removed from the light ordinance. Josh Lieberman also supports the removal of "internally lit signs are prohibited." A discussion ensued.

Linda Moore motioned to strike "Internally lit signs are prohibited" from section d of the Requirements section of the light ordinance. Alecia Loveless seconded. The motion passed 6-0.

Alecia Loveless motioned to accept proposed amendment number 3 with changes. Jerry Blanchard seconded. Motion passed 6-0.

Proposed Amendment No. 4 would propose changes to the septic system requirements for Short Term Rentals.

Article No. 4

Are you in favor of the adoption of Amendment 4 to the Bethlehem Zoning Ordinance as proposed by the planning board as follows: Amend Article XVII regarding Short-Term Rentals ordinance to remove the requirement that the owner provides a NHDES approved septic design in the event of system failure.

Veronica Morris, Select Board and Short-Term Rental Committee remarks that this is just part of what the STR is doing and comments that this is not the full text she submitted. The full changes are:

EXISTING: The septic system is properly functioning, with a NHDES permit on file for the number of bedrooms. For systems without a NHDES permit on file, an evaluation by a NH Certified Septic System Evaluator will be required, along with a current NHDES-approved design to be constructed in the event of system failure.

CHANGE TO: The septic system is properly sized and functioning as demonstrated by one or more of the following: (a) NHDES septic permit from the time of construction that documents the system size and number of bedrooms; (b) an evaluation by a NH Certified Septic System Evaluator; (c) a statement by a septic servicer within the past 12 months with number of gallons pumped and that the system did not appear to be in failure at the time it was serviced.

Mary Moritz, Town Administrator, joined the conversation to address how this would appear on the ballot. There was a difference of opinion, and it was determined to continue the public hearing to January 22, 2025 to finish Article 4.

Alecia Loveless motioned to continue the Public Hearing to January 22, 2025. Linda Moore seconded. Motioned passed 6-0.

The Clerk addressed the Board requesting they consider putting a 3rd quarter deadline in place to accept proposed zoning amendments to give the Planning Board enough time to thoroughly review what is being proposed and allow proper time for public hearings and legal review.

The Planning Board reviewed the minutes from 12/18/24.

Alecia Loveless motioned to approve the minutes from 12/18/2024. Sally Fitzgerald seconded. Motion passed 4-0.

The Clerk requested a vote to move forward with the warrant article for Professional Services.

Jerry Blanchard motioned to move forward with the warrant article for professional services. Alecia Loveless seconded. Motion passed 6-0.

The Clerk reminds the Board members whose terms are ending of the signup period from 1/22/25 to 1/31/25.

Alecia Loveless motioned to adjourn the meeting. Jerry Blanchard seconded. Motion passed 6-0.

Respectfully submitted by,

Dawn Ferringo, Planning and Zoning Clerk