

**April 5, 2016
Planning Board**

Members Present: Chair Ernie Allain, Regular Members, Greg Estrella, Martha Creegan, Mark Evans, Tom McCue, Lori Langlois, Alternate Members Richard Cassidy and John White

Members Excused: Lucie Remillard, Susan Tremblay, Aline Boucher

Others present: Jennifer Myers, Code/Housing Clerk; Pam Laflamme, Community Development Director; Stephen Capone, Mike Caron, Steve Kinney, Barbara Tetreault, Berlin Daily Sun; Helene Rayborn and guest

Mr. Allain opened the meeting at 6:30pm

Public Comments – there were no comments

Approval of February Minutes

Mr. McCue stated that the following had been omitted and asked that it be added to the March 1, 2016 Planning Board Meeting Minutes:

耀 ***Site Plan Review – Conceptual Consultation – Map 136Lot 28/Thibodeau***

Mr. McCue stated that the Thibodeaus had been clients of his law firm. However, he knew of new pecuniary interest in this matter, and, further, since this was a Conceptual consultation, he did not need to recuse himself.

耀 ***Pg. 2 Paragraph 7***

Mr. Evans stated that the Planning Board had accepted a site plan that wasn't formally done for the Crabby Patty's (market/fruit stand). *Add: The Planning Board had allowed a waiver for a formal site plan.*

耀 ***Correction: Signage Discussion (Pg. 4)***

Mr. Evans, not Mr. McCue, inquired whether the Verizon sign on Route 16 would meet these new guidelines.

Mr. Evans moved to approve the March 1, 2016 meeting minutes with the cited corrections with a second from Mr. Estrella to approve. So moved, the motion carried.

Lot Mergers—Ms. Laflamme presented the following as lot mergers proposed to the City:

Bryant Funeral Home—180 Hillside Ave Map 119 Lots 208 and 178

This lot was purchased from City. As a requirement of the purchase agreement per the City Manager, the vacant lot must be merged with the owner/purchaser's adjoining lot. When asked what the lot might be used for, Ms. Laflamme stated that she did not know. Mr. Cassidy asked if City's new ordinance would determine the lot's use. Ms. Laflamme said it would not.

Ms. Creegan moved to approve the lot merger, with a second from John White. So moved, the motion passed.

Skaradosky—386 Champlain St Map 130 Lots 342 and 343

This lot was purchased from the City. As a requirement of purchase, the City states that the purchaser must merge the lot with their abutting land. Ms. Laflamme stated that there is nothing unusual with this lot merger.

Mr. Evans moved to approve the lot merger, with a second from Mr. McCue. So moved, the motion passed.

Franz— 77 7th St Map 127 Lots 175 and 195

Referencing the GIS map provided, Ms. Laflamme stated that in this case, the purchaser has a very small lot on which his house is located and he is acquiring a much larger lot. The lot was acquired by the City and the house was demoed. Once again, as a requirement of sale, the purchaser must merge the vacant lot with his abutting land. Ms. Laflamme noted that there was nothing unusual about the lot and that the purchaser would retain his property address on 7th Street, not the address of the vacant lot that is a Sweden Street address.

Ms. Langlois moved to approve the lot merger, with a second from Mr. Evans. So moved, the motion passed.

Riff—32 Corbin St Map 114 Lots 64 and 65

Ms. Laflamme referenced the GIS map provided. The parcel of land was purchased from the City. By merging the lot with their current property, the purchaser will now have a 100 x 100 lot. As a condition of the sale, the lot must be merged. The property is located closer to the Gorham town line. There is nothing of record that is unusual with this property.

Mr. Estrella moved to approve the lot merger, with a second from Mr. Cassidy. So moved, the motion passed.

Berlin Industrial Properties Map 140 Lots 21 & 22

Ms. Laflamme stated that the property owner, Capon Iron Corp. Northwoods, will be presenting their site plan for expansion, however the merger of land would need to be approved before moving forward with their plan to expand the facility. Ms. Laflamme also noted that this particular piece of land was merged before, then unmerged at the time Capone Iron Corp. purchased the property. They are asking that it be merged once again.

Mr. Evans moved to approve the lot merger, with a second from Mr. McCue. So moved, the motion passed.

Site Plan Review—Capone Iron Corp. Northwoods Expansion Map 140 Lots 21&22

Mr. McCue made a motion that the application for Site Plan Review of Capon Iron Corp. Northwoods Expansion was complete. With a second from Mr. Evans the motion passed.

Ms. Laflamme introduced Mr. Capone and Eric Grenier of HEB Engineers. She stated that Mr. Grenier's presentation would be for an expansion of the main building, which is the 1st building on the right, closest to East Milan Road. Mr. Grenier of HEB Engineers presented the proposed expansion of the Capone Iron facility which includes a manufacturing shop, snow drift roof, and drainage to accommodate the expansion and those who abut the facility's property.

The now merged property is a total of 8.3 acres. The site has an approximate 960' frontage on Industrial Park Road and a 420' frontage on East Milan Road. The site is located within natural resource overlay zones including a Wellhead Protection overlay and Special Flood Hazard Area overlay, so Capone Iron will also be seeking Special Use permits for each of these zones.

The expansion of the main building is for a 16,000 square foot shop. It will remain open for steel manufacturing. The plan shows it smaller than what they want to do. A new 70' wide gravel access drive is also proposed. The site will be accessed by the new entrance drive on driveway closest to East Milan Road. This will require a driveway permit which was obtained at an earlier Planning Board meeting. Truck traffic will now be limited to this drive. This will allow them to keep cars and trucks separate. The driveway that will be used for car traffic is in the middle by the office.

To meet the City's requirements, they will have two drainage ponds to manage run-off. Snow storage areas have been identified around the site. The site has an abundance of parking, it can easily accommodate 82 parking spaces. This amount of parking is not needed, but it has been indicated on the site plan to show that parking requirements have been met. The addition will be sprinklered for fire protection. Referencing the hand-out, Mr. Grenier noted the lights over the proposed man-doors. The safety lights will be mounted to the building. There will be 2 garage access doors. Mr. Grenier pointed out that there is no lighting shown on the plan for these doors, but it may be added if safety is a concern. The site plan also proposes an 8' x 10' sign and flagpole to be installed by the middle access drive on the Industrial Park Access Road side. The minimum setback of 10' from the property line has been indicated to meet sign ordinance requirements. Mr. Grenier noted that the fabric roof indicated is not part of the proposal. Also, that the office addition shown has already been done. The proposed 16,000 square foot expansion will feature garage doors so that trucks will go around back of building to enter it then exit western most drive. Mr. Grenier stated that the roof on the proposed expansion may be a little bit bigger than what is shown on the site plan but will still conform to the required setbacks.

Referencing the color photo of the property Mr. Grenier showed that the green part of the building is the office additions. The proposed expansion will sided with tan metal siding to be consistent with what is already being used in that zone. Mr. Grenier stated that the zone is currently Industrial Business and they are seeking a permit for expansion of the current use.

Mr. Allain inquired when they planned to start construction. Mr. Grenier replied as soon as the site plan was approved. He also noted that there are currently 10 employees working at the site and this expansion will allow for 40-50 employees. Mr. Estrella inquired about parking. Mr. Grenier answered that parking is currently used in front of the office building and near the western most entrance. Parking is currently graveled so it won't be striped. There is plenty of parking for the proposed building on site. Mr. Cassidy asked if Capone Iron foresees storing any material outside. Mr. Grenier questioned whether he meant finished material. Mr. Cassidy clarified, any material that is coming in that is prefabricated. Mr. Capone stated that he doesn't believe in holding inventory (to store), materials are bought per job. He explained that product enters the northwest side of building where finished product will be loaded onto trailers immediately following fabrications.

Mr. Cassidy inquired if there was concern that the parking lot would flood during spring? Mr. Capone stated that when they had previous improvement work completed they did regrade and has worked well so far. Mr. Grenier indicated that the current structure is above flood plain elevation, the addition will be too. Mr. McCue referred to the parking spaces and that there are more spaces than needed. He questioned if that space would increase Capone's impervious surface. Mr. Grenier stated they have included it. The increased building area, increased the number of parking spaced required. There are 2 drainage ponds proposed. The roof is designed to pitch to the east side (back), all run-off will sheet flow into the pond and be retained, then released.

Mr. McCue asked if with entrances there would be any issues with traffic on East Milan Road. Ms. Laflamme inquired how many truck deliveries Capone would expect in a day. Mr. Capone replied that he didn't think there would be 4 trucks within an hour. To see 4 trucks in and 4 trucks out in one day would make it a good day. Mr. Grenier added that the industry standard is a 48' trailer, and the site entrances at Capone accommodate 53' trailers (interstate truck), which he believed is the same size of those coming down the current truck route in Berlin.

Mr. Estrella inquired about drainage. Mr. Grenier cited the ditch that runs along the perimeter to the retaining ponds. Mr. Estrella asked about the volume of runoff. Mr. Grenier stated that the drainage system will accommodate a 25 year storm event and storage up to a 50 year storm event. It has been designed with multiple outlets for the water to runoff in stages.

Mr. McCue asked about the land abutters and referenced the survey plan from York Land Services. Ms. Laflamme stated that the Berlin and Coos County Historical Society is the owner of that land. For years the gardens managed by the City have encroached on this property. Mike Perrault, Berlin City Public Works, will flag the property lines so that nobody encroaches on property when planting this summer as they've done in the past. This is of concern especially when this will be an active building site.

Mr. Evans mentioned that the industrial park sits on top of an aquifer and wondered what protections are going to be put in place. Mr. Grenier responded that Capone Iron does not have any on-site hazardous waste storage and it does not generate any. Mr. Cassidy inquired if Capone paints any of their material. Mr. Capone stated that painting is minimal. They are also in the process of going to a water-based paint. They currently use a mineral spirits-based paint but will be going to latex. They will not be using 2-part epoxy. Even with these precautions the painting they do need done is sent out to paint houses. Mr. McCue brought up lighting. Mr. Grenier stated that lighting will be minimal. There will probably be lighting on the proposed man-doors. There will be no significant light improvements to property, just the proposed safety lights over the doors. Mr. McCue mentioned the complaints from neighbors regarding the lighting at the federal prison. Mr. Grenier replied that there would be no poles installed. Ms. Creegan inquired whether or not they light the parking areas. Mr. Grenier replied that it is not currently lit. Mr. Capone stated they will provide enough lighting to provide safety. He also appreciates light pollution sensitivity on behalf of the City. They will provide the minimal amount of lighting to provide safe passage to vehicles.

Mr. Estrella asked if they had need for fire protection in that building to which Mr. Grenier responded that it will be sprinklered. The existing building is and the expansion will be sprinklered as well. Ms. Laflamme stated that there will be three approvals to vote on: the site plan, the wellhead protection area special use permit, and the flood zone overlay special use permit.

When asked if there would be a public hearing, Ms. Laflamme replied that it is scheduled for tonight. Mr. Allain can open the public hearing.

At 7:08 p.m. Mr. Allain opened the public hearing. He asked if the public in attendance had any comments. Ms. Tetreault asked what the purpose of drift roofs was. Mr. Grenier stated that the proposed structure is higher in elevation than the current building. It is easier to build these small snow drift roofs to take the snow load from the current building.

Mr. Mike Caron stated that Berlin Water Works has given its approval and that the Berlin Industrial Development & Park Authority has approved the project as well.

Special Use Permit for the Wellhead Protection Overlay zone. Ms. Laflamme stated that the Planning Board would vote as the Special Use Permit Granting Authority (SUPGA) to approve the construction of the proposed addition. Mr. Evans made a motion to grant a special use permit for construction of the building addition in the Wellhead Protection Overlay zone. The motion being seconded by Ms. Langlois, the motion passed.

Special Use Permit for a Special Flood Hazard Overlay Zone. Ms. Laflamme stated that enforcement of this special use permit will be City of Berlin building inspector. Mr. Evans made a motion to grant a special use permit for construction of the building addition in the Special Flood Hazard Overlay Zone. The motion being seconded by Mr. Estrella, the motion passed.

Site Plan Approval. Ms. Laflamme noted that there didn't seem to be any conditions to offer and that everything proposed is within regulations. Mr. McCue added that he would add the condition that the building be subject to all local, state, and federal regulations. Mr. Evans made a motion to approve the site plan for Capone Iron noting Mr. McCue's condition. The motion was seconded by Mr. White. The motion passed.

Project Updates

Ms. Laflamme stated that it has been very busy in planning and building. There is the site plan tonight and another two will be presented next month. CN Brown on Mason Street will be putting up a new, bigger store. They will make the office side for the oil business, as well as the Big Apple convenience store bigger. There will also be a Recovery Center submitted by Hope for New Hampshire. Their planned site is formerly Clarkie's Market. The building is owned by David Poulin.

There will be a community meeting Tuesday, April 12th at Berlin High School. Right now there are concerns from the community of the center coming to town. The presentation will explain what they are all about and what will actually happen at the center. It will be a question and answer type forum for the public. Ms. Laflamme stated that this would be a great opportunity to be informed in preparation of next month's site plan review. She will email the information. She welcome board members to invite others to the meeting. This group has been working on bring this center to Berlin for months. They are very excited and energetic to move forward with the project.

Ms. Creegan asked if the Hope for New Hampshire Recovery Center would only be working with people in Berlin, not bring people into town. Ms. Laflamme responded that they will be working with people who have already completed treatment. This center will help them by having meetings, activities, and opportunities for support. This will give them some place to go. No one will be driving hours to get here to utilize the center. Centers like this are popping up in other cities in the state. This is just a day facility, not a residential facility. They may in the future provide a waiting space when someone is waiting for access to treatment, providing waiting beds. Mr. Estrella inquired if the local medical profession would be involved. Ms. Laflamme replied that it would only be involved to the point that those using the center would know where to go for medical treatment.

Ms. Laflamme said she is also working on a lot line adjustment and a few more lot mergers.

BIDPA will be starting to cut 30-40 acres of trees behind The Chalet tomorrow. They will leave a healthy buffer of trees along the road, houses, river, and brook. They have hired a forester for this project.

Mr. Estrella inquired about the Thibodeau site plan Review from the March Planning Board meeting. Ms. Laflamme stated that there had been a suggestion to waive the formal plan. After that meeting she spoke with the City Attorney about the waiver. She stated that the City is currently in litigation with another land owner who had a similar plan at this time. The City Attorney was clear that this was not a good idea and the Planning Board should not waive the plan. The site plan runs with the land, not the property owner. The attorney was very clear that we cannot waive this for one business and not for another. The plan memorializes what is on the ground and where it is when it changes ownership. Ms. Laflamme has given the Thibodeau's until July 1, 2016 to come back with an actual plan, and go in front of the Planning Board at August's meeting. Ms. Creegan questioned whether or not the Board needed to go back to the Crabby Patty's owner for a site plan. Ms. Laflamme responded that they did not and in that case there was already an existing building that changed use. They went from two businesses to just one. The City Attorney indicated there was no need to go back. Mr. Cassidy asked about the electron sign verbiage that was proposed. Ms. Laflamme stated that it is not ready at this time. She hopes to have it ready for the May meeting.

Mr. Estrella asked if drainage would be an issue for the Capone expansion. Ms. Laflamme replied that with Site Plan Approvals it is expected that applicant's provide a plan that will tie into the City's systems. The City does not want to be treating more water than necessary. The drainage should not change from what it currently is, there shouldn't be any more due to the building expansion. With HEB being the engineers on the project she feels comfortable with their projects and the work. She is confident that the pre and post drainage will be the same as before the expansion as they explained earlier.

Other Business

Ms. Laflamme stated that is April and that the Planning Board will need to elect a chair and vice chair. If there is going to be a change, now is the time to do it. Ms. Creegan made a motion to re-elect Mr. Allain as chair and Mr. McCue as vice-chair. Ms. Langlois seconded the motion, the motion passed.

This is Mr. Evans' last meeting.

The Office of Energy and Planning will have their conference on the 1st Saturday in June. Ms. Laflamme will send out the information to the Board. For anyone who attends, the City will pay their registration fee.

Public Comments

Ms. Tetreault from the Berlin Daily Sun stated that there is a meeting Thursday, April 14 at the Mahoosuc Inn for the river protection group. Ms. Laflamme questioned whether or not this was a meeting that the public could attend. If it is, she will send out the meeting information to the Board. She believed it to be a river management advisory group.

Member Comments

Mr. McCue noted that the date indicated on the meeting's agenda was incorrect and should be Tuesday, April 5, 2016.

Mr. Evans shared with the board that it had been great working with everyone for the last 4 years.

Ms. Langlois inquired if the site plan regulations were handed out at March's meeting. Ms. Laflamme responded that she had and it indicated all changes that will be made. She also stated that the Planning Board will need to set a public hearing at next month's (May 3, 2016) meeting to vote whether they will adopt or amend the regulations. Ms. Laflamme will have a clean copy of the Site Plan Review Regulations next month for review.

Planner Comments – Ms. Laflamme stated that on Wednesday, May 18 at 6:00 p.m. there will be a community meeting with Stand Up Androscoggin Valley. The group will be building an asset inventory of things to do in the Androscoggin Valley.

Adjournment – Mr. Evans made a motion to adjourn the meeting. With a second from Mr. McCue the meeting closed at 7:50 p.m.

Jen Myers
Code Enforcement Admin Clerk