

August 1, 2017
Planning Board

Present were: Regular Members Tom McCue, Greg Estrella, Helene Rayborn, Richard Cassidy Ex-Officio Member Jen Myers, Naomi Levesque

Ex-officio Member Lucie Remillard and regular members Lori Langlois and Aline Boucher were excused for the evening

Others Present: Pamela Laflamme, Community Development Director; Michel Salek, Code Enforcement Officer; Barbara Tetreault, Berlin Sun

Public Comments – No one spoke

Approval of July Minutes

Mr. Estrella moved with a second from Mr. Cassidy to approve the July 2017 minutes as written. So moved, the motion carried.

Lot Mergers

Map 132 Lots 122 & 123

630 Howland Street, the smaller lot, was purchased last fall by the owner of 628 Howland Street. Ms. Laflamme confirmed with Code Enforcement that the house at 630 Howland Street was recently demolished allowing the owner to merge the two parcels. The new address for both will be 630 Howland Street.

Ms. Levesque made a motion to approve the merger of Map 132 Lot 123 and Map 132 Lot 122, seconded by Mr. Estrella. All in favor, the motion carried.

Map 119 Lots 375 & 376

There is a house on the smaller lot, 656 First Avenue. The owner would like to build on the vacant parcel and by merging the two will have a conforming lot of record to do so. The new address for both will be 656 First Avenue.

Ms. Levesque made a motion to approve the merge of Map 119 Lots 375 & 376, seconded by Ms. Rayborn. All in favor, the motion carried.

Excavation Expansion – Granite State Holdings, LLC – Tax Map 410, Lot 3

Ms. Laflamme stated that the application for the excavation expansion is complete as presented.

Mr. Cassidy made a motion to accept the application as complete as presented, seconded by Mr. Estrella. All in favor, the motion carried.

Josh McAlister of HEB presented the Site Plan Review for Mr. Allen Bouthillier of Granite State Holdings, LLC, the owner of the gravel pit. Mr. Bouthillier was permitted to excavate materials by the board previously for the municipal project on Route 16. He is now seeking approval of a commercial application for commercial sale of the aggregate. The property is 921 acres in size and the gravel pit is 9.4 acres of the overall lot which is located up the hill from Route 110. Due to size it is abutted by various parties, including Mr. Bouthillier as he owns other properties, the State to the west, and other individual owners.

The pit is generally 2,000 feet from any other property. However, it does get closer to the King property than 2,000 ft. This property is now solely owned by Patricia King. She met with Ms. Laflamme and had no objections to the project.

The property is currently being used as a gravel pit. They are pulling ledge out of the ground using blasting. It will continue to be stock piled on site.

There is a sedimentation swale to collect sediment, so runoff will be clean. All upland areas aren't anticipated to be reclaimed. Any blasted areas will have to meet the State RSA for reclamation. An Alteration of Terrain Permit application was applied for through DES. They did receive a request for more information dated July 21, 2017. They anticipate responding to DES by the end of the week and expect approval in a couple of weeks.

Nothing will change from now, they will continue to be doing the same thing as far as excavation. Mr. Bouthillier commented that there is enough material to keep taking out without changing.

Ms. Laflamme asked if they already have an Alteration of Terrain? The total disturbed area is only 4 acres. How long can one excavate? We have to give an expiration. What is reasonable? Mr. Bouthillier replied that he has other pits and quarries and those permits are good for 5 years and then he can renew. The Alteration of Terrain is good for 5 years and then renew. Mr. Bouthillier stated, in 5 years he will give the board an updated copy of what's happening. Ms. Laflamme specified that whatever he gives to DES, we would require a copy. Mr. McAllister commented that DES requires that they must give a copy to the municipality.

Regarding blast vibrations, Ms. Laflamme inquired if there were any logs or complaints about vibrations or noise? Mr. Bouthillier replied, those go through the Fire Chief and he hasn't heard anything if there has been.

Ms. Laflamme reminded the Board that Mr. Bouthillier needed a special exception to excavate, which he got last year. The Special Exception runs with the land, so he will not need it again.

Ms. Laflamme asked about ATV access. Mr. Bouthillier stated that is was gated as he doesn't want anyone getting hurt. They could probably find a way in, but he don't want them in there.

In terms of reclamation, it is not going to change from what Jay Poulin estimated last time (Special Exception approval), is the \$5,000 bond enough? It doesn't change? Mr. McAllister answered no, they are just looking for the ability to sell to someone other than you (the City). It is the same area.

In the Alteration of Terrain Permit, who does the inspections to make sure things are in place? Mr. McAllister responded that it is the responsibility of owner through their consultant to prepare a manual. Theoretically, DES should be requesting it annually. It is owner run, and DES does the overview. With it being a gravel pit there is even more oversight. There are also other agencies involved.

Mr. Cassidy inquired if the city would be liable and had questions regarding taxation. Ms. Laflamme stated that Mr. Bouthillier does an intent to excavate every year that is submitted to the City so he can be taxed. Mr. Bouthillier commented that at end of the year he does a report and turns it in. It is just like a timber tax.

Mr. McCue opened the Public Hearing at 7:02pm

Richard King, 107 Jericho Road and 111 Jericho Road, Berlin, NH

A couple of things I want to bring up. I know you did the merger on First Avenue, is that a commercial area? Ms. Laflamme told Mr. King that during this time his comments could only be regarding this project.

I'm an abutter. The comment as far as blasting. I sit on ledge with my property and I haven't felt any of that from the blasting at my property. Worst possible thing is some of the trucks when they are climbing the hill, I can hear them. It is during daytime hours so I don't have any problem with it at all.

Mr. McCue closed the Public Hearing at 7:04pm

When asked about the comments the DES has made regarding the AoT Permit, Mr. McAllister said that he found some of comments to be inaccurate i.e. residential wells. They weren't scaling right or using the whole property boundaries, not the site. And a comment about wetland delineation, we aren't near one so we aren't going to delineate.

Ms. Rayborn inquired if private people would be able to purchase the aggregate or if it was just for commercial use. Mr. Bouthillier replied he will sell to anyone, as long as there is demand for it.

Mr. McCue asked how much processing they could do. Mr. Bouthillier has a portable screening operation and they just keep moving around. Mr. McCue asked if they have different types of aggregate you are producing and was told that yes, they'll make more products. Right now they have been taking care of the City's needs.

Ms. Rayborn wanted to know if there would be a website with all of the products available. Mr. Bouthillier said yes once he had permission to move forward.

Mr. Estrella asked if Mr. Bouthillier uses a rock crusher and if any of the neighbors have complained. Mr. Bouthillier said they haven't and then Mr. Estrella asked if they create a lot of dust to which he was answered that no, they have to have dust control on their equipment.

Ms. Laflamme read through a list of conditions the board may want to put in place for the permit:

1. This approval shall expire on August 31, 2022.
2. The applicant will be eligible to extend this permit for another five years by submitting prior to 8/31/2022 a written status update and any required plans and paperwork due to NHDES at that same time.
3. Blast vibrations from the site shall be monitored with equipment at the base of the property and will meet NHDOT blasting standards, location of the equipment shall be shared with the City.
4. A reclamation bond of \$5000.00 shall be posted to the City of Berlin for the duration of the project.
5. A reclamation plan shall be implemented within two years of nonuse or one year of depletion of the excavation site.
6. If the scope of the project is to be altered from the plans submitted and dated 5/17/2017 drawn by HEB Engineers, so as to affect either the size or location of the excavation, the rate of removal or the plan for reclamation, the owner shall submit an application for amendment of the excavation permit which application shall be subject to approval in the same manner as provided for an excavation permit (refers to NHRSA 155-E:6)
7. All federal, state, and local permits for the project shall be placed on file with the Planning Department.

Mr. Cassidy made a motion to approve the continued project of Granite State Holdings, LLC as presented with the conditions as read by Ms. Laflamme; seconded by Mr. Estrella seconded. All in favor, the motion carried.

Property Surplus Discussion

Map 118 Lot 194 – Ms. Levesque recommended putting the lot out for sale as it is level and seems buildable. It is on a dead end street and has a 90 degree banking at the back of the property to the street above, guessing it is all rock. Not sure about run off or erosion. Alpine Machinery is behind it.

Map 132 Lot 23—Ms. Levesque recommended offering the land to whoever it appears is currently mowing a strip of the parcel. It is all the way up to the top of the hill. There is a roadway that goes up, not sure if it belongs to PSNH, it isn't public. There is a parking lot above the lot and it is the last point on the street. Guessing the patch of woods is the property. Looks like a 50 x 100 lot between the house below it and parking lot above it. Quite a good slope. Not sure if you could build there or not.

Map 126 Lot 65—Ms. Levesque recommended selling this lot to an abutter who might want a buffer. It is on a dead end street. You can go in about 35-45 feet before there is a drop off. Where the woods are there are a lot of low downs, which could potentially be built on. There are various types of hardwood trees.

Map 121 Lot 35—Ms. Levesque stated that this lot was really tough to figure out. The closest residence is 448 Church Street. The wooded section has a pretty steep incline, but then levels off and is full of boulders. Next to it there is a grassland type area that would be good for building. There are a lot of lots next to it that look like they are owned but aren't developed.

Map 112 Lot 32—Ms. Levesque stated that an abutter would be interested in purchasing this lot for a reasonable price. This parcel is a very narrow strip between two houses. Ms. Levesque spoke to the neighbor at 273 First Avenue. It looks like the lot is being used as driveway by this abutter. The property owner at #273 stated that at one point this parcel was supposed to be sold, Nancy Cortez-Haskell was the owner and this property owner is still the neighbor. The abutter mentioned \$500.00 as a reasonable price.

Map 130 Lot 189—Ms. Levesque recommended selling this parcel to abutters to maintain an open space. This lot is already cleared, has a bit of a slope, and retaining walls that are slightly cracked. It is a good sized lot at 50x100. This is a potentially buildable lot or could be sold to abutters. There is no access to private parking if you did build on it, only street parking.

Map 126 Lot 107—Ms. Rayborn recommended selling to abutters. This parcel is on Norway Street passed Eleventh Street on the left. It is a tight corner there. The land has a slope to it. There is a house up there. The neighbor doesn't have a driveway up by their house but have to park down the street.

Map 125 Lot 7—Ms. Rayborn does not think this lot is sellable. The lot is located on Sweden Street just passed Twelfth. It is wooded and very steep. Mr. Cassidy commented that the neighbor is using it as their own personal property and he believes it is Greg Marrer.

Map 126 Lot 18—Ms. Rayborn recommended offering this lot to the abutter who is currently using it as a parking lot and junk lot. The lot is located on Denmark Street. It is tot real deep and looks dumpy. Mr. Salek commented that it is it isn't buildable, and there is a lot of fill in the back. Ms. Laflamme stated that there are three legal abutters we could offer it to.

Map 119 Lot 13—Ms. Laflamme stated this parcel could only be offered to abutters as it is a tiny strip of land about 22 feet wide.

Map 119 Lot 304—Ms. Laflamme recommended selling to the one abutter who is already using it. The lot is 56 x 78, so it's not a buildable lot of record. The sidewalk actually takes up some of the lot.

Map 106 Lot 20—Ms. Laflamme recommends selling this parcel. It is a piece of land the City has owned for a longtime. The parcel is 7 acres of land and is on the left hand side heading towards the State Park. It is diagonally across from big blue building on Route 110. It has a frontage of 100 feet on Route 110. The land can't be subdivided. Historically, it was used to hold gas tanks.

Map 406 Lot 17—Ms. Laflamme recommended selling this lot. It is a triangular piece of property. There is 300 feet of frontage, .65 acres in size. The lot doesn't meet standards for rural Residential. It is buildable, if someone wants to do the site work.

Map 130 Lots 211,212,213,214—Mr. McCue stated that they are very, very steep. You just barely get off the roadway and it drops 20-30 feet down to Burgess Street. It doesn't look like there's anything you can do. Looks like the streets are holding it up.

Map 131 Lots 46, 47, 48, 49, 50, 51, 52—Mr. McCue did not feel these were sellable unless abutters have some interest. The lots are located on Hillsboro Street, going over to Burgess Street.

Map 117 Lot 21—Mr. McCue stated that the lot is very steep and it looks like the property is being used by an abutter.

Map 120 Lot 257—Mr. McCue recommended that the City look into what is happening on this lot. It is located on the corner of Burgess and Merrimack Streets. There is a little picket fence and flowers across the front. "It leads me to believe the people next door have

been making use of it.” The three family residence next to it is for sale. He believes it could be misleading to potential buyers that the lot would be included with the residence. Map 130 Lot 95—Mr. McCue recommended trying to sell to abutters as the lot is located on Beaudoin Street, which is a paper street.

Zoning Discussion

Ms. Laflamme is working on language for adding large scale solar to the Zoning Ordinance. The zones the City would consider allowing large scale solar/solar farms are Rural Residential, Industrial Business and Jericho Gateway. The reason for these three is that we have the most land available and are most likely the ones someone would come to us for such an installation. The zones also have the parcel size that is required. Rural Residential and Jericho Gateway would allow use by Special Exception and Industrial Business would allow use by right. All would have to go through Site Plan Review. We won’t change what is required for roof mounted solar systems in residential applications.

There was discussion about Mt. Forist, which already has wind up there, and it has a pretty big top, and Mt. Jasper which is not feasible, there are sensitive lands up there.

The definition of Solar Photovoltaic (PV) System would be used. It is defined as: A solar collection system consisting of one or more building systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation.

There was discussion about residential solar and zoning and what needs to be in place before it will be allowed, language is not ready yet. These steps are just opening the door so that someone can do it, we are not trying to make it easy for everyone to do. It is allowing for the possibility if someone would like to do it.

Mr. McCue stated he knew of two instances where there have been major disputes. People didn’t realize how big the panels would be. He thinks it is a good to get it started.

Ms. Laflamme asked if there were any objections of her taking this language and what she’s prepared to City Council.

Ms. Levesque cautioned that the Board should think about placement and advocate for more lower level properties than upper level. So as to not adversely affect abutters, for example blocking out their sun.

Mr. Salek suggested elevation restrictions when approving.

Think about: They City has received a request. An individual bought property on Route 110. Currently there is no mechanism to do what they want to do. What they described was having vendors and renting spaces. There would be no building. It could be a place where people might sell food or maybe other items. The owner would fence it on all side, there are two driveway access points, like a driveway. He can see it as having a theme and paths would go to each vendor.

If it was food and like a farmers market, there would be codes and running water and bathrooms. The City is not sure what to call it or permit it. They are thinking that worst case scenario, a neighbor buys a lot next to it and wants to do the same thing and they don't do the maintenance the other guy does. Even if we do come up with something, it's going to take time to come up with language for it.

Ms. Laflamme hasn't found any examples of this exact scenario, she is looking to find something similarly regulated here in NH.

There was discussion of what members have seen that might resemble this as well as impact of allowing it.

Project Updates

Ms. Laflamme deferred Project Updates to September's meeting.

Other – No one spoke

Public Comments –

Richard King, 107 Jericho Road, Berlin, NH

The First Avenue property you talked about, is that being changed to commercial? Ms. Laflamme responded that it is not being changed. It is listed as Residential General. It allows for many operations, one of which is Home Occupation. She then listed what is allowed and the restrictions for a Home Occupation in the zone.

Lot line adjustment. I was going to have to do a whole survey or just merge when earlier this year with my property with my ex-wife. Was there a reason I couldn't just do that? Mr. King continued with what he felt should have been done with his lot. Ms. Laflamme invited Mr. King to schedule a time to come to her office and to talk about it. He stated, Okay, I'll be in.

Member Comments

Mr. Estrella asked if the City was progressing on the program for snow melt. Yes, but we can't officially say anything until Monday at Council. The grant is obligated. This is for the feasibility study.

He also inquired if it was possible to remove obsolete signs. There was some discussion of the sign inventory and what will be done. Hopefully, spring 2018 we can order new signs and remove and order new signs.

Members offered suggestions what the City could do with money they are getting from the State.

Ms. Rayborn asked where the Brown family home that was torn down recently was located. She'd seen an article and wondered where in town she might go to see this site. There was discussion of the possible locations in town.

Ms. Levesque wanted to know if there was any word about the campground on Route 110. Ms. Laflamme replied that they are in discussions with the owner.

Mr. Cassidy inquired if the greenhouse people had purchased the land from the City. Ms. Laflamme stated that the City is very close. Attorneys are being very thorough and should be on their last round of review. Once they are done a closing can be scheduled.

Ms. Rayborn wanted to know if any members knew why there was a For Sale sign in the window of Xing Long Garden. There was some discussion about the neighboring properties putting up For Sale signs and perhaps the restaurant seeing if they would get any leads on prospective buyers. Ms. Laflamme answered that she knows they are working on getting their liquor license and that the owners had come in seeking support from Council to get their liquor license.

Planner Comments

Ms. Laflamme did not have any.

There being no further business to come before the Board, Ms. Rayborn moved to adjourn; Ms. Levesque seconded and the motion carried. The meeting ended at 8:39pm

Jen Myers
Administrative Clerk