

## **September 5, 2018 Planning Board**

**Present were:** Regular Members Tom McCue, Lori Langlois, Greg Estrella, Richard Cassidy, Helene Rayborn, Naomi Levesque, Christina Lefebvre, Alternate Member Lane Strahan, Alternate Member Aline Boucher, and Ex-Officio Member Lucie Remillard.

**Others Present:** Pamela Laflamme, Community Development Director; Lise Barrette; Michel Salek, Code Enforcement Officer; Jim Wheeler, City Manager; Jay Poulin, HEB Engineers; Jeff Hyland, Ironwood Design Group; Barbara Tetreault of the Berlin Sun and members of the public.

### **Planning Board Members sat in on the Berlin Multi-Use Riverwalk Trail Proposed Action Public Meeting**

Jay Poulin from HEB Engineers and Jeff Hyland from Ironwood Design Group, LLC did a general project overview (see attached PowerPoint). He also went over public input from the June 5<sup>th</sup> 2018 meeting and the June 21, 2018 meeting. The top five preferred amenities and the top five preferred activities from the online survey were reviewed. The five distinct project areas were shown and discussed, as well as vegetation and environmental issues. Various Riverwalk elements were reviewed: access, structures, historic, lighting, and planting,

### **Public Comments:**

Some concerns brought up by the public were:

- The locked fence to Heritage Park to get to the boat docks which will continue to be locked.
- Will they ever have boat tours again? This park design is not part of that planning at this time but Mr. Hyland explained that it certainly is something that can be looked at in the future.
- The species of trees. Mr. Hyland says that it been discussed but and they plan to get a variety of trees.
- It was commented that the railroad ties are not put in steps because people will climb them and instead put them up high in some sort of sculpture reflecting a railroad.
- Bathrooms: Ability to get a bigger bathroom in the future, continued maintenance of bathrooms, handicapped accessibility, a push button door opener for wheelchair bound people, large changing table for handicapped adults.
- Will there be power outlets for people to access? There will be some power outlets and USB ports integrated into the benches.
- If the park will be maintained for winter use, has maintenance been discussed with the City? Clearing/plowing snow, salt/sanding, snow removal. Yes it has – required by the terms of the grant.
- Parking access is mostly on the street. Possibly have a temporary parking area for backing vehicle in to remove a kayak and place next to the water in the Rotary Park area.
- Possible rooftop over the bateau to preserve it.

- Path is entirely pavement for easier maintenance.
- Dogs allowed in park, pedestal with disposal bags available. This needs to be discussed by Council.
- Who's going to clean the debris (logs caught up on the boom peers) in the river? Mr. Wheeler explained that by DES we are not supposed to touch trees fallen in the river unless it's a safety issue.

**The meeting moved upstairs to the Council Chambers at this time.**

### **Public Comments**

None

### **Approval of August Minutes**

Ms. Rayborn made a motion to approve the minutes of the July 10, 2018 meeting as written. Ms. Levesque seconded the motion. All in favor, the motion carried.

### **Driveway Curb Cut Application Appeals**

**Denis Riendeau, 809 Fifth Ave** had a Driveway Curb Cut Application dated 8/27/18 denied by Public Works. The applicant wants a total curb cut of 29' which is over the 24' curb cut allowed for the size lot he owns. The reasoning for a limit on curb cuts was discussed including plowing, snow placement and drainage. In looking at the adopted design criteria, Mr. Riendeau is allowed another 4'. Discussion ensued around the definition of frontage. If this was to be changed it must get done in the future as part of a change to the regulations. Councilor Remillard stated that in looking at this specific situation she thinks a waiver should be granted. Ms. Levesque says she has taken a look at the property and now feels that to take away additional curb cut it will lose the snow storage space and it will impact neighbors. Councilor Remillard made a motion to approve the waiver based on that there is enough frontage and it will not affect anyone. Motion was seconded by Ms. Rayborn. Majority voted against, motion did not carry.

**Jeffrey and Jessica Morgan-Allain, 57 Jasper St.** had a Driveway Curb Cut Application dated June 21, 2016 denied by Public Works. A recent application for the same driveway was submitted on August 28, 2018 which was also denied by Public Works. They are requesting an additional 10' on the Jasper St side, but they have already exceeded their limit of 24' by currently having 27' curb cut on River St side. They also expressed in the new application that a new neighbor has moved in and parks in front of their dirt driveway on Jasper St, therefore they are requesting the curb cut. Mr. Cassidy made a motion to deny the waiver. Mr. Estrella seconded the motion. Ms. Levesque brought up the issues of snow and having room to put it and Jasper Street is pretty narrow. Majority in favor to deny the waiver with Ms. Remillard voting against the motion, the motion carried.

### **NHMA 2019-2020 Legislative Policy Proposals**

Chairman McCue indicated that he served on the NHMA Land Use and Planning Committee and the City Council has authorized him to represent the municipality and vote on behalf of the City of Berlin.

Mr. McCue explained that there were three committees that came up with 15 policies. Some of the proposed legislation involved questions like, "Who would regulate the utilities use of the roadway?" At this time the Site Evaluation Committee supersedes local control. This was discussed in conjunction with the Northern Pass.

Mr. McCue commented on the proposed legislation for delinquent taxes. The interest for delinquent taxes would be reduced as well as the interested rates for municipalities and townships that are placed on property tax abatements. He also mentioned short term rentals (Airbnb's) legislation that hat authorizes municipalities to regulate. He handed out an article in concerning Meredith's situation they are currently going through with short term rentals. Meredith is giving their planning board the authority to make any ordinance changes they deem necessary. Ms. Remillard asked whether it's possible to verify if and any of these properties were part of a legitimate short term rental organization. Mr. McCue said that they are required to pay Meals and Rooms tax with the Department of Revenue therefore we can track them down through those means as well. Ms. Lefebvre questioned the difference of how parking is dealt with for a regular single family home at this time. Mr. Salek, Code Enforcement, explained the procedures. The board will continue to watch this legislation.

Mr. McCue indicated there is a proposed legislation that would allow a municipality to adopt more recent Building and Fire Codes than what the State has. Ms. Levesque asked if the Site Evaluation Committee was able to trump towns on issues like the Northern Pass. Mr. McCue said that issue has been brought up and it needs more clarification.

### **Project Updates**

Skate Park – Construction documents are 100% complete and construction will be starting at the end of September.

Welcome Sign- Pam will be viewing some samples tomorrow, the granite is ready and the project is coming along.

Route 110 – This project is almost finished. They are still working on the removal of the overgrown mulch flower beds which will be replaced with grass. Ms. Rayborn asked about the small fenced in park and said many people have questions about it. Ms. Laflamme confirmed that it was not a dog park, it's a fenced in park for small children which will have all natural playground features.

Hillside Avenue Bridge – This project is coming along and is scheduled to be done by the first week of October.

### **Other**

#### **Lot Merger – Map**

Shadow Ridge, LLC just purchased another lot 126-68 which is adjacent to their large lot 126-1. They would like to merge Lot 68 with their Lot 1. The purpose for acquiring a large amount of land is for their horses. A motion to approve the merging of these lots was made by Ms. Remillard. Ms. Rayborn seconded the motion. All in favor, the motion carried.

Barbara Tetreault, Berlin Sun, asked about the status of the North Country Growers and their land purchase. Ms. Laflamme replied that it is still being negotiated.

### **Public Comments**

### **Member Comments**

Mr. McCue reminded everyone to go vote on next Tuesday. He also indicated he wasn't allowed to serve on the Election Committee because he is part of the Planning Board

Ms. Laflamme reminded everyone about the School Funding meeting tomorrow night at the Berlin Middle School Auditorium.

### **Planner Comments**

Next meeting will be on Tuesday October 2<sup>nd</sup>.

### **Adjournment**

There being no further business to come before the Board, Mr. Cassidy made a motion to adjourn, seconded by Ms. Remillard. All in favor, the motion carried. The meeting ended at 9:00 pm.

Respectfully Submitted,  
Lise Barrette