

## **September 14, 2021 Planning Board**

**Present were:** Regular Members: Chair Lori Langlois, Vice Chair Tom McCue, Suzanne Wasileski, Ex-Officio Members: Lucie Remillard and Lise Barrette; Alternate Members: Theodore Bosen and Dan Whittet.

**Excused were:** Regular Members: Anthony Valliere and Brian Valerino; Alternate Member Jennifer Lazzaro.

**Others Present:** Pamela Laflamme, Community Development Director; Michel Salek, Building Inspector; Peter Donovan, Assistant Fire Chief; William Carroll, Berlin Daily Sun; Cindy Theriault, Engineer for Northwoods Casino; Monique and Robin Lavertue, Northwoods Casino; Thomas Godley, 28 Peavey Lane; Shawn Lettre, 25 Peavey Lane; Wayne Bergeron, 15 Peavey Lane; Don Bouchard, Horizons Engineering; Trevor Davis, Brookfield Renewable Energy Group; Amy George

Chair Langlois appointed Alternate Members, Dan Whittet and Theodore Bosen as voting members.

### **Public Comments**

None

### **Approval of August 2021 minutes**

Mr. Whittet made a motion to approve the minutes of the August 2021 meeting. Mr. McCue seconded the motion. All in favor, the motion carried.

### **Site Plan Review – Timberland Adventures Inc., Tax Map 407 Lot 15 (continued from August 10, 2021 meeting)**

The Site Plan Review is not ready at this time and is being tabled. This is the official Public Notice for a continuance until the October 5, 2021 meeting at 6:30pm. No notice will be mailed or published, this is an official notice of record.

### **Site Plan review – RM & Associates LLC, Tax Map 128 Lot 217, 823 Main Street, conversion plan-Northwoods Casino**

**Mr. McCue made a motion to accept the application as complete. Ms. Remillard seconded it. All in favor, the motion carried.**

Mr. McCue shared that he was the volunteer Treasurer for Berlin Main Street Program, one of the charities benefitted by the Northwoods Casino. However, he has no personal or pecuniary benefit from this Site Plan and doesn't feel he would need to recuse himself but he wanted to share the information with the board.

Ms. Cindy Theriault shared the plan and photos with the board. They are moving the casino operations to 823 Main Street. They are planning on making interior building

improvements with no exterior or site changes at this time. It is zoned Business General with Residential Two Family surrounding the property. The same entrance and exits to the parking area will remain as well as outdoor lighting. They plan on using the same sign post as well as adding some building signage. There will not be any changes to storm and drainage systems. Snow storage will be in the far back of the parking lot.

There was some discussion around the numbers of existing exits which were shown on the plan. If during construction they find additional emergency exits would be needed they would be built.

Chair Langlois asked about possible food deliveries. Ms. Lavertu explained that eventually they will have bar type food items delivered, but there are no plans for a restaurant.

Mr. Bosen asked for a projection of how many more people they expect to get at their new site. Mr. Lavertu says they currently have an average of 35 people a day and they expect those numbers to triple. The State is now going to allow historical horse racing machines which they expect will attribute to the increase of people.

Mr. Bosen asked if they have any sort of connection with Gambler's Anonymous. Mr. Lavertu said they already do have the contact information for help posted as well as a formal policy in place to watch for any possible issues seen. They also have a very large sign for Gambler's Anonymous.

There was also some discussion around the charities the casino works with. 35% of the take goes to charities. Once a charity is on board with their operations, they remain until they want to be removed.

Chair Langlois recessed the Planning Board meeting and open the public hearing at 6:40pm.

Thomas Godley, 28 Peavey Lane, spoke against having a casino in his neighborhood. He believes this is something that should be located on the outskirts of a town. Mr. Lavertu responded that the current location of the casino is located in the middle of town and there are no issues. Mr. Godley later stated he wanted a study done as to what effects this would have to the neighborhood.

Mr. Shawn Lettre, 25 Peavey Lane, also spoke against the location of the casino. He believes there will be more traffic and parking issues on his street. He also believes that the current parking spaces at that location would not hold triple amount of people they are expecting to have and people will then park on Peavey Lane. The garbage pick-up is off Peavey Lane and he doesn't think there will be enough room there because they already have them stopping across the street at AV Home Care. With lack of snow removal from the street it will cause more congestion and problems. He thinks there will be more danger, drunk driving, and crime and his property value will go down although his taxes keep going up. He expects to have more police presence in the neighborhood. He asked if other places were looked at and was assured that yes, other locations were considered.

Mr. Wayne Bergeron, 15 Peavey Lane, spoke against it also. He brought up issues of the lack of parking on Peavey Lane which they are already experiencing. He also feels it will lower his property value by a creation of more issues in the neighborhood.

Chair Langlois closed the Public hearing at 6:50pm.

Ms. Theriault clarified that most deliveries will be done at the front door off the parking area and not on Peavey Lane, although there is sufficient space for vehicles to back into off of Peavey Lane.

Chair Langlois opened the Public Hearing once again at 6:52pm. Ms. Laflamme read the following letter from Kelli Poulin, Chair of the Berlin Main Street Program into record.

September 14, 2021

Dear Berlin Planning Board members,

I am writing this letter on behalf of The Berlin Main Street Program in support of North Woods Casino's move to 823 Main Street. I believe the move would help increase Main Streets visibility and activity. North Woods Casino has been a great addition to the City of Berlin by helping many non-for-profit organizations financially through their fundraising program.

Thank You,

Kelli Poulin, Chair

Berlin Main Street Program.

Chair Langlois closed the Public Hearing and resumed the Planning Board Meeting at 6:55pm.

Mr. Lavertu expressed that they have been in operation for four years and have not had any complaints. They have never needed emergency services except for an issue with burnt hot dogs setting off fire alarms. They have the same size parking lot in their current location and although they expect their clientele to triple they will not be visiting all at the same time. He feels they have sufficient parking in this new location and there is also parking available along Main Street. He doesn't feel people will park out of the way from the entrance along Peavey Lane. Drug dealers and prostitution is not allowed in their casino.

Mr. McCue reminded others that the Planning Board is there to look at the site plan to see if it fits with our regulations, land use and zoning ordinances. If there is an issue of crime it needs to be brought to the police commission. An issue of traffic and parking needs to be brought to the Traffic and Safety Committee through the City Council.

Ms. Wasileski asked how many parking spaces there are at the new location. There are 30, same as the current location. Also asked about the hours of operation, Mr. Lavertu said currently they are open 4pm to 1am every day except for Sunday and Tuesday. In their new location they will open from 1pm to 1am and closed on Sunday.

Ms. Remillard asked if they could encourage clientele to use their parking lot and not to use Peavey Lane by possible use of signage. Mr. Lavertu said that is something they could do. Ms. Laflamme did not think that was a good option as Main Street was an appropriate place for customers to park. She also mentioned that the Planning Board through Councilor Remillard should send a request to the Traffic and Safety Committee about the concerns brought up by the residents of Peavey Lane. Asked if they would hesitate to call the Police Department if any issues arise, Mr. Lavertu assured that there would be no hesitation.

Mr. Bosen asked if they could supply the Planning Board with a traffic study at their existing location with a projection of what the traffic might look like at their new location. There was discussion around an independent traffic study not helping because the dramatic change of location cannot be reflected in a study and there are not many comparable places around the state to help find numbers. Ms. Remillard felt that since the issue of parking will be brought to the Traffic and Safety committee there would be no need to have an independent traffic study and traffic on Main Street is not an issue. Main Street is made to handle a lot of traffic.

Ms. Barrette asked about the current Exempt status where they are located. Ms. Lavertu said they are housed in a charitable organization which is Exempt, but they are not an entity that would be considered Exempt.

**Mr. Remillard made a motion to accept the site plan for the Northwoods Casino at 823 Main Street. Mr. Whittet seconded it. Majority in favor to accept the motion. Mr. Bosen opposed.**

**Site Plan Review and Special Use Permit – Brookfield Renewable Energy Group, Tax Map 128 Lot 264, 972 Main Street, new construction – Battery Storage Facility**

**Mr. McCue made a motion to accept the application as complete. Ms. Remillard seconded it.**

**Discussion**

Mr. McCue brought up that Brookfield Renewable Energy Group does not own the property, it is owned by a parent company, Great Lakes Hydro America LLC. Therefore, we will need an authorization letter from the property owner allowing them to proceed with this project.

**All in favor of accepting the application as complete, motion carried.**

Mr. McCue shared that in his review of the minutes for their previous presentation, he noted that this project is to create stability in the power grid and to allow more renewable energy to the grid. Also, there was discussion of the close vicinity to the river. He thinks that this project could be considered a Development of Regional Impact in which case abutting towns and the North Country Council would have to receive a formal notice of a public hearing.

Mr. Trevor Davis of Brookfield Renewable Energy Group explained that they are expecting feedback from ISO concerning any regional impacts the project may bring. There was discussion following this about the use of the project and permitting.

**Mr. McCue made a motion that this project is determined to be a Development of Regional Impact. Mr. Bosen seconded it. All in favor, motion carried.**

Mr. Don Bouchard of Horizons Engineering shared the plans of their Battery Storage Facility which will be 14MW. They are not going to place the facility in the same area they previously shared with the Planning Board. It will be located behind the Tri-County CAP buildings at 912 Main Street and partially behind the Heritage Park parking area. Currently, there is already an existing hydro power generating plant on their lot. This battery storage is not bringing in new power, it's tying into an existing power.

Approximately 6% of the vacant land will be used. The existing unused railroad tracks will be pulled out and concrete slabs with a surrounding fence will be installed. The 79 foot by 205-foot area will be surrounded with crushed stone fill. The fence will be 7 feet high with 3 strand barbed wire. The batteries, transformers and inverters are approximately 10' high. All other aspects of the project were reviewed such as: no air pollution or odor, climate-controlled units, safety hazards, noise, vibration, lighting, waste disposal and storage.

It was noted by Ms. Laflamme that as they are seeking a 7-foot fence, typically the applicant would need a special exception from the Zoning Board for fencing over six feet. She indicated she was reviewing whether it was something the Planning Board could approve in the site plan as a condition instead.

Ms. Laflamme asked if the noise level of 70 decibels as noted in our ordinance would be met at the fence line. Mr. Davis indicated it would. Mr. Bouchard explained that there are no residential homes within 250 feet of the project site.

Asked about contamination, Mr. Davis said that the only liquids will be refrigerants of the cooling system which will have something to catch any drippings. He shared the manufacturer of the enclosures which is Wartsila. The enclosure is made by one manufacturer and the battery by another.

Mr. McCue asked for an in-depth explanation of the purpose of this project. Mr. Davis shared that it is to create resiliency to the power grid and to keep a more level continuous flow of power to the grid. It will allow the facility to store power during periods of electrical generation and will provide power to the grid during period of low generation. It will be able to meet the rapid changes in demand and generation of power.

Mr. McCue discussed his concern of the noise level and how noise will carry and echo throughout the city because of the mountains. Mr. Bouchard explained that the two large Tri County Cap buildings to the west will act as a buffer. The Biomass facility is to the east,

as well as the vacant Superfund Site. They will also keep the vegetation and trees to the south. The sound that will be heard near the site will be a low-pitched consistent hum which will only happen during charging or discharging power a few times a day.

Mr. Bosen is concerned of the view looking from Heritage park which has many festivals and activities. He doesn't want to have people look over in that direction and see a seven-foot-high fence with barbed wire at the top. Discussion ensued and it was suggested that they can restore some tree vegetation on the northern end to create a buffer from the Heritage Park.

Ms. Wasileski asked about the flood plain. Mr. Bouchard showed on the plan where the flood plain is and it is not in that area. The property does line within the shoreland protection area and they are seeking a permit from NHDES. That is related more to changes to vegetation in the area.

Mr. Salek asked about the connection lines between the storage facility and the power lines. Existing poles were shown on the plans. Mr. Davis said they do not plan on needing any new transmission lines. He did indicate if studies showed a need, they may need to hang larger size conductor wiring and that they would be using good poles.

Mr. Donovan asked about the type of suppression system in place in case of fire. There was further discussion around having an ample amount of water available in case of fire, the hydrants near the site, what to expect if there was an explosion, natural wind flow and access to the site by the fire apparatus. NFPA codes will be enforced.

Ms. Laflamme asked if the ten feet shown on the plans between batteries is a manufacturer recommendation or NFPA code. The manufacturer, Wartsila, states that the batteries can be that close. Mr. Donovan says that there must be a minimum of one-hour fire spread separating the batteries.

Ms. Laflamme is recommending to the Planning Board that a third-party consultant be hired to assist the board. This would be paid for by the applicant. Then all members can feel confident that the decision they make regarding this newer technology with safety in mind first and foremost. She noted there are no permitted projects for battery storage in NH at this time. This would be the first.

Mr. McCue brought up that in our regulations the applicant must demonstrate financial security. The City Attorney will have to negotiate what type of documentation will be needed by the applicant.

Mr. Davis wanted to point out that if an explosion did occur, the manufacturer designs the system so that an explosion would go upward not out to the sides. The manufacturer of the battery cell is CATL and the manufacturer of the battery integration is Wartsila.

**Ms. Remillard made a motion to hire a third-party consultant. Mr. McCue seconded it. All in favor, motion carried.**

Chair Langlois recessed the Planning Board meeting and opened the Public hearing at 8:50pm.

There was no Public comment.

The Public Hearing will remain open to be continued at the meeting of October 5<sup>th</sup>, 2021.

**Mr. McCue made a motion to have the City Attorney speak with the applicants concerning financial security. Ms. Remillard seconded it. All in favor, motion carried.**

**Ms. Remillard made a motion to table the site plan and special use permit. Mr. McCue seconded it. All in favor, motion carried.**

**Discussion – Proposed Zoning Changes – setbacks/minimum lot size/manufactured housing; signage**

Due to time, Ms. Laflamme will save the discussion for setbacks, minimum lot size and manufactured housing to the next meeting.

Ms. Laflamme talked about the subcommittee for signage and that while they started their work a few years ago, the new ordinance has yet to be written and finalized. Billboard signage was one of the items that was discussed by the committee. The committee entertained the idea of allowing an increase in size in certain zones and allowing for double-faced signs.

Ms. Laflamme has been approached from someone who would like to have more than one billboard on their property. Currently the ordinance allows one billboard on the premise and one off premise while meeting the square foot allowed regulations. There was discussion about where this would and wouldn't be appropriate. Some lots in Business General for instance are quite small while others have a lot of frontage and depth. McCue expressed that we do not want to encourage vacant lots to be used as multiple billboard sites.

Ms. Laflamme offered an option similar to the current language for plaza signage. She can work on a formula to allow billboards which would reflect frontage, depth, usage and space between multiple signs. If the board is happy with the language, it can send the City Council a recommendation for an ordinance change to the City Council which will include a public hearing.

**Other**

Ms. Laflamme shared that Lane Strahan and Richard Cassidy have submitted their formal resignation. She would like to formally acknowledge Richard Cassidy's many years of service with a card from the board and possibly recognition by the Mayor. Both members will be missed.

Eamon Kelley has been accepted as a new alternate yet still needs to be sworn in.

Ms. Laflamme was asked about board openings; the board composition needs to be reviewed.

Ms. Laflamme shared with the board that on September 27, 2021 (correction – it will be Thursday September 23, 2021) at 9:00am there will be a Governor’s Advisory Council on Intermodal Transit as part of the ten-year plan. It will take place here at City Hall in the auditorium.

This Saturday, September 18<sup>th</sup>, the NHMA will be holding their virtual Land Use Conference. Registrations are open until noon this Friday.

On Wednesday, September 29<sup>th</sup>, the Berlin City Council will be holding a Public Hearing on the expansion of the Route 110 compact line to Jericho Lake Road.

A Request for Preliminary Proposals for purchasing and repurposing the old Brown School has been opened and advertised.

The City did not get the grant from NHDOT for the Hutchins Street sidewalk extension. There were 34 projects submitted and we fell in the middle in terms of scoring. Ms. Remillard asked about the match and was told there is a 20% match of funds for that grant.

The City website has been newly updated and re-organized with a new layout. Tax cards are now available online. Ms. Laflamme has invited everyone to check it out.

The next Master Plan meeting will be on Tuesday, September 28<sup>th</sup> at 6:00pm, most likely in the auditorium. Resilience Planning and Design will be present and all registered Community Forum members will be invited.

Asked about the status of 121 Main Street, Ms. Laflamme shared that someone approached Mike Caron of BIDPA to purchase the building and reconstruct it as mixed use. He is a contractor who owns other properties and has lots of experience with inspections and codes.

### **Public Comments**

None

### **Member Comments**

Ms. Barrette brought up that the State just passed into law the expansion of the Community Revitalization Tax Relief Incentive to include the construction of one- or two-family homes or attached multi-family homes with not more than four units in designated residential property revitalization zones. A revitalization zone for this purpose would need to be developed and adopted.



**Adjournment**

There being no further business to come before the board, Ms. Remillard made a motion to adjourn, seconded by Mr. McCue. All in favor, the motion carried.

The meeting ended at 9:20pm.

Respectfully submitted,

Lise Barrette

\* Note: These minutes are unofficial until they have been accepted by the Planning Board by motion.