

October 4, 2016
Planning Board

Present were: Regular Members Tom McCue, Greg Estrella, Lori Langlois, Richard Cassidy, Helene Rayborn, Naomi Levesque, and Ex-Officio member Lucie Remillard
Ernie Allain, Aline Boucher and Martha Creegan were excused for the evening.

Others Present: Pamela Laflamme, Community Development Director; Michel Salek, City Building Inspector; Barbara Tetreault, Berlin Daily Sun; Jen Myers, Code Administrative Clerk; Burke York, York Land Services

Public Comments – No one spoke

Mr. McCue sitting as chair appointed Cassidy, Rayborn, & Levesque as voting members

Approval of September 2016 Minutes

Mr. Estrella motioned with a second from Richard Cassidy to approve the September 2016 minutes. So moved, the motion carried.

Minor Subdivision – Common Driveway Subdivision – Tax Map 406 Lot 2

Ms. Laflamme recapped the preliminary from last month. There is one large parcel of land that the owners want to split in half. In the Rural Residential Zone, in order to split, the pieces need to be at least 2 acres and at least 200 feet of frontage. This parcel of land only has 300+ feet of frontage. There is an exception, the common driveway subdivision, which has never been used before. This requires a common driveway, ending at an approved turn around area (for access by emergency vehicles), into the parcel in lieu of total frontage. An agreement must be signed and recorded with the Coos County Registry of Deeds to ensure there are no issues in the future.

Public Works has reviewed the plans stating that in one direction sight is okay, however, in the other it is not. This is okay for residential use and will need to be looked at again in the future if plans for the campground proceed. Public Works feels the issue can be addressed by adding signage cautioning drivers. The Fire Department has reviewed the plans, the Assistant Fire Chief has no issue with the cul-de-sac as designed.

The owners are taking on the maintenance of the common driveway. It will be classified as private, and not a City street therefore the City will not have to maintain it. All liability is taken by the owners. A preliminary draft agreement is attached.

Abutters have been coming in and calling, they are all satisfied as this is only for the subdividing of the land. This may be different when it comes to the campground. Note that abutters who were contacted for this hearing may not be sent notification if a plan for the

campground is presented. All abutters to the east of the lot with the house will not get notices, as the house lot will become the abutter to the east of the proposed campground.

The Common Driveway Subdivision was presented by Burke York, York Land Services. Mr. York addressed the easement off of Grandview Drive that was referenced at last month's meeting as a possible access. This is a 25 foot wide sewer easement, there is also a water easement that will allow for both into the property.

Referencing the presented plans, Renee Fortunato's house will be at open gap in the dotted line. The dotted line represents the easement. Mr. York explained Note #4 regarding the City Planner's letter. In 1987-88 the lot plans simply showed the word "easement". The land was then sold and changed hands a few more times. In 1998 the lot with the house on it was sold. In 2002, when the owner sold the 100 acres at the back she added that there was an access easement. Because it went in reverse, not stating the easement was part of the house lot with its sale, it was unclear what the easement was for and if it transferred with the property. We can surmise that if the easement had been meant for access then it would have been 50 feet wide. At only 25 feet we can determine that this is not the case.

Referencing page 3 of the preliminary agreement regarding maintenance, Mr. McCue inquired if the City would want the ability to step in and have a say. Ms. Laflamme stated that they would not and if the owners chose to subdivide again in the future, they would have to probably build an actual city street.

Ms. Laflamme stated that the application is complete as accepted. Ms. Langlois made a motion to accept the application as presented, seconded by Ms. Remillard. All in favor, the motion passed.

Mr. McCue inquired if the design of the cul-de-sac was the only change since the preliminary presentation. Mr. York replied yes, it was tweaked a little.

Mr. McCue opened the public hearing at 6:48pm

Kathryn Pimental, 10 Grandview Drive, Berlin, NH

Ms. Pimental is the abutter with the sewage easement, allowing access to the proposed subdivision. She inquired how many lines of sewage could potentially go down the easement. Ms. Laflamme replied that at 25 feet wide, there will probably be a larger pipe allowing service to a certain number of homes. She does not think it would be multiple smaller lines. She also indicated that if the owner of the proposed subdivision decided to sell house lots as opposed to doing the campground, it would be a Major Subdivision which is permitted very differently than what is being proposed tonight and the owners would have to come back to the City resubmit a new plan.

Ms. Laflamme confirmed with the City's Building Inspector, Mr. Salek that there is currently an application submitted for a septic system for the house lot and that they are not doing a sewer line to the house. He confirmed that an application had been approved by the state.

If the owner wanted to run lines to the campground, they would need to submit another review and Ms. Pimental would get a notice as her properties has an easement with access into the property.

Ms. Laflamme concluded that to answer how many lines of sewage could be run, it would actually be a pipe of varying size to accommodate the amount needed for the area.

The public hearing closed at 6:52pm

Ms. Laflamme stated that the fire department has signed off on the cul-de-sac, Public Works has signed off on the driveway entrance, and she will get a copy of the final of agreement (As a condition of approval the board will want a copy of assurance that it was filed with the Registry of Deeds.)

Ms. Pimental inquired if now, after finding of the verbiage for the easement on her property, if it will also be recorded with the Registry of Deeds. Mr. York replied, no, but it will be a part of the plan that will be registered and there will be a paper trail of what happened. The driveway and reference of the easement will be tied with this piece of land, not yours.

Ms. Remillard made a motion to accept the Common Driveway Subdivision as presented with the condition that the common driveway maintenance agreement be recorded at the Registry of Deeds with the plan; seconded by Ms. Langlois. All in favor, the motion passed.

Mr. McCue asked that a correction be made to the September Minutes. Page 3, line 2 Burke should be deleted.

Site Plan Review – Great North Woods Container Service – Hutchins and Twelfth Street –

Mr. McCue stated for the record that the owners have been clients of his individually, however he does not represent the company, so he will not recuse himself from this SPR.

Ms. Laflamme recapped the Thibodeaus preliminary presentation. They came to us because they wanted to do a storage business on their property. They are currently storing RVs, a boat, and renting out spaces to the public for storage, in addition to storing his containers for business. They did not want to memorialize what they were doing by submitting an SPR. The use was approved for a storage yard on a very visible corner.

Several abutters brought it to our, the City's, attention when all of the stuff started showing up on the property. The City's attorney said we needed to have a plan that would memorialize this type of plan. If we don't it can set us up for trouble in the future. The property owner was not clear as to what they wanted to do.

As previously stated, they will keep the entrances the same into the property. They don't have intention of putting a sign up for their own business, but do plan to rent out the space to other businesses for signage. The signage committee is working on this.

There are some obvious challenges as to where they can go due to the flood plains and terrain. They have a very generous area for storing snow. They have a road they are going to pave. They are not going to do any screening. The trees screen it very well most of the year. In the winter months you can see everything easily. The board can require screening/landscaping. They aren't changing any lighting.

Mr. York, is representing the Thibodeaus and is presenting the SPR. He is a small business person trying to succeed. They have great access, regarding location. They were storing campers and other items without a site plan. It is the City's prerogative to require the site plan when a change of use happens. This ensures proper use and protects the City and the abutting neighbors. What he is doing is absolutely okay but he needed to get a site plan.

Referencing the presented plans. The gray area is flood zone. There is a paved driveway. The property is not gated. The business containers are generally in the gravel area. There is a telephone pole with no wires on it currently, but the plan is to run wires out to the other pole for security lighting. There are now designated areas for storage. NHDES waterfront buffer, NHDES has jurisdiction, nothing can be built in this 50 foot buffer. There are not any proposed changes in the ground. Ms. Laflamme comment that where it indicates "building" on the plans, there is a permanent easement on the property to maintain that building. Mr. York stated that Mr. Thibodeau is proposing a 12 foot lean-to roof at the back of this building. He will need to get a building permit. It will be for storage for himself.

Ms. Laflamme reminded the board that they can be very clear of what can be stored on the property. Currently vehicles are being stored. We can say no scrap metal. He may have some already on the property being stored in containers. We don't want exposed storage. You can propose whatever you want.

Ms. Remillard inquired if Mr. Thibodeau plans on operating his container business on the property. Yes. Then he can store both, if he's loading and dropping off. Ms. Rayborn stated that she liked the idea of requiring evergreens to screen. Mr. York interjected that that type of screening is a lot of money. He is a small business man, who does a nice job of maintaining his properties. Mr. McCue stated that by having this space (the lot) Mr.

Thibodeau has been able to take his containers off of Pleasant Street, where they were previously stored. He also felt that along with the scrap, the board might consider repairs to the stored vehicles on the property. It is not so much Mr. Thibodeau's stuff, but if someone is storing stuff there he would be concerned about them repairing it on-site. Ms. Remillard referenced a current storage area on Main Street for memorials. You never see anyone working on stuff there but it is storage and maintained. Mr. McCue's concern is for the future; per the BG zone repair would be allowed.

Mr. Cassidy inquired if they are using the off-road vehicle storage there to access the trails later in the day. Mr. York replied that he hasn't seen any ATVs over there and that his office is across the street. It has just been Mr. Thibodeau's stuff and his RVs.

Mr. McCue referenced the proposed retaining wall on the plans. Mr. York stated that this is for the future. There is 6' of drop and they want to flatten it out at the front. The site plan isn't much different than what is already at the property.

Snow will be stored where the FEMA zone is indicated. It is the old 500 year flood zone, it is not special flood area, so this is okay.

Ms. Remillard inquired if all abutters, including the hospital been notified, and if any had written letters for or opposing the SPR as there was no public in attendance for the hearing. Ms. Laflamme replied, no and that Mr. Thibodeau has been keeping good care of the property and we want future owners to as well, which is why we want this memorialized.

Ms. Laflamme referenced Note 6 on the plan that any short term storage of scrap will need to be in a container. There was thoughtful discussion whether or not a statement not allowing long term storage of scrap as a condition of approval should be included. Mr. York presented a proposal for the condition:

The approval of this site plan is specific to the temporary storage of RV's, trailers, and a roll-off container business as shown on the plan. Any on-site scrap storage will be short term (limited to no more than 30 days) and stored in roll-off containers. Any change of use or deviation from the above will require future site plan approval.

Ms. Levesque stated that regarding future owners that may be storing something other than what is in this plan would they have to come back to the planning board. Yes, per Burke's presented condition they would be required to.

Mr. McCue inquired if there should be a statement regarding repairs being allowed on-site. Ms. Laflamme stated that "there will be no on-site vehicle repair or maintenance" is not needed, the proposal specifically states only storage.

Mr. McCue asked the Building Inspector if screening would be a pro or a con. Mr. Michel—replied that we’ve had a few discussion where it would be advantageous to have some kind of visibility. I am comfortable with the way this is presented. He also inquired if 55-gallon drums were included as containers per the notes on the plan.

Ms Laflamme stated that the application is complete as submitted. Ms. Langlois made a motion to approve the SPR application as submitted; seconded by Mr. Cassidy. All in favor, the motion passed.

Mr. McCue opened the Public Hearing at 7:43pm

Public Comments – No one spoke

The Public Hearing closed at 7:44pm

Ms. Remillard made a motion to approve the Site Plan Review as presented with the additional written conditions as drafted by Mr. York, replacing Note 6 on the plans: The approval of this site plan is specific to the temporary storage of RV’s, trailers, and a roll-off container business as shown on the plan. Any on-site scrap storage will be short term (limited to no more than 30 days) and stored in roll-off containers. Any change of use or deviation from the above will require future site plan approval. The motion was seconded by Ms. Rayborn. All in favor, the motion carried.

Ms. Langlois made a motion to authorize the Chair to sign for the Minor Subdivision—Common Driveway Subdivision; seconded by Mr. Cassidy. All in favor, the motion carried.

Signage Discussion – update from first committee meeting

The committee met today for the first time. Ms. Boucher could not be here. It is going to take a while; however there will be another meeting next week and likely the week after that. The committee will have a review at November’s meeting.

Project Updates –

Electronic signage – The proposed ordinance did get council approval last night. The first sign permit application to apply this is being filled out for submittal by Northeast Credit Union.

Welcome sign – There were a significant amount of changes made to the original design. The materials as well as how the sign will actually be installed were among them. The new design is much more affordable and is even less costly than what was anticipated for the original design. The new sign will be between \$10,000-12,000. Ms. Laflamme has not been able to connect with Sylvia Poulin for final design approval, in addition, Jay Poulin will need

to go back out and mark where the sign will be. The City is also awaiting approval by Eversource as the sign will be on their property.

Route 16 Project – The latest summary was sent out today. Construction is moving ahead.

Hutchins Street – Closing out. There is an interested citizen who has offered to help the City find funding for lighting. There is a need for \$225,000 for lighting. Jay Poulin is coming to council on October 17 to present the completed project if anyone would like to attend.

Route 110 – The landscape architect is working on the historic mitigation pieces.

Other – No one spoke

Public Comments – No one spoke

Member Comments

Ms. Langlois asked if there had been any thought given to finishing the sidewalk from Hutchins Street Park to the bus garage. Yes, it has been brought up by many people. There wasn't enough funding to do it at the time but we are making progress.

Mr. McCue wanted to thank the City of Berlin for their efforts and the clean-up of 37-39 Cambridge Street.

Planner Comments

If anyone else would like to sign up for law lecture series, it is full at this time. Mr. McCue and Ms. Levesque, you are on the waiting list. Ms. Laflamme will contact you if anything changes.

Our next meeting is Tuesday, November 1. There may be a site plan review for WMOU radio tower. There was not an SPR done previously when the tower was installed, now they will have one. Nothing is really changing; however they will now have 2 to 3 spots for co-location if someone else wanted to be on the tower.

Make sure you have the correct Notice of Planning Board Meetings for 2017. The first schedule that was sent out still showed 2016 not 2017.

Adjournment – There being no further business to come before the Board Ms. Rayborn moved to adjourn; Mr. Cassidy seconded and the motion carried. The meeting ended at 8:03 pm.

Jen Myers
Administrative Assistant