



CITY OF BERLIN PLANNING BOARD AGENDA

Tuesday June 9, 2020, 6:30PM

Via Zoom 1-646-558-8656

Meeting ID 892 9414 9424

1. Call to Order
2. Public Comments
3. Approval of May 2020 minutes
4. Site Plan Review – Timberland Adventures Inc., Tax Map 407 Lot 15 (continued from February 4, 2020 meeting)
5. Minor Boundary Line Adjustment – State of NH/White Mountains Community College, Tax Map 139, Lots 3 and 5 (continued from the May 5, 2020 meeting)
6. Camping/Campgrounds/RV use discussion
7. Lot Mergers
8. Project Updates
9. Other
10. Public Comments
11. Member Comments
12. Planner Comments
13. Adjournment

For more information about Zoom: <https://bit.ly/2yuGC9f>

May 5, 2020
Planning Board
VIA Zoom

Present were: Regular Members: Tom McCue, Lori Langlois, Naomi Levesque, Christina Lefebvre, Lane Strahan, and Brian Valerino **Alternate Members:** Richard Cassidy, Suzanne Wasileski and Anthony Valliere **Ex-Officio Members:** Lucie Remillard and Lise Barrette

Excused were: Helene Rayborn

Others Present: Pamela Laflamme, Community Development Director; Michel Salek, Code Enforcement Officer; Donna Donaldson; Beth Rancloes and Luke & Beverly Raymond.

Call to Order

The meeting was called to order at 6:30 PM.

Chair McCue read the following statement:

As Chair of the Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means: We are utilizing Zoom for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 646-558-8656 and meeting ID 974 6147 3668, or on city's website www.berlinnh.gov.
- b) Providing public notice of the necessary information for accessing the meeting: We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Board at www.berlinnh.gov.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access: If anybody has a problem, please call 752-8587 or email at plaflamme@berlinnh.gov
- d) Adjourning the meeting if the public is unable to access the meeting: In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

A Roll Call was taken:

Reg. Member Christina Lefebvre –In attendance, nobody else in room

Reg. Member Naomi Levesque – In attendance, nobody else in room

Reg. Member Lori Langlois –In attendance, nobody else in room

Reg. Member Tom McCue – In attendance, nobody else in room

Reg. Member Brian Valerino – In attendance, nobody else in room

Reg. Member Lane Strahan – In attendance, nobody else in room

Ex-Officio Member Lucie Remillard –In attendance, nobody else in room

Alternate Member Suzanne Wasileski – In attendance, nobody else in room

Alternate Member Anthony Valliere - In attendance, nobody else in room

Ex-Officio Member Lise Barrette –In attendance, nobody else in room

Public Comments

None

Approval of March 2020 minutes

Ms. Remillard made a motion to approve the minutes of March, 2020 meeting as submitted. Ms. Levesque seconded the motion. All were in favor. The motion carried by roll call vote: Strahan-yes, Lefebvre-yes, Levesque-yes, Langlois-yes, Remillard-yes, McCue –yes.

Site Plan Review – Timberland Adventures Inc., Tax Map 407 Lot 15 (continued from February 4, 2020 meeting)

The Site Plan Review is not ready to proceed at this time and is being tabled. This is the official Public Notice for a continuance until the June 2nd, 2020 meeting at 6:30pm. No notice will be mailed or published, this is an official notice of record.

Minor Boundary Line Adjustment – State of NH/White Mountains community College, Tax Map139, Lots 3 and 5

This Boundary Line Adjustment is not ready at this time and is being tabled. It may possibly become a dual line adjustment. This is the official Public Notice for a continuance until the June 2nd, 2020 meeting at 6:30pm. No notice will be mailed or published, this is an official notice of record.

Driveway Application – DWP Berlin Realty LLC, 40 Jericho Road, Tax Map 108, Lot 12

The current driveway has served the entire property; to the rear buildings for trucks to enter and to the front office building. . This new curb cut is for the office building and parking lot in the front of the property to keep it separate from the trucks entering and leaving the current driveway. Drawings were looked at. It has been looked at by the Public Works Director, Ben Hall, and he sees no issues. It has come to the board because it falls into the commercial/industrial category.

Ms. Remillard asked about the abutter and if they were notified. Notification is not required for curb cuts. Ms. Levesque asked if it was only going to be used as an entrance. It will be used for incoming and outgoing traffic. There is a wide flare at the end of the proposed driveway where it meets the road. This will help with viewing oncoming traffic. There was some other clarification on how the new driveway will be used in relation to the two parking lots and existing driveway. There is adequate frontage on this lot and there are no issues.

Ms. Lefebvre made a motion to grant the Curb Cut Permit. Mr. Valerino seconded the motion. All were in favor. The motion carried by roll call vote: Strahan-yes, Lefebvre-yes, Levesque-yes, Langlois-yes, Remillard-yes, McCue -yes, Valerino - yes.

Lot Merger –Gregory & Anne Marie Auger, 99 Wentworth Ave, Map 114, Lots 55 and 58

Mr. and Mrs. Auger has recently purchased Lot 55 from the City with a pre-requirement by the City Council that they merge it with their current Lot 58. The application was reviewed with the attached drawing.

Ms. Remillard made a motion to grant the merging of Lots 55 and 58. Ms. Strahan seconded the motion. All were in favor. The motion carried by roll call vote: Strahan-yes, Lefebvre-yes, Levesque-yes, Langlois-yes, Remillard-yes, McCue -yes, Valerino - yes

The board took a moment to inquire whether there were any public comments from comments. There were none.

Project Updates

The change in Zoning for Downtown has been approved by the council. There is now a much smaller footprint to work with.

The Downtown Tax Incentive for Lane and Kendall Strahan at 156 Main St has been approved by the council. They will opening a new coffee shop.

The Census 2020 is going well. Almost 55% have responded in Berlin. Many people in Berlin are still responding through mail and phone. Some places have 80%-90% of people respond online, Berlin has about 30% online responses. The door-to-door visits are being postponed due to COVID 19. Please keep reminding everyone you know to respond.

The Riverwalk project has submitted wetlands and shorelands applications. It is hopeful that construction will be started late this summer depending on funding from DOT.

Ms. Laflamme has been working with the DOT for over a year to fix the excess parcels that were left after the Route 110 project. There are many small parcels that need to be absorbed by the road ROW. Progress has been made with DOT and she hopes to have this corrected by summer.

The BUILD Application for the Downtown Reconstruction and Rehab. Project is being put together for the submittal deadline of Monday 18th. The work proposed includes street work with the heated infrastructure. At this time there haven't been any other funding sources looked at.

Ms. Remillard asked, in regards to the City of Berlin downtown, about whether other towns/communities have ways to enforce people to fix their properties. Ms. Laflamme responded that there were ways to do this but in the past the city has been reluctant to do so. There are codes which can be put in place to keep a standard but this tends to put a burden on people who are trying to keep up with their building upkeep. A city has to be careful not to have unintended consequences from enforcing strict codes. There was discussion around the

fact that since a couple other downtown properties are making improvements, others in the immediate area may feel encouraged to do the same.

Other

None

Public Comments

None

Member Comments

Ms. Remillard asked about the sign for Berlin and whether it will be painted again this summer. Ms. Laflamme has already spoken with Sylvia from the Downtown Program and Will O'Brian who will be taking care of the flowers at the sign this summer. Ms. Laflamme will look into getting the sign painted one more time.

Mr. Valerino, as the newest member on the board, expressed that he is looking forward to working with everyone and he always available.

Planner Comments

Ms. Laflamme also wanted to share that next Wednesday from 12 to 1, there is a webinar called the Workings of a Planning Board which is for new and seasoned members. It is hosted by the NHMA and she will be forwarding the link to everyone.

Adjournment

There being no further business to come before the board, Ms. Lefebvre made a motion to adjourn, seconded by Ms. Levesque. All in favor, motion carried by roll call vote: Strahan-yes, Lefebvre-yes, Levesque-yes, Langlois-yes, Remillard-yes, McCue -yes. Valerino – yes

Respectfully submitted,
Lise Barrette

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

1. "MINOR SUBDIVISION PREPARED FOR DONALD BALD, TAX MAP 407, PARCEL 15, PART OF LOT 12, RANGE 4, ROUTE 110, BERLIN, NH," DATED JUNE 23, 2007, BY YORK LAND SERVICES, LLC. RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN #3125 (YLS DWG. #05-112).
2. "MAJOR SUBDIVISION, JERICHO VILLAGE, PREPARED FOR SMALL POND HOLDINGS, LLC, TAX MAP 407, PARCEL 13.01, ROUTE 110, BERLIN, NEW HAMPSHIRE," DATED MAY 23, 2007, REVISED JUNE 5, 2008, RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN #3124 (YLS DWG. #06-022.3).
3. "BOUNDARY LINE ADJUSTMENT BETWEEN ST. LAURENT HEIRS, INC. AND NORMAN & PAULINE DESCHENES, CO. OF LOT 12, RANGE 4, BERLIN, NH," DATED DECEMBER 18, 1990, BY YORK LAND SERVICES CO., RECORDED AT COOS COUNTY REGISTRY OF DEEDS AT PLAN #497B (YLS DWG# 90-138).
4. "PLANS OF PROPOSED UPGRADING PROJECT (CONTRACT BETTERMENT) B-2167, N.H. PROJECT NO. P-1046, BERLIN-GROVETON ROAD (N.H. 110)," DATED 10-17-1975, BY STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS. (SHEETS 5 & 5)

3. ZONING DISTRICT : JG - JERICHO GATEWAY
2. WETLANDS WERE DELINEATED BY BEAVER TRACKS, LLC, JONATHAN SISSON C.S.S., C.W.S., ACCORDING TO REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHERNCENTRAL AND NORTHEAST REGION, VERSION 2.0 EROD/EL TR-12-1, JANUARY 2012 TO THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT 7-87. WETLANDS WERE CLASSIFIED IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN THE USFWS "METHODOLOGY FOR THE CLASSIFICATION OF WETLANDS AND DEEPMAR HABITATS". 1987. THE PLANTS ARE CLASSIFIED USING THE US ARMY CORPS OF ENGINEERS NORTHERNCENTRAL AND NORTHEAST REGIONAL PLANT LIST 2016-30, 1-17NPL. THE SOILS ARE EVALUATED IN ACCORDANCE WITH THE FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.2, 2019.
3. NORTH IS NEW HAMPSHIRE STATE PLANE GRID NAD83 BASED PLAN REFERENCE 2. VERTICAL DATUM IS NAVD83 BASED ON AN OPUS DERIVED POSITION OF A SURVEY POINT LOCATED AS PART OF THIS PROJECT.
4. CONTOUR INTERVAL: 2'
5. THE SUBDIVISION REGULATIONS OF THE CITY OF BERLIN, NH, ARE A PART OF THIS PLAT, AND APPROVAL OF THIS PLAT IS CONTINGENT ON COMPLETION OF ALL REQUIREMENTS OF SAID SUBDIVISION REGULATIONS, EXCEPTING ONLY ANY VARIANCES OR MODIFICATIONS MADE IN WRITING BY THE TOWN PLANNING BOARD AND ATTACHED HERETO.
6. TEN OF THE PROPOSED CABINS ARE SEASONAL ONLY (RENTED LESS THAN NINE MONTHS A YEAR). NHDES REQUIRES 60 GALLONS PER DAY FOR ISDS. A SEPARATE HOSE WITH 3-WAY ATTACHMENT AND A CONNECTION TO THE TOWN WATER MAIN IS REQUIRED FOR EACH CABIN. TOTAL GALLONS PER DAY REQUIRED: 660 GALLONS PER DAY. THIS SITE MUST CONFORM TO NH RSA-1:1 REGARDING CAMPGROUNDS AND NHDES ENV-W-1000 STANDARDS.
7. APPROXIMATE AREA WITHIN PROPOSED SITE DISTURBANCE LIMITS IS 97,950 S.F.
8. SUBJECT PROPERTY DOES NOT FALL WITHIN A FEMA DESIGNATED SPECIAL FLOOD HAZARD AREA.
9. PROPOSED LIGHTING TO BE SURFACE MOUNTED, DOWNWARD FACING FIXTURES TO CONFORM TO BERLIN ZONING STANDARDS.
10. ALL SIGNAGE MUST COMPLY WITH BERLIN SIGN ORDINANCE.
11. UNDERGROUND POWER, COMMUNICATIONS, WATER & SEWER LINES SUBJECT TO MINOR CHANGES THROUGHOUT THE CONSTRUCTION PROCESS. HOT WATER TYPE TO BE DETERMINED-- EITHER ELECTRIC, OR INDIVIDUAL UNIT PROPANE ON DEMAND.
12. RUBBISH WILL BE STORED IN A LOCKABLE DUMPSTER, PICKED UP PRIVATELY.
13. THE CITY OF BERLIN WILL NOT MAINTAIN HEAD POND ROAD, A PRIVATE ROAD, AND THE CITY HAS NO LEGAL DUTY TO MAINTAIN, AND THAT THE CITY NEITHER ASSUMES RESPONSIBILITY FOR MAINTENANCE, OR REPAIR, INCLUDING SNOW PLOWING, NOR LIABILITY FOR ANY DAMAGES RESULTING FROM THE USE OF HEAD POND ROAD; AND THE OWNERS SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO THE SUBJECT PROPERTY AND DOES HEREBY FOREVER RELEASE AND DISCHARGE THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES FROM THE OBLIGATION OF MAINTAINING HEAD POND ROAD AND FROM ANY CLAIM OF ANY NATURE, WHETHER IN TORT OR OTHERWISE, OF ANY KIND, OF ANY CAUSE, INCLUDING NEGLIGENCE, OF ANY EMPLOYEES AGAINST THEM, THOSE INCURRED THROUGH FAILURE TO PROVIDE MUNICIPAL SERVICES-- INCLUDING POLICE, FIRE AND AMBULANCE SERVICES; FURTHER THE OWNERS WILL DEFEND AND INDEMNIFY AND HOLD THE CITY OF BERLIN, ITS OFFICERS, AGENTS AND EMPLOYEES HARMLESS FROM AND AGAINST ALL CLAIMS, DEMANDS, COSTS AND JUDGMENTS ARISING FROM THE USE OF THE ROAD.

221A

493

PSN #

E

Soil Type/Line

Contour

Utility Pole, Light Pole
Overhead Utility Line

Treeline

Unmonumented Point

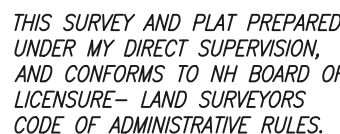
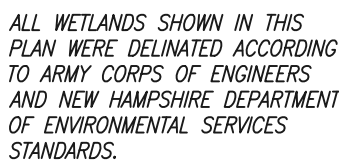
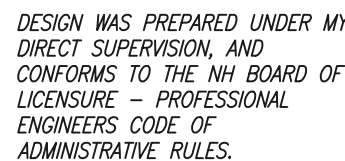
Iron Pipe/Pin Per Prior Surveys

Monument Per Prior Surveys

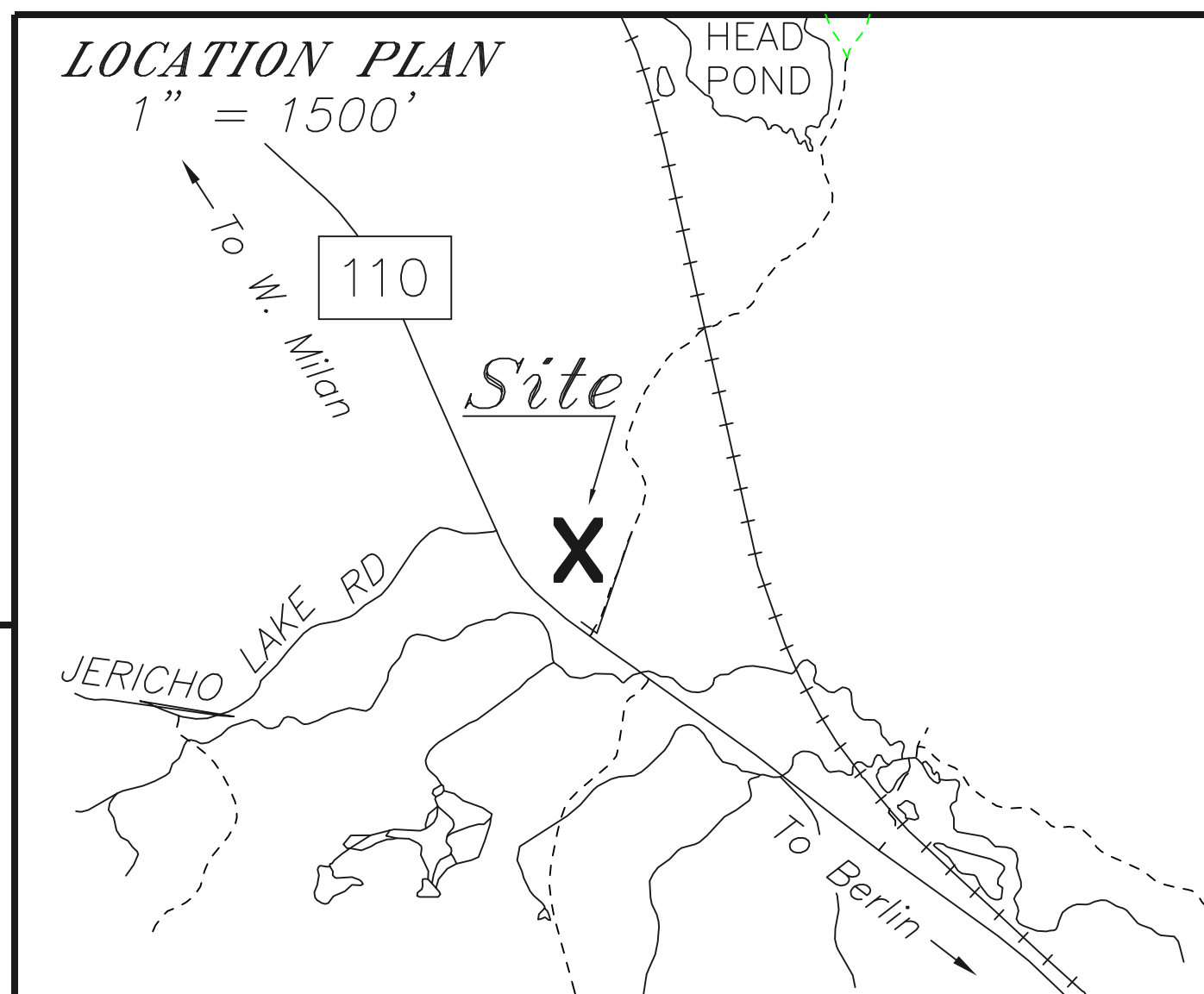
Well

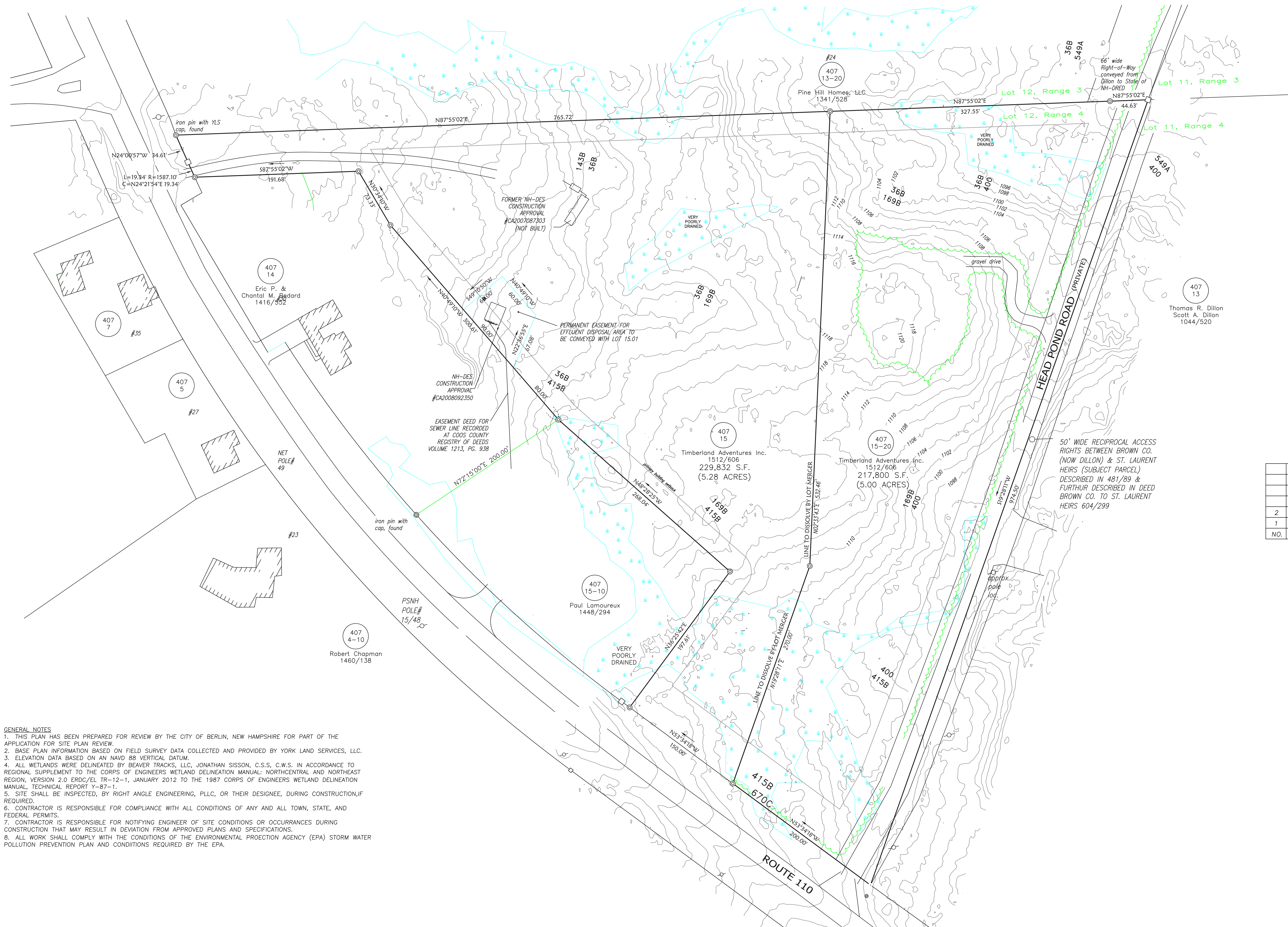
Test Pit or Boring

*USEABLE SOIL AREAS ARE EXCLUSIVE OF PROTECTIVE WELL RADIUS, EXISTING SEPTIC ESEMENT, AND WETLAND OR HYDRIC SOILS

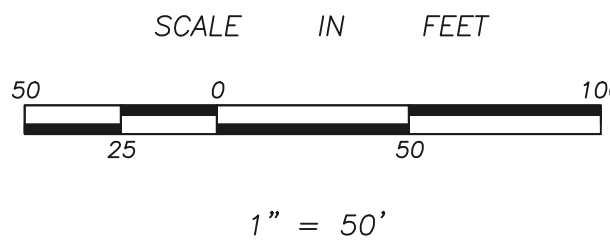


APPROVED FOR RECORDING
BERLIN CITY PLANNING BOARD
DATE:

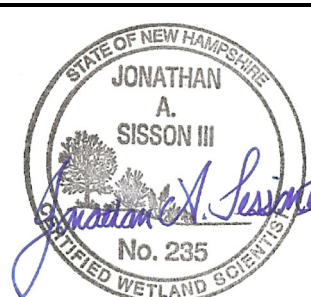




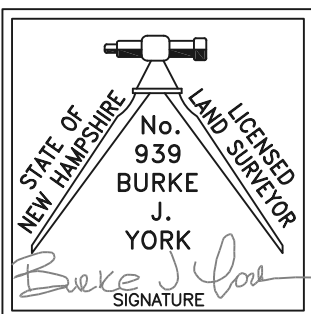
GENERAL NOTES
1. THIS PLAN HAS BEEN PREPARED FOR REVIEW BY THE CITY OF BERLIN, NEW HAMPSHIRE FOR PART OF THE APPLICATION FOR SITE PLAN REVIEW.
2. BASE PLAN INFORMATION BASED ON FIELD SURVEY DATA COLLECTED AND PROVIDED BY YORK LAND SERVICES, LLC.
3. ELEVATION DATA BASED ON AN NAVD 88 VERTICAL DATUM.
4. ALL WETLANDS WERE DELINEATED BY BEAVER TRACKS, LLC, JONATHAN SISSON, C.S.S., C.W.S. IN ACCORDANCE TO REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0 ERDC/EL TR-12-1, JANUARY 2012 TO THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1.
5. SITE SHALL BE INSPECTED, BY RIGHT ANGLE ENGINEERING, PLLC, OR THEIR DESIGNEE, DURING CONSTRUCTION, IF REQUIRED.
6. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL CONDITIONS OF ANY AND ALL TOWN, STATE, AND FEDERAL PERMITS.
7. CONTRACTOR IS RESPONSIBLE FOR NOTIFYING ENGINEER OF SITE CONDITIONS OR OCCURRANCES DURING CONSTRUCTION THAT MAY RESULT IN DEVIATION FROM APPROVED PLANS AND SPECIFICATIONS.
8. ALL WORK SHALL COMPLY WITH THE CONDITIONS OF THE ENVIRONMENTAL PROTECTION AGENCY (EPA) STORM WATER POLLUTION PREVENTION PLAN AND CONDITIONS REQUIRED BY THE EPA.



NO.	DATE	DESCRIPTION	BY
2			
1			



WETLAND SCIENTIST:
Beaver Tracks, LLC
Jonathan Sisson, C.W.S., C.S.S.
170 Anglin Flt
Grayson, KY 41143
(603) 313-4925 phone
BeaverTracksLLC@yahoo.com



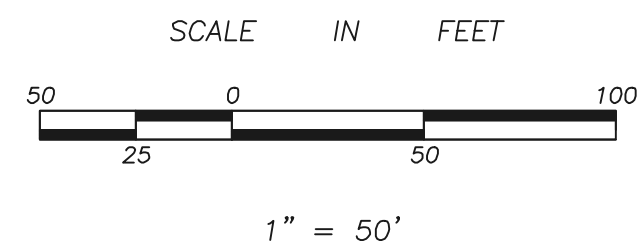
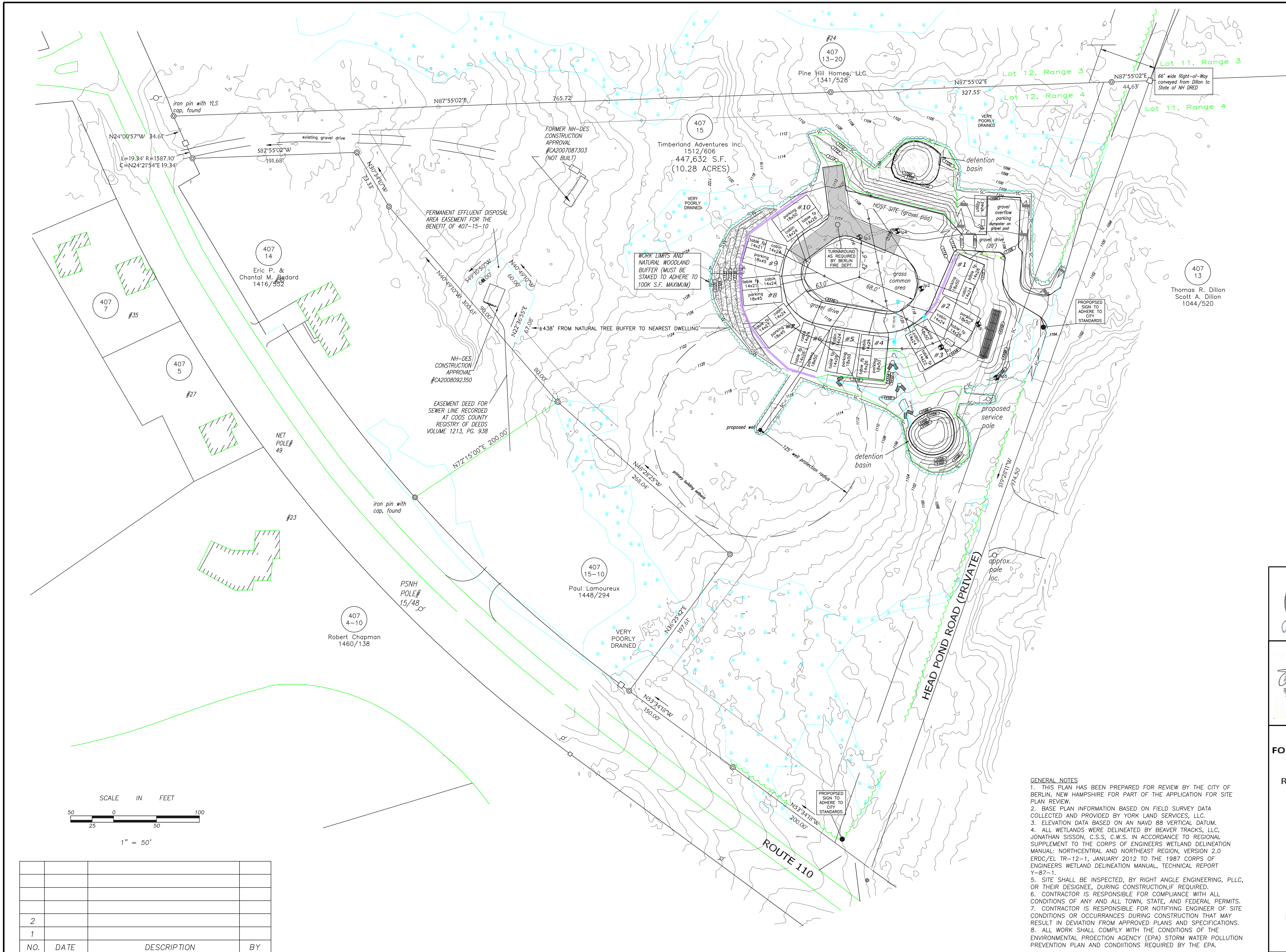
SURVEYOR:
Burke York, L.L.S.
York Land Services, LLC
Riverside Courtyards
3 Twelfth Street
Berlin, NH 03570
(603) 752-7282

EXISTING CONDITIONS SITE PLAN
FOR CAMPGROUND CONSTRUCTION
TAX MAP 407, LOT 15
LOT 12 RANGE 4
ROUTE 110 & HEAD POND ROAD
BERLIN, NEW HAMPSHIRE

MAY 27, 2020

PREPARED FOR OWNERS:
TIMBERLAND ADVENTURES, INC.
c/o DAVID REDSTON
809 ROUTE 2
SHELburne, NH 03581

PREPARED BY ENGINEER:
ERIN DARROW, P.E., C.P.E.S.C.
RIGHT ANGLE ENGINEERING, PLLC
152 MAIN STREET
NEW LONDON, NH 03257



2			
1			
NO.	DATE	DESCRIPTION	BY

- GENERAL NOTES**
1. THIS PLAN HAS BEEN PREPARED FOR REVIEW BY THE CITY OF BERLIN, NEW HAMPSHIRE FOR PART OF THE APPLICATION FOR SITE PLAN REVIEW.
 2. BASE PLAN INFORMATION BASED ON FIELD SURVEY DATA COLLECTED AND PROVIDED BY YORK LAND SERVICES, LLC.
 3. ELEVATION DATA BASED ON AN NAVD 88 VERTICAL DATUM.
 4. ALL WETLANDS WERE DELINEATED BY BEAVER TRACKS, LLC, JONATHAN SISSON, C.S.S., C.W.S. IN ACCORDANCE TO REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0 ERDC/EL TR-12-1, JANUARY 2012 TO THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1.
 5. SITE SHALL BE INSPECTED, BY RIGHT ANGLE ENGINEERING, PLLC, OR THEIR DESIGNEE, DURING CONSTRUCTION, IF REQUIRED.
 6. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL CONDITIONS OF ANY AND ALL TOWN, STATE, AND FEDERAL PERMITS.
 7. CONTRACTOR IS RESPONSIBLE FOR NOTIFYING ENGINEER OF SITE CONDITIONS OR OCCURRENCES DURING CONSTRUCTION THAT MAY RESULT IN DEVIATION FROM APPROVED PLANS AND SPECIFICATIONS.
 8. ALL WORK SHALL COMPLY WITH THE CONDITIONS OF THE ENVIRONMENTAL PROTECTION AGENCY (EPA) STORM WATER POLLUTION PREVENTION PLAN AND CONDITIONS REQUIRED BY THE EPA.

	WETLAND SCIENTIST: Beaver Tracks, LLC Jonathan Sisson, C.W.S., C.S.S. 170 Anglin Fit Grayson, KY 41143 (603) 313-4925 phone BeaverTracksLLC@yahoo.com
	ENGINEER: Right Angle Engineering, PLLC Erin Darrow, P.E., C.P.E.S.C. 152 Main Street New London, NH 03257 (603) 526-2807 office (603) 443-7815 mobile (603) 523-8811 fax Erin@RightAngle.Engineering

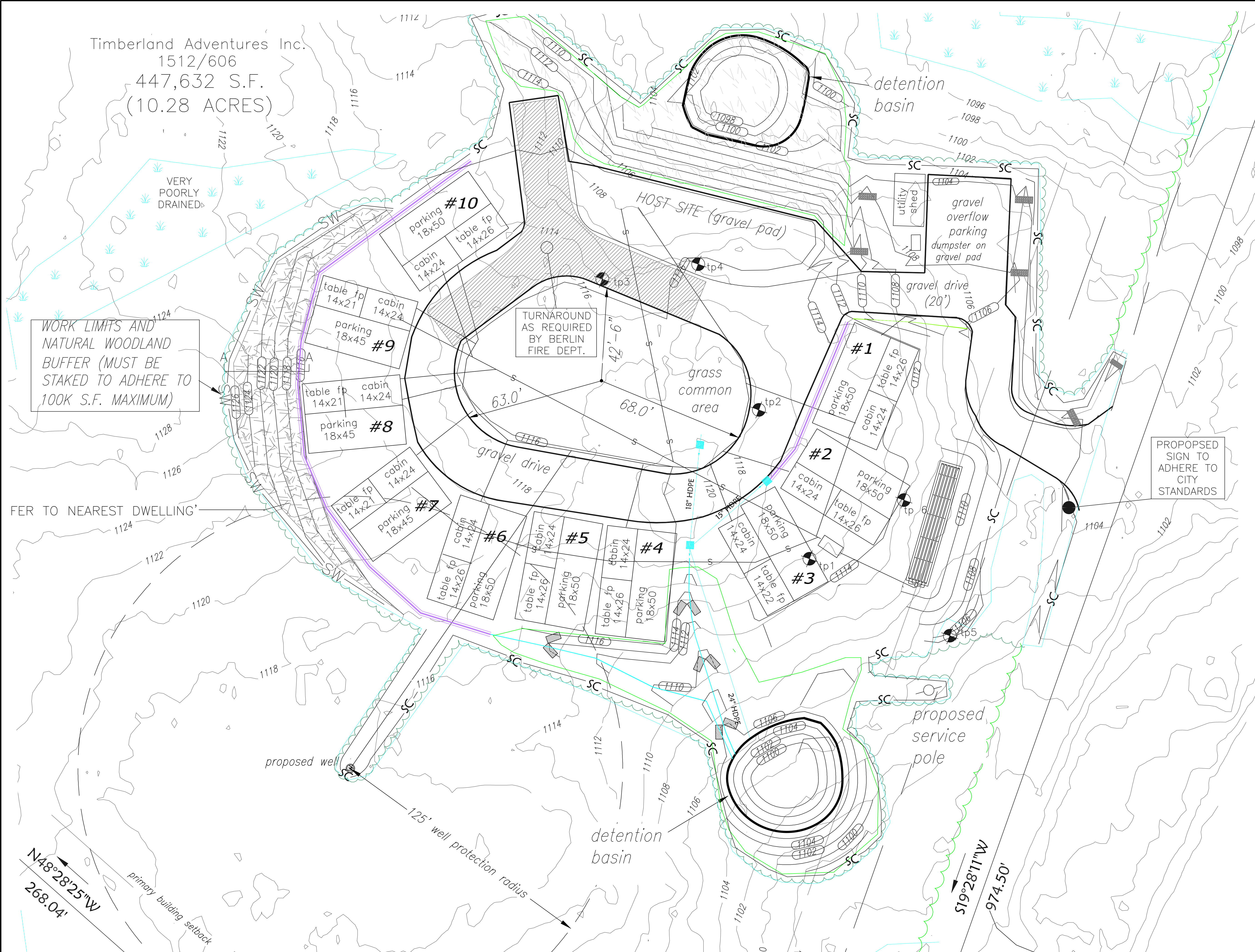
**UTILITIES SITE PLAN
 FOR CAMPGROUND CONSTRUCTION
 TAX MAP 407, LOT 15
 LOT 12 RANGE 4
 ROUTE 110 & HEAD POND ROAD
 BERLIN, NEW HAMPSHIRE**

MAY 27, 2020

**PREPARED FOR OWNERS:
 TIMBERLAND ADVENTURES, INC.
 c/o DAVID & LORI REDSTON
 809 ROUTE 2
 SHELburne, NH 03581**

**PREPARED BY ENGINEER:
 ERIN DARROW, P.E., C.P.E.S.C.
 RIGHT ANGLE ENGINEERING, PLLC
 152 MAIN STREET
 NEW LONDON, NH 03257**

SHEET CIVIL 1



Timberland Adventures Inc.
1512/606
447,632 S.F.
(10.28 ACRES)

WORK LIMITS AND
NATURAL WOODLAND
BUFFER (MUST BE
STAKED TO ADHERE TO
100K S.F. MAXIMUM)

FER TO NEAREST DWELLING'

N48°28'25"W
268.04'

primary building setback

proposed well
125' well protection radius

TURNAROUND
AS REQUIRED
BY BERLIN
FIRE DEPT.

detention
basin

HOST SITE (gravel pad)

grass
common
area

detention
basin

proposed
service
pole

S19°28'11"W
974.50'

utility shed

gravel
overflow
parking
dumpster on
gravel pad

gravel drive
(20')

PROPOSED
SIGN TO
ADHERE TO
CITY
STANDARDS

SCALE IN FEET
20 0 20 40
1" = 20'

NO.	DATE	DESCRIPTION	BY
2			
1			

- GENERAL NOTES
1. THIS PLAN HAS BEEN PREPARED FOR REVIEW BY THE CITY OF BERLIN, NEW HAMPSHIRE FOR PART OF THE APPLICATION FOR SITE PLAN REVIEW.
 2. BASE PLAN INFORMATION BASED ON FIELD SURVEY DATA COLLECTED AND PROVIDED BY YORK LAND SERVICES, LLC.
 3. ELEVATION DATA BASED ON AN NAVD 88 VERTICAL DATUM.
 4. ALL WETLANDS WERE DELINEATED BY BEAVER TRACKS, LLC. JONATHAN SISSON, C.S.S., C.W.S. IN ACCORDANCE TO REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0 ERDC/EL TR-12-1, JANUARY 2012 TO THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1.
 5. SITE SHALL BE INSPECTED, BY RIGHT ANGLE ENGINEERING, PLLC, OR THEIR DESIGNEE, DURING CONSTRUCTION, IF REQUIRED.
 6. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL CONDITIONS OF ANY AND ALL TOWN, STATE, AND FEDERAL PERMITS.
 7. CONTRACTOR IS RESPONSIBLE FOR NOTIFYING ENGINEER OF SITE CONDITIONS OR OCCURRENCES DURING CONSTRUCTION THAT MAY RESULT IN DEVIATION FROM APPROVED PLANS AND SPECIFICATIONS.
 8. ALL WORK SHALL COMPLY WITH THE CONDITIONS OF THE ENVIRONMENTAL PROTECTION AGENCY (EPA) STORM WATER POLLUTION PREVENTION PLAN AND CONDITIONS REQUIRED BY THE EPA.

WETLAND SCIENTIST:
Beaver Tracks, LLC
Jonathan Sisson, C.W.S., C.S.S.
170 Anglin Fl
Grayson, KY 41143
(603) 313-4925 phone
BeaverTracksLLC@yahoo.com

ENGINEER:
Right Angle Engineering, PLLC
Erin Darrow, P.E., C.P.E.S.C.
152 Main Street
New London, NH 03257
(603) 526-2807 office
(603) 443-7815 mobile
(603) 523-8811 fax
Erin@RightAngle.Engineering

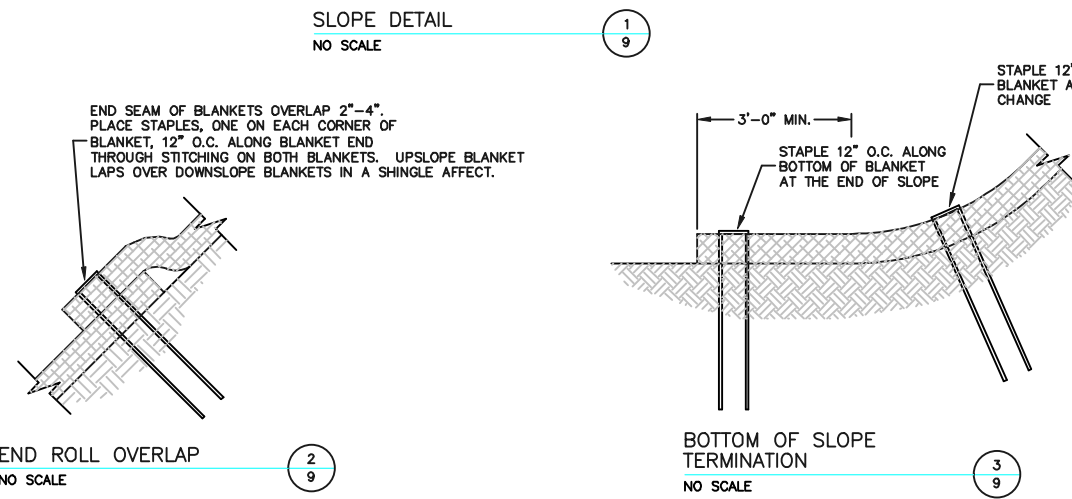
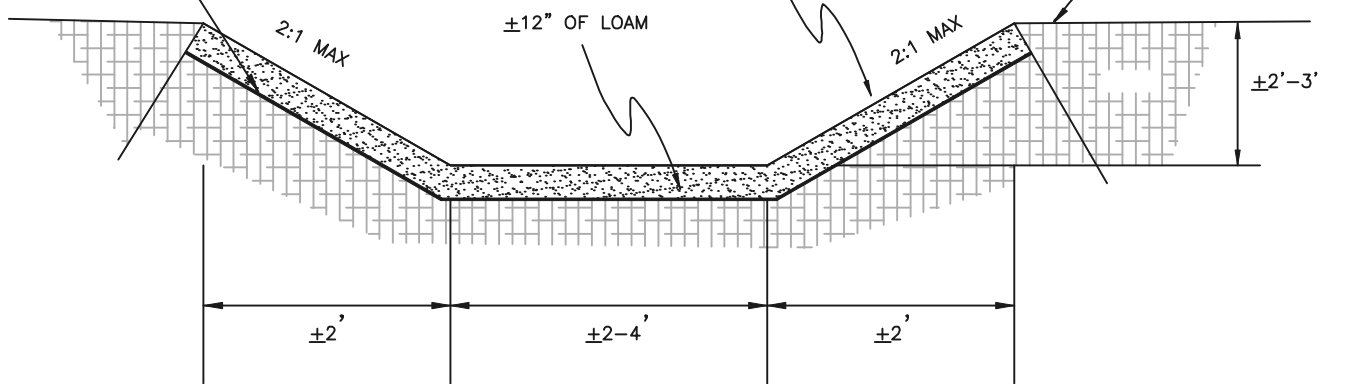
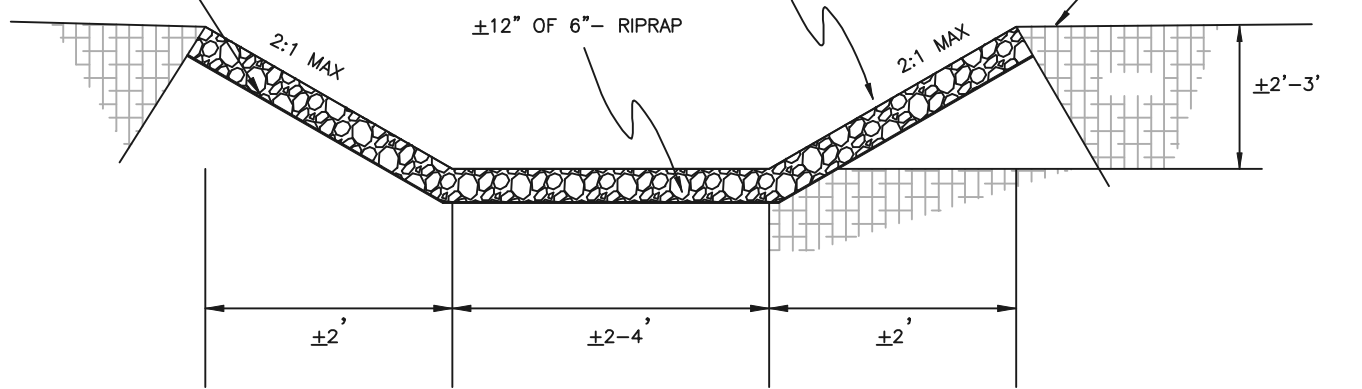
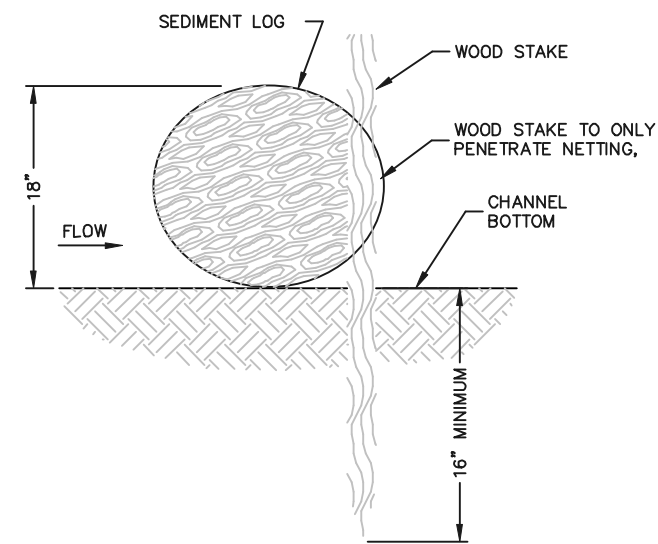
**UTILITIES SITE PLAN
FOR CAMPGROUND CONSTRUCTION**
TAX MAP 407, LOT 15
LOT 12 RANGE 4
ROUTE 110 & HEAD POND ROAD
BERLIN, NEW HAMPSHIRE

MAY 27, 2020

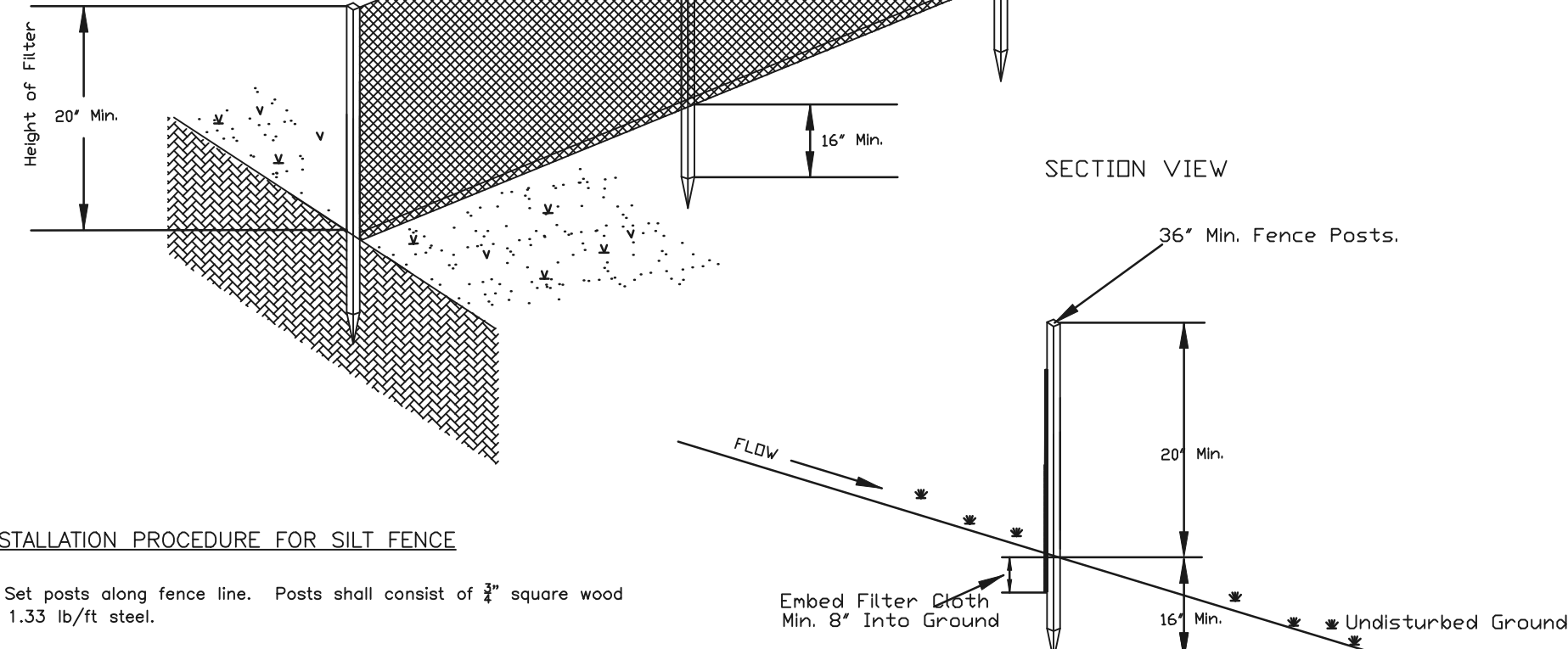
PREPARED FOR OWNERS:
TIMBERLAND ADVENTURES, INC.
c/o DAVID REDSTON
809 ROUTE 2
SHELBOURNE, NH 03581

PREPARED BY ENGINEER:
ERIN DARROW, P.E., C.P.E.S.C.
RIGHT ANGLE ENGINEERING, PLLC
152 MAIN STREET
NEW LONDON, NH 03257

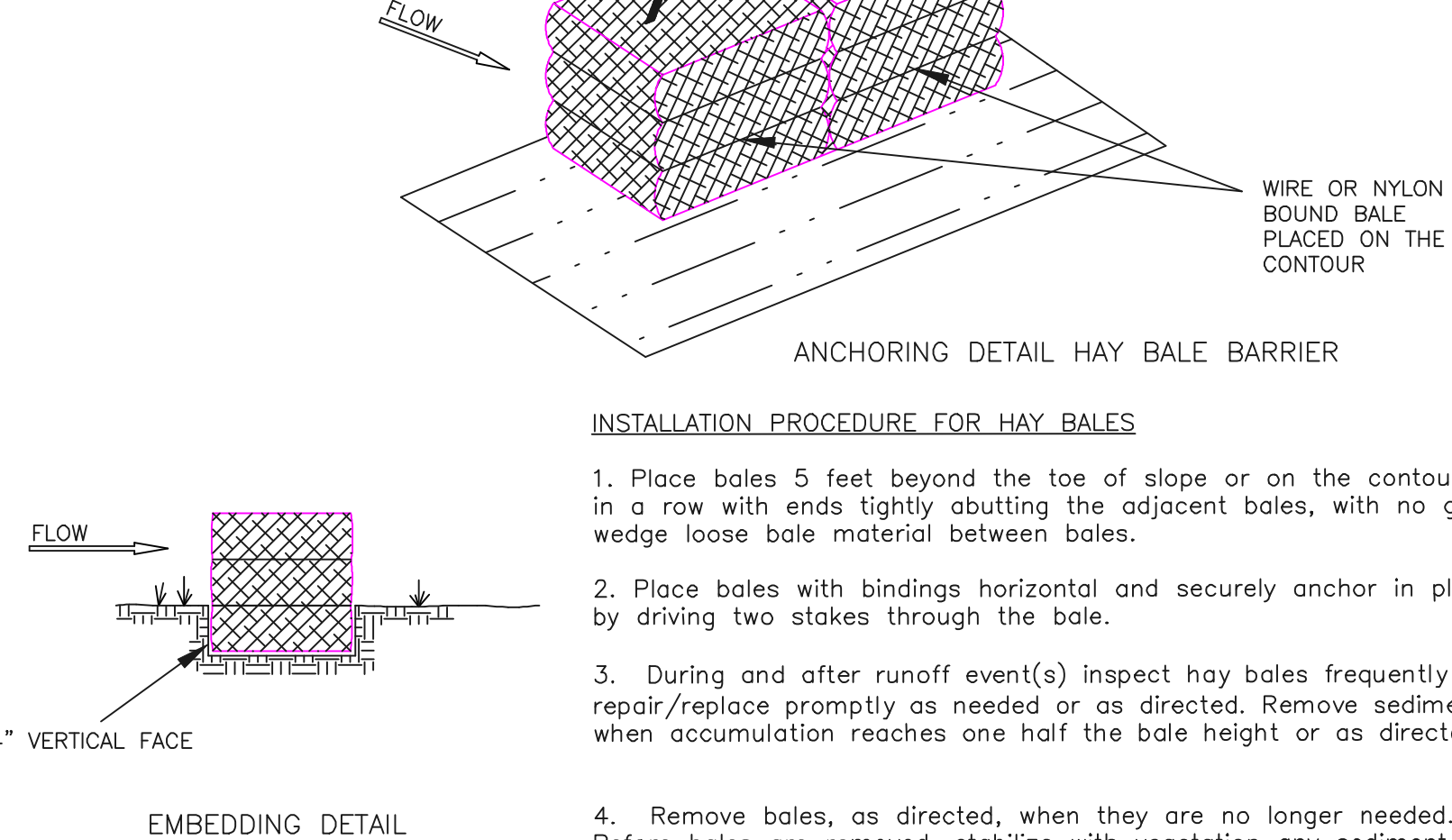
NOT-TO-SCALE



Not to Scale

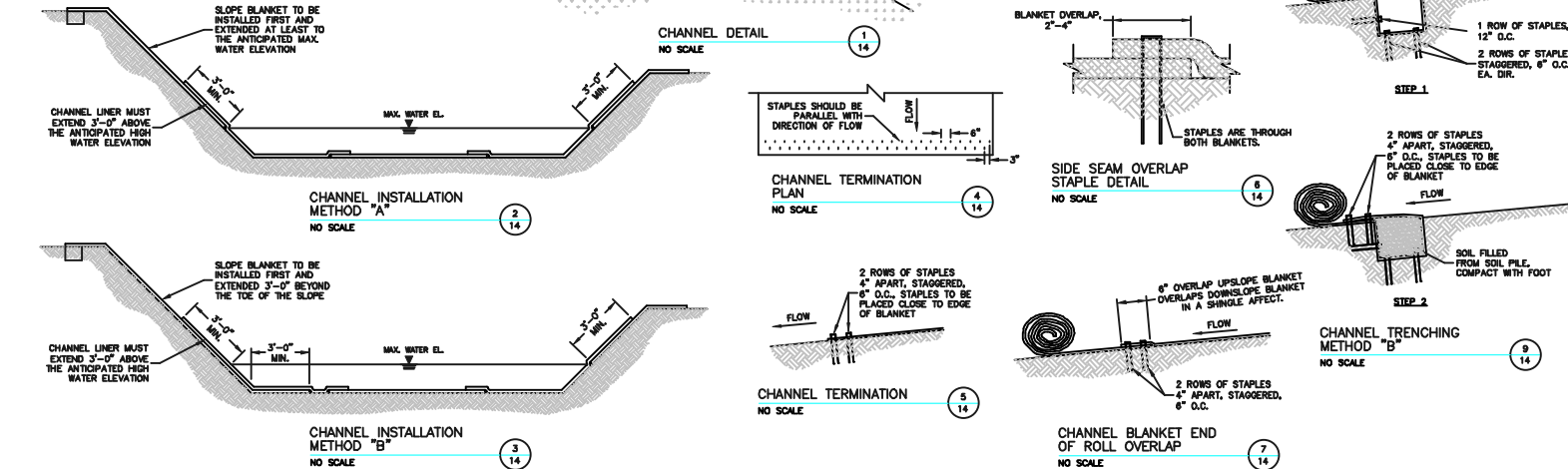


1. Set posts along fence line. Posts shall consist of 2" square wood or 1.33 lb./ft. steel.
2. Securely fasten fiber fabric and woven wire fence (if provided) to fence posts with wire ties, staples, or other approved methods.
3. Securely fasten fiber fabric to the woven wire fence with ties spaced every 600mm (24 in.) at the top, midsection and bottom.
4. When two sections of fiber fabric adjoin each other, overlap the sections by 150mm (6 in.), fold, and staple at a post. Securely staple woven wire fence at a post.
5. Place silt fence 1500 mm (5 ft.) beyond the toe of slope or on the contour. At the end of silt fence runs, flare uphill.
6. Inspect during and after significant runoff event(s). Perform maintenance as needed or directed and remove material when "bulges" develop in the silt fence.
7. Remove silt fence, as directed, when no longer needed. Before the silt fence is removed, stabilize with vegetation any sediment which is permitted to remain in place.



1. Place bales 5 feet beyond the toe of slope or on the contour and in a row with ends tightly abutting the adjacent bales, with no gaps, wedge loose bale material between bales.
2. Place bales with bindings horizontal and securely anchor in place by driving two stakes through the bale.
3. During and after runoff event(s) inspect hay bales frequently and repair/replace promptly as needed or as directed. Remove sediment when accumulation reaches one half the bale height or as directed.
4. Remove bales, as directed, when they are no longer needed. Before bales are removed stabilize with vegetation and sediment which is permitted to remain in place. When bales are removed, fill trench with suitable earth material and stabilize with vegetation.

Very Poor





**CONSTRUCTION DETAILS
FOR CAMPGROUND CONSTRUCTION**
TAX MAP 407, LOT 15
LOT 12 RANGE 4
ROUTE 110 & HEAD POND ROAD
BERLIN, NEW HAMPSHIRE

PREPARED FOR OWNERS:
TIMBERLAND ADVENTURES, INC.
c/o DAVID REDSTON
809 ROUTE 2
SHELBURNE, NH 03581

PREPARED BY ENGINEER:
ERIN DARROW, P.E., C.P.E.S.C.
RIGHT ANGLE ENGINEERING, PLLC
152 MAIN STREET
NEW LONDON, NH 03257

Storm Water Management

MEMORANDUM

DATE: May 27, 2020

TO: Pamela Laflamme
Community Development Director
City of Berlin Planning Dept.
168 Main Street
Berlin, NH 03570

FROM: Erin Darrow, P.E.

RE: Site Plan for proposed campground
Tax Map 407, Lot 15; Lot 12, Range 4
NH Route 110 & Head Pond Road
Berlin, New Hampshire
Timberland Adventures

RIGHT ANGLE ENGINEERING, PLLC
324 Prescott Hill Road
Grafton, NH 03240
(603) 523-8800 Office
(603) 443-7815 Mobile
(603) 523-8811 Fax
RightAngle@myfairpoint.net

This memorandum is written to accompany the application for site plan review for the proposed campground for Timberland Adventures.

The proposed project has been designed to allow for the necessary construction of the campsites and necessary infrastructure needed for the campsites, with consideration of avoiding impacts to wetlands and maintaining existing storm water runoff patterns to the maximum extent practicable.

The site is proposed to be located at the crest of the division between two sub-watersheds. Water currently runs to both the north and the south. It is proposed to generally maintain these patterns, while adding a means of attenuation to accommodate the increased flow rates that will occur as a result of the development.

Drainage around the campsites will be managed through a series of French drains a culverts with catchbasins to the detention basin to the south. The culverts and the basin have been sized to accommodate a 100-year storm event.

Drainage along the north end of the campsites will be managed with surface ditching that will convey runoff to a detention area prior to discharging off-site. These ditches and basin have been sized to accommodate a 100-year storm event.

Runoff will run off of the existing driveway toward Head Pond Road, but at a decreased calculated volume in proposed conditions.

Please let me know if there are any comments, questions, or additional information needed.

cc.: Burke York, L.L.S., York Land Services, LLC

February 4, 2020 Planning Board

Present were: Regular Members Tom McCue, Lori Langlois, Helene Rayborn, Naomi Levesque, Christina Lefebvre, Richard Cassidy, Greg Estrella, and; Ex-Officio Member Lucie Remillard; and Alternate Members Lane Strahan, Susanne Wasileski, and Anthony Valliere .

Excused were: Ex-Officio Member Bryan Chevarie was excused.

Others Present: Pamela Laflamme, Community Development Director; Michel Salek, Code Enforcement Officer; Jim Wheeler, City Manager; Paul Grenier, Mayor; Fred Dambrie of Wildcat LLC; Sonny Couture of Couture Construction; Architect, Michael Couture; Mr. and Mrs. Ron Demers; Captain Peter Donovan; Dave and Laurie Redston of Timberland Adventures Inc; Bob Chapman; Barbara Tetreault, Berlin Sun; Burke York, York Land Services; and Lise Barrette.

Public Comments

None

Approval of January 2020 Minutes

Ms. Remillard made a motion to approve the minutes of the January 7, 2020 meeting. Ms. Rayborn seconded the motion. All in favor, the motion carried.

Presentation- Brown School Housing project – Wildcat LLC; Fred Dambrie & Sonny and Michael Couture

Mr. Couture reviewed the plans and pointed out that this is a higher end apartment complex and will include 30 parking spaces, possibly a coffee shop and the existing gym could be an event center which the local college has said they would be interested in renting. There will be a crosswalk leading to the future Riverwalk. The 18 apartments available will consist of six being micro, or studio, apartments, six one-bedroom apartments, and six two-bedroom apartments. One unit will be handicapped accessible which is in the newer part of the building, located near the existing gym and will be built to handicap requirements. There will also be a laundry area, but the one and two bedroom units will have individual washer and dryer hookups. The bathrooms on the first floor will be kept and updated for the multifunction center.

Much of the building structure will be kept the way it is except for issues like closing stairs properly. The integrity of the building is solid. The apartments are a generous size. All new windows will be put in and the sprinkler and fire alarm systems will be put up to code. There will be lots greenspace with walkways and places for people to hang out.

Mr. Cassidy asked if the event room will be used during the day for things like a community lunch. Mr. Dambrie said it will be used for basketball and possibly other sports. That area has a stage and he was hoping a local theater might be interested in using it. There may be events like weddings and he plans on having an Event Manager. He says it's not a bad idea to have community lunch and it's a possibility. Mr. Cassidy also asked about the windows being

installed and whether they will open for air or will there be A/C. AT this time they plan on having A/C for all units.

Ms. Lefebvre asked if the coffee shop will be open to the public. If so, the parking seems far away. Mr. Dambrie said it will be street parking for customers coming into the coffee shop. Ms. Lefebvre also questioned as to whether the heating system will remain one system for all units or will there be different zones set up? It was explained that there will be several zones set up. Ms. Lefebvre asked about how many units there will be in the 'older' building. There will two in the basement and three more on the two levels above that. Asked if there will be storage units for tenants to store items like bikes, Mr. Dambrie explained there were some other rooms in the basement but it has not been determined yet. Ms. Lefebvre was interested if Mr. Dambrie was going to use some units as Airbnb. He is thinking of testing the use of the micro-apartments as Airbnb to see if there is a demand.

Ms. Strahan asked about the playground that is currently there and whether it will stay. It will be gone, they will have parking spots and some nice landscaping with green space. Asked if it will be pet friendly, Mr. Dambrie says all his current rentals are although it does depend on the individual and the pet. Ms. Strahan asked if it could possibly have a dog park in the future expressing how our community needs one. Mr. Dambrie said it would be an idea to consider.

Mr. Valliere asked Mr. Dambrie if the coffee shop will be run by him or rented out. It will be rented out. He was also thinking about approaching the local college to set up some sort of business to be part of their program where there can be internships.

Ms. Levesque asked about the parking lot and Mr. Couture explained it in further detail on the drawings. There was also some discussion about lighting.

Ms. Wasileski asked about the fencing and whether it will stay as is? It will be left as is except for the cuts made for the driveway entry.

Ms. Remillard asked if they will be subsidized apartments and whether there is a requirement to have some of them subsidized. Mr. Dambrie said although it's not a requirement he is considering it, as he currently has 18% of his units he has in the City are subsidized. Asked about whether there will be any decks, Mr. Dambrie said there may some in the 'older' building but it all depends on costs and interference with windows.

Ms. Rayborn asked whether there is enough room for all the parking portrayed on the drawing. She was assured that there is enough for all units. Ms. Rayborn owns a property next to this building and is wondering how it will affect property assessments. They seem to think if there was an effect it would be positive.

Ms. Langlois was concerned about the parking lot and there not being much space for pushing snow, and where would they put the snow. Mr. Dambrie explained that Nathan Styles (Wintergreen Landscaping) is the one who will be handling snow removal.

Mr. McCue expressed his concern for them to respect and show an understanding of the neighborhood. Please keep it mind that building a housing development in that area is something new. Mr. Dambrie said the event center will only have events that are well received by the tenants and will be respectable.

Mr. Estrella asked if the parking lot spaces will be dedicated to only tenants. It looks like you won't have enough for all the residents. He was assured that all residents will have a parking space. Mr. Estrella wondered what the start and end times would be for any activities in the activity center. Mr. Dambrie explained that there won't be any kind of late night, loud concerts and there will also be a restriction on the occupant load for that room.

Ms. Demers was part of the selection committee and also lives on Norway Street. She talked about how they were originally concerned about what was going to be there. They really like the idea of having upscale apartments. They are concerned about parking that may happen on Norway Street and whether vehicles will be there long term. Mr. Dambrie explained they are required to have a certain amount but they can't designate street parking to their use. Mr. Demers suggested that the parking spaces on Main Street between the bump outs would be an ideal spot for visitor parking and it was agreed that this would be a good place if they can get it designated as such. Mr. McCue said that in addition to the Planning Board review, there is a Traffic & Safety Committee which can deal with any parking issues. Ms. Demers also wanted to say her neighbors were all for this project, they like the idea of an upscale apartment complex.

Captain Donovan from the Berlin Fire Dept. asked if the current state code, 2015 edition was being used and was assured it was.

Mayor Grenier expressed full faith in the city staff and what they bring, which is usually a good finished project. At this time there is no property transfer. Mr. Couture said that they are here this evening to get ideas as to whether the project looks good and see if they can put it together.

Mr. Wheeler expressed that it looked it will be a nice project and likes that it's tied in to the Riverwalk. He like the idea of a high end residential complex.

Ms. Levesque asked about the parking area across Main Street that was used as teacher parking and whether that can be utilized for visitor or event parking. Mr. Couture said that was considered also. Ms. Laflamme said that the Traffic & Safety Committee can also take this under consideration

Ms. Rayborn asked about the entry to the parking lot being on Norway and to how much traffic that may cause. Mr. Dambrie pointed out that there is a requested curb cut on Main Street which will help a lot to eliminate traffic from Norway. Mr. Cassidy asked if it's going to be one way for example the cars would come in on Main and exit on Norway. At this time they have planned on it being two way traffic.

Captain Donovan pointed out that he wants to be sure there is room for the ladder truck to access the windows. He was assured there will be.

Ms. Remillard expressed that currently there is hardly any parking available for this site. To have 30 spaces for parking on this site is more than there ever has been when the school was there.

Mr. Couture also informed the group that they will have an enclosed dumpster location off the sides of the building. Mr. Dambrie said there is space for two dumpsters.

Ms. Tetreault of the Berlin Sun asked about the time table on getting the project done. It will take about two months to get all the drawings done. They are using this meeting to see if the project is viable based on what it will cost. If it is, then they will go to the city to see about purchasing the property. Ms. Tetreault wanted to verify what will be on the main level. There will be a coffee shop, laundry room, and the public bathrooms. Mr. Dambrie expressed that he would love to see a local theater group use the stage. The coffee shop will have eight to ten seats and will be open to the public.

Mr. McCue stated that #4 and #5 on the agenda will be swapped as requested.

Site Plan Review – Timberland Adventures Inc, Tax Map 407 Lots 15 and 15.2

Burke York, of York Land Services, went over the site plans for the ten cabin units. The land is located on the corner of Route 110 and Head Pond Road. Head Pond Road is a private road and Timberland Adventures owns most of it inside their property boundary and at the entrance to their land to the end of their property. Sheets showing existing conditions, 2' contours, wetlands and property lines involved were explained. There is an entrance on the east from Head Pond Road. In the middle is an oval area with 10 cabins surrounding a middle grass area which will be set up like a fire pit. Each cabin will have room for an extended cab pickup and trailer. They will have their own water, heat and electricity or propane. There will be a community septic system installed. Cabins will be rented for no more than nine months a year per state guidelines. They plan to capitalize on ATV tourism and create a place for ATV's to stay in the area with direct trail access. Cabin area is roughly one and a half acres.

Mr. McCue asked about the ownership of Head Pond Road. Mr. York said it was owned by Timberland Adventures and it was part of their property. These are state trails and there is a ROW which also goes through Mr. Chapmans land. The city or state has no maintenance responsibility for the road. There are old ROW easements and reciprocal rights have been held.

Mr. Estrella asked about the time schedule for this project. They plan on building in the spring and would like to be up and running by this summer. The first step is with the Planning Board tonight, the plans still need some small tweaking but it's close to final. After tonight, they will be looking at storm water designs to be engineered. They will need NHDES subdivision approval because it's a campground. The permitting process is in the works. They wanted to see how tonight would go and then they would move forward with NHDES approvals, stormwater and septic approvals from the State as well as the City Planning Board approvals.

Mr. Cassidy asked about the size of the trailers that will be coming in? He's concerned about the dirt road culverts and whether there will be enough room on the road. They expect to have standard pickups with trailers in the back to be parked on the lots. Ms. Laflamme restated that it's a private road and it wouldn't be the City's concern as the road will be the responsibility of

those who have ownership and or other legal rights to it. There was discussion around the fact that logging trucks and fire trucks have been down that road and there shouldn't be any problems. Mr. Cassidy asked if there is a future concept to expand if this takes off. They feel that if it works well, then they would like to do a Phase 2 and get the permits needed at that time.

Mr. York also said there will be a seasonal employee there by the entrance, there will be somebody there at all times.

Ms. Lefebvre asked how many does each cabin sleep. It will sleep two to four people. For the cabins to be considered seasonal it has to be under 400sf. Ms. Lefebvre expressed her concerns on communications, phone lines, and calling for emergency services. The seasonal employee will have cellular service available in that area. Ms. Levesque asked if it's only going to consist of gravel drive, or if there were any pavement areas. Mr. York said it will be all gravel except for the grass area in the middle.

Captain Donovan expressed his concern about the gravel driveway being built to be suitable for fire trucks and he was assured it will be. Captain Donovan also asked if a fire truck will have access to each cabin in the middle circular area. There was also discussion about having a 60' area at the Route 110 end where a fire truck can pull up, back in, and pull back out. A point was made that there won't be any barriers around the grass area, so it can be accessed by vehicles. Fire truck access will be discussed more in the future.

Ms. Remillard asked about electricity to the site. There will be, they are working with Eversource for a proposed pole. Afterwards, then can install whatever they need for lighting.

Ms. Rayborn asked about signage. Anything on Route 110 outside of the urban compact needs approval from DOT. There will also be something on Head Pond Road to mark the entrance.

Ms. Langlois asked if each unit will have a self-contained shower and bathroom. She was assured there would be. There will also be a picnic table and fire pit for each site. Fire wood will probably be sold on the site. There will be lighting for each of the cabin's surrounding area and entrance for safety.

Mr. Cassidy asked if they have considered solar lighting. Mr. Redston said that at their Shelburne site they have self-contained solar units in areas and this will probably also be used here. They haven't discussed backup power source yet, they possibly will get a generator.

Mr. McCue wanted to know if campers with motor homes will be allowed now or in the future. He was assured that it will be strictly cabins to rent. There was some discussion about a well, Alteration of Terrain, and other DES permits for campgrounds in NH.

Ms. Laflamme spoke for one of the abutters who owns a house nearby. They were initially nervous about having campers around, whether they will have buffers between cabins and there house and whether the campers will have rules to follow. The closet cabins will be approximately 500' away from their house. There was some discussion around expansion and keeping woods as a buffer between the house and cabins. Quiet hours at the Shelburne site start at 10pm, but with this site having access to trails they might push the time later if they

have to in order to be in line with Berlin's curfew. Ms. Laflamme wanted to clarify her concerns about lighting to not meaning Head Pond Road itself but the entry driveway for safety. Having a light on Head Pond Road would be nice but not necessary. Mr. Redston said he'd look into having a lighted sign on Head Pond Road. Ms. Laflamme also noted that the notes on the cover page of the plans may need to be changed slightly regarding the private road and its usage and responsibilities

Mr. Cassidy commented that the sign on Route 110 should probably show vacancy. Some discussion about this need followed, but will have to be permitted by the State.

Ms. Laflamme wanted to express how permitting campgrounds with NHDES is more difficult. One campground has already gone through the process and has had a lot of pushback. The only hesitation Ms. Laflamme has is that it's done consistently. The Planning Boards approval is conditional on the State's approval. Tonight's site plan review is preliminary and it's not up for approval at this time.

Ms. Langlois made a motion to accept the application as complete as submitted. Ms. Rayborn seconded the motion. All were in favor, the motion carried.

Mr. McCue opened the public hearing.

Mr. Chapman spoke about his land that sits around this project area and along Head Pond Road. He is one hundred percent for this project, yet he shared his concerns for this being part of the ATV world which is different than the RV world. At this time a lot of the ATV traffic does not take the corner off Head Pond road onto the Small Pond Holding's property, they go straight to Route 110 and they are not supposed to. Signs have been put up but then torn down. Mr. Redston replied that they will have trail maps to hand out at the site. They can also install a sign at the corner which states that for the Yamaha Connector Trail turn right, and the straightway is for cabin guests only. Mr. Chapman also expressed his concern about the ATV's tearing up the part of the road that will go directly to the cabin site.

Ms. Tetreault asked what the time frame for the season will look like. It will be from May to October.

Mr. McCue closed the Public Hearing.

Mr. Salek said he'd like to see the plans include the material specs and cross sections for driveway areas, and utilities. It was noted by Mr. York.

Ms. Laflamme stated that this was the official public notice and that the Planning Board will continue this meeting on Tuesday March 3, 2020. There will be no mailed public notices, this is the official notice. If the applicants need more time, please let her know before the next meeting.

Lot Merger – Tax Map 407 Lots 15 and 15.2

Ms. Remillard made a motion to approve the merging of Map 407 Lots 15 and 15.2, it was seconded by Ms. Lefebvre. All in favor, the motion carried.

Project Updates

Ms. Laflamme informed the board that there have been talks with AT&T to install a cell tower on Cates Hill. They will be at the meeting next month. First, they need to get a special exception from the ZBA because of the fence being over eight feet tall. They will also need a variance.

Burgess Biopower has had trouble accessing a manufacturer for the greenhouse. There haven't been any available as they are all in Europe or overseas. They are currently in negotiations with one, and they hope to be at April's meeting.

Aline Boucher was acknowledged for her service of being on the Planning Board for 15 years. She will also be acknowledged by the City Council.

The city has met with HEB this week for the Riverwalk. HEB submitted the NEPA permit, and they are ready for the final design. Now it's just a matter for DOT to come back and say we can submit the final design. We are hoping to get the go ahead for building the Riverwalk this summer as the Northern Borders funds need to be spent soon.

The US Census representatives met with Ms. Laflamme and they are struggling on how to get people to respond to the census. They will be meeting with her again next week. Ms. Laflamme expressed the importance for everyone to ask friends and family if they responded to the census. People can go online, call, answer in paper form, or wait and someone will come to your house. They don't ask for social security numbers or for income. It's fast and information is not shared with any other federal or state agency. This is important for funding for the city, counts of vaccines for CCFHS, and for education funding. Some of the questions they do ask is how many people are in the home, their name, ethnicity and age.

The Office of Strategic Initiative will be meeting on Saturday, May 30th. It will be at the Grappone Center in Concord.

The North Country Growers have until the end of this month to buy the land for their greenhouses.

Ms. Laflamme asked Mr. Estrella if he wanted to move from a regular member to become an alternate member because he is finishing a full third term. Mr. Estrella said that this will be the last meeting he will be attending for the Planning Board. Congratulations and acknowledgement for his service was given.

Other

None

Public Comments

None

Member Comments

Ms. Lefebvre said she wanted to give her input on the armory since she was not able to make it to the last meeting. She says she has heard that some people are not happy about hearing the

Police Department would possibly move there. She has worked at the Police Department in the past and feels that building is in horrible condition and it's a horrible place to work in. She thinks moving it to the armory would be a great thing.

Ms. Rayborn asked what the purchase price was for the Brown School. That is still in negotiations and hasn't been determined yet.

Planner Comments

None

Adjournment

There being no further business to come before the board, Ms. Remillard made a motion to adjourn, seconded by Ms. Langlois. All in favor, the motion carried. The meeting ended at 8:20pm.

The next Planning Board meeting will be held on Tuesday, March 3, 2019.

Respectfully Submitted,

Lise Barrette



COOPER
CARGILL
CHANT
ATTORNEYS AT LAW

May 4, 2020

Planning Board
City of Berlin
168 Main Street
Berlin, NH 03570

Re: Timberland Adventures, Inc., Tax Map 407, Lot 15
Item 4, Planning Board Agenda for May 5, 2020.

Dear Ladies and Gentlemen:

Please be advised that this office represents Robert A. Chapman, Sr., who owns the land abutting the subject property to the north and northwest, whose property is served by Head Pond Road. It my intent to attend by Zoom the Planning Board meeting on May 5, 2020 at 6:30 PM, at which time I will speak briefly to the issues raised in this letter, but this letter should serve as Mr. Chapman's Objection to the proposed site plan.

The minutes of February 4, 2020 reflect three important representations by Applicant's representative: (1) the Applicant is the owner Head Pond Road within its easterly boundary, i.e. the first 975 feet of Head Pond Road from Route 110 to the northerly boundary as shown on the Existing Conditions plan; (2) the Applicant holds a right of way which goes through Mr. Chapman's land... [t]here are old ROW easements and reciprocal rights have been held; and (3) they plan to capitalize on ATV tourism and create a place for ATV's to stay in the area with direct access. Our client attended that meeting, and while at the time had no objection, these representations raised some concerns particularly with respect to the ownership rights being asserted by the Applicant. At our client's request, we investigated the same, and have reached certain conclusions.

Issue 1: **The ownership of Head Pond Road was not to be included in the conveyance to Donald D. Bald; any such inclusion was the result of a mutual mistake.**

On August 3, 2004, Scott A. Dillon and Thomas R. Dillon obtained title to the subject land which had previously been owned by the Brown Company, and by December 14, 2004, all of the land involved was owned by, or their company, Dillon Investments, LLC. The only easement of issue existing at that time was an Agreement between the Brown Company and Ida St. Laurent et al dated March 6, 1964, recorded at Book 481, Page 89, Coos County Registry of Deeds. The Agreement provided access to 4 lots on Head Pond. Pocket 8, Folder 2, Plan 39, said Registry. (Tax Map Parcels 402-33, 402-34, 402-35, and 402-36). The Agreement also provided for certain cross rights of access for forestry purposes only, which rights were possibly extinguished by merger when the properties were commonly owned.

By deed dated October 26, 2005, recorded at Book 1149, Page 612, Dillon Investments, LLC, conveyed the subject property to Donald D. Bald. There was no survey of the property, and the conveyance was to “the remaining portion of Lot 12 in the 4th Range of lots in Berlin”. There was neither a grant of use to Head Pond Road to Mr. Bald, nor a reservation by Dillon Investments, LLC to use Head Pond Road, nor a reservation to grant rights in the future over Head Pond Road. Lastly, the deed was not subject to nor together with any rights in the Agreement at Book 481/89.

We have confirmed with Thomas and Scott Dillon, that there was no such intent in the 2005 agreement between themselves and Mr. Bald to convey the ownership of Head Pond Road. At the time, Messrs. Dillon believed they were conveying the land to the west and abutting the westerly sideline of Head Pond Road without any rights to use Head Pond Road. It is nonsense to think that Messrs. Dillon would convey away the ownership of Head Pond Road without any reservation, whatsoever, to continue to use it.

This understanding is absolutely consistent with the contract documents leading up to the sale, including the Purchase and Sales Agreement which describes the land to be conveyed by reference to “Map 407, Lot 15” when Tax Map 407 in 2004/2005 showed Parcel 15 as abutting and not including Head Pond Road. Furthermore all of



COOPER CARGILL CHANT • ATTORNEYS AT LAW

2935 WHITE MOUNTAIN HIGHWAY, NORTH CONWAY, NEW HAMPSHIRE 03860

110 PLEASANT STREET, BERLIN, NEW HAMPSHIRE 03570

the subsequent actions and conveyances made by the Messrs. Dillon were consistent with that understanding: (a) the conveyance to the State of New Hampshire (DRED) dated February 17, 2006 at Book 1161, Page 975, which included a “66 wide right of way over that portion of Head Pond Road, as it now exists, from Route 110 across other lands of the Grantor...; (b) a corrective deed to Donald A. Bald dated July 24, 2006 recorded Book 1182, Page 352, after it was learned that general description had mistakenly included land on the south westerly side of Route 110; (c) the conveyance to Small Pond Holdings, LLC dated May 18, 2007 and recorded at Book 1215, Page 360 for the land west of the railroad, and which is described as long the westerly side of Head Pond Road: and (d) the conveyance to Small Pond Holdings, LLC dated May 18, 2007 and recorded at Book 1215, Page 367 for land to the east of the railroad, which grants a “right-of-way for all purposes, in common with others having rights over and along and under Head Pond Road, so called, leading from Route 110” All of these subsequent conveyances were sufficient to place the current owners on notice that an issue existed with respect to the ownership of Head Pond Road.

This issue shall be litigated in the Coos County Superior Court. When title to Head Pond Road is confirmed by court decree as being owned by Messrs. Dillon, the Applicant will no longer own the fee to the first 975 feet of Head Pond Road, and will no longer have access to Route 110 over Head Pond Road. In that the proposed site plan is for access to the site over Head Pond Road to Route 110, this is a substantial and material issue requiring the denial of the application or at least the continuance of any approval until the litigation is complete.

Issue 2: Direct access to the ATV trail system.

The Applicant intimated in its presentation on February 4, 2019 that it had the legal right for direct access to NH ATV trail system, e.g. “There is a ROW which also goes through Mr. Chapmans land”. To the extent that Applicant asserts that it has such a right-of-way is patently incorrect. As noted above, there were NO easement rights conveyed to Mr. Bald, and nor did Mr. Bald ever consider any such easement rights existing, as evident in his conveyance to Timberland Adventures, Inc. dated June 6, 2019 at Book 1512, Page 607. The Applicant does not have a right of direct access to the ATV trial system.



While this may not necessarily be a reason in itself sufficient to deny the application, the Planning Board action should not be viewed by the public as an imprimatur of such an assertion. A note should be included on any approved plan that clarifies that approval of the site plan should not be interpreted as accepting the representations by the Applicant of having direct access to the ATV trail system.

As stated above, I will be attend electronically the meeting on Tuesday evening, and will answer any questions that you may have.

Very truly yours,

Cooper Cargill Chant, P.A.



Randall F. Cooper

rcooper@coopercargillchant.com

Mobile 603-387-3567

C:\Users\randa\Documents\18321 - Chapman\Head Pond\Planning Board\2020.05.04o Planning Board.docx



COOPER CARGILL CHANT • ATTORNEYS AT LAW

2935 WHITE MOUNTAIN HIGHWAY, NORTH CONWAY, NEW HAMPSHIRE 03860

110 PLEASANT STREET, BERLIN, NEW HAMPSHIRE 03570

CITY OF BERLIN
**APPLICATION TO MERGE LOTS
FOR TAX ASSESSMENT PURPOSE AND LAND USE PURPOSES**

The undersigned, (name) Alva R & Gisele A McKenzie
(address) 125 Jericho Road (PO Box 634)
Berlin NH 03570

is/are the owner(s) of lots or parcels shown on the City Tax Maps as follows:

Map 106 Lot 17 Recorded @ Coos County Registry of Deeds
in Vol 895 Page 617 Date June 15, 1998
Map 106 Lot 16 Recorded @ Coos County Registry of Deeds
in Vol 1535 Page 899 Date 05/28/2020

The undersigned requests that the City of Berlin combine the above described parcels or lots into one parcel or one lot for tax assessment purposes and for land use purposes.

The undersigned acknowledges and agrees that the merged lots or parcels shall be shown as a single lot or single parcel on the City Tax Map and shall be one lot or parcel for land use purposes. The City of Berlin will assess the merged lots or merged parcels as a single lot or a single parcel.

If at any time the undersigned, or the heirs, legatees, successors and assigns of the undersigned, wish to subdivide the merged lot or merged parcel, subdivision approval must be obtained from the Berlin Planning Board under the City of Berlin Subdivision Regulations.

The undersigned agrees that the approval of this Application shall be filed at the expense of the undersigned in the Coos County Registry of Deeds.

Dated this 26th day of May, 2020.

Alva R McKenzie
Landowner (Please sign in **black ink**)
Alva R McKenzie
(Please Print Landowner Name)

Gisele A McKenzie
Landowner (Please sign in **black ink**)
Gisele A McKenzie
(Please Print Landowner Name)

This Application for the merger of lots for tax assessment purposes and land use purposes is approved.
This application shall be recorded in the Coos Registry of Deeds.

Dated this 9th day of June, 2020.

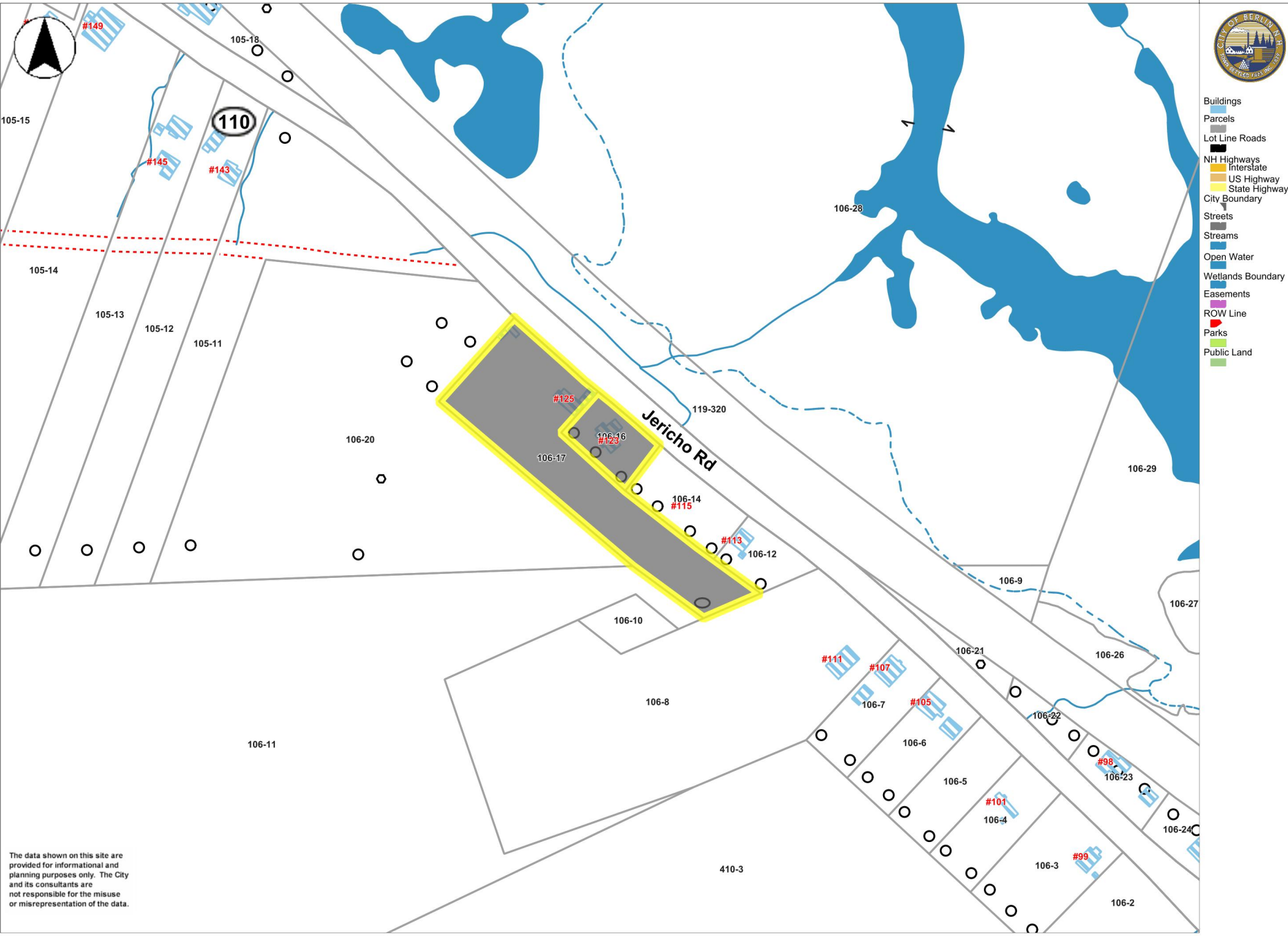
City of Berlin Planning Board

Chairperson (please sign in **black ink**)

(Please Print/Type Chairperson Name)

A copy of this form must be filed with the City of Berlin Assessor's Office.

Received at the City of Berlin Assessor's Office: on _____
by _____ (Assessors Office Coordinator)



The data shown on this site are provided for informational and planning purposes only. The City and its consultants are not responsible for the misuse or misrepresentation of the data.

0 320 640 ft

Printed on 06/08/2020 at 09:59 AM



2016-05

ORDINANCE

CITY OF BERLIN

In the year of our Lord Two Thousand Sixteen

AN ORDINANCE amending the Code of Ordinances of the City of Berlin, Chapter 9, LICENSE AND REGULATION OF OCCUPATIONS AND BUSINESSES by creating Article X. Special Event Camping and Parking

Be it ordained by the City Council of the City of Berlin as follows:

Whereas, Berlin is developing a niche as an OHRV friendly community; and

Whereas, Berlin is the host location of the Jericho ATV Festival and in addition has attracted a National Event sponsored by Polaris; and

Whereas, there is a need for temporary camping and parking regulations during these festivals as authorized by the City Council.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council that the Code of Ordinances of the City of Berlin Chapter 9, LICENSE AND REGULATION OF OCCUPATIONS AND BUSINESSES by creating Article X. Special Event Camping and Parking

ARTICLE X. SPECIAL EVENT CAMPING AND PARKING

Temporary Campground Rules for use only during the Jericho ATV Festival and Camp RZR Festival

Sec. 9-310 Temporary campgrounds prohibited in certain residential zones. Temporary campgrounds are prohibited in the following zones, as defined in the City of Berlin Zoning Ordinance: Residential Single Family, Residential Two Family and Residential General.

Sec. 9-311 If water is supplied, it must be supplied from an accessible, adequate, safe and potable supply and a disposal system must also be supplied.

Sec. 9-312 Septage or wastewater shall be discharged from recreational vehicles or portable recreational toilets into portable sanitary service vehicles, individual sewage disposal system connections, or sanitary stations. A minimum 1 toilet, or portable recreational toilet, is required per 0-50 campsites.

Sec. 9-313 The storage, collection, and disposal of refuse in recreational campgrounds or camping parks shall be conducted in a manner that will prevent health hazards, rodent harborage, insect breeding, and accident or fire hazards.

Sec. 9-314 Temporary campgrounds shall provide circulation aisles, no less than 15 feet wide, throughout the campground that are accessible for emergency vehicle access.

Sec. 9-315 All campsites must be at least 30 feet from any public ROW or abutting property.

Sec. 9-316 A minimum density of 600 square feet shall be provided each tent site and a minimum 1000 square feet shall be provided each recreational vehicle site, with or without connections to an approved sewage disposal system.

Sec. 9-317 Temporary campground owners or operators or their agents shall obtain a fire permit as required pursuant to RSA 227-L. Any person who through his negligence causes a fire to damage a temporary campground or adjacent lands shall be liable to reimburse the owner or operator or their agent of a temporary campground for all damages and cost incurred in attending or extinguishing such a fire.

Sec. 9-318 All State regulations related to the use of propane tanks for portable propane grills shall be followed.

Sec. 9-319 All State regulations for Recreational Campground or Camping Parks pertaining to the Registration (Section 216-I:5) and Eviction and Remedial Action (Section 216-I:6) will hold true for Temporary Camping.

Sec. 9-320 Temporary Campgrounds will be managed from open date/time until close date/time.

Sec. 9-321-329 Reserved

Temporary Parking Lot Rules

Sec. 9-330 Approved temporary parking lots, allowing 11 vehicles or more to park on their property, shall be managed from open until closing of the lot. Bus stop locations must be posted at each lot.

Sec. 9-331 Parking hours shall be from 6AM until 12AM.

Sec. 9-332 There shall be no tailgating or loitering in any parking lots.

Sec. 9-333 Residential property owners may allow 10 or less vehicles to park on their property.

This Ordinance shall be in full force and effect from and after passage.

PASSED: _____
Date

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

TITLE XIX

PUBLIC RECREATION

CHAPTER 216-I

RECREATIONAL CAMPGROUNDS AND CAMPING PARKS

Section 216-I:1

216-I:1 Definition. –

In this chapter:

I. "Approved disposal system" means a system:

(a) Constructed prior to July 1, 1967; or

(b) Constructed in accordance with plans submitted to and approved by:

(1) The former New Hampshire water supply and pollution control commission; or

(2) The department of environmental services.

II. "Campsite" means a parcel of land in a recreational campground or camping park rented for the placement of a tent, recreational vehicle, or a recreational camping cabin for the overnight use of its occupants.

III. "Campground owner" means the owner or operator of a recreational campground or camping park, or their agents.

IV. "Dependent vehicle" means a recreational vehicle which does not have toilet and lavatory facilities.

V. "Individual sewage disposal system" means any sewage disposal or treatment system, other than a municipally-owned and operated system, which receives either sewage or other wastes, or both.

VI. "Portable sanitary service vehicle" means a vehicle used to transport septage or waste water from a recreational vehicle to a sanitary station.

[Paragraph VII effective until January 1, 2020; see also paragraph VII set out below.]

VII. "Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 485-A:23.

[Paragraph VII effective January 1, 2020; see also paragraph VII set out above.]

VII. "Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 170-E:55, I.

VII-a. "Recreational camping cabin" means a structure on a campsite, 400 square feet or less, calculated by taking the measurements of the exterior of the cabin, including all siding, corner trim, molding and area enclosed by windows, but not the roof or porch overhang, or log overhang at corners. It shall be designed not for use as a permanent dwelling but as a temporary dwelling for recreational camping and vacation use.

VIII. "Recreational vehicle" means any of the following vehicles:

(a) Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(b) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(c) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by

windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.

(d) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

IX. "Sanitary station" means an approved facility used for accepting and disposing of wastes from recreational vehicle holding tanks, portable recreation toilets, or portable sanitary service vehicles.

X. "Tent" means a portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes.

Source. 1989, 343:1. 1996, 228:108. 2000, 130:1-3. 2001, 49:1, eff. Aug. 10, 2001. 2019, 346:137, eff. Jan. 1, 2020.

Section 216-I:2

216-I:2 Density Requirement. – A minimum of 600 square feet shall be provided for each tent site and a minimum of 1,000 square feet shall be provided for each recreational vehicle and recreational camping cabin campsite, with or without connections to an approved sewage disposal system.

Source. 1989, 343:1. 2000, 130:4, eff. May 8, 2000.

Section 216-I:3

216-I:3 Water Supply. – An accessible, adequate, safe and potable supply of water shall be provided in each recreational campground or camping park. Where a public supply of water of sufficient quantity, quality, and pressure is available, connection shall be made to the supply and that supply shall be used exclusively. When a satisfactory public water supply is not available, a private water supply system may be used if approved by the department of environmental services.

Source. 1989, 343:1. 1996, 228:108, eff. July 1, 1996.

Section 216-I:4

216-I:4 Disposal System. –

I. An approved disposal system shall be provided in all recreational campgrounds or camping parks.

II. Septage or waste water shall be discharged from recreational vehicles or portable recreational toilets into portable sanitary service vehicles, individual sewage disposal system connections, or sanitary stations.

III. Flush toilets or other approved toilet facilities, such as self-composting toilets or incinerating toilets, shall be provided in all recreational campgrounds or camping parks.

IV. The storage, collection, and disposal of refuse in recreational campgrounds or camping parks shall be conducted in a manner that will prevent health hazards, rodent harborage, insect breeding, accident or fire hazards.

V. A sanitary station shall be provided for disposal of waste from recreational vehicle holding tanks, portable recreational toilets and portable sanitary service vehicles. This requirement shall not apply to those recreational campgrounds or camping parks that have individual sewage connections to every campsite. Existing recreational campgrounds or camping parks which do not comply with this paragraph shall comply within 5 years of the effective date of this paragraph.

VI. A recreational camping cabin which has water plumbed to it shall have a connection to an approved sewage disposal system.

Source. 1989, 343:1. 2000, 130:5, eff. May 8, 2000. 2011, 52:1, eff. July 8, 2011.

Section 216-I:5

216-I:5 Registration. – All persons upon entering a recreational campground or camping park shall register with the appropriate authorities. All recreational campground or camping park owners or operators or their agents shall upon the registration of each camper or camper's guest cause an entry to be made on a registration book or card system which shall record the campers' or camper's guests' agreed-upon departure time and date. No camper or camper's guest shall, without the consent of the campground or camping park owner or operator or his agent, remain on a campsite beyond the departure time and date so recorded at registration.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:6

216-I:6 Eviction and Remedial Action. –

I. All recreational campground or camping park owners or operators or their agents may remove or cause to be removed from such recreational campground or camping park any person remaining in a recreational campground or camping park in violation of this chapter by notifying such person that the establishment no longer desires to entertain him and requesting that he immediately leave. Any person who remains or attempts to remain after being so requested to leave shall be guilty of a violation.

II. All recreational campground or camping park owners or operators or their agents may remove, or cause to be removed by a law enforcement officer of this state, any person refusing to pay registration or visitors' fees, any person who willfully denies other persons their right to quiet enjoyment of their recreational use of such facilities, or any person who violates any local or state law. The right to remove or cause to be removed shall arise after the recreational campground or camping park owner or operator, or their agent, makes a reasonable attempt to verbally warn the person to cease and desist the breach of quiet enjoyment or violation of local or state law. Following eviction, said person may make written request to the owner or operator or their agent of such recreational campground or camping park within 30 days for the refund of the unused portion of his prepaid campsite rental or visitor fee. Upon such a request, such owner or operator shall refund such unused portion of the fees, less any amount deducted to pay for damages.

III. Any law enforcement officer of this state, upon request of a recreational campground or camping park owner or operator or their agent, shall place under arrest and take into custody any person who violates this section in the presence of the officer. Upon arrest, the person shall be deemed to have abandoned his right of use of the recreational campground or camping park and the owner or operator or their agent may then make such campsite available to other persons. The owner or operator or their agent of a recreational campground or camping park shall employ all reasonable means to protect any personal property left in storage at the recreational campground or camping park.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:7

216-I:7 Storage of Property. – Any property left in a recreational campground or camping park after check-out time or eviction pursuant to RSA 216-I:6 shall be considered abandoned. Such abandoned property may then be moved off the campsite and placed in storage. Any owner or operator or their agent of a recreational campground or camping park shall have a lien upon such property, so long as it shall remain in their possession, for proper charges due them for the storage and care of the property.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:8

216-I:8 Notice and Sale. – If any of the charges referred to in RSA 216-I:7 shall remain unpaid for 60 days, the lien holder may sell such property at public sale. The proceeds, after first paying the expense of sale, shall be applied in payment of the storage charges, and the balance, if any, shall be paid to the owner of the property or the person entitled to such balance. Notice of such sale shall be given and record made as provided in RSA 444.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:9

216-I:9 Fireplaces and Fires. –

- I. All fireplaces in recreational campgrounds or camping parks shall be on an area cleaned to mineral soil at least 8 feet across. Where fires are built on the ground, there shall be at least 6 inches of sand or gravel under the fire.
- II. All tree limbs or other burnable material within a height of 10 feet above the fireplace area shall be removed.
- III. Fireplaces shall not be moved.
- IV. Fire shall not be kindled except in fireplaces provided by recreational campgrounds or camping parks.
- V. Recreational campground or camping park owners or operators or their agents shall obtain a fire permit as required pursuant to RSA 227-L.

Source. 1989, 343:1. 1995, 299:11, eff. Jan. 1, 1996.

Section 216-I:10

216-I:10 Liability. – Any person who through his negligence causes a fire to damage a recreational campground or camping park or adjacent lands shall be liable to reimburse the owner or operator or their agent of a recreational campground or camping park for all damages and costs incurred in attending or extinguishing such fire.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:11

216-I:11 Penalty. – Any person who violates any provision of this chapter shall be guilty of a violation.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:12

216-I:12 Manufactured Housing Exempted. – Nothing in this chapter shall be construed to apply to "manufactured housing" as defined in RSA 205-A:1.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:13

216-I:13 Partial Exception for Certain Uses of Recreational Vehicles. – Except as provided in RSA 216-I:4, II, this chapter shall not apply to the occasional commercial or noncommercial use of recreational vehicles on parcels of lands if the parcels are used for not more than 7 days in any calendar year; however, the owner of the land or the party responsible for the land shall file a statement of compliance with the governing body for the municipality in which the parcel is located, stating the method of compliance with RSA 216-I:4, II, within 7 days prior to the commencement of each use. Nothing in this section shall be construed to limit or modify the authority of local municipalities to enforce local regulations and ordinances relative to zoning and health and safety.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:14

216-I:14 Exception for Agricultural Fairs. – Except as provided in RSA 216-I:4, II, this chapter shall not apply to recreational vehicles used in conjunction with events or fairs sponsored by any member of the New Hampshire Fairs Association. However, the person responsible for the operation of the events or fairs at the fairground shall file a statement of compliance with the governing body for the municipality in which the fairground is located, stating the method of compliance with RSA 216-I:4, II within 7 days prior to the commencement of each event. Nothing in this section shall be construed to limit or modify authority of local municipalities to enforce local regulations and ordinances relative to zoning and health and safety.

Source. 1989, 343:1, eff. June 2, 1989.

Section 216-I:15

216-I:15 Exception for Motorsport Events. –

I. Except as provided in RSA 216-I:4, II, this chapter shall not apply to recreational vehicles used in conjunction with scheduled racing events held at motorsport facilities.

II. This exception shall apply to:

- (a) Motorsport facilities with permanent seating capacity greater than 40,000 seats.
- (b) Property that is used for the parking of vehicles at the motorsport facility, or contiguous land used for vehicle parking and under the control of the motorsport facility.

Source. 1996, 220:1, eff. June 10, 1996.