

March 3, 2020
Planning Board

Present were: Regular Members Tom McCue, Lori Langlois, Naomi Levesque, Christina Lefebvre, Lane Strahan; Ex-Officio Members Lucie Remillard and Lise Barrette

Excused were: Regular Member Helene Rayborn; Alternate Members Susanne Wasileski, Richard Cassidy and Anthony Valliere

Others Present: Pamela Laflamme, Community Development Director; Brian Valerino; Michel Salek, Code Enforcement Officer; Burke York, York Land Services; Barbara Tetreault, Berlin Sun; Will Dodge and Peter Marchant for New Cingular Wireless PCS, LLC; Daniel and Lynn Cotnoir, landowners; and David Brooks of Jericho Mountain Wind Co.

1. Public Comments

None

2. Approval of February 2020 Minutes

Ms. Remillard made a motion to approve the minutes of the February 4, 2020 meeting as written. Ms. Langlois seconded the motion. All in favor, the motion carried.

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

This matter was not ready to be discussed at this meeting. This is an official notification that public notices will not be resent. The site plan review will be tabled until the April 7, 2020 meeting.

4. Common Driveway Subdivision, Tax Map 406 Lot 2, Moses, Cates Hill Road

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

Mr. York discussed the history of the parcel. Maps were looked at and discussed. The property has the minimum requirements for frontage to create a driveway. There will be a cul-de-sac at the end of the driveway. It will be going to state for subdivision approval. There is a maintenance agreement for the driveway and easement language has been revised.

Ms. Remillard asked if it will be maintained year round. Mr. York said that winter maintenance is addressed in the agreement, although it's not being used in the winter at this time. Asked if the cul-de-sac is accessible by fire trucks, Mr. York confirmed that it was.

There are small areas of wetlands that were pointed out, as well as the septic system and well areas. The width of the driveway is per our standard. The subdivision will be creating three separate lots.

Mr. McCue asked about whether the street sign has been installed by Public Works yet. Ms. Laflamme will contact the landowners and ask about the proposed street name and then see about the installation.

Mr. McCue opened the public hearing at 6:45pm. As there were no public comments, Mr. McCue closed the public hearing at 6:45pm and opened the discussion to the Planning Board members.

It was explained that the Common Driveway Subdivision agreement must be recorded with the Registry of Deeds with a plan and deed included. A subdivision will not be considered until this is completed.

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 and that no further subdivision can occur until the street is either brought to city standards or a major subdivision is completed; Seconded by Ms. Strahan. All in favor, the motion carried.

5. Site Plan Review, New Cingular Wireless PCS, LLC, dba AT&T, Tax Map 406 Lot 20, Cotnoir, Cates Hill Road

Ms. Langlois made a motion to accept the application for the Special Use Permit submitted as complete, Ms. Lefebvre seconded the motion. All in favor, the motion carried.

Ms. Remillard made a motion to accept the application for the Site plan review submitted as complete. Ms. Langlois seconded the motion. All in favor, the motion carried.

Attorney Will Dodge went over the power-point for FirstNet. There was an over view of FirstNet which included the history of where and why FirstNet was created. FirstNet was started in 2010 to build a nationwide system for first responders to aid with their communications during any big events. After AT&T was awarded the contract in 2017 they have been going state to state to present and work towards developing better communications by reserving bandwidth for emergency responders. NH is the last state they are working with and they are focusing on remote areas in the north.

Discussed next was a description of the proposed facility. The cell tower will be self-contained with an eight foot chain link fence. It will be located where the other towers are, hidden by surrounding trees. It will be 180' tall, with 6 panel antennas at the top with room for more in the future if needed. There won't be a need for a blinking light, and there will be a small lightning rod. There won't be any signs except for security on the fence which is designed to NH code. The tower is designed to handle severe ice storms. There will be a berm for stormwater. Current AT&T cell coverage was discussed as well as the improved coverage which will include, Rte. 110, Rte. 16, East Milan Rd, Cates Hill Rd, Success Pond Rd, and Bog Hill Rd.

They have already met with the Berlin Zoning Board for a variance and special exception. Attorney Dodge discussed the Special Use Criteria which included aesthetics, environment, historic impacts, flight corridors, property values, health and safety, co-location considerations, and alternative sites evaluated. Also reviewed was the maintenance of the facility, removal or abandonment which does not usually happen, and the design standards.

The Site Plan was reviewed by Attorney Dodge. This included design considerations, landscaping, buffers and screening, parking, loading and pedestrian safety, erosion and sedimentation, illumination, public streets, storm drainage, snow removal, ADA requirements, pollution control, and special flood hazard areas.

Mr. McCue asked that they clarify the waivers and the NEPA study. Mr. McCue confirmed that the Berlin Municipal Airport is not within five miles of this site. Attorney Dodge said he believed the US Cellular has a light is because of its height and not because of location near the airport. Also discussed was the existing road which will be extended. That road is still owned by the land owners and Mr. McCue wants to be sure they have all the rights needed to use it. This situation was checked and the road access is spelled out in the lease as well as winter maintenance. A technician might only go up there on average of once a month.

The foundation designs will be finalized after the geotech study is completed. When the building permit application is submitted, they will need to have that included. They will also be required to consult any other City departments as needed including the Fire Department.

Asked about the noise of the backup generators Ms. Cotnoir said that currently they don't hear any noise up in that area. The nearby recreational trails were also discussed.

Ms. Remillard asked if it is common for alarms to go off. Alarms will not be heard, they are recorded internally to the technicians. There was concern and discussion about the backup diesel generators. These will be sufficient if needed and technicians will be called out to make repairs when needed. The lifespan of these units was a concern. Mr. Marchant was unsure because none have ever come down and they have some leases for 99 years.

Ms. Levesque asked about the need of annual certifications. These are done because of technology advancements. A tower might fall out of compliance, but it hasn't happened anywhere as of yet. Ms. Laflamme also noted that the City has never collected annual certifications. We would request them when we feel it is necessary.

Ms. Strahan asked if AT&T Universe would be available and would it be offered to the community. Attorney Dodge said there won't be any new fibers installed throughout community. AT&T is pushing wireless only.

Ms. Lefebvre asked why it took so long for this to happen in our area. Mr. Dodge said it's due to politics and the process. Also discussed was the fact that in other communities where these towers have been installed there are AT&T stores that have been popping up.

Mr. McCue opened the public hearing at 7:35pm.

Ms. Tetreault asked if they have spoken to first responders in the area. They haven't but indirectly other AT&T representatives have worked with first responders. NH Public Official John Stevens, is the point of contact for FirstNet, AT&T and the first responders. Ms. Tetreault also asked about how sites were chosen for creating improved communications. The sites are picked accordingly with public agencies that are saying where they are having issues. Ms. Tetreault discussed the need in Jefferson due to a recent accident which occurred and cell coverage was problematic. They will take that into consideration.

Mr. McCue closed the public hearing at 7:45.

Ms. Laflamme stated that the Planning Board can grant the Special Use Permit and Site Plan Review with exception of receipt of the NEPA study. She has received input from the City Attorney that we

will need to see a negotiation of some type of insurance or bond. The Planning Board will waive the annual statement of compliance and change it to receipt upon request.

The waiver of the bond will not be granted and the bond amount might need to be changed.

Ms. Remillard made a motion to grant the Special Use Permit; seconded by Ms. Lefebvre. All in favor, the motion carried.

Ms. Lefebvre made a motion to approve the site plan conditioned upon receipt of the completed NEPA Study by the Community Development Director to be placed on file; that the Planning Board delegates to the City Attorney the negotiation of a bond or insurance as required by the ordinance to be placed on file on completion; and that the applicant will forward an annual statement of compliance and need as requested by either the Planning or Zoning Departments. Ms. Strahan seconded the motion. All in favor, the motion carried.

6. Site Plan Review, Conceptual Consultation, Jericho Mountain Wind Company, Tax Map 410, Lot 5, land off of NH Route 110

This is not a public hearing, there hasn't been any notices sent out and there is nothing binding. Mr. Brooks showed a short video presentation on their website. He said their Site Plan Submission is going forward. Transit X will hopefully become a reality soon. He is currently working on a possible easement agreement with Mike Couch and Roland Berthiaume of RM Northern LLC to run through their property. The plan is to have access to Stop One using Rte. 110. He expressed that funding is close and they need permits soon. Parking is an issue and at the next meeting it will be depicted more clearly. They are looking at the parking lot across the street from RM Northern LLC to be used as a parking lot. It all will depend upon whether an agreement can be reached with RM Northern LLC. If not they will look at a second option of having people drive up to their land where there will be a parking lot. The top of the mountain is the planned stop for the first podway they are planning. The total length is approximately 2 ½ miles. Mr. Brooks explained that on his property it is under 2 miles long. Mr. Brooks shared the brochure with the board. It will be called Jericho Mountain Renewal Energy Park. The pods will fit four people and some will be for cargo only. There will be wheelchair accessibility, everything will be handicap accessible. He hopes to have the jetpacks up and running at the same time as the pods. The podway will have hidden wires along the top half to eliminate need for poles. There will be a turnaround at every stop and a pod shed where they can be parked and charged.

Ms. Levesque asked what the height of the pods will be. Mr. Brooks said it could be 10 to 12 feet high, but he's open to suggestions.

It was explained to Mr. Brooks that the Planning Board has their rules such as a design review phase, final application phase, and possible approvals from the zoning board.

Ms. Laflamme also expressed her concerns about having people driving their vehicles on the current roads and trails to get to the parking area.

Ms. Barrette asked how long it takes to get up the mountain. It takes about five minutes to get to the top, it travels at 45mph.

Ms. Strahan asked about a weight limit. It's a maximum of 1000lbs.

Mr. Salek asked if they have an electrical engineer working with them. Mr. Brooks said they have all the engineers needed except for a civil engineer.

Mr. McCue reminded Mr. Brooks that individuals cannot contact him directly. It must be done through the planning office.

7. Downtown Rezoning Proposal

Ms. Laflamme explained that this has been brought up with the Economic and Marketing Study from Camoin. They feel we need to reconceptualize the downtown area. The area is too big and hard to tackle and it would be easier to work with if it was a smaller area. The Downtown zone used to extend from St. Anne's to the end of the 'V' of Veteran's Park on Glen Ave. It now stops at Mason Street at City Hall/Walgreens. The zoning doesn't match the footprint, inventory, types of business and infrastructure we have. The Downtown zoning mostly has small buildings close together located close to the sidewalks. Ms. Laflamme showed the new proposed zoning maps which shows the Downtown shrunken down.

Ms. Remillard had a concern about the Pleasant St. empty lots and whether it would limit selling it to certain people. Ms. Laflamme says it would not because there would be more flexibility.

Mr. McCue discussed the Business General vs. Downtown zones. There was a review of the uses in the Downtown zone.

Asked if this would change the tax rate, Ms. Laflamme says it's not the zone that determines the tax rate. Some discussion was had about the Main Street Program and the proposed Heated Streets project.

Ms. Remillard asked if we need to send out notices to landowners if they are rezoned. Ms. Laflamme says it will go in paper as it was done in the past. Asked if there was a downfall for these properties to be rezoned. It is actually better for them because they get more flexibility with setbacks, signage and other things.

Ms. Langlois made a motion to recommend to bring it to the council that we change zoning for Downtown as shown on the map. Ms. Strahan seconded. All in favor, motion carried.

8. Other

Lot Merger 179 Finland Street, Map 127 Lot 109 and Map 127 Lot 109-1

This lot was previously unmerged which shows up on Vision but not on the Mapping yet. The new owners would like to merge them back together.

Ms. Remillard made a motion to approve the merging of Lots 109 and 109-1. Ms. Lefebvre seconded. All in favor, the motion carried.

Mayor and council made renewals and appointments. Lise is new ex officio member. The new term for Ms. Langlois and Ms. Strahan start in May. Mr. Cassidy will now be an Alternate Member. The Mayor made his own appointment which is Brian Valerino who will be a regular member as soon as he is sworn in.

Ms. Laflamme expressed that she has been working with David Brooks to help him structure what we require and need for his project. She has put together lists and examples. She put him on the

agenda tonight so he can view a site plan. We can give conditional approvals if things are in progress. But, as of yet, nothing has been done with DES concerning wetlands, alteration of terrain, and stormwater. These cannot be waived, it's needed before he comes to the Planning Board.

9. Project Updates

Reminder for Census which comes out this month. Please answer the Census and remind friends to answer also. Advertisement will be put up everywhere, including banners. It's very important for our community.

10. Public Comments

None

11. Member Comments

Ms. Langlois asked about the parking on Rte. 110 regarding Mr. Brooks project and whether it is a public parking lot. Ms. Laflamme says it needs to be looked at and discussed with city council.

12. Planner Comments

None

13. Adjournment

There being no further business to come before the board, Ms. Lefebvre made a motion to adjourn; seconded by Ms. Remillard. All in favor, the motion carried. The meeting ended at 8:45 pm.

The next Planning Board meeting will be held on Tuesday, April 7, 2020.

Respectfully Submitted,

Lise Barrette