

April 3, 2018
Planning Board

Present were: Regular Members Tom McCue, Lori Langlois, Greg Estrella, Richard Cassidy, Naomi Levesque, Aline Boucher, Helene Rayborn, Ex-Officio Member Lucie Remillard,

Others Present: Pamela Laflamme, Community Development Director; Lise Barrette; Brandon Roy; Burke York, York Land Services; Helen Couture; Roland Theberge; Michel Salek, Barbara Tetreault

Public Comments – No one spoke

Approval of March Minutes

Ms. Remillard made a motion to approve the minutes of the March 6th meeting as written with a second by Ms. Rayborn. So moved, the motion carried.

Rezoning Request – Brandon Roy:

Mr. Roy addressed the board on his rezoning request. It was discussed at length last month. He submitted photographs which will be passed around. He is asking everybody to go up there to take a look at the property. He hauls junk cars out of Berlin, about 200 cars a year. He doesn't dismantle, just hauls. The property is owned by Barry Kelley, surrounding it is Mt Carberry and the City. He says there aren't any houses nearby.

Mr. Roy felt as though he would not make more noise than Berlin Water Works or the saw mill he indicated was located on Kent Street. He is looking for a place to store the Police Department impounds and accidents claims until insurance and the Police Department complete their investigations. There are no other properties owners in Berlin who takes cars from accidents, impounds, or broken down vehicles. He's hoping the board can see the property before judgments are made.

Mr. Estrella had several questions: would there be fencing around area, gate keys hours of operation, inconvenience of abutting properties, and lighting. A lot of these questions got into the site plan conversation and this was more about zoning but the questions were answered. There will be a fence will be around the property, it's surrounded by bankings and forest. The access will be on Trudel Street, a gate and a key available to City and the Police Department. Time of operations was harder to answer as it is a towing business it's unpredictable. 90% of business is conducted in the day time. Mr. Roy says it won't be loud and won't be louder than the biomass plant. There will be lighting installed.

Mr. Cassidy asked to confirm if it was currently a residential zoned area. Mr. Roy pointed out Berlin Water Works is going in and out of there steadily. Mr. Cassidy said that last

week they discussed their concern about only one entry. Mr. Cassidy asked how long cars would sit there. Mr. Roy said it could be a couple months at a time.

Ms. Remillard said that the board does not spot zone. It can cause problems for the future. She said it's not a call she'd be willing to make. Mr. Roy says he finds there is no other place available that isn't near the ATV tourism. He has been looking for property for two years and this is practical in terms of price for his means. Berlin Water Works wasn't supposed to be using that property, the City did not know they did.

Ms. Levesque asked if he looked at other industrial zoned properties. He said he did but they are not within his budget. Ms. Levesque also talked about changing zoning like this would open it up to others and it could change property values. Mr. Roy asked if he could file for a variance or exception that can be done. Ms. Laflamme confirmed he could file for a variance but they are typically tricky to get as you have to prove there is nothing you can do with the property and that the suggested use is the best and highest use.

Mr. McCue says a zoning variance is obtained from the Zoning Board. We are looking at whether we change the zoning in this area. Mr. Roy can present an application to the Planning Board for a site plan and if it's denied then he might then be able to ask for a variance. Ms. Rayborn is concerned for safety in a neighborhood. Mr. Roy confirmed there will be a fence.

Ms. Langlois and Ms. Boucher echoed what Ms. Remillard and Ms. Levesque had said and does not think favorably of spot zoning.

Mr. McCue presented the map and explained how it would be spot zoning. There is very little growth for potential industry in that area. The surrounding area is zoned as RR and they need to look at the long term situation. Mr. Roy said that that area behind the property is owned by the City and Mt Carberry/AVRRDD and there won't be houses built there in the future.

Mr. McCue asked all if any board members feel they'd like to change their decision from last week. Mr. Roy again asked that everyone views the property before they make a decision tonight.

The decision will be postponed for next month.

Boundary Line Adjustment – postponed

Conceptual Design Review – Binette Realty, LLC – Tax Map 407, Lot 2

Burke York, representing Binette Realty, LLC shared his designs. This land northwest of Dalton Motor Sports is actively marketed. They are looking for the Boards input about this

project. Ms. Laflamme thought there were too many variables without knowing the actual end use and therefore the board could not issue a decision regarding the site plan but the board can review the preliminary design and give feedback. The project will need to look into getting a driveway permit and septic design. There is water available to the site but not sewer.

Ms. Langlois asked if there will be ATV trail access. She was told that yes, there is access to Dalton Motor Sports which is next door, but not on the road. Mr. Salek asked if it has been run by the state/NHDES about the gas station. Mr. Binette said they have a couple businesses looking at the property. He discussed putting a gas station as it has high visibility for entry into the City.

Ms. Laflamme stated that a site plan has to be specific to be approved. A gas station there is not a problem, it's just that we need to know what it will be used for. Mr. Binette says they will definitely be putting gas pumps there. As for a store they don't know yet. They just want to know if there is any resistance from the board. Ms. Laflamme stated there won't be any resistance, it is the perfect place for this type of property.

Mr. York reviewed the points of the project.

Ms. Laflamme recommended having a traffic counter put there. She will have this done by North Country Council. Ms. Remillard asked about access and neighboring Dalton Motors. There is a deeded access agreement between the two property owners. There was some discussion about parking and how much would be needed.

Mr. York and Mr. Binette will come back with a more descriptive plan in the future.

Lot Mergers

Map 113, Lots 31, 32, 33, and 36

Map 113-Lots 31, 32, 33 and 36 are all owned by Steve Buckovitch and he wants to build a house at the rear of the property but that parcel does not have street frontage. By merging the parcels it would give him frontage on Western Avenue.. It will have a Western Ave address. He will use the same driveway access he has now. It will be a total of approximately few acres.

Ms. Levesque made a motion to approve the merging of Map 113, Lots 31, 32, 33, and 36 seconded by Ms. Langlois. All in favor, the motion carried.

Map 135, Lots 120 and 121

Map 135, Lots 120 and 121 are being requested to be merged as they are being sold and it seems as though merging the properties is contingent to the sale. The lots are not in the same form of ownership, so one of the parcels needs to be changed so that they are in the same name. The Board can approve the merger on the condition that staff receives a copy

of the new deed showing they are both in the same form of ownership prior to releasing the form to be registered at the Registry of Deeds.

Ms. Boucher made a motion to approve the merging of Map 135 Lots 120 and 121 on condition we receive a copy of the deed showing both lots are now in the same form of ownership. Seconded by Ms. Rayborn. All in favor with the condition, the motion carried.

Signage Ordinance Update

Ms. Laflamme shared with the board that the committee only reconvened this morning after a hiatus of about a year. They made progress and Ms. Laflamme will put together a draft of the ordinance and meet with the committee again before bringing the new ordinance to the Planning Board for their review and comments. It is intended to return to the Board within the next month or two with a draft of the new ordinance.

Project Updates

The New Hampshire Department of Environmental Services is rolling out a major shift in their wetlands policies and rules. Ms. Laflamme passed out information to the board and shared that the deadline for comments is April 20th if anyone is interested in providing NHDES feedback on the changes.

Spring Conference

The spring planning conference agenda has been released is on Saturday April 28th. Ms. Laflamme told members of the Board to submit their selections to her so she can make reservations. Spots for training workshops are filling up fast, so respond quickly.

Rte 110 ROW and Setbacks

Ms. Laflamme heard a plan at the Zoning Board meeting about frontage on Route 110. Average ROW width for City Streets is 50'. Right before PW garage it's 50', then changes to 75' then 100'. We modeled the Gateway after RR with setback of 50'. The ROW changes several times along the way. We might want to address the inconsistencies of frontage throughout Route 110 and make the setback shorter to prevent issues in the future. DOT controls their ROW. We can change our setback to the ROW. We could create an overlay to show the differences. She will bring a proposal in the future to address this.

Other – Ms. Laflamme said we need to vote for Board Chair and Board Vice Chair. Ms. Remillard motioned to reappoint Tom McCue as Chair, seconded by Ms. Rayborn. All in favor, motion carried.

Ms. Remillard motioned to reappoint Lori Langlois as Vice Chair, seconded by Ms. Levesque. All in favor, motion carried.

Christina Lefebvre will become a regular member and Ms. Boucher will become an alternate as Ms. Boucher has served three consecutive terms.

Public Comments – No one spoke.

Member Comments –Mr. McCue mentioned the email from Sue Tremblay that NHMA will be holding a training on the right to know laws – NH RSA 91-A at White Mountains Community College.

Mr. Salek pointed out that Mr. Roy's comment that he will take cars from Berlin, but he knows that nothing will prevent him from taking cars from surrounding towns.

Ms. Levesque asked about what we actually would rezone. Mr. Roy is asking that we rezone his one property. Discussion centered on what areas would have to be rezoned.

Planner Comments – Ms. Laflamme described where Mr. Roy's property is for viewing and restated what the Board is supposed to decide is whether there should be a zoning change not whether we will allow him to open his business.

There being no further business to come before the Board, **Ms. Boucher moved to adjourn, seconded by Mr. Cassidy. All in favor, the motion carried.** The meeting ended at 8:15 pm. The next meeting is scheduled to be held on May 1, 2018.

Respectfully Submitted,
Lise Barrette