

June 9, 2016
Planning Board

Present were: Regular Members Greg Estrella, Martha Creegan, Lori Langlois, Tom McCue, Ex-Officio Members Lucie Remillard, and Alternate Members Richard Cassidy, John White, Helene Rayborn; excused were Chair Ernie Allain and Aline Boucher

Others Present: Pamela Laflamme, Community Development Director; Michel Salek, Code Enforcement Officer; Burke York, York Land Services; Don Bouchard, Horizons Engineering; Roland Berthiaume and Mike Couch, RM Northern LLC; Barbara Tetreault, Berlin Daily Sun; Naomi Levesque

Public Comments – there were no public comments

Approval of May 2015 Minutes

Ms. Remillard moved with a second from Ms. Langlois to approve the May 3 meeting minutes. So moved, the motion carried.

Minor Subdivision – Map 112 Lot 86; Ryan and Janice Landry

Mr. McCue stated that Ryan Landry has been a client of his but he is not involved with this request and will not need to recuse himself.

Mr. York distributed maps of the Landry's land and surrounding streets.

Before continuing with the proposal, Mr. McCue appointed Mr. Cassidy and Mr. White as full voting members for the evening.

Ms. Laflamme stated that the application is complete as presented. Ms. Langlois made a motion to accept the application with a second from Ms. Remillard. So moved, the motion carried.

Mr. York stated that the Landry's want to separate the house with a small parcel of land from rest of land indicated on the map. Ms. Laflamme has spoken with city attorney regarding this subdivision noting there are lots of ways into the big parcel—Coach, Legassie, Mink, Haskell, South, Charron, and Hill. She recommends the following: there be no further subdivision of either parcel after this proposed subdivision until City approved streets have been constructed creating new potential lots. There is potential should a future owner want to create one or two more lots out of the smaller lot. If Hill Street were to continue up into the subdivision, it would create frontage to lots and direct access.

Ms. Laflamme discussed how lot frontages have worked until now. The development of City approved streets will keep the division of land clean and not messy. She also gave examples of what would work for access to a potential subdivision. Haskell Street is logical for the parcel with the house currently on it. Hill Street would be the logical entrance for the land parcel.

Questions arose regarding specifically which lots were which as some numbers seemed out of place on the map. Ms. Laflamme stated that the "bubbles" are lots, and that not all numbers fit in the bubbles as this map is made to scale and the respective land is a very large parcel.

To clarify Ms. Laflamme commented that Hill Street is the access point, and not the only frontage. The driveway simply is off of Hill Street for the house lot.

Ms. Laflamme stated there are no known issues with this subdivision, it is just splitting off the house with a few acres of land and allowing someone else to buy the big parcel of land.

Ms. Remillard asked about plowing on Hill Street as a private drive. The City does not maintain this road and will not as it is a private road.

Ms. Langlois asked if the requirement of 100' (feet) of frontage has been met. Ms. Laflamme replied that yes, the frontages right off Haskell and Hill Street could be used for the parcel with the house. The bigger parcel uses all of the little streets to obtain its 100' (feet) requirement, as it does not have to be contiguous. The City's lawyers are comfortable with this.

Mr. McCue asked if there are development possibilities. Ms. Laflamme replied yes. She also noted that many abutters had called in upon notification but their questions and concerns were regarding something coming into the area, she let them know that for now it was just to have the ability to sell the land. If anything big were to come about in the future they would be notified again.

Mr. McCue inquired whether the end of Hill Street part of number 131 or 130. Mr. York stated that they are all private lots on a paper street and those owner own to the center of the road. They have the rights to cross it. Mr. McCue asked if they had rights of way. Ms. Laflamme replied that no, they could even pave it if they wanted to.

Mr. York indicated that note 8 will be added to the mylar. Mr. McCue noted that the acreage needed to be added to the map.

Public hearing opened at 6:51pm

Public—no comments from the public

Public Hearing closed at 6:51pm

The conditions for approval were restated: add acreage, add that no further subdivision of either parcel may be allowed without meeting current subdivision standards and streets, state that access for Lot 86-1 is via Hill Street.

Mr. Estrella made a motion to approval the minor subdivision with the above stated conditions. Mr. White seconded the motion. Approval passed.

Planned Development Option—Preliminary/design review – RM Northern LLC Proposed Commercial Campground and Residential Development

Ms. Laflamme stated the following: the proposed is the residential/commercial option meaning both uses would be allowed on one parcel. What the owner will need: site plan approval and a special use permit per Article 13 and its allowances this provides the flexibility the owners want for their project.

Ms. Laflamme reminded the board that this is just a design review. Anything said tonight is non-binding. This is to get a feel for what the owners/developers want to achieve and to understand questions and concerns the Planning Board may have moving forward with this project.

Mr. Don Bouchard of Horizons Engineering presented the following: this is a 120 acre site across from the old Bass Shoe building, off Jericho Road/Route 110. The parcel is in two different zones—Rural Residential (RR) and Business General (BG). There are also a number of wetlands involved, as well as the municipal way that leads to the Berlin water treatment plant. The plan is to bring in commercial and residential development to project. Referencing the site on map presented, the top portion is BG and the bottom RR.

The owners are seeking a Special Exception for an overnight campground in RR portion. As of this presentation, the priority is the campground, which will be situated at the back southwest corner, abutting the current ATV park. The campground will include 35 potential cabin units plus 120 RV sites plus 30 remote tent sites. Water and sewer will be supplied to the back portion to campground. They have located the sewer connection at the front of the property. Electrical (utility poles and buried) will be along the access road. Future phase work will include the commercial development of 2.8 acres indicated as Commercial 2 and Commercial 3 on the plans. There will be 27 units for residential use. The underlying land would be remain owned by RM Northern LLC and people could buy cabins to put on lots. Not sure what they will want to do for the cabins. This is a secondary phase. They want to get the campground up and going first. Campsites are meant to be for an in and out type of thing (week or weekend). But some may be there for the season/months at a time. Sites are 30-35'x85. Operating season will be May through October/November. Water will be shut off and drained in winter. They do have off-site storage to offer for off season.

Ms. Laflamme stated that the owners needed to come in with a complete plan of the possible uses. They can show us what they plan and they need not be defined right now. Some things may need to be changed accordingly over time.

Mr. Bouchard stated that they have tried to break down density. There are 70 acres north of the road, 17 acres of commercial, and 11 acres of residential. They will need wetlands permits as there are 5 water crossings. The access road will be designed to meet standards as best as they can in regards to the above mentioned wetlands and natural curves in the terrain. They will need to obtain waivers. The intent is for access road to be private and maintained by owners. They are looking for a bit leniency as they will be maintaining it, not the City. Ms. Laflamme mentioned that waivers were given for the internal, private road for Planned Development Option at Riverside Heights.

Amenities that will be included: office space with shower building, swimming pool, 2 other restroom areas with shower capabilities for remote sites. Activities area. RV sites will have enough room for a 45' trailer with a tow behind vehicle parking alongside plus an area for a picnic table and fire pit. The commercial area can be used for overflow parking.

The campground will be gated. They are considering fencing the entire property. There are setbacks and buffers that will provide natural barriers. They are trying to maintain a variety of these. There was discussion where certain buffers would be larger or tighter depending on if it is near the road, trail, etc. Security lighting is needed near office and pool, some intersections, bathrooms. Perimeter lighting had not been considered.

Signage will be put up on the perimeter. The owners stated that it is important to them to minimize the amount of signage that will be erected to maintain the views and natural environment.

Ms. Creegan inquired about policing of the campground and if management would always be on site with the large number of anticipated campers at one time. There will be a manager on site 24-hours a day. Times for quiet and play will be designated and relayed at time of registration. The intent and goal is to be family oriented.

Mr. McCue asked how much (traffic) will be seasonal vs rotating. Mr. Couch replied that they have nothing to base this on or determine due to location vs trails. Mr. McCue's concern is that a developing trend would result in the park being a large amount of season campers becoming year round residents making it a modification of a trailer park. He also asked the access to water works and if it is a public right of way. Ms. Laflamme stated that it is a municipal right of way. Mr. Couch stated that the access will be gated on both ends. The Berlin Fire Department has keys to the gates. They have planned internal loops to make sure the FD can get in and out. They are still planning for hydrants.

Ms. Remillard inquired about access to the ATV trail. It can be accessed from the Jericho side and where it intersects at the gates. The trail and access points will be posted. There will not be access at all on backside. The plan is to keep a fairly large wooded buffer between trail and campground.

Mr. Estrella asked about drainage. There will have lots of detention ponds and stone will also be used to create natural drainage around campsites. Ms. Creegan asked if there are plans for a common building to serve food. One is planned near the activity area/pavilion. Dumpsters will be used for trash pick-up/haul away.

Ms. Remillard inquired when the campground will be up and running. Mr. Bouchard stated that there are still a number of permits that need to be obtained. Mr. Berthiaume is hopeful they will all be obtained by the end of summer and they would be lucky to have the campground open by next summer.

Lot Mergers

Griffin—Map 121 Lot 72

The owner has 4 different parcels that they want to merge. The house is at 603 Lincoln Avenue, which is also the frontage. The other three parcels are vacant land that are located behind the house lot as well as behind neighboring lots on either side. There are also two more lots they would also like to merge, but that will be a future request.

Mr. Estrella asked if the lots were free of encumbrances. Ms. Laflamme replied that the City does not check for liens or encumbrances on lot mergers. They only check for the same name and make sure they are the same on all lots being merged. She added that you don't usually run into issues with encumbrances on vacant land. However, if there were an issue, it would come out in a title search later on.

Mr. Estrella made a motion to approve the lot merger. It was seconded by Ms. Langlois. So moved the motion carried.

Croteau—Map 132 Lot 45

For reference, Ms. Laflamme stated that Trudel Street is off Forbush Street on the City's east side. Take Forbush Street all the way to the top, take a right to the very top, Trudel is last developed street. There are a bunch of paper streets near it. The owners want to merge the tiny lot in front (on Trudel Street) with the lot the house is on. The house is at 630 Trudel Street. There are no issues of record, the owner is just consolidating land for tax purposes.

Ms. Remillard made a motion to approve the lot merger. Seconded by Ms. Langlois, the motion carried.

Zoning Ordinance – Proposed Amendment—keeping of farm animals in Jericho Gateway —

Ms. Laflamme gave a quick history regarding the Jericho Gateway Zone. 10 years ago the Planning Board created Jericho Gateway of what all used to be Rural Residential. There were lots of large tracts turned over and the Planning Board wanted to determine the highest and best use. Shortly after, the state bought it up and turned it into recreational development. The zoning allows for retail and residential. Some things were very intentional and some were arbitrary and future thinking. The RR allows for general farming activities by Special Exception, Jericho Gateway does not. Over time the zone has been developed--Jericho Village created large size lots (5 ac) and it still has a RR type quality.

Ms. Laflamme stated that there have been requests to allow for keeping of farm animals. The Board could allow this by adding it to Uses by Special Exception. It is important to keep it under the Special Exception category to have some say over how many, as an activity, as opposed to large scale. This is a recommendation. Whatever the Planning Board decides could still be approved or defeated by City Council. City Council could also add this as an amendment to the City Ordinance.

Currently, RR requires that you need a permit, this is not an automatically permitted in that zone. Ms. Laflamme asked that members keep in consideration that the lot sizes are larger and one could keep chickens without bothering abutters. As Special Exception would also allow abutters to be heard and give their opinion regarding a neighbor keeping chickens.

Mr. Burke York stated that Route 110 is a gateway into city. Its appearance has been making strides. He also commented that by making the use a Special Exception the Board could be put in a position where they are allowing one thing for one person and not for another. Ms. Laflamme stated that abutters usually prompt the conditions that will be used. Discussion regarding number limits or no changes at all was had. Keep in mind how the area has changed over time since the ordinance was first put into place. Also worth mentioning is that BG currently buffers between the Rural Residential zone and Route 110.

The board will need to make a decision on how a property owner may seek relief regarding possible changes, special exception or variance from the ZBA or change the policy that is in violation. An amendment to the ordinance is the cheaper way to go. As this is an ongoing violation, a decision needs to be made sooner rather than later.

Ms. Remillard made a motion to table the discussion until next month's meeting. Mr. Cassidy seconded. So moved, the motion carried.

Signage

Ms. Laflamme referred to the information included in the packet regarding a recent Supreme Court case. It is about not being able to regulate signage content. The City currently has a sign kiosk that can be used by non-profits, in which they are regulating who can use it. We are allowing certain kinds of content as opposed to the sign itself. This type of scrutiny needs to be used when looking at changing/updating our current sign.

The City has been working on electronic signage without much direction. Ms. Laflamme contacted Sousa Signs, who has a mobile unit electronic sign usage sign. They are willing to drive it up to Berlin to explain and verbalize what it will look like. The board will know is being asked of businesses to do in regards lighting, etc.

The plan is to have the presentation during a PB meeting but may end up being an additional meeting open to the public at another time.

Regarding current sign violations, it is not the violation itself but the big picture. In Business General zone the allowance for 150 square feet of signage that can be split up in a variety of ways. Examples were given. In this case, we are allowing a sign, not the messaging. The concern based on current violations is that we don't allow signage per the business or that we should allow for more than one offsite sign or billboards.

Things to keep in mind when updating the ordinance: Where the community is at now vs 1999 when the ordinance first came about, scale and size of lots within Business General. Something to think about is lot size and what would be allowed, sizes may vary greatly even within a certain zone.

Should it vary in areas like downtown and gateways into the city? Are we allowing too much or too little. In our ordinance, legally non-conforming signs are allowed to exist until it is changed out. Once you apply for a permit, you are triggering a change and it needs to come into compliance. At the time the ordinance was written the plan was to get rid of all the non-conforming signs. There was discussion about wanting larger signs and more signs.

There was talk about special case signage. In the case of IGA/Berlin Marketplace the board came up with a formula for that type of area where each of the smaller businesses (in the shopping center) could have a sign on the same lot. Berlin Marketplace remained under the same ownership so it exempt from changing their non-conformity because they actually did a textual change so their big sign was still allowed.

Discussion was had about the sign ordinance in Lancaster, NH and "grandfathering signage". Littleton, NH doesn't have sign regulations. It is up to the board to have them or not.

All zones within the city have sign regulations. The two gateways into the City are located in Business General Zone. Mr. McCue commented that he wished there was a way to prevent more billboards and to have smaller signage and that now may be the time to look at the whole zoning ordinance. Mr. Cassidy stated that the City's initial ordinance in 1999 was based on North Conway's all wooden signs.

Ms. Laflamme noted that these sign regulations are hard to enforce. She read the maintenance part of ordinance allowed. It will be allowed to remain as it is not about content. Mr. Michel Salek, City Code Enforcement Officer stated that enforcement has been difficult because the public's perception is that they can just do what they want prior to getting a permit. They see what other people have done and figure it applies to them.

Ms. Laflamme asked the board to take a comprehensive look at signage ordinance. Ms. Naomi Levesque commented with references the board may want to look at online. There is a sign code draft and webinar the board could use for guidance. Ms. Laflamme stated there are lots of things that determine what can be stated in the ordinance.

Mr. Cassidy motioned to table the discussion until the August meeting. With a second from Mr. Estrella, the motion was approved.

Excavation Regulations Discussion – updates to the regulations

These are not ready. The excavation project these were needed for is not ready.

Project Updates

Ms. Laflamme gave the following updates:

Mr. Ernie Allain had a medical episode a few weeks ago. He is healing but will not ready to come back for a little while. We hope to see him late summer or fall when he is fully recovered. He appreciates all of the well wishes, please take the time to send some his way.

NH Route 110 Imprinted Crosswalks. The purpose of these is to slow traffic. They are not bricks, but are actually cut-outs in the street, then imprinted on the road. This new material is more weather resistant than previous types used for similar applications.

Temporary Camping Ordinance—the City is working on this. This has not been brought to the Planning Board as it is time sensitive and will need to be in place for the upcoming ATV festivals. The purpose is to handle temporary camping that is expected with the large number of anticipated attendees. It will aide in health and safety more than anything. It will give structure for emergency vehicle access. Similar ordinances have been used for Laconia Bike Week and Loudon Speedway. The Planning Board may want to think about making it this ordinance more permanent.

Reminder: July 4th falls on Monday, the next Planning Board meeting will be Wednesday, July 6.

Other

Ms. Laflamme commented that it is very good that the board is having these well-constructed discussions and conversations about upcoming changes to the Ordinance.

Public Comments –

Ms. Barabara Tetreault inquired whether there would be a ribbon cutting ceremony upon the completion of the NH Route 110 project. Ms. Laflamme stated that construction is wrapping up and the final walkthrough with DOT, Coleman and Public Works is scheduled. Aesthetic features won't be installed until later this summer. She is not sure if the City will do a ceremony now or wait until later when the project in its entirety is complete.

Ms. Tetreault reminded the board of the opening ceremony for newly renovated bathhouse at Jericho Pond that is scheduled for Friday, June 17. Ms. Laflamme will email the information.

Member Comments

Mr. Cassidy inquired as to whether the Hutchins Street project had started. Ms. Laflamme replied that yes it had and to please remember that using Main Street is your best bet to avoid construction and delays until the construction begins on Main Street in July, hopefully all major delays over by then.

What is happening on 12th Street? The City has allowed for a lot of pre-work prior to the actually project beginning. There will be no road construction until the end of July. The project won't be finished until next summer

Ms. Remillard stated she's been approached regarding the new sidewalks, wondering how it will hold up in frost. Ms. Laflamme stated that this is a question for HEB and Sargent. Also, that Mr. Mike Perrault in the City's Public Works Department should have the latest information. Due to the big bump out sidewalks, the City will change the way they plow. Ms. Laflamme talked about the bump out sidewalk at the Post Office and that plowing was changed to accommodate this. She suggested for more information to go to Mr. Perrault.

Mr. McCue commented that he has a concern that some property owners may or may not maintain the new planted areas alongside the sidewalks.

Mr. Estrella asked about the progress of the City's welcome sign. Ms. Laflamme stated that now that Sylvia Poulin is back in town the project will continue to move forward. As of now, the original stonewall feature was way more expensive than expected. The sign designer has come up with a new material and design which is much more affordable. Ms. Poulin has approved the new design and cost. The new welcome sign should be up this summer.

Planner Comments—there were no Planner Comments

There being no further business to come before the board Mr. Cassidy made a motion to adjourn; seconded by Ms. Remillard. The motion carried.

The meeting ended at 8:56 pm

Jen Myers
Administrative Assistant