

**September 7, 2016**  
**Planning Board**

**Present were:** Regular Members Greg Estrella, Tom McCue, Aline Boucher, Martha Creegan, Richard Cassidy, Naomi Levesque, Lori Langlois, and Ex-Officio member Lucie Remillard

Ernie Allain, Helene Rayborn were excused for the evening.

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

**Public Comments** – no one spoke

**Approval of August 2016 Minutes**

Greg Estrella made a motion with a second from Aline Boucher to approve the August 2016 minutes. So moved, the motion carried.

**Lot Merger – Tax Map 119 Lots 453 & 325**

The property owners are merging land purchased earlier this year. Their residence is at 76 Hamlin Street. Due to the small size of the lot the house is on, the larger parcel was purchased. In order to do any accessory buildings the lots must be merged. There is nothing out of the ordinary regarding this merger. The house lot will remain the frontage and address for the combined property.

**A motion was made by Ms. Langlois to approve the merger of Lots 453 & 325, seconded by Ms. Boucher. So moved, the motion carried.**

**Lot Merger – Tax Map 120 Lots 383 & 382 and Tax Map 121 Lot 66**

The owners purchased the lots in map 120 in 1976; about 20 years ago they purchased the larger lot in map 121. They simply want to consolidate their land. There is nothing out of the ordinary to note regarding this merger. The house lot at 385 Portland Street will remain the frontage and 911 address.

**A motion was made by Ms. Boucher to approve the merger of Lots 383, 383, & 66, seconded by Ms. Remillard. So moved, the motion carried.**

**Preliminary Review – Common Driveway Subdivision – Tax Map 406 Lot 2**

Ms. Laflamme reviewed the common driveway regulations and their history. Tonight is just preliminary to get a sense of what is going on with this subdivision and what will be presented at next month's meeting.

Mr. Burke York of York Land Services is representing the property owners. The owners are seeking a common driveway for this parcel of land. With 300+ feet of frontage, there is a currently a 1,000 foot gravel road that goes into the property which was purchased by a couple of sisters. The intent is to subdivide (this is indicated by the dark line through the parcel); one wants a campground in the future and the other wants a house with a view and nothing to do with campground. A cul-de-sac is proposed that will create frontage and an entrance for the second driveway. One sister would have over 100 feet of frontage and the drive would be part of the bigger part on the right. The lots are not equal in acreage; the larger lot has a powerline easement and some unusable land.

Ms. Laflamme referred to the driveway regulations for the subdivision. The owners will have to do some deed work, keeping future owners in mind, and record the deed at the Registry of Deeds. Doing this protects the land owners. This will not be a road maintained by city; however City vehicles will need to easily access the property. The responsibility of the driveway and its improvements is on the land owners. The road was built by the loggers so the entrance is very large. There is ledge, which is why the access has been cut at its current location. There is some concern regarding visibility with the crest of a hill for those turning out of the driveway and heading north to Milan. If the road was shifted southwest 75 feet, site distance would be perfect. Public Works can work with property owners to find a solution.

Ms. Remillard inquired about frontage at the rear of the property. This is basically an easement. The frontage will be figured on the "loopy" section around the cul-de-sac, meeting the requirements set forth in the regulations. This is not a town road, but frontage will be figured on it.

Mr. Cassidy asked how far from the property was from the snowmobile trail to Berlin High School. The property is the trail. Mr. York showed how the snowmobile trail crosses through the parcel. When asked whether or not it would be an issue for the property owners, Mr. York replied, no, they are self-proclaimed snowmobile addicts. It is their land and they are there for the snowmobiling. When asked whether they were aware of what has been disposed of at the landfill that abuts their property, Mr. York stated that they are aware they are next to a landfill that has been properly reclaimed and capped.

Mr. McCue remarked that while there is a lack of frontage on Cates Hill for 2 parcels, there would have had to be a common driveway anyway. He is doubtful NHDOT would have wanted to see two single driveways to access the individual properties. Mr. York stated that the owners will need to formalize their plans with Public Works, then read the plan notes regarding the common driveway.

Referencing Site Plan Note #4. There is an easement off of Grandview Drive, this is not an access the property and has never been considered access. If this is to be used for future

utilities, why wouldn't we make extinguishing this easement a part of this plan? Mr. York Burke went over the history of the easement: in 1987 the Grandview subdivision was done; in 1988 a plan was signed showing the easement. There is no record of anything being granted to the person on that land that could have accessed the easement. There is a letter from Jeff Taylor, City of Berlin, stating that a sewer easement be put in for abutting lot. Could this ever be enforced as a right of way? Maybe, but probably not. It is also noted that Berlin Water Works has a water easement next to the sewer easement, there is a manhole halfway up the easement property owner's driveway.

Mr. York asked that if members notice anything missing to please let him know. He will be back at next month's meeting to present the final review for the subdivision.

This land must be subdivided before the owners can move forward with their plans, which they are very enthusiastic to proceed with. Burke will get copies of the agreement to Pam.

### **Signage Discussion – electronic signage and changes to content based signage – continued discussion**

It was stated for the record that the purpose of the electronic sign ordinance is not for David Poulin. The ordinance has been created for everyone else who wants to have these types of sign which are not allowed per the current City Ordinance. The electronic sign ordinance proposal was not presented right at this week's City Council meeting, however it will be at the September 19 meeting. Other businesses want what one person is doing which is not currently allowed and therefore we are creating something that will make it fair for everyone else and allow them to do it right.

Regarding the phrases "no movement" and "scrolling", these are definitions that came from the manufacturer and are the causes of driver distraction. The language submitted was paired down verbiage that is easy to understand. The requirements we asked for are based on lessons learned from other communities allowing electronic signs.

There was thoughtful discussion amongst the members about driver safety and minimizing distraction caused by these signs. The board reviewed what had been submitted. Ms. Laflamme stated that the board had already paired down paired down language to give something that was short and easy to understand. It is up to the members to decide what they want to allow. She pointed out that the requirements had been made in consideration of public safety and residence who may live next to a future sign. The ordinance was not mean to tie businesses' hand. Sign owners will be able to change their message, it will not be in a way to cause an issue. Ms. Laflamme referenced statistical information and studies regarding driver safety and movement in electronic road signs.

A motion to continue with the motion from last month, striking the word “scrolling” from the proposed ordinance and urging council to reconsider was made by Ms. Langlois and seconded by Ms. Creegan. Ms. Remillard abstained from voting.

### **Billboard discussion**

A local business feels that the one hundred fifty (150) square feet maximum total sign area per lot is not an adequate amount of signage in the Business General Zone. While the request comes from one business, the Planning Board is visiting the topic to decide if the amount is adequate in general for all businesses in this zone. The board was asked to consider how much is too much signage; as well as if they even want an ordinance, giving businesses no limitation. Questions to keep in mind: What makes sense for our community? Should we keep it the same? Should we allow for more allowance?

The board is visiting this issue as there are currently signs in the city which are in violation of the maximum square footage allowed. Business owners have two courses of action: they can apply for a variance, but they could also choose to see if the policy can be changed. Ms. Laflamme went over the procedure for a variance, the rules the ZBA must follow, and the 5 requirements that must be met to allow it.

There was a thorough discussion amongst the members regarding: businesses with money out-signing small businesses, if a business has money to spend should they be restricted to a certain amount, signage allowed per lot vs signage allowed per business, how many signs total would be too many in the community hence changing the landscape, signs simply being erected for income, could businesses have more signage if it is spaced out, consider future businesses and their addition of signs. There were also questions raised regarding enforcement of the signs and what would be regulated by the City vs State regulation of large scale billboards on highways.

After mention of referring back to the City’s Master Plan, it was decided to establish a subcommittee of the Planning Board to re-examine the sign ordinance. Ms. Remillard, Ms. Langlois, Ms. Levesque, and Ms. Boucher agreed to sit on the subcommittee and Ms. Laflamme will be the staff member. An email will be sent out confirming members and meeting times.

### **Project Updates –**

Construction Update – Mr. Estrella inquired about the plastic on the perimeter of the road to take care of the soil and if winter was taken into consideration for winter. He also wondered about the teacher parking at Brown School as this used for snow storage. Ms. Laflamme stated that they are working on a plan.

Hutchins Street – Mr. Estrella inquired if there would be a speed limit sign put in place. No, it is 25 mph like everywhere else in town, it does not need to be posted. Concerning the

pavers which are not under the asphalt. They serve as a buffer between pedestrians and the road, as well, all of the conduit is buried there. In addition, the pavers are easier to maintain than grass, less expensive and can be removed more easily for maintenance.

Berlin Welcome Sign – Mr. Estrella inquired whether or not the sign would be in compliance with the City's sign ordinance.

Riverwalk – Mr. Estrella asked if the City received the funding for the project. We won't find out until December. It will be phased work to be started after the Route 16 is done.

**Other** – Lot mergers were added at beginning of meeting

**Public Comments** – No one spoke

### **Member Comments**

Ms. Remillard noted that she was not included as a present member in the August 2016 members. She was arrived late, however, was present for the meeting.

Mr. McCue would like to remind the board of the Law Lecture Series happening this month and next. Please let Ms. Laflamme know if you are interested in attending.

### **Planner Comments**

Burke York will be presenting the Site Plan Review for the at tax map 406 lot 2 as well as the Site Plan Review for Mr. Thibodeau's property on Twelfth and Hutchins Street at next month's meeting on Tuesday, October 4 at 6:30pm. Note that the next 3 meetings will be held the first Tuesday of the month.

**Adjournment** – There being no further business to come before the Board Ms. Creegan moved to adjourn; Ms. Boucher seconded and the motion carried. The meeting ended at 8:43 pm.

Jen Myers  
Administrative Assistant