

Planning Board Minutes August 6, 2013

Members Present: Chair Ernie Allain, , John White, Mark Evans, Tom McCue, Sue Tremblay, Lucie Remillard, Greg Estrella, Aline Boucher, and Richard Cassidy

Members Excused: David Morin, Martha Creegan, Lori Langlois

Members Absent: Andre Duchesne

Others Present: Pam Laflamme, Community Development Director; Barbara Tetreault, Berlin Daily Sun; Burke York, York Land Services; Phil Bedard, Highland Acres LLC, public

Chair Allain appointed Richard Cassidy and John White as voting members for this meeting.

Public Comments: None

Minutes

Mr. Evans moved with a second from Mr. McCue to approve the minutes as presented.

Minor Subdivision

Normand Lettre of 237 Cates Hill Road has applied for a Minor Subdivision to divide out the house and 2 acres from a 32 acre parcel (Map 403/Lot 20)

Mr. McCue moved with a second from Mr. Evans to accept the application as complete. So moved, the motion carried.

Mr. Evans made and subsequently withdrew a motion; seconded by Mr. McCue; this precipitated a public hearing. Chair Allain opened the public hearing at 6:37; there were no comments and the hearing was closed.

Mr. Evans moved for the conditional approval of a minor subdivision of Map 403/Lot 20, carving out a 2 acre parcel, subject to State DES subdivision approval (for septic); Mr. McCue seconded and the motion carried.

Mrs. Boucher moved with a second from Mr. McCue to authorize Chair Allain to sign the plan on behalf of the board. So moved, the motion carried.

Lot Line Adjustment

Highland Acres LLC has applied for a minor lot line adjustment of Map 126 Lot 1 and Map 127 Lot 294 off Highland Park Avenue.

Mrs. Boucher moved to accept the application as complete; Ms. Remillard seconded and the motion carried.

Burke York explained that there is a water line easement with a road off of Ridgeview Avenue. This lot line adjustment would move the boundary to be in line with the waterline

easement. The owners want to have Map 126 Lot 1 as a potential building lot. There are two lots now and there will still be two lots with Map 126 Lot 1 being 50 acres and Map 127 Lot 294 going from an approximately 100 x 100 lot to a 15 acre parcel.

Chair Allain opened a public hearing at 6:45; there no questions or comments and the public hearing was closed.

Ms. Remillard moved to approve the lot line adjustment for Map 127 Lot 294 and Map 126 Lot 1; Mrs. Boucher seconded and all voted in favor.

Ms. Remillard moved with a second from Mrs. Boucher to authorize Chair Allain to sign on behalf of the Board. So moved, the motion carried.

Lot Merger

Steven & Louise McCosh of 399 Norway Street have applied to merge lots: Map 126 Lot 104 and Map 126 Lot 104.000010. There are no issues with zoning.

Mrs. Boucher moved to approve the merger of Map 126/Lot 104 and Map 126/Lot 104.01; Mr. Evans seconded and the motion carried.

Zoning Ordinance Discussion

Ms. Laflamme reviewed the discussion about chickens from the last meeting stating the Board's concerns:

- There was an article shared by Mr. Morin in the newspaper – it states Fish & Game have issued warnings that keeping chickens may bring predators like bears into neighborhoods.
- A 50 x 100 lot is small with most of the land taken up by a house, garage and accessory buildings. Chickens need room to move.
- Chickens can be noisy – not just the roosters.
- Chickens have a finite laying life and they live longer than they lay eggs. There have been articles about some communities dealing with people who want to surrender them at shelters.

Ms. Laflamme asked how the Board wants to proceed. It is clear the Board has concerns and needs more information about the immediate issues. The Board could hold a public meeting to gauge whether there is widespread interest or the Board could recommend that chickens not be allowed at all.

In discussion, the Board acknowledged that Berlin has a mix of lot sizes and in most cities where chickens are allowed, 10,000 square feet is the minimum lot size. It was suggested that chickens be allowed by special exception.

It was noted that a special exception is normally built into the ordinance as something the community anticipates and will usually grant unless there are compelling reasons not to. There needs to be a control mechanism because some lots in the City are appropriate and

some are not. Permits could be issued on a case by case basis and the ordinance would have to be specific on the minimum space required for the chicken coop, and yard space for a penned in area.

Ms. Remillard questioned whether chickens really belong in a residential neighborhood at all. There are rural areas that could accommodate farm animals. It would not be fair to others in the neighborhood.

Chair Allain added that setbacks would need to be met making it less likely that a small lot could accommodate an 8 x 8 coop and an 8 x 10 run, again making the argument that each request will have to be reviewed on a case by case basis.

Mr. McCue commented that this would add to the duties of Code Enforcement. He also mentioned that the AVRDD has gotten stricter about what they accept as refuse.

Mr. Evans expressed that the Board should look at ways to accommodate the use of property with consideration of the neighbors. If the community wants chickens, he does not want to be the board saying “no”. He supported a public meeting.

It was noted that a public meeting will fill the room with supporters and others won’t complain until they are adversely affected. The meeting should be well advertised.

Ms. Laflamme established that the next meeting will be Wednesday, September 4 and a public meeting will be scheduled for that date. Other items for the next meeting are a lot line adjustment and a potential site plan for a telecommunications facility.

Other – none

Public Comments

Barbara Tetreault asked for an update on the hotel proposal. Ms. Laflamme stated that the developer never went forward with signing a purchase & sale agreement.

Ms. Tetreault also asked about Jericho Campground. Ms. Laflamme explained that the business is undercapitalized to go through with the State permitting process through DES. The State does allow dry camping for seven days during the year so they use the property during the ATV Festival and offer camping though there is no water and no sewer.

Member Comments

Mr. McCue commented that parking at the kiosk is a problem and it could be affecting the sale of advertising at the kiosk.

Mr. McCue stated that there is noise at the biomass that starts at midnight and goes until the early morning hours. Ms. Laflamme said she would call to voice the concern.

Planner Comments

Ms. Laflamme reported that the City has received the order for the court case about Jericho Power and windmills. As past practice, the zoning ordinance has been interpreted to say

that every building is a structure but not every structure is a building. That language was challenged and it is likely that it will need to be clarified in the ordinance.

Ms. Laflamme explained that there is a telecommunications facility that wants to mount an antenna array on a rooftop in downtown. That will come to the Board soon.

There being no further business, Mrs. Boucher moved to adjourn; Mr. Estrella seconded and the motion carried. The meeting ended at 7:40 p.m.

Respectfully Submitted,
Susan Tremblay