

## **Planning Board February 5, 2013**

**Members Present:** Chair Ernie Allain, Members Greg Estrella, Martha Creegan, Tom McCue, Aline Boucher, David Morin, Fran Cusson, Ex Officio Members Lucie Remillard and Sue Tremblay; Alternate Members Richard Cassidy and Mark Evans

**Others Present:** Sylvia Poulin, Cindy Morin, Elizabeth Ruediger, Raylene Roy, Barbara Tetreault, *Berlin Daily Sun*, *Berlin Report*, and public

Chair Allain brought the meeting to order at 6:30 p.m.

**Public Comments** – There were no comments

### **January Minutes**

On a motion from Mr. Morin with a second from Mr. Estrella, the minutes of the January meeting were accepted. So moved, the motion carried.

### **Site Plan Review Regulations**

Ms. Laflamme explained that site plan review regulations are used in certain cases of development such as cell towers; planned unit development; building conversions when it increases the footprint by 25%; new construction for nonresidential buildings; changes from residential to commercial, etc. as dictated by the regulations and/or Zoning Ordinance. The Planning Board, City Planner or Zoning Officer can also call for site plan review according to the regulations.

These are the Board's regulations and the Planning Board has the authority to modify them only after a public hearing. Main Street merchants were present to suggest potential changes to the site plan review regulations.

Sylvia Poulin voiced opinions shared by the merchants that the building that Family Dollar (145 Main Street) is going to occupy is not consistent with the vision for the downtown. She commented that it is time for discussion about what could be done so that this does not happen again in the future. Family Dollar covered their existing door to Main Street and is going to use a door that opens into Bickford Park.

Ms. Poulin asked if they are following the existing guidelines. Ms. Morin questioned whether having two egress points adjacent to each other is code compliant. Ms. Cusson stated that Dick Poulin could not make the meeting but he wanted it known that when he sat on the Planning Board, Main Street businesses had to have frontage on Main Street and that 145 Main Street specifically had to have at least 3 large windows with visibility into the store. Mr. Morin stated that part of the criteria required was to have windows and an entryway facing Main Street. Ms. Poulin asked why that is not a regulation.

Ms. Laflamme reported that what is required for one project is not necessarily required for another. The regulations were updated in 1998 and this board can consider making

changes. Mr. Morin added that if a business wants to be a part of Main Street, there should be access from Main Street and visual access to their store. There are certain architectural flavors that blend with the downtown.

Ms. Morin expressed some frustration dealing with the corporate representatives of Family Dollar and the district manager who would not listen. Ms. Remillard asked if they can block off the Main Street access and still have a Main Street address. Ms. Laflamme noted that their address will likely be changed to Pleasant Street. To a question about whether they should have been allowed to shut off the Main Street access, Mr. McCue indicated that because it is not a change in use, it was not subject to site plan review.

He then suggested the Moving Downtown Forward get design guidelines and get them accepted as regulations. Ms. Poulin suggested that the new owner should open a line of communication with the existing merchants. BIDPA made a substantial investment in Main Street and it looks like the tenant is not a partner with Main Street. Mr. Morin commented that Family Dollar will be using Bickford Place as their main entrance. It is a public space that will be treated like any other. Ms. Laflamme agreed saying that the City cannot treat that park any differently than any other park in the city.

Ms. Remillard noted that much will be up to the manager of the property. Ms. Poulin asked for a proactive approach to someone coming into Main Street. They need to have windows and doors on Main Street. She questioned how it can be put into place that there is a need to come in to talk. Ms. Laflamme proposed a tenant ambassador committee.

Mr. Morin acknowledged that there was a change in boarding and closing off the door on Main Street; but at what point is the change significant enough to warrant site plan review. Ms. Laflamme warned that the regulations cannot be arbitrary; specific things need to trigger site plan. Ms. Creegan stated that there is an image of what downtown looks like; she questioned how far we go with this and she asked why we are not talking to the building owner.

Mr. McCue indicated that a developer could be building to suit and be going by the tenant's guidelines. If regulations are put in, there would be protections and the owner knows ahead of time. Ms. Remillard confirmed that downtown is Veteran's Memorial Park to St Anne's Church.

Ms. Poulin said that she would look at what other downtowns have. There is a need to change without making it too regulatory for a small business. Design guidelines can be specific and will need to balance with the existing Main Street. Main Street merchants and Ms. Poulin left the meeting at this time.

### **Driveway Access Regulations**

Ms. Laflamme asked the Board to consider issues with Design Criteria in the Driveway Access Regulations. She presented the Board with the following:

- A. Locations for a new driveway or access shall be selected to most adequately protect

the property owner and safety of the traveling public in all seasons of the year.

- B. ~~For each lot where the primary use is residential, the maximum number of driveways is two (2) per one hundred feet (100') of frontage. The maximum total driveway width is twenty four feet (24') per one hundred feet of frontage (100').~~
- C. For each lot where the primary use is residential, the maximum driveway or access width shall be 12 feet for lots with less than 100 feet of frontage. Lots that have greater than or equal 100 feet of frontage the driveway or access width allowed is up to 24 feet. For residential lots with more than one driveway, each driveway width shall be a maximum of 12 feet.
- D. For each lot where the primary use is commercial or industrial, the maximum number of driveways is two (2) per one hundred feet (100') of frontage. The maximum total driveway width is forty-eight feet (48') per one hundred feet of frontage (100').
- E. A single commercial or industrial driveway or access shall not exceed 50 feet in width. However, except that a fifty foot driveway or access may be flared beyond the width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit, or approach.
- F. ~~No more than two driveways shall be allowed per 100 feet of road frontage.~~
- G. Driveways or accesses must not direct storm water and ground water into city streets. Any drainage systems needed to meet this condition will be the applicant's responsibility and must be approved by the Public Works Director or their designee.
- H. Driveways or accesses must not block the flow of drainage in gutters, drainage ditches, or pipes. Any culverts or other drainage systems to be installed within the road right-of-way must be approved by the Public Works Director or their designee and may require a street opening permit.
- I. Driveway pavement should approximately match the grade at the edge of the pavement.
- J. Driveways shall connect to the street at a right angle, if possible.
- K. Driveways on opposite sides of the street should be aligned or offset sufficiently so as to avoid turning conflicts

Board members discussed the proposed changes questioning whether driveway width should be prorated and how much driveway should be allowed. It was noted that the Board can waive regulations. More discussion will follow at the next meeting.

**GIS Mapping**

Ms. Laflamme reviewed the GIS mapping that is available on the City's web site and demonstrated how to use it.

**Other - Lot Merger**

Lucie Remillard of Hinchey Street proposed merging a lot at 360 High Street with 352 High Street, Map 120; Lots 273 & 274. The merger is required by the city as a condition of sale. The merger would make the lot a conforming lot; frontage is on High Street.

Mrs. Boucher moved to approve the lot merger of Map 120; Lots 273 and 274; Mrs. Cusson seconded and the motion carried. Ms. Remillard abstained from the vote.

**Public Comments** – there were no comments

**Member Comments** – there were no comments

**Planner Comments**

Ms. Laflamme reported that Planning Board elections are in April. She asked that Ms. Cusson and Ms. Creegan send a letter to the Mayor for re-appointment.

Items to be discussed in March include the Zoning ordinance; Site plan review regulations; and Driveway regulations.

The wind project went to the ZBA and they received a ruling from the State Site Evaluation Committee that decided they will not have to take their project to SEC.

There are two more days for an appeal to be filed regarding the planning board decision to allow the 500 foot towers.

With no further business before the Board, Mr. Estrella moved to adjourn; Ms. Cusson seconded and the motion carried.

The meeting ended at 8:15 p.m.

Respectfully Submitted,  
Susan Tremblay