

## **Planning Board November 7, 2013**

**Members Present were:** Chair Ernie Allain, Members David Morin, Martha Creegan, Tom McCue (6:35), Mark Evans (6:45), Ex Officio Lucie Remillard and Susan Tremblay, Alternate Members John White, Richard Cassidy, and Lori Langlois

**Excused:** Aline Boucher and Greg Estrella

**Other present:** Pamela Laflamme, Community Development Director; Jay Poulin of HEB Engineers; Ingrid Rahaim, PSNH Supervisor – Distribution Substation, Engineering & Design; Phil Bedard, Mike Godbout, Matt Godbout, Smith & Town Printers; Richard King, Sylvia Poulin, Barbara Tetreault *Berlin Daily Sun*; Edith Tucker *Coos County Democrat* and public

**Chair Allain opened the meeting at 6:30 p.m. and appointed Mr. White, Ms. Langlois and Mr. Cassidy as voting members for this meeting**

**Public Comments:** None

### **October Minutes**

Mr. Morin suggested a change to the minutes of October 1, 2013 in the discussion about Verizon. On the second page, paragraph 4, the words “of Verizon” are to be omitted. Mr. Morin moved to approve the minutes as amended; Ms. Remillard seconded his motion and the motion carried.

### **Site Plan Review PSNH**

Jay Poulin of HEB Engineers explained that PSNH is proposing a new substation to reconstruct a damaged substation and upgrade the power distribution system serving the City. A boundary line adjustment was done in September in preparation for the project and on October 3, 2013 the project went before the Zoning Board and received a special exception for the structure and fence height.

The plan is to demolish the cold storage buildings owned by the City and remove the existing pavement and build a new substation. Improvements will be made to the Hutchins Street access to the park where there is currently not room for two vehicles to meet. A new wider gate will be installed. Mr. McCue entered the meeting at this time, 6:35. Chair Allain confirmed that the walkway in the park will remain and two existing mature trees will be left as well. The changes will not affect the basketball court. Ms. Remillard confirmed that the ball fields will not be impacted. Mr. Evans entered at 6:45.

The substation site will be 140 x 180 feet and fenced in with an area of crushed stone surface and all equipment will be inside the fence. Two transformers that step down from 35kV to 4kV distribution will be installed as well as new poles and a 24' x 32' control house. The new paved parking lot will be in the area of the existing gravel lot where there will be 19 parking spaces. There is a proposed tree buffer along the fence line; the fence will be 8

feet high with 1 foot of barbed wire. The area will be fully lit but the lighting is only used in emergencies.

Mr. Morin asked about Shoreland Protection and Mr. Poulin confirmed that they have applied for permitting. PSNH will prepare a separate easement plan that will identify all easements associated with the project including:

- Formalized access easement along gravel drive;
- 20' wide drainage/maintenance easement centered on existing 10"; and
- Lease agreement for public access on substation property for parking area and pedestrian access from Community Street.

Mr. McCue confirmed that the wood utility poles being put up will replace existing poles. Ms. Rahaim commented that there will be room for a mobile unit to provide power to the City if it is ever necessary. She added that there is no noise associated with a substation.

Mr. Morin asked if, once complete, maintenance will be coordinated with sporting events. Ms. Rahaim indicated that there is not a lot of maintenance; only a pickup truck about once per month doing a regular check. Mr. Poulin stated that PSNH would like to have the new substation on line by next summer.

Mr. Morin moved with a second from Mr. McCue to accept the application as complete.

### **Public Hearing**

Chair Allain opened a public hearing at 7:02 p.m.

Edith Tucker of the Berlin Reporter asked if access away from Hutchins Street was considered. Mr. Poulin replied that not a lot of traffic will be created from PSNH and the access will only be improved with the work being done by PSNH.

Chair Allain closed the public hearing at 7:05 p.m.

### **Board Member Comments**

Mr. McCue questioned whether there were any other city approvals needed and Ms. Laflamme noted that PSNH would need building permits and the Fire Department will likely need to inspect the project.

Mr. Evans asked, "What does this substation do?" and Mr. Poulin replied that it relays high voltage lines and steps the voltage down so that it can be carried out to homes. Ms. Rahaim added that power comes in at 34,500 volts and it is stepped down to 4000 volts to a transformer and it will be stepped down again to go into people's homes. The substation is replacing a 60 year old facility that had failed.

Mr. Morin moved with a second from Ms. Remillard to approve the site plan on the conditions that the City received a copy of the shoreline protection approval as well as the access agreements:

1. A copy of all permits necessary for the project including the shoreland permit be obtained and copies be placed on file with the Planning Department;
2. A copy of all access and easement agreements be finalized and placed on file with the Planning Board including the following:
  - a. the formalized access easement along the existing gravel drive;
  - b. the formalized drainage/maintenance easement; and
  - c. the lease agreement for public access on substation property for the public parking area and pedestrian access from Community Street.

So moved, the motion carried unanimously.

### **Site Plan Review Smith & Town Printers**

Mr. Morin and Mr. McCue declared a conflict of interest and recused themselves from the discussion.

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

Mike Godbout explained that Smith and Town would like to put an addition onto their building at 42 Main Street on the south side of the building. The addition will be two floors with concrete construction on the bottom floor and stick built construction on the top floor. Building will be made to look the same as the existing building. The top floor at street level will hold a 13 ton printing press. The addition will be 25 feet x 40 feet deep and it will be flush to the current loading dock. The mural on the south side of the building will not be affected.

### **Public Hearing**

Chair Allain opened the public hearing at 7:16 p.m.

Barbara Tetreault of the Berlin Daily Sun confirmed the dimensions of the building.

Sylvia Poulin commented that she is an abutter to the project and she has no issues with the expansion.

Chair Allain closed the public hearing at 7:20 p.m.

### **Board Member Comments**

Mr. Cassidy asked how high the addition would be and Mr. Godbout replied that it would be about 10 feet shorter than the existing building or about 22 feet high. Ms. Remillard asked if there are others who have access to the back side of the property. Ms. Poulin noted that PSNH owns property in the back of the buildings and Mr. Allain indicated that the City has an easement for sewer line.

Mr. McCue noted that a building permit will be needed as well as Fire Department approval.

Mr. Evans moved to approve the site plan as presented; Mr. White seconded and the motion carried.

### **Site Plan Review Richard King**

Mr. Evans moved to accept the application as complete; Mr. McCue seconded and the motion carried.

Mr. King described his plans for a fresh fish and fresh produce market on Route 110 at 111 Jericho Road. Product will be brought in from Maine and Boston. There is adequate space for the building to be handicap accessible and the building will have an emergency exit. The fish market will be equipped with coolers and freezers. There is plenty of parking with an additional space available if necessary. The plan is to use the existing sign frame.

Ms. Laflamme reported that the driveway permit will have to come from the State because the property is on a State road outside the urban compact.

### **Public Hearing**

Chair Allain opened the public hearing at 7:50 p.m.

Ms. Tucker asked what inspections would be necessary to move the project forward. Ms. Laflamme responded that the Health Department has a food inspection process that will need to be complied with.

Ms. Tetreault asked what the time frame is and Mr. King said the project will be done quickly, by Christmas if possible.

Chair Allain closed the public hearing at 7:05 p.m.

### **Board Member Comments**

Mr. Morin asked if snow storage will be on site and Mr. King confirmed with it will.

Ms. Remillard asked if the driveway will be paved and Mr. King stated that it will remain gravel. Mr. McCue asked how many employees and Mr. King said that the owners will operate the store and no employees are planned. He plans on being open 40 to 45 hours per week.

Mr. McCue confirmed that there will not be any food preparation. He then asked how delivery trucks were going to enter and exit. Mr. King did not know the grade of the driveway and he said he does not want to put up too much lighting because he does not want problems with neighbors. He said there is plenty of room for the delivery trucks and visibility at the base of the driveway is good with a 40 mph speed limit there. Mr. Morin asked about the loading area and Mr. King confirmed that he has enough room to keep a loading and customer parking separate.

Mr. McCue asked if there is a style or design for the building and Mr. King acknowledged that it will remain cinder block, there is a rustic interior planned.

Mr. Evans moved to waive the requirement for a formal plat; Mr. Cassidy seconded and the motion carried. Mr. Morin and Mr. McCue were opposed.

Mr. Morin moved to approve the site plan with the following conditions:

1. Eight (8) Parking Spaces are required for the business.
2. Applicant shall contact NHDOT – District One to see if any review of current access is necessary, any new permit shall be sent to the Planning Department and be placed on file.
3. Loading area shall be clearly defined and marked.
4. Any other permits obtained for the project shall be sent to the Planning Department to be placed on file.

Mr. McCue seconded the motion and the motion carried.

### **Notre Dame**

Ms. Laflamme explained that AHEAD was seeking a determination whether or not changes to their approved Site Plan would require reopening their case and holding a public hearing. Mr. Poulin joined Ms. Laflamme to explain that the City has been working with AHEAD on the sale of the Notre Dame building as they will be renovating the building to be service enriched housing. In taking over this project from Tri-County CAP, the funds had already been allocated for the project and this has required creativity in how they fit in all the requirements of the project and live within the budget they have.

Mr. Poulin shared that in the previously approved plan, there were two parking areas shown on the plat. With the site constraints and costs associated with building two parking areas, AHEAD feels it is necessary proceed with only one parking area at this time. The eastern parking lot is no longer shown the proposed replacement plan. The Houle Street exit will be maintained for utility access. The western parking area meets and exceeds the requirements laid out in the Zoning Ordinance and Site Plan Review regulations. The change is considered minor by staff, but thought it should be brought to the Board's attention. Ms. Laflamme informed the Board of the options they have in this case. The board could ask AHEAD to come back to the board and notify abutters of the change by holding a public hearing or it could simply note the change and keep the existing approval as it is currently and place the new layout on file.

Noting this does not adversely impact abutters and if anything decreases the access conflicts on School Street, the board did not feel it was necessary to reopen the application.

**Mr. Morin moved to note the change of the elimination of the eastern parking lot and place the new layout on file with no objections from the Board; Mr. McCue seconded the motion and the motion carried.**

### **Jericho Power**

Ms. Laflamme reported that all expirations for appeals of the Jericho Power LLC approvals have gone by and there were no objections to the project. In the approved site plan, power

was to be delivered from the top of the Jericho Mountain property line then to St Laurent Lane, then to Route 110. When PSNH reviewed the proposal they suggested a more direct path for the electricity going and thought bringing it down through Mr. Bouthillier's property made more sense. Seeing this is a change from what they presented to the Board, they wanted to make the Board aware. Jericho Power LLC is currently working with Mr. Bouthillier to obtain an easement for this new route. The impacts do not change for adjacent property owners with the exception of Mr. Bouthillier who has not voiced any objections. They do have a potential second option with another property owner if needed.

Mr. Morin moved to acknowledge the change of the path for the electricity from what was proposed to a more direct route through Mr. Bouthillier's property or the adjacent property; Mr. McCue seconded the motion and the motion carried.

### **Zoning Discussion**

Ms. Laflamme explained that the City's Zoning Ordinance is a permissive ordinance and if something is not in the ordinance, it is not allowed. At the last meeting, the Board was presented with a request from Fleury Funeral Home to construct a crematorium at their High Street location.

At this time, the zoning ordinance is silent on crematoriums. The Planning Board could recommend a change to the ordinance that would permit crematoriums by special exception or as an accessory use to a funeral home. Allowing the use as permitted by special exception would build an extra layer of regulation and would require public notices and letters to abutters with a chance for abutters to attend a public hearing to voice any concerns.

Mr. Morin moved to recommend a zoning ordinance change to the Council as presented by the Community Development Director to allow crematoriums by special exception; Mr. McCue seconded his motion and the motion carried.

### **Keeping of chickens in residential zones**

Ms. Laflamme reported to the Board that the Council asked that the Planning Board come up with draft language for allowing backyard chickens. Mr. McCue asked if a member of the body wants to put together an ordinance to bring to the board, perhaps the issue could be reviewed. Mr. Morin stated that it is inappropriate for the Board to spend any more time on the issue when after due diligence, the Board has agreed that there is no interest to amend the ordinance at this time.

Mr. Morin moved to send a letter to the Council reporting that the Planning Board has complied with the Council's request to review the possibility of allowing backyard chickens and rendered a decision and there is no interest in further consideration, nor does the Board wish to reconsider their position. Ms. Creegan seconded and further discussion ensued.

Mr. McCue suggested that the Board take one more step to come up with an ordinance and Mr. Evans volunteered to do that. Other board members voiced their opposition to

reconsidering. Ms. Remillard pointed to the reality that until there is funding for animal control, there is nothing we can do and the Board should not entertain the issue again. Ms. Creegan made a motion to move the question

Mr. Evans commented that his understanding is that the Council did not want to make a decision which is why it was back with the Planning Board.

In the vote on the motion, the Board voted to send the letter by a 5/3 margin. Mr. Evans, Mr. McCue and Ms. Langlois voted against sending the letter. Mr. Evans will not draft an ordinance as he suggested earlier in the discussion.

### **Lot Merger River's Edge**

Mr. Felix Pisani applied to merge the two properties he owns at 1193 Main Street (Map 127 Lot 250) and 1203 Main Street (Map 127; Lot 251). The merger will make a non-compliant lot compliant and there are no issues from staff.

Mr. McCue moved to approve the merger of lots 250 and 251 on Map 127; Mr. Morin seconded and the motion carried with all in favor.

**Other:** None

**Public Comments:** There were public comments.

### **Member Comments**

Mr. Morin mentioned a good article in NH Business Review called "Workforce Housing – Snob Zoning"

Mr. McCue commented on the biomass noise and Ms. Laflamme said that Burgess Biopower will have to run for three straight weeks without incident to move ahead with finalizing their efforts to finish the project. They are on board with a better communication strategy that will inform the public prior to steam blasts.

### **Planner Comments**

Ms. Laflamme reported that at the December meeting, there will be a review of the City's CIP.

### **Adjournment**

Mr. Evans moved to adjourn; Mr. Morin seconded and the motion carried. The meeting ended at 8:45 p.m.

Respectfully Submitted,

Susan Tremblay, Administrative Assistant