

*Planning Board Minutes
April 23, 2008*

PUBLIC HEARING

***Lincoln Town Hall
Conference Room
Main Street, Lincoln, New Hampshire***

Present: Chairman Pat Romprey, Vice Chairman Joe Chenard, Member John Hettinger, Clerk Jim Spanos, Selectmen's Representative Peter Moore and Alternate Charlie Cook

Staff Present: Stacey Boyce – Planning Administrator, Ted Sutton – Town Manager

Others Present: Stephen LaFrance, Ed Brisson, Stan Duda, Lutz Wallem, Chester Kahn and Susan Chenard

6:01 PM CALL TO ORDER by Chairman Romprey; announcement of excused absences, if any, and seating of alternates(s), if necessary.

Chairman Romprey called the meeting to order and welcomed those present. Full quorum present.

Alternate's Chrystal and Freddie were excused.

6:01 PM CONSIDERATION of Draft Meeting Minutes for March 26th, 2008

Member Hettinger made a **motion** to approve the minutes of March 26th with corrections; seconded by Clerk Spanos.

6:05 PM CONSIDERATION of applications for Site Plan Review and Subdivision submitted by Stephen LaFrance for MDR South Peak, LLC (Tax Map 2, Lot 003.0003)
Proposal: Seeks approval to construct a booster pump station and water storage tank for the South Peak Resort.
Planning Board: Acceptance of the Completed Site Plan and Subdivision Applications.
Public Hearing: Approve or Disapprove the Completed Site Plan and Subdivision Applications.

Member Hettinger recused himself from this application, as he is an abutter. Alternate Cook was seated.

Mr. Brisson said since the approvals obtained several years ago there has been concerns regarding the Cooper Memorial Bridge. A report has been given to the Town Hall as well as **MDR** regarding the

structural integrity of the bridge. Mr. Brisson stated that even though MDR is not the owner of the bridge he himself has spoken with a representative of Loon Mountain who does own the bridge. Mr. Brisson stated when he spoke with Mr. Kelley it was his understanding that substantial work will be completed on the bridge this summer.

Mr. Sutton stated he is sending a letter to Loon Mountain to reaffirm the load limit and speed limit needs to be posted on the bridge. The letter being sent to Loon Mountain was read into the record and a copy will be attached to these minutes.

Mr. Kahn asked whether or not the previously obtained approvals could be given to the new owners of the development. Mr. Sutton said that he received a letter from Centex Destination Properties (CDP), which was read into the minutes, giving all rights and obligations to MDR.

Vice-Chairman Chenard explained that all approvals obtained go with the property and not the person who applies for the approvals.

Mr. LaFrance went over the subdivision plan and site plan of the project. He stated all of the plans were sent to Hoyle, Tanner & Associates (HTA) and the only comments received back were regarding the site plan but nothing that isn't easily resolved.

Vice Chairman Chenard asked if the almost 30 acres that were being subdivided would be part of the overall development plan. Mr. Brisson said the overall development is based on the complete acreage no matter how it is broken down.

Chairman Romprey asked what the time frame was for building the pump station. Mr. Brisson said they hoped it would be next year before ski season starts.

Selectmen's Representative Moore made a **motion** to accept the applications for Subdivision and Site Plan review as presented, as complete, seconded by Vice Chairman Chenard. Vote was unanimous.

Alternate Cook made a **motion** to open the public hearing, seconded by Vice Chairman Chenard. Vote was unanimous.

Mr. Kahn questioned whether or not the impact study was done regarding the water infrastructure. Mr. Sutton said the beginning phase has been completed and the pumps station will fit in with the whole study as a positive part.

Mr. Kahn asked if the original 4" sewer line was still being used. Mr. LaFrance stated it was. Mr. Sutton said once the development in within 500 feet of the line it will be switched over to a larger line. Mr. Brisson said he believes the construction for the new line will start next year.

Alternate Cook made a **motion** to close the public hearing, seconded by Vice Chairman Chenard. Vote was unanimous.

Selectmen's Representative Moore made a **motion** to approve the applications for Subdivision and Site Plan Review, seconded by Clerk Spanos. Vote was unanimous.

Member Hettinger was reseated.

6:28 PM REVIEW AND COMMENT on the MATRIX REPORTS and OPEN FILES pertaining to:

- A. Land Use Subdivision and Site Plan Applications/Approvals
- B. Building Permit Applications
- C. Sign Permit Applications

There were no comments.

6:29 PM CONTINUING & OTHER BUSINESS (Staff and Planning Board Member/Alternates)

The Board had a discussion on the Cooper Memorial Bridge and the report on file at Town Hall while waiting to see if Mr. Hayward or Mr. LaHout were going to attend the meeting.

Member Hettinger read a draft letter that was being sent to Loon Mountain regarding the Cooper Memorial Bridge. A copy of that letter will be attached to the minutes of this meeting.

Member Hettinger stated the site for the car wash on Route 3 is a complete mess and needs to be cleaned up. Mr. Sutton said he has received numerous complaints and has called Mr. McGrath, the owner, and is just waiting for a return call from him.

Mrs. Chenard called Mr. LaHout who said he would not be attending the meeting.

6:52 PM CONTINUING & OTHER BUSINESS (Staff and Planning Board Member/Alternates)

Chairman Romprey stepped down from the Board on the next topic of discussion as Mr. Sutton stated he wanted to discuss the bill of sale between Mr. Hayward, owner of Nacho's Mexican Grille, and Mrs. Romprey.

Mr. Sutton stated in the event Mr. Hayward showed up at the meeting he wanted the Board to be apprised on comments received from the Town's lawyer, Peter Malia. Mr. Sutton also wanted to ask the Board on behalf of Mr. Hayward what he would need to do to obtain his approvals back for the use of his deck. Mr. Sutton stated Mr. Hayward had also asked him whether or not Mr. Hayward would be able to extend his deck area to the end of the side of his restaurant or not.

Selectmen's Representative Moore said that Mr. Hayward would need to come before the Board to obtain approval from them again to use the deck area. He stated at that time Mr. Hayward could ask about the extension of his deck.

Mr. Sutton stated Mr. Hayward had expressed to him that the Board was being unfair and he could possibly seek legal counsel.

Selectmen's Representative Moore made a **motion** to open the public hearing, seconded by Vice Chairman Chenard. Vote was unanimous.

Mr. Romprey stated he has read over the recommendations received by the Town's attorney and based on legal advice the only acceptable resolution would be to have Mr. Hayward remove the fence and place it on his own property.

Mr. Hayward has not shown up to tonight's meeting as requested by Mr. Sutton.

Selectmen's Representative Moore made a **motion** to close the public hearing, seconded by Member Hettinger. Vote was unanimous.

There was discussion whether or not to turn this problem over to the Board of Selectmen and recommend they issue a cease and desist order to Mr. Hayward to prevent him from operating his restaurant, Nachos Mexican Grille.

After discussion Selectmen's Representative Moore made a **motion** to notify Mr. Hayward that he is in violation of his original Site Plan approval from 6/8/05, condition #1 and #3, which are the stockade fence and the reinforcement of the bank. Mr. Hayward is also in violation of his approval from 6/14/07, condition #1 which would be the sales agreement. In the event these are still not satisfied by the next Board meeting which is May 28th, the Board will request the Board of Selectmen to issue a cease and desist order which will close down the restaurant; seconded by Alternate Cook. Vote was unanimous.

7:36 PM PUBLIC INPUT on Specific Issues –

There were no comments made.

7:36 PM ADJOURNMENT

Member Hettinger made a **motion** to adjourn, seconded by Alternate Cook. Vote was unanimous.

Dated: May 28, 2008

Pat Romprey, Chairman