

*Planning Board Minutes  
June 10, 2009*

***PUBLIC HEARING***

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

Present: Chairman Pat Romprey, Vice Chairman Joe Chenard, Member John Hettinger, Selectmen's Representative Peter Moore, Clerk Jim Spanos, Alternate Tom Adams, Alternate Charlie Cook and Alternate Chrystal (6:07pm)

Staff Present: Stacey Havlock – Planning Administrator, Peter Joseph – Town Manager

Others Present: Ed Brisson, Paul Beaudin, Chester Kahn, Randy Farwell, James Champagne and Bob Parode.

**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.

**6:02 PM CONSIDERATION** of Draft Meeting Minutes for May 13<sup>th</sup>, 2009

Member Hettinger made a **motion** to approve the minutes of May 13<sup>th</sup> with corrections, seconded Vice Chairman Chenard. Vote was unanimous.

**6:02 PM CONSIDERATION** of an application for Site Plan Review submitted by Randy Farwell for Alpine Adventures Tax Map 16, Lots 41 & 43  
Proposal: Seeks approval for use of a challenge course at an existing business.  
Planning Board: Acceptance of the Completed Site Plan Review Application.  
Public Hearing: Approve or Disapprove the Completed Site Plan Review Application.

Vice Chairman Chenard noted that Mr. Farwell had been before the ZBA prior to this meeting and received Special Exception approval to operate a tourist business in a village residential zone.

Mr. Farwell presented and explained the proposal to the Board.

Chairman Romprey asked the range of ages this new project would attract. Mr. Farwell stated the ages would vary but probably the younger crowd.

It was asked where the primary entrance and exit would be for the added attraction. Mr. Farwell stated the Main Street entrance would be the primary access and there would be signs at the back of the property stating the "right of way" access was for official vehicles only.

Alternate Hettinger asked what the noise level was going to be with screaming and things like that. It was noted the project would be open from 9 – 6 pm so the noise would not impact anyone and there would be no additional lighting.

Vice Chairman Chenard asked how much of the parking to be used for this project was for the original business plan. It was noted the business was all the same it was just expanding. After counting, the Board noted there were 23 parking spaces and room for about 8 more so parking was not an issue.

Mr. Farwell said the challenge course is a starting point for this project. He in time would like to add more to it for the challenges and would keep the Board apprised as the project expanded further.

Alternate Chrystal asked when it was anticipated the additional project would be open. Mr. Farwell stated he hoped in the next few months.

Vice Chairman Chenard made a **motion** to accept the application as presented, as complete, seconded by Clerk Spanos. Vote was unanimous.

Clerk Spanos made a **motion** to open the public hearing, seconded by Member Hettinger. Vote was unanimous.

Mr. Champagne said he would like to a comment – Chairman Romprey recused himself as he felt there may have been a conflict with him sitting on the Board while Mr. Champagne spoke. Mr. Champagne had concerns about people being on his property. It was noted there was a fence on three (3) sides of his property that would be expanded if need be.

Mr. Farwell and Mr. Champagne stated they had no objection to Chairman Romprey returning to the Board as a seated member. They didn't feel there was a conflict with him seated. Chairman Romprey was reseated.

Member Hettinger made a **motion** to close the public hearing, seconded by Clerk Spanos. Vote was unanimous.

A letter was entered into the record from the abutter, Mr. Imbresia. A copy of this letter will be attached to the minutes of this meeting. The Board discussed what the conditions should be if the application were to be approved.

Vice Chairman Chenard made a **motion** to re-open the public hearing at the request of some audience members, seconded by Selectmen's Representative Moore. Vote was unanimous.

Mr. Kahn stated that if any additions to the project are a structure they would only require a building permit which would have nothing to do with approval from the Planning Board. He also stated he felt the Board should not be able to put a restriction on a deeded right of way.

The Board stated the only thing that was recommended by an abutter was to put some sort of sign to deter customers from using the back access, which Mr. Farwell agreed to. It does not take Mr. Farwell's right for use away.

Member Hettinger made a **motion** to re-close the public hearing, seconded by Vice Chairman Chenard. Vote was unanimous.

Selectmen's Representative Moore made a **motion** to approve the application with conditions, seconded by Vice Chairman Chenard. Vote was unanimous.

- 1. The 10ft ROW into LaBrecque Street will be signed for "Authorized Vehicles Only" and not intended for customer use.**
- 2. Hours of operation will be daylight only and no artificial lighting will be installed.**
- 3. A post and chain fence with a minimum size of 4" by 4" posts spaced 10' apart or other fencing system agreeable to abutters John & Marcia Imbrescia will be installed to protect the parking lot of 49 Main Street.**

**6:49 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.

**6:50 PM**      **CONTINUING & OTHER BUSINESS** (Staff and Planning Board Member/Alternates)

CarolAnn Dowland stated she was there on behalf of CJ's Penalty Box Restaurant which would be re-opening with new management. They would like to know what is required to have occasional entertainment such as a guitar player on the deck area for a couple hours a night from approximately 4 pm to 8 pm. She stated at this time there are 2 days in June they would like to do this but it could turn into a regular event.

It was noted that the Board felt it was more of a police issue for a one time event. They noted if the management chose to have more entertainment after this 2 day event they would have to appear before the Board for Site Plan Approval.

**6:55 PM**      **PUBLIC HEARING:** To consider a request by MDR South Peak, LLC, for extension of a Site Plan Approval originally granted to Centex Destination Properties for Riverside Terrace 8-22 (approval granted on 5/9/2007). Extension is allowed by Article IX, Section I, of the Site Plan Review Regulations after public hearing.

Town Manager Joseph provided some information to the Board members regarding previous approvals granted to Centex Destination Properties which is now owned by MDR South Peak. He stated basically tonight is to determine if the projects have had substantial progress completed to deem the projects "vested" or if they would require an extension from the Board, which would call for a Public Hearing. He stated if the Board thought the project was at a "vested" status it would not require a public hearing but he wanted to make sure the proper regulations were followed.

Mr. Brisson reviewed the Timberline Village project location and the project status.

Member Hettinger asked if the hotels discussed at previous Planning Board meetings with the approvals had changed at all or were going to change in configuration or design. Mr. Brisson stated there were no changes from what was previously approved.

Vice Chairman Chenard asked if all of the roads and infrastructure will be complete prior to selling any of the properties. He stated if it wasn't there would either have to be some type of bond or the sales would not be able to happen.

Mr. Kahn asked how much of the money spent on infrastructure was specific to this project? He feels the amount over all for infrastructure has been figured for the whole project and not broken down into each section. Mr. Brisson said that was correct and he would put the dollar amount in the millions for money spent.

Mr. Kahn noted that the new sign for South Peak/Loon Mountain has been up for some time but no landscaping or lighting has yet to be completed. He noted it is a danger for people not having at least lighting around the sign and would like to know when it will be completed.

Mr. Kahn also noted the South Mountain bridge weight limit and heavy equipment trucks needed to be addressed as the trucks have been using the bridge and it is not designed to handle the weight of the trucks when fully loaded.

Mr. Brisson stated the bridge is owned by Loon Mountain and is therefore their issue. He stated the landscaping around the new sign will hopefully be completed this summer but did not have an exact timeline at the moment as it is still under construction.

Mr. Beaudin asked if he is to understand the roads are currently not bonded? He said this is something that the Town is currently having trouble with and should be required on all roads. He asked if it is in writing anywhere that Loon Mountain owns the substandard bridge?

Mr. Beaudin said it was his understanding before Centex ever took over the South Peak development that all construction vehicles were to use the South Mountain Bridge, which as it sits can't accommodate the weight of the heavier construction vehicles. He feels this should all be put out for a more publicized meeting so the homeowners can comment on any changes.

Member Hettinger said that two engineering firms have stated the bridge has been doing what it is designed to do, even if the weight limit approved is lower than some of the construction vehicles.

Mr. Kahn stated he has an issue with Mr. Brisson not being able to provide a timeline on the shrubbery and lighting. Mr. Brisson said he would get a definite answer to Town Manager Joseph as soon as he possibly could.

Mr. Beaudin said he would recommend the Board go back to the original approvals before Centex owned the South Mountain land to see what it said about traffic usage on the bridge. He noted the homeowners at Westwood were not supposed to be subject to the traffic of the construction vehicles.

Mr. Kahn said the way everything is set up with a gate at the west end of South Peak, all traffic should have to utilize the South Mountain bridge however he wonders how long that can continue if the bridge is not up to code on weight limits.

Alternate Cook said the only thing the meeting tonight was for was to determine if substantial work had been completed on the Timberline Village and Riverside Terrace projects to consider them vested. He stated the projects have already been approved and anything to do with the bridge or non compliance will need to be brought before the Board of Selectmen to be dealt with.

Mr. Beaudin said he would like to make sure his concerns are in the minutes as well as any changes in the previously approved plans for Centex Destination Properties / MDR South Peak.

Mr. Beaudin asked who or what sets the standard for a time frame on when a project needs to be complete after Site Plan approval has been achieved.

It was noted there was no time frame but via the State and Town regulations there are ways to revoke approvals if certain conditions are not met.

There was a discussion on who has an agreement with Westwood homeowners regarding South Mountain road and construction traffic. Member Hettinger said he believed Loon Mountain signed the agreement.

Selectmen's Representative Moore stated if there is an agreement that was established with a private party then it is a private issue not a Town issue.

Chairman Romprey asked Mr. Brisson if there were any changes to the Timberline Village or Riverside Terrace projects. Mr. Brisson stated there have been no changes to the projects from what was approved.

Chairman Romprey asked for the Board's opinion of whether they thought the Riverside Terrace project met the guidelines for Section H of the Land Use Plan Ordinance meaning that substantial work had been complete. The Board unanimously agreed that the project has met the criteria.

**7:32 PM CONTINUING & OTHER BUSINESS** (Staff and Planning Board Member/Alternates)

Mr. Brisson reviewed with the Board what has been done on the Timberline Village project.

Town Manager Joseph stated this project would be the same as the Riverside Terrace project as far as the Board needing to determine if the project meets Section H of the Land Use Plan Ordinance regarding "vesting".

Mr. Brisson stated at this time the project has not changed from the original approval but he is aware if there are any changes he would have to come before the Board for further approval.

After review of the work that has been done on this project the Board agreed that it would fall under the requirements for Section H of the Land Use Plan Ordinance.

The South Mountain bridge was mentioned again to which Selectmen's Representative Moore responded, many inspections have been done to the bridge, which has been rated by the State, however the State has told the Town of Lincoln that they have no legal jurisdiction over the bridge.

Chairman Romprey asked for the Board's opinion of whether they thought the Timberline Village project met the guidelines for Section H of the Land Use Plan Ordinance meaning that substantial work had been complete. The Board unanimously agreed that the project has met the criteria.

**8:05 PM CONTINUING & OTHER BUSINESS** (Staff and Planning Board Member/Alternates)

Ms. Havlock asked the Board to look over a building permit application that was submitted by Loon Mountain to construct a new horse barn. It was noted after the application was looked at the area in which the applicant wants to construct the horse barn may have been part of an area that was designated as green

space for Loon Mountain back when the hotel was first constructed. This will need to get looked into before the building permit is issued.

**8:07 PM PUBLIC INPUT** on Specific Issues –

There were no comments.

**8:07 PM ADJOURNMENT**

Member Hettinger made a **motion** to adjourn, seconded by Vice Chairman Chenard. Vote was unanimous.

Dated: July 8, 2009

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Pat Romprey, Chairman