

Town of Lincoln Planning Board – Meeting Minutes  
January 26, 2011 – 6:00 pm

**Present:** Chairman Pat Romprey, Clerk Jim Spanos, John Hettinger, Peter Moore, Charlie Cook, Tom Adams, Deanne Chrystal

**Staff Present:** Planning & Zoning Administrator Matt Henry

**Excused Absences:** Vice Chairman Joe Chenard,

**Others Present:**

**I. CALL TO ORDER** by Chairman Pat Romprey at **6:00PM**;

Chairman Pat Romprey called the meeting to order. Tom Adams was seated to replace Joe Chenard who was absent.

**II. CONSIDERATION** of the Draft Meeting Minutes of 01/19/2011.

The following revisions were made to the Draft Minutes:

- 1) Page 1: Delete “what” in the third paragraph
- 2) Page 2: Replace the word “scrap” with “remove from consideration”
- 3) Page 2: Replace “is not” with “would not be”.
- 4) Page 2: Replace “whos” with “whose”
- 5) Page 2: Replace “the ones” with “those”
- 6) Page 2: Add “for those that are not yet completed” in the first paragraph.
- 7) Page 3: Replace “bylaws” with “Capital Improvements Program bylaws”
- 8) Page 3: Replace “statutes” with “statutory”
- 9) Page 4: Alter wording of the Northern Pass paragraph to state that the negative impact of the project is less in Lincoln than other communities, but is still significant.

**MOTION: Peter Moore made a motion to approve the 01/19/2011 minutes as amended. John Hettinger seconded the motion. The motion carried unanimously (5-0-0).**

**III. CONTINUING & OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

**A. Westwood Homeowners Association**

Chairman Romprey explained that due to inclement weather conditions Westwood Homeowners Association was again unable to make the meeting.

**B. Tom Tremblay – 41 Church Street – Govoni Property**

Chairman Pat Romprey recused himself from discussion because he is related to the Govoni family. Clerk Jim Spanos assumed the role of acting Chairman.

Tom Tremblay began by explaining the concept of his proposal. He is representing some clients, the Govoni family, who wish to conduct a few renovations to their property. The proposal is to demolish the existing, non-conforming, mobile home that is at zero lot line currently, in exchange for the ability to add a garage with an accessory apartment. The garage would be relocated on the

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lot to meet the setbacks and the apartment would be used as guest quarters. Peter Moore asked if there would be room to meet 15 foot setbacks on all sides. Tom Tremblay said that after talking with Matt Henry, Tom Tremblay learned that the setbacks in that district were 10 feet on the sides but Tom Tremblay plans to utilize 15 foot setbacks which would exceed the minimum setback requirement. Peter Moore asked what the trailer uses for Water and Sewer currently. Tom Tremblay said that there is a hookup for Water & Sewer to the mobile home.

Jim Spanos asked if the garage would occupy the same footprint as the mobile home. Tom Tremblay said that the garage would not occupy the same footprint because the mobile home is currently only 4 feet from the lot line. The garage will be moved into compliance as well as enlarged.

Matt Henry said that he supports the concept of the proposal which is geared towards bringing the lot into conformance dimensionally. However, detached accessory apartments are not an allowed use in the Village Residential Zone. Therefore, Matt Henry does not feel comfortable with allowing this without approval from the Zoning Board of Adjustment (ZBA) since it is their jurisdiction to grant variances from the zoning. Matt Henry said that the Planning Board can run into legal issues if the change is allowed without obtaining approval from the ZBA. Matt Henry recommends the Planning Board send the matter to the ZBA.

Peter Moore asked Tom Tremblay to explain the proposed addition to the existing single family home. Tom Tremblay said that there is really nothing to explain since all that is required is a Building Permit since it meets zoning regulations. The gray area is just regarding the garage.

Deanne Chrystal asked why the lot was not grandfathered since the existing mobile home is a detached accessory apartment as it is. Matt Henry said that a current structure is grandfathered as it currently exists, meaning the town will not make a non-conforming structure be torn down as long as the use continues. However, new development must comply with zoning. The only way to remain “grandfathered” is to maintain the structure in its current fashion.

Deanne Chrystal asked if the sale was dependent upon receiving the variance. Tom Tremblay responded that the sale is not depending on approval from the ZBA. Deanne Chrystal followed up by asking what the timeframe would be for approval from the ZBA. Matt Henry said that the timeframe would just be a matter of placing an ad in the paper and notifying the abutters. The ZBA meets as needed and the variance would just require adequate notice for the ZBA members to make room in their personal schedules. The ZBA hearing would certainly be in February though.

Peter Moore expressed support for the idea; however, he said that it is not in the Planning Boards purview to deviate from the Land Use Plan Ordinance. Matt Henry gave Tom Tremblay the variance application.

C. Public Hearing: Proposed Zoning Amendments

Matt Henry said he had one item to go over prior to the Public Hearing. The Zoning Amendment related to elderly/disabled housing needs to specify where that type of zoning will be allowed. Matt Henry recommended that elderly/disabled housing be allowed in the same zones as standard multi-family housing is allowed (General Use, Village Center, and Mountain Residential), as well

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as the General Residential Zone because the Lincoln Green facility is located there now and this zoning would keep the Lincoln Green as a conforming use. Matt Henry said that adding the allowable zones on the ballot would not change the intent of the amendment, which is to trigger site plan review if a structure is to change from elderly/disabled housing to another use.

Jim Spanos pointed out what he thought was a typo in the ordinance. There is a footnote in the Land Use Schedule under “Mountain Residential” that states that Multi-family housing is permitted for five or more units only. There was some discussion as to whether that was a typo since the definition section of the ordinance for multi-family dwelling units specified the minimum number of units as three. Matt Henry said that he is not sure the typo can be changed because the ordinance was approved at town meeting and any changes to the Zoning ordinance would have to be approved at town meeting. Jim Spanos said that the matrix was not voted on at town meeting as the definition was. The matrix was put together by the Town Planner when the Land Use Plan wording was approved in order to assist town staff. Therefore, the typo can be fixed because the footnote was never a warrant article. The Planning Board decided that the “five or more units” footnote is a typo and should be corrected so it correlates with the definition section.

**MOTION: Peter Moore made a motion to delete the “Multi-Family Housing” footnote to correlate to the definition in the Land Use Plan Ordinance as discussed. Tom Adams seconded the motion. The motion carried unanimously (5-0-0).**

**MOTION: John Hettinger made a motion to open the Public Hearing for the Proposed Zoning Amendments. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0).**

The Public Hearing was left open for 10 minutes (6:20-6:30) to allow time for people to comment if they happen to be running late.

**IV. REVIEW AND COMMENT on the MATRIX REPORTS and OPEN FILES pertaining to:**

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

Matt Henry explained that there is a new Single Family home listed on the Building Permit Matrix.

Matt Henry explained that Charlie Cook had sent him an e-mail regarding a New Hampshire State Legislature bill aimed toward changing the abutter notification requirements for condos. Currently, an applicant is required to notify the association executive board only. However, this bill would require each individual condo owner to be notified. Matt Henry said that he has talked about the proposed bill with Peter Joseph and they see two separate issues with the bill. Philosophically, when an owner owns a condo they forgo certain rights and authorize the association to act on their behalf. Practically, notifying each condo owner would place a financial burden on small businesses because a business would need to pay for certified mailings if the business were going to conduct Site Plan Review or a simple subdivision. Charlie Cook also

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pointed out the additional staff time required for Matt Henry to prepare the certified notices. The Board asked Matt Henry to draft a letter of opposition on behalf of the board and send the letter to the state legislators.

Peter Moore mentioned that there is a new interactive GIS software system that links assessment cards with the tax maps. A link will be placed on the town website and the program will be open to the public. The website is a map of the entire town and a person can zoom in on individual parcels with a click of a mouse and measure distances, among other things. Peter Moore said that he was impressed with the website. Deanne Chrystal asked if it is free. Peter Moore said it was not free and the town does pay a fee for the service.

Peter Moore also said that on February 7<sup>th</sup> Northern Pass will be coming to the Selectmen's meeting to solicit input from the public and answer their questions.

**MOTION: Jim Spanos made a motion to close the Public Hearing for the Proposed Zoning Amendments. John Hettinger seconded the motion. The motion carried unanimously (5-0-0).**

**MOTION: Tom Adams made a motion to approve the Zoning Amendments that are to be placed on the March 8<sup>th</sup>, 2011 Ballot. John Hettinger seconded the motion. The motion carried unanimously (5-0-0).**

**V. PUBLIC INPUT on Specific Issues**

**VI. ADJOURNMENT:**

**The meeting was adjourned at 6:40 pm.**

Respectfully submitted,

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Matt Henry

Dated: February 16, 2010

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Pat Romprey, Chairman