

Town of Lincoln Planning Board – Meeting Minutes
July 13, 2011 – 6:00 pm

Present: Chairman Pat Romprey, Peter Moore, John Hettinger, Ivan Saitow (Alternate), Chester Kahn (alternate)

Staff Present: Planning & Zoning Administrator Michele Alexander, Town Manager Peter Joseph

Excused Absences: Clerk Jim Spanos, Deanne Chrystal, Charlie Cook (Alternate), Tom Adams (alternate)

Others Present: *No one*

- 1) **CALL TO ORDER** by Chairman Pat Romprey at 6:05 PM

Chair announced Ivan Saitow and Chester Kahn as seated alternate.

- 2) **CONSIDERATION** of Draft Meeting Minutes for 6/22/11

MOTION: J.Hettinger made a motion to approve the minutes of 6/22/2011 as presented. I.Saitow seconded the motion. The motion carried unanimously (4-0-0).

NEW BUSINESS

I. Appointment of Capital Improvement (CIP) Committee members

P.Joseph discussed that John Hettinger is willing to represent the Planning Board on the CIP Committee, O.J. Robinson had been nominated by the Selectmen for the CIP Committee, Charlie Cook was nominated by the Budget Committee for the CIP Committee, and Peter Joseph, Town Manager, would be the staff representative for the CIP Committee.

MOTION: C.Kahn made a motion to appoint the members as discussed. I.Saitow seconded the motion. The motion carried unanimously (4-0-0).

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

A. J. Henry Trail Easement

P.Moore stated that the trail easement with Inn Seasons would be a good model for an easement with South Peak Development for the J. Henry Trail to ensure public access while offering conditions to ensure the property owner has recourse to protect abutter's rights. The Town would then become responsible for maintenance and enforcement.

The Board discussed that single-family homes with their own lots have the right to post signs on their land advising trail users to respect their property and not trespass, condo owners however are required to go through their Association, and have the Association elect to post the signs. Staff concurred.

P.Romprey, I.Saitow and C.Kahn discussed existing easement documents that granted a trail easement to Loon for the J. Henry Trail for recreational and bicycle use.

J.Hettinger stated he had fully reviewed the EIS Study and noted the EIS study is inconclusive in relation to the easement and the maps do not indicate a trail.

P.Moore stressed that a trail easement granting Loon access does not ensure full public access.

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The Board agreed that a full review of existing easement documents by the Board would be the logical next step. Peter Joseph stated he would work to obtain copies of the Loon Mountain Recreational Corp. easement.

B. Forest Ridge

The Board discussed that the height of the fence installed at the site of the compactor does not entirely block the view of the compactor from the line of site of abutters, as the berm installed was not of sufficient height. The Chair asked that the representative of Forest Ridge, David Larsen, appear before the Board next month to discuss.

C. Nachos Mexican Grille

P.Romprey recused himself.

Staff, M.Alexander, indicated that she had attempted to speak with the owner on Thursday last week, but at the time of the visit (11:00 a.m.) the business was closed to the public. She followed up several times by telephone later that day but was unable to reach the owner. A letter was mailed that Friday morning to the owner, at the address of the owner on the tax card.

The Board discussed and agreed that the violations they would like staff to continue to address include:

- 1) The rear fence be maintained in a presentable condition as per the condition of site plan approval, the fence has been inundated by an overgrowth of non-landscaped plants.
- 2) The portable sign be removed from public view when the business is not open per Town of Lincoln sign ordinance. Staff to check ordinances for addressing the fully painted front windows advertising products, including the sale of liquor.
- 3) The excessive amount of exterior lighting installed, which were not indicated on the original site plan, including neon lights around the front patio, multi-colored string lighting around the free-standing sign, 'tiki' flame torches around the patio, and six lights installed on the sides and back of the driveway and an additional light on the right-hand side of the driveway.
- 4) Occupancy codes be adhered to. Staff will check with Fire Chief to address this issue.

M. Alexander noted the pennants on the deck are not permitted under the Town sign ordinance.

The Board and P.Joseph agreed that the next course of action is to send the list of violations by certified mail. If the notice letter is returned undeliverable the next step would be to have staff hand deliver the letter with police escort. If the issues are not addressed within 10 days of confirmed receipt of the notice, P.Joseph will ask the Selectmen to take action to address the violations.

M.Alexander noted that when she spoke directly to the owner requesting he remove the portable sign out of the public right-of-way, and re-fill the holes he had dug next to the sidewalk he complied, and hopes that he will move forward to address these violations.

D. Court Decision re: The Rapids

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P.Romprey was re-seated.

C.Kahn provided an update on the Rapids court proceedings. He notes a court decision has been reached allowing Rapids residents to travel on Bunker Lane. The court indicated the party must come before the Planning Board to meet the conditions specified. The concerned parties have filed for reconsideration, as is the right of both parties. The next step of recourse is the ability of the concerned parties to appeal to Superior Court

VIII. 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

The Board reviewed the reports. The assessed valuation of the repairs for building permit 11-13 issued to Ted Hammond appeared low, as damage to the home was extensive after a flood due to broken pipes. P.Joseph noted an assessor would visit the site in the future to determine the value for tax purposes.

C.Kahn asked staff to check if home being built at Rivers Edge, first name of owner is Vince, had applied for a building permit. M.Alexander noted she would look into it.

IX. PUBLIC INPUT on Specific Issues

None

X. ADJOURNMENT:

MOTION: C.Kahn made a motion to adjourn the meeting. I.Saitow seconded the motion. The motion carried unanimously (5-0-0).

The meeting was adjourned by the Chair at 6:42 pm.

Dated: July 14, 2011

Pat Romprey, Chairman