

Town of Lincoln Planning Board – Meeting Minutes  
April 14, 2010

**Planning Board**

**Present:** Pat Romprey, Selectmen's Representative Peter Moore, Charlie Cook, Tom Adams, John Hettinger, Jim Spanos, Deanne Chrystal

**Staff Present:** Town Manager Peter Joseph, Helen Jones

**Others Present:** Paul Hamel, Walter Rodgers, Kristin Clouser, Ron Caron, Liz Lambregtse, Russ Cooley, Steve Lafrance, Kathy Lafrance, Pat Bahr, Chester Kahn.

**CALL TO ORDER** at 6:10 pm by the Chairman Pat Romprey; Joe Chenard excused. Alternate Deanne Chrystal was seated. Tom Adams left the meeting.

A motion was made by Peter Moore to approve the minutes of the February 24, 2010 Planning Board meeting with changes: Seconded by John Hettinger. Approved by the committee members in attendance on February 24, 2010.

A motion was made by Jim Spanos to approve the minutes of the March 10, 2010 Planning Board meeting with changes: Seconded by John Hettinger. Approved by the committee members in attendance on March 10, 2010.

**CONTINUATION** of an application for Site Plan Review submitted by Andrew Nadeau for Lincoln South Mountain Partners, LLC (Tax Map 118, Lot 003)

Proposal: Seeks approval to divide existing parcel of land into parcels.

Planning Board: Acceptance of the Completed Subdivision Application.

Public Hearing: Approve or Disapprove the Completed Subdivision Application and

**CONTINUATION** of an application for Site Plan Review submitted by Andrew Nadeau for Lincoln South Mountain Partners, LLC (Tax Map 118, Lot 003)

Proposal: Seeks approval to construct 5 buildings with twelve (12) units in each building.

Planning Board: Acceptance of the Completed Site Plan Review Application.

Public Hearing: Approve or Disapprove the Completed Site Plan Review Application

Chairman Romprey stated that the Public Hearing was over and that this meeting was for the Board to discuss the Lincoln South Mountain Partners application. Input from the audience would be allowed only if requested from the board.

Peter Joseph outlined the progress on LSMP application since March 10, 2010:

**Progress With Mike McCluskey, NHDES** – Per a conversation with Mr. McCluskey on April 13, 2010, NHDES will be requiring a revision to the 2007 Phase II ESA. Formal requirements have not been dictated but will most likely require an additional monitoring well and additional sampling. Mr. Joseph recommends that board require LSMP to comply with all requirements put forward by NHDES in this regard. Depending on the results of the revised Phase II ESA, NHDES may require further action on the site. Peter

recommends that any approval granted be conditional on LSMP fulfilling the requirements and/or recommendations issued by NHDES as a result of their review of the revised Phase II ESA. Mr. McCluksey is in agreement with this course of action as of April 13, 2010. Steve Lafrance stated that he is aware of this.

**Josh McAllister review of TF Moran** – Based on a review of the TF Moran drainage study, Mr. McAllister suggested several revisions to the applicant's plans (ref. HEB site plan review #3 & #4 and Horizons Engineering responses). Based on the changes made by Horizons Engineering, Mr. McAllister is recommending approval of the engineering design (ref. HEB site plan review #5, attached).

**Letter from Atty. Caron** – Attached is a letter from Atty. Caron outlining concerns of the abutters. Attached to this letter is a memo from R. Duval regarding conversations he has had with Mike McCluskey at NHDES. Mr. Duval's memo is in general agreement with conversations Mr. Joseph has had with Mr. McCluskey regarding this issue. On exception that Mr. Joseph would make is that Mr. McCluskey has not yet issued any formal recommendations other than requiring a revision of the Phase II ESA.

**Links Condominium concerns** – Liz Lambregtse has expressed concerns regarding the tennis courts. Mr. Romprey felt this was an issue that needs to be discussed with the developer, e.g. trimming along the right of way for Cooper Memorial Drive. This is a private road and is usually maintained by the users.

**Alteration of Terrain Permit letter** – Letter submitted to NHDES attached.

**Safety investigation** – From the concerns raised by abutters at the last meeting, Chief Smith investigated traffic issues on Bunker Lane. Records show and Chief Smith feels that Bunker Lane is a very safe street.

**Draft list of conditions for review** – Attached list to be reviewed by board.

Before the Board continued their discussion, Peter Moore read the Draft Conditions for Planning Board Approval for LSMP LLC.

Discussion:

Item #4 – Question asked if there was a state requirement for a sprinkler system: Yes. If the applicant or the board would like the State Fire Marshal office to review what is required they would be glad to work with them.

Item #15 – Referring to site work, not building

Mr. Romprey addressed Russ Cooley in reference to dust during the summer months. Russ agreed to maintain the road to keep the dust to a minimum. The controlling of the dust will be added to Item #20.

Item #19 – Change videotape to video recording. A discussion of the wording "applicant shall restore the roadway to its original condition" wording will stay as is.

Item #21 – A discussion as to when the approval will be granted: after decisions from Grafton County Superior Court or all appeals have been settled. Mr. Romprey felt the applicant would not want to start building until the lawsuit has been settled. Approval would not be granted until lawsuit has been settled.

Peter Joseph asked Atty. Caron what the time frame for appeal. After the judgment comes down from Grafton County the following is the process:

1. Either party may move to reconsider the decree of Grafton County. Upon a motion to reconsider being filed Grafton County will then issue a decree on the motion to reconsider. It will take 30 days before either party can file an appeal. Once Grafton issues a decree then either party has 20 days to file the motion than 10 days for objection.
2. If there is no motion to reconsider, then the appeal date is 30 days from the decree.

Under the new rules appeals are mandatory, this lawsuit is a mandatory appeal. It is likely that a decree would not be issued until 2011.

Paul Hamel wanted clarification to the 30 days to appeal. If LSMP wins, Fairways/Bunker Lane has 30 days to appeal, LSMP will not have access to Bunker Lane until after all appeals have been settled.

In reference to item #22 Atty. Caron asked if the public hearing would be open to public input. Mr. Romprey assured him that the hearing would be open to the public. Mr. Joseph added that public comments would be limited to comments regarding whether the conditions had been satisfied.

Russ Cooley was asked if he had any questions, he answered no he was ready to go.

Having reviewed the conditions for planning board approval for LSMP, Pat asked if there were any more questions from the Board, if not would someone make a motion to approve.

A motion was made by Peter Moore for conditional approval of the application for Subdivision submitted by Andrew Nadeau for Lincoln South Mountain Partners, LLC (Tax Map 118, Lot 003). Proposal seeks approve to divide existing parcel of land into parcels, this is subject to the 22 items listed in the Conditions For Planning Board Approval: Seconded by Jim Spanos. Approved by the committee members in attendance.

A motion was made by Peter Moore for conditional approval of the application for Site Plan Review submitted by Andrew Nadeau for Lincoln South Mountain Partners, LLC (Tax Map 118, Lot 003). Seeks approval to construct 59 units in 5 buildings, this is subject to the 22 items listed in the Conditions for Planning Board Approval which are attached to these minutes: Seconded by Jim Spanos. Approved by the committee members in attendance.

A motion was made by John Hettinger close the meeting at 7:40pm: Seconded by Jim Spanos. Approved by the committee members in attendance.

Dated: \_\_\_\_\_

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Pat Romprey, Chairperson