

Town of Lincoln Planning Board – Meeting Minutes
June 23, 2010 – 6:00 pm

Planning Board

Present: Chairman Pat Romprey, Vice Chairman Joe Chenard, Jim Spanos, John Hettinger, Peter Moore,

Staff Present: Town Manager Peter Joseph and Planning & Zoning Administrator Matt Henry.

Excused Absences: Tom Adams, Charlie Cook, Deanne Chrystal

Others Present: Susan Chenard, Andy Nadeau, Pat Bahe,

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

II. CONSIDERATION of the Draft Meeting Minutes of 06/09/2010.

MOTION: Joe Chenard made a motion to approve the minutes of 06/09/2010. John Hettinger seconded the motion. The motion carried with Peter Moore abstaining due to his absence from the meeting.

III. CONSIDERATION of an application for Site Plan Review submitted by Horizons Engineering for The Common Man Restaurants (Tax Map 117, Lot 102 & 103 and Tax Map 116, Lot 043).

Continued from the June 9th, 2010 Meeting

Proposal: Seeks approval to construct an addition to the existing Common Man Restaurant.

Planning Board: Acceptance of the Completed Site Plan Review.

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

Matt Henry introduced the application by updating the Planning Board on conversations he had with Stephen LaFrance regarding his request for a continuance. He said that Horizons Engineering wishes to continue consideration of the Common Man application until there is final news regarding the potential sale of the Town-owned property that the Common Man currently leases. Chairman Romprey asked if the representative from Horizons Engineering that was here for other agenda items felt comfortable speaking for them. Andy Nadeau responded by saying that because they were here for other reasons, they did not have the authority to speak for them, or withdraw the Common Man application.

MOTION: John Hettinger made a motion to accept the application for Site Plan Review as Complete. Jim Spanos seconded the motion. The motion carried unanimously.

MOTION: Jim Spanos made a motion to open public hearing. John Hettinger seconded the motion. The motion carried unanimously.

Joe Chenard removed himself from the Board in order to participate in the public discussion. He asked if by refusing the application there might be a perception that the Town is forcing the Common Man to purchase the land. Chairman Romprey responded by saying that there have been three Public Meetings that have taken place, each of which the abutters have attended and it is not fair to them to have the abutters keep coming back to find that the application keeps getting continued. Peter Joseph said that land transfer has not happened, and is probably not going to happen for at least the next month.

MOTION: Jim Spanos made a motion to close public hearing. John Hettinger seconded the motion. The motion carried unanimously.

Peter Moore asked about what correspondence the staff has had with Steve LaFrance. Matt Henry responded by saying that Mr. LaFrance requested a continuance and also indicated that he would not be attending the meeting since there is no action that could take place until there is closure on the sale of the property.

Chairman Romprey asked if there has been any progress on the application since the item had been continued. Matt Henry responded that there has not been any progress. Peter Moore said that because the application is dependent upon the sale of the land to meet the parking requirement, the Board is at a standstill until there is a decision on that. He said that the Board of Selectmen had previously refused an offer, and was still in discussions with the common man. The Common Man has indicated that negotiations may continue for months. Peter Moore said that if the Planning Board is to move to continue the application, there should be some indication that a resolution will occur soon and that does not appear to be the case. Peter Joseph said that while he does not want to assign a timeline to the negotiations, he feels a decision will not occur for at least another month.

There was additional discussion about the negotiations of the sale between the Town and the Common Man. The Planning Board decided that they must follow the advice of Town Legal Council. Peter Malia, Town Legal Council, recommended that the Town not act on the application until the Common Man owns the land, acquires an easement, or they agree to a long-term lease. Additionally, he recommended that the Town not approve the application with a condition that a sale be made in the future.

MOTION: John Hettinger made a motion to deny the Site Plan. Jim Spanos seconded the motion. The motion carried unanimously.

Chairman Romprey publicly reiterated that the denial of the application is not a reflection of opposition of the Common Man restaurant, and there really is nobody opposed to the Site Plan, however, the Planning Board wishes to have them reapply so that abutters do not have to keep coming back to meetings just to have them continued every two weeks.

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

Matt Henry briefly discussed two applications for conceptual review. He explained that he hopes that the Planning Board starts to conduct more conceptual reviews than they have had in the past because it is helpful to catch things early in the process. He explained that a conceptual review is meant to discuss the “big picture” of a plan or subdivision with regard to the following bullets as specified in the Site Plan Review Regulations:

- 1) Reviewing the basic concepts of a proposal
- 2) Reviewing the proposal with regard to the town Master Plan, Land Use Plan, and Subdivision Regulations etc.
- 3) Assisting the applicant relative to state and local requirements
- 4) Review the Site Plan Review Checklist

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He explained that conceptual review shall not bind an applicant or Planning Board, however, the Board should be careful to not to discuss specifics because abutters are not notified for a conceptual review.

Andy Nadeau began by explaining the Site Plan that was submitted. The proposal is for a temporary sales unit that will be placed on South Peak property at the entrance. The site may have a concrete slab that the unit will be placed on. There was discussion about what constituted a “temporary structure”. John Hettinger described the definition of a “temporary structure” and the time limits placed upon it as described in the Town Land Use Plan Ordinance and there was discussion about whether this use constituted a “temporary sales location”. Matt Henry said that he does not think MDR’s intent meshes with the intent of the Land Use Plan Ordinance’s definition of “temporary sales location”. There was some discussion about whether the Planning Board should approve the Site Plan as a permanent structure or with temporary approval with the possibility of renewal in the future. The Planning Board decided that it would be preferable to approve the Site Plan temporarily and MDR could come back to renew it in the future. Andy Nadeau said that there will be no doubt that the building would be attractive which is desirable for both the Town and South Peak.

Andy Nadeau explained that there will be water and Sewer connection to the unit. Water connection is across the road and sewer connection is on the side adjacent to the site. Peter Joseph suggested that Horizons Engineering contact the State Department of Transportation (NHDOT) regarding obtaining a trench permit that will be necessary for water hookup that Bill Willey described at a staff meeting. However, there are no issues with water hookups on the Town side. Andy Nadeau said that Horizons Engineering will certainly be contacting NHDOT shortly.

Andy Nadeau then described the second conceptual review which was for a Voluntary Lot Merger of five adjacent lots, followed by a subdivision of 6.13 acres. The intent of the Subdivision is to turn the 6.13 acre parcel over to the Condominium Association. Pat Romprey said that we are unsure how much reserve “green area” is remaining from the map that they were working with. Andy Nadeau said that he would bring in an exhibit showing the amount of “green area”. Peter Joseph said what is important conceptually with this subdivision is whether this action would impact what is on the ground. He said that it does not appear to have a substantial impact since the structures are already in place. However, it will impact what can be built in the future at South Peak because it affects the amount of land available. Pat Romprey asked if the road is part of the subdivision, it is not.

VI. 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

The Planning Board asked questions regarding the Matrix Report. Matt Henry explained that Alfred Poulin had overpaid his Water, Sewer, and Bedroom fees by \$3,100. Because he is just adding one Bedroom and one Bathroom, he is only responsible for paying fees associated with additional rooms he is adding to the house.

Peter Moore said he liked the idea of a Conceptual Review so long as the Planning Board did not cross the line of discussing items that were not conceptual in nature. Peter Joseph said that catching

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the “big picture” early would enable the Planning Board to catch problems then that could potentially de-rail an application. Jim Spanos added that while it is helpful to suggest to applicants to conduct a Conceptual Review, it is an optional action that should be described as such. Peter Moore asked that the website description for site plan describe the optional preliminary step. Joseph Chenard said that it is important to remind applicants and the Planning Board that under no circumstances may specifics be discussed without abutters present.

VIII. PUBLIC INPUT on Specific Issues

Susan Chenard asked to be placed on the e-mail list on the final Meeting Minutes when they are sent out.

Pat Romprey asked that a Certificate of Occupancy be noted on the Matrix reports when they are conducted.

The Planning Board looked at a flow chart drafted that attempted to summarize the Hastings Memo on public hearing protocol. Jim Spanos said that the memo contradicted itself and there was some confusion in the flow chart regarding the difference between a public hearing and public discussion. Jim Spanos said that the paper suggested that a public hearing would take place each Planning Board meeting which is not necessarily the case. After some discussion, Matt Henry agreed to rework the document and show it to Jim Spanos before next meeting in an to attempt to eliminate the confusion.

IX. ADJOURNMENT:

MOTION: John Hettinger made a motion to adjourn at 6:40PM. Joseph Chenard seconded the motion. The motion carried unanimously.

Respectfully submitted,

Matt Henry

Dated: July 15, 2010

Pat Romprey, Chairman