

Town of Lincoln Planning Board – Meeting Minutes

July 14, 2010 – 6:00 pm

Planning Board

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

Staff Present: Planning & Zoning Administrator Matt Henry

Excused Absences: Tom Adams, Deanne Chrystal

Others Present: Susan Chenard, Pat Bahr, Tara Bamford, Steve Lafrance, Chester Kahn, Douglas Hayward

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

II. CONSIDERATION of the Draft Meeting Minutes of 06/23/2010.

MOTION: John Hettinger made a motion to approve the minutes of 06/23/2010. Jim Spanos seconded the motion. The motion carried with Charlie Cook abstaining due to his absence from the meeting.

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

Tara Bamford came to the Planning Board to update them on the New Hampshire Rivers Management and Protection Program as well as the Rivers Management Advisory Committee. She explained that the Town of Lincoln may want to take part in the program. However, even if Lincoln did not wish to take part in the Rivers Management Advisory Committee, she would still be happy to bring any comments regarding the River Management Plan to the committee. As a member of North Country Council Inc. she said she feels that the Town of Lincoln should be entitled to input because they are impacted by it.

There was general discussion from the Planning Board about the program. While the Planning Board said that they would be happy to provide input about the program, they would be reluctant to join because it would be another bureaucratic step to go through in addition to Shoreline Protection requirements

IV. CONSIDERATION of an application for Site Plan Review submitted by Horizons Engineering for a Sales Unit (Tax Map 118, Lot 002).

Proposal: Seeks approval to construct a Sales Unit.

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

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

Chairman Romprey read the agenda item to the board. Matt Henry began by stating that the application for Site Plan Review from Horizons Engineering was complete and recommended the Planning Board accept it as such.

MOTION: Joe Chenard made a motion to accept the application for Site Plan Review as complete. John Hettinger seconded the motion. The motion carried unanimously.

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Steve LaFrance began by introducing himself and Horizons Engineering as the applicant acting on behalf of MDR South Peak LLC. He described the process leading up to the July 14th Meeting and some of the specifics of the site plan. He said that Andy Nadeau was the individual who presented the Conceptual Review for the plan and Matt had met with Pat Bahr of South Peak a few times. The plan had undergone some minor changes since the conceptual review.

One modification of the plan had to do with the location of the water line that was to be linked from across the street adjacent to the American Legion. As per the request of Bill Willey (Director of Public Works) and Leon Geil (NHDOT), the water line will no longer be connected perpendicular to the hook-up but will veer a bit toward the eastern end of the lot so it does not interfere with the newly paved sidewalk. Horizons said that they would be responsible for repaving the portion of the driveway that will be disturbed.

Another change is that the landowner identified some trees that they wanted to conserve as part of their agreement. Therefore, parking was reconfigured so that not as many trees would have to be cut.

As per a request from NHDOT, there was some additional grading that will be conducted. Steve LaFrance stated that while the existing topography allowed for natural drainage away from Route 112, NHDOT asked for more aggressive grading to ensure this happened. The following note was added to the Site Plan: “Contractor Note: Contractor to grade site to ensure runoff from newly developed areas will follow the existing runoff flow paths and ensure runoff will flow away from Route 112. They also included the new 3” underground conduit that NH Electric Coop just installed to the plan. The driveway will be 200 feet from the intersection and wind around the existing vegetation. The proposed sales trailer will be placed parallel to Route 112.

Chairman Romprey asked what the longevity of the proposed sales unit will be. Steve LaFrance said that the sales trailer was going to be for two-year duration. Chairman Romprey also asked if the trailer was going to sit on a concrete slab. Pat Bahr responded by saying that it was originally going to be similar to a Mobile Home type structure, but South Peak decided it was better to go with just two offices and a bathroom so it would not require a concrete slab to sit on. There was some discussion as to whether it was going to be considered a temporary sales location. Matt Henry responded by saying that he met with Pat Bahr about this and they decided it was better to approach this Site Plan as a permanent structure so it would not confused with vendors which he feels was the intent of the “Temporary Sales Location” section of the Land Use Plan Ordinance.

Chairman Romprey asked if South Peak was planning on dressing up the trailer and making it look nice. Pat Bahr responded by saying that they were going to make it look good. Steve LaFrance then described the landscape plan for the sales trailer. NHDOT was concerned that people would attempt to approach the building directly from Route 112 rather than use Cooper Memorial Drive as proposed. To alleviate this concern, the landscape plan includes a hedge that would make a right hand turn impossible to perform.

Peter Moore asked what the town should expect for signage. Steve LaFrance responded by describing the two proposed signs as listed on the Site Plan. There is a sign at the entrance, and a sign that is adjacent to Route 112. The existing “Saber Mountain” sign will be relocated to the eastern side of the unit.

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Chairman Romprey asked if the plan was subject to all easements that were currently in place. Steve LaFrance also said that the plan was certainly subject to any/all existing easements. There is currently both sewer and conduit easements in place which will remain.

John Hettinger asked where boulders were on the Site Plan that NH Electric put on by the road. Steve LaFrance said that they were along the gravel road and pointed them out to the Planning Board members.

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

John Hettinger asked who was going to own the trailer. Pat Bahr said that the Trailer would be leased as well. It is similar to an arrangement that was made with Forest Ridge.

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

Matt Henry said that Bill Willey (Public Works Director) had asked for the contractor to take in consideration the American Legion's hours of operation. Though the Planning Board cannot make it a condition Bill Willey, asked Matt Henry to mention it at the meeting. Matt Henry said that Monday would be the best day to conduct the excavation. The American Legion reopens Tuesday at 4:00pm. Steve LaFrance said that it should not be an issue finishing it in those two days.

Peter Moore asked if any member of the Planning Board thought there should be any conditions attached to this Site Plan Review. Nobody on the Planning Board had any conditions they wished to add. Steve LaFrance said that the Site Plan is currently out to bid and the plan should be completed sometime next month. Chairman Romprey said that there will be fees associated with the bathroom that will need Water and Sewer hookups. Steve LaFrance said that the only unresolved issue that is has to do with the method of excavation that the state will require. He said that the contractor is willing to excavate in any manner the state requires.

MOTION: Peter Moore made a motion to approve the Site Plan as presented conditional on all appropriate state approvals. John Hettinger seconded the motion. The motion carried unanimously.

V. CONSIDERATION of an application for a Voluntary Lot Merger (Tax Map 118 Lots 011, 012, 013, 014, 015, and 039).

Proposal: Seeks approval to voluntarily Merge Lots 011, 012, 013, 014, 015, and 039.

Planning Board: Acceptance of the completed Voluntary Lot Merger application.

Public Hearing: Approve or disapprove the completed Voluntary Lot Merger Application.

CONSIDERATION of an application for Subdivision submitted by Horizons Engineering to Subdivide Map 118 Lot 039 into two parcels 6.13 and 112.59 acres, respectively (pending the approval of the Voluntary Lot Merger listed above)

Proposal: Seeks approval of proposed Subdivision.

Planning Board: Acceptance of the completed Subdivision application.

Public Hearing: Approve or disapprove the completed Subdivision application.

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Chairman Romprey began by reading the action item and asking Matt Henry if the application was complete. Matt Henry responded by saying that both applications were indeed complete and it is important to note that the board should consider the two applications individually, however, it may be helpful to discuss both action items together because the subdivision is contingent on the voluntary lot merger. John Hettinger removed himself from the table because he received an abutter notification in the mail. Charlie Cook was seated in his place.

MOTION: Jim Spanos made a motion to accept the application for Voluntary Lot Merger & Site Plan Review as complete. Joe Chenard seconded the motion. The motion carried unanimously.

Steve LaFrance began by presenting the overall picture of the plan. He said that the big picture of the action is to voluntarily merge five existing lots and then subdivide a 6.13 acre parcel. The reason for the subdivision is to create a separate condo association from the one that is currently in place. Chairman Romprey asked if there is an existing condo association. Pat Bahr responded by saying that she was attending the meeting in order to represent South Peak Association. The existing association is informally in place but action is required on the part of the town in order to make the association official. Matt Henry brought up a concern with the minimum lot size requirement in the Land Use Plan Ordinance. In order to meet the requirements stated in the ordinance, more than 10 acres would have to be subdivided off of the “mother parcel” in order to meet the 15,000 square foot requirement for the 40 units. Pat Bahr brought in a copy of the original Master Plan that included the development agreement that stated that South Peak was entitled to 1,018 units total. That number may not change if a portion of land is subdivided. According to the agreement, South Peak retains a great deal of flexibility so long as that number does not change. The Master Plan was approved with the lot lines almost outlining the structures.

Chairman Romprey wanted to clarify that the owners were going to own the green space and the exterior respective to the number of houses in the association. For example, if there are 40 units one owner owns 1/40th of the common area. However, the individual owner will own the interior of the building. Pat Bahr answered that that was correct and will be stated in the articles of agreement once they are signed by the new association. Chairman Romprey said that he has a small issue with approving something under an agreement that has not yet been signed. Pat Bahr said that according to her legal counsel, the subdivision had to occur prior to the agreement being signed. Chairman Romprey said that it could be an administrative condition that the deed has to reflect what was stated at tonight’s meeting.

Charlie Cook wanted clarification that the number of units in this association would not exceed the existing 40 units. Pat Bahr agreed it would not. Matt Henry also asked if clarification regarding the maintenance of the existing utilities would be documented in the Articles of Agreement. He said it is important to eliminate any discrepancy regarding who is responsible for future infrastructure maintenance. Chairman Romprey asked that it be an administrative condition that MDR South Peak provides that documentation.

Matt Henry read a letter from an abutter named Larry Cohen of 16 Yellow Birch Circle (attached) into the record that stated concerns that had to do with fewer units paying association fees and whether that would lead to an increase in association dues. Matt Henry said while he believes it is an issue that should be left to the abutter and the association, he felt it should be read as an official

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concern. Pat Bahr said that others had come to her with similar complaints and she would get in touch with him and answer his questions.

Joe Chenard asked if the J.E. Henry trail would be affected in any way. Pat Bahr responded by saying that nothing will change with regard to the trail and it will be grandfathered in that it is for public use. Chairman Romprey said that any association created from the original development agreement should have similar trail verbiage in it. Pat Bahr said that she could double check to see if the J.E. Henry trail clause will be mentioned in the Riverside Condo Association Articles of Agreement.

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

John Hettinger said that while Ted Sutton was the Town Manager overseeing the MDR South Peak development, there was discussion regarding granting an official public access easement for the trail. He asked if that ever actually happened. Chairman Romprey asked Pat Bahr if she could look for a copy of the agreement for the J.E. Henry trail between South Peak and the Town of Lincoln. She agreed to look for it.

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

The Planning Board then stated two administrative conditions that were discussed during the review to ensure the all members of the board agreed with them. There was also discussion whether it was proper to discuss both the Voluntary Lot Merger along with the Subdivision. Matt Henry said that because the Subdivision is subject to the Voluntary Lot Merger, it would be preferable to discuss them together. However, two separate motions should be made.

MOTION: Joe Chenard made a motion to approve the Voluntarily Lot Merger as presented. Jim Spanos seconded the motion. The motion carried unanimously.

MOTION: Joe Chenard made a motion to approve the proposed subdivision as presented with two administrative conditions. Peter Moore seconded the motion. The motion carried unanimously. The motion had the following administrative conditions:

- 1) That the common area within the 6.13 acre parcel be deeded to the Riverside Condo Association.**
- 2) That the Articles of Agreement between MDR South Peak LLC. and the Riverside Condo Association state who is responsible for the maintenance of utilities located on the parcel and underground.**

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

John Hettinger had a question about a home being constructed on Hemlock Drive. There is some cutting and clearing occurring there in preparation. Matt Henry said that there was an issue with the slope of the driveway being too steep to allow the use of a fire engine. However, he and Chief Nate Haynes took a drive earlier that day and Nate Haynes gave the ok for the Building Permit. Matt said that the Building Permit should be issued within the next day or so.

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Charlie Cook asked about the recent demolition activity involving the vacant gas station property on Route 3 where the tanks are being removed. Matt Henry said that the reason they are removing the gas tanks are to make the property more desirable to sell. He also said that the contractor indicated that all necessary state permits were granted to conduct the demolition.

IX. PUBLIC INPUT on Specific Issues

X. ADJOURNMENT:

MOTION: Joe Chenard made a motion to adjourn at 7:15PM. John Hettinger seconded the motion. The motion carried unanimously.

Respectfully submitted,

Matt Henry

Dated: August 26, 2010

Pat Romprey, Chairman