

Town of Lincoln Planning Board – Meeting Minutes
August 25, 2010 – 6:00 pm

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

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

Excused Absences: Deanne Chrystal

Others Present: Susan Chenard

I. CALL TO ORDER by the Chairman Pat Romprey at **6:03PM**;

II. CONSIDERATION of the Draft Meeting Minutes of 07/14/2010.

MOTION: John Hettinger made a motion to approve the minutes of 07/14/2010. Joe Chenard seconded the motion. The motion carried unanimously.

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

Matt Henry began by explaining three changes that he and Peter Joseph are suggesting be made to the Planning Board Bylaws. The proposed changes are:

- 1) Meetings #2 (A): Change “at least 48 hours prior” to “at least 24 hours prior”
- 2) Meetings # (7): Add “Recordings of Planning Board meetings conducted in accordance with state law is permitted. However, the Board asks that the recorder notify the chairman at the start of the meeting of any such recording as a courtesy.”
- 3) Meetings # (7): Add “Town staff may record Planning Board meetings to assist them in transcribing the official meeting minutes. However, upon approval of the meeting minutes, any recordings made will be deleted.”

There was a question regarding why the agenda posting timeframe is being changed. Peter Joseph explained that the notification is required by state statute and the bylaws were not consistent. There was some discussion as to whether the Planning Board should exceed the 24 hour requirement to give ample notice to the public as to what will be on the agenda. Matt Henry said that while the requirement is 24 hours, the municipality may exceed the requirement if they so choose. Chairman Romprey took a poll of the Planning Board members to see what their feelings were on the change. Jim Spanos said it would be good to give the public more time to read the agenda. Peter Moore said that the Board should go with the 24 hour agenda requirement because it would give the Planning Board some protection if for some reason it is not posted in time. Other members agreed that 24 hours was sufficient.

There was also discussion regarding whether the public may record public meetings. Peter Joseph said that a member of the audience may record any public meeting or public place as well as conceal a recording device. The reason the Planning Board should request that they reveal they are being

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recorded is more of a courtesy to other members of the public. Charlie Cook said that the reason they ask to be notified should be stated in the bylaws.

Matt Henry then explained why the third change should be made. He said that it helps protect against a situation where somebody makes a right to know request and the town only has recordings for some of the meetings. It would look suspicious if the town had recordings for some meetings but not others. Matt Henry explained that they are only required to keep the official minutes as a record of the meeting and what went on there. Even if recordings contradict what is written in the minutes, the minutes are the legal official record of what went on. Peter Joseph explained that the portion of the minutes that should be the most detailed is the motion. The RSA states that a general description of what was discussed should also be included in the minutes. It was decided that the board either keep all of the recordings or none of the recordings.

Tom Adams discussed some instances in the Town of Lincoln's history when recordings were made of some big projects that took place and the minutes were three times as long as they are now. He said that if that happens again, Lincoln should have detailed minutes such as those.

The Planning Board discussed the exact wording of the three changes. Peter Joseph stressed that there is really no way to enforce these changes but it is good to have them in place anyway.

MOTION: Peter Moore made a motion to amend the bylaws to reflect the three changes listed. John Hettinger seconded the motion. The motion carried unanimously.

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

Matt Henry added a third matrix report, he said it was more for his benefit than anyone else on the Planning Board. A matrix report on ZBA meeting actions is helpful in keeping track of ZBA actions and is also good to report it to the Planning Board so they are always aware of any zoning adjustments that are made in town. Tom Adams asked that next week the Matrix Reports be placed in the same order as they appear on the agenda. Matt Henry said he will try and remember to put them in agenda order for next meeting. Matt Henry explained some of the building that has taken place recently. There have been no new homes, but there has been quite a bit of minor building permits issued.

Matt Henry then discussed a letter that he received regarding the sales trailer (attached). The letter was written by Leon DePalma and it expressed disappointment with the Planning Board approving a structure that looks "absolutely awful". The letter said that the Planning Board should be more proactive in making recommendations regarding aesthetics of a property even when they meet the requirements. There followed some discussion regarding the architectural review section in the Site Plan Review Regulations. John Hettinger, Joe Chenard, Tom Adams, Charlie Cook, Peter Moore, and Chairman Romprey all agreed that the trailer was not very attractive.

Chairman Romprey said that the meeting was noticed and that the public had every opportunity to come to the meeting. Jim Spanos said it becomes difficult to dictate attractiveness because it is in the eye of the beholder. Peter Joseph pointed out the architectural guidelines section is in the Site Plan Review Regulations that could be used if the board wishes to use its regulatory authority. It was asked if changing the Site Plan Review Regulations require a vote by the legislative body or simply

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by the Planning Board. Matt Henry agreed to check to see if the Planning Board was authorized to change the Site Plan Review Regulations on their own. Peter Joseph said that while the planning board may not mandate architectural requirements, the Site Plan Regulations can suggest what the applicant should do. Peter Moore said that he felt it was all or nothing with regard to utilizing architectural review. Chairman Romprey disagreed. As it stands now, the Site Plan Review Regulations are written with rather passive language so the Planning Board does not have to make it a condition but may discuss it if they so choose.

Peter Moore suggested that Matt Henry draft a letter from the Planning Board expressing displeasure over the sales trailer. Matt said that he had had a face to face conversation with Pat Bahr of MDR South Peak about the sales trailer. He said he told her about the complaints about the placement as well as the appearance of the trailer. Peter Moore said that a letter would not be necessary and a face to face plants the seed for them to keep aesthetics in mind as they move forward with future site plans. Chairman Romprey wanted to make it clear that he did ask the question at the meeting with the exact words “I assume you will make this building tasteful” and South Peak answered “Yes”.

Matt Henry also filled the Planning Board in on ongoing progress with the sales trailer. They attempted to bore underneath Route 112, but were unable to as per the site plan. Therefore, the state is mandating that they install an 8” water line so that they only have to disturb the highway once and it prepares for large future development that is likely to occur in that area. Chairman Romprey stated for the record that he is opposed to the 8” water line and they should not cut into the highway at all just for that trailer.

Peter Moore said that he was concerned that the height requirement for the Village Center Zone in the Sign Ordinance was not restrictive enough. Though the height maximum was 20 feet, he said that the Subway sign is too tall for the Village Center Zone. Charlie Cook said that they should have just applied for a roof sign for that side of the building. Matt Henry informed the Planning Board that a business is only allowed one roof sign in the Village Center zone because it is in a shopping center. Pat Romprey asked how the sign permit was handled. Matt Henry said that they originally applied for two roof signs but he steered them away from that because it was not allowed. He said he sat down with Mike Mooney, the owner, and arrived at having a free standing sign, an awning, and a roof sign on the eastern side.

The sign is currently not illuminated, but Mike Mooney has indicated a desire to come to the ZBA for a Special Exception eventually so the sign has internal illumination capabilities but they will not light the sign from the inside without the Special Exception. Joe Chenard pointed out that there are numerous signs in the downtown that are currently internally illuminated because they existed prior to the Village Center ban. Peter Moore asked Matt Henry to place the height requirement on the agenda for next meeting.

Matt Henry discussed the Special Events section in the Site Plan Review Regulation. He said that new special events that are held, and ones that are being expanded are supposed to be coming to the Planning Board. The definition of a special event is not clear because it does not contain a specific number but only a length of time. Peter Joseph pointed out that they would not need official Site Plan approval but would have a less cumbersome Special Event application.

Tom Adams discussed the history of Special Events in the Town of Lincoln and the intent of the section in the Site Plan Review Regulations. He said that the Special Event Review began with

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events that were occurring on Loon Mountain. Peter Joseph said that a Special Event is anything that is not noted in the approved Site Plan. Joe Chenard suggested that the Police Chief sign off on Special Event Permits as well rather than have a separate permit from the police station. Chairman Romprey said that it is not a question of whether the town wants events in town, but if they are going to have an event they should be reviewed.

IX. PUBLIC INPUT on Specific Issues

X. ADJOURNMENT:

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

Respectfully submitted,

Matt Henry

Dated: September 9, 2010

Pat Romprey, Chairman