

Town of Lincoln Planning Board – Meeting Minutes
September 8, 2010 – 6:00 pm

Present: Chairman Pat Romprey, Jim Spanos, John Hettinger, Peter Moore, Charlie Cook, Deanne Chrystal

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

Excused Absences: Vice Chairman Joe Chenard, Tom Adams

Others Present: Betty Beaudin, Paul Beaudin, Steve LaFrance, Pat Bahr, Steve Tower, Alice Dam

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

Alternate Deanne Chrystal was seated in place of Joe Chenard.

II. CONSIDERATION of the Draft Meeting Minutes of 08/25/2010.

MOTION: Jim Spanos made a motion to approve the minutes of 08/25/2010. John Hettinger seconded the motion. The motion carried unanimously (5-0).

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

CONSIDERATION of an application for Voluntary Lot Merger submitted by Roy Sabourn for Benjamin Clark (Tax Map 112, Lots 019 & 020)

Proposal: Seeks approval to merge Map 112 Lots 019 & 020 into one parcel

Planning Board: Approval of the Voluntary Lot Merger Application.

Public Hearing: Not Required

Chairman Romprey began by reading the proposal and Matt Henry explained that a Voluntary Lot Merger does not require a Public Hearing. Steve Tower presented a sketch to the Planning Board and explained that there was a Lot Line Adjustment approximately a year or so ago that took place on that parcel that the current tax map does not reflect. Essentially, they are just merging two parcels of land and it has no commercial impact. Steve Tower continued to describe the parcels by saying that 112-020 is a vacant parcel and he wishes to merge it into lot 019.

MOTION: John Hettinger made a motion to approve the Voluntary Lot Merger as presented. Jim Spanos seconded the motion. The motion carried unanimously (5-0).

CONSIDERATION of an application for Subdivision (Lot Line Adjustment) submitted by Roy Sabourn for Ann-Marie/Craig Keeney and Marie/Eugene Duquette

Proposal: The applicant seeks approval to transfer 0.08 acre parcel from Tax Map 117 Lot 058 to Tax Map 117 Lot 056.

Planning Board: Acceptance of the Completed Subdivision Application.

Public Hearing: Approve or Disapprove the Completed Subdivision (Lot Line Adjustment) Application.

Chairman Romprey read the proposal and verified with staff that it required a public hearing. Matt Henry explained that there was a lot in the application that was not required because it was simply a sale of property. Steve Tower passed out maps of the property and explained that they wish to

Town of Lincoln Planning Board – Meeting Minutes
September 8, 2010 – 6:00 pm

transfer 0.08 acres of land, a triangular shaped segment located on the north side, from one lot to another. The segment in question is currently forested.

MOTION: Jim Spanos made a motion to open the public hearing. John Hettinger seconded the motion. The motion carried unanimously (5-0).

Peter Joseph explained that this was brought about due to a structure that was constructed that violated the Town setback requirements and the Lot Line Adjustment is avoiding a ZBA hearing for an equitable waiver of dimensional requirements. It therefore puts the property into compliance.

MOTION: Jim Spanos made a motion to close the public hearing. John Hettinger seconded the motion. The motion carried unanimously (5-0).

MOTION: Jim Spanos made a motion to approve the Subdivision (Lot Line Adjustment) as presented. John Hettinger seconded the motion. The motion carried unanimously (5-0).

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

A. Forrest Ridge – Waste Disposal

Charlie Cook removed himself from the discussion of this matter since his property abuts Mrs. Beaudin's property. Paul Beaudin began by explaining that he wanted to address an issue on behalf of his mother. The dumpsters located at Forest Ridge, abutting his mothers property (Tax Map 116 Lot 003; 14 Louis Lane), have recently been expanded. They put a concrete bed, ran some power, and enlarged it. She is concerned because they have taken down the screening and have been emptying them very early in the morning; this makes a lot of noise. Paul Beaudin said that because Forest Ridge is a Planned Phased Development, a Master Plan and Site Plan would have been presented to the Planning Board. Though the Planning Department did not have the Master Plan on file, they did look at the Site Plan. According to the original Site Plan, the current location of the solid waste disposal site was approved as a residential building site. Therefore, there is question as to whether any site plan revisions were submitted to the Planning Board that altered the original. Paul Beaudin said they used to have dumpsters that were scattered throughout the development but consolidated them to this one location a while ago. He acknowledged that it does make sense to locate the dumpsters here because it is right at the entrance/exit, but his mothers concern is that her property value will diminish drastically if it is located near a solid waste site. Paul Beaudin said that his mother ultimately would like the site moved to another location.

Charlie Cook spoke as member of the public and explained how the site has been expanded. He said they have paved the site and moved the dumpsters to the southern side of the site. He said that there was a recycling dumpster added as well as electrical capabilities for a compactor. Matt Henry said that from the planning side of things, the Planning Board should be most concerned about whether they were made aware of the changes. He said that because all the planning department has on record is the original site plan, there are unanswered questions as to how this site was chosen because there is no indication in the minutes that alterations were submitted to the board.

Chairman Romprey said that it certainly appears that the solid waste facility has been expanded. Paul Beaudin said that though his mother feels that the site should be moved, however, if that is not

Town of Lincoln Planning Board – Meeting Minutes
September 8, 2010 – 6:00 pm

possible, she would like the issues stated in her letter addressed. Paul Beaudin also said that he would like the fence repaired that is also mentioned in the letter. Matt Henry read the letter into the record (attached). Chairman Romprey asked Matt Henry to invite Forest Ridge to attend the next Planning Board meeting so they can discuss the matter.

B. MDR South Peak Sales Trailer Options

Matt Henry gave the Planning Board background regarding the MDR South Peak Sales Trailer that was approved. He said that because the State of New Hampshire is requiring an 8" water line if they are going to cut into main street, MDR South Peak is examining three possible options. These options are stated in a letter (attached) that Pat Bahr of MDR South Peak wrote to Peter Joseph. The three options that they are pursuing are: 1) Cut a trench with an 8" water Line 2) Dig an individual well 3) Waterless site utilizing electric toilets and bottled water.

Pat Bahr began by explaining that Steve LaFrance had met with the state and the state had moved the location of the proposed water line from the eastern end of the lot to the western end of the lot. Chairman Romprey said that the reason the state required the line to be moved was that they were under the assumption that there were two lots of land there, which is incorrect. Steve LaFrance referenced an e-mail he received from Leon Geil, Assistant District Engineer, that eluded to the fact that he had spoken with Bill Willey and they agreed to move the line. Steve LaFrance said that if he made one mistake, it was that he did not call Bill Willey to ensure he agreed with Leon Geil's opinion that the line should be moved. He said that the e-mail mis-led him in thinking that Bill Willey and Leon Geil had already spoken. Steve LaFrance said that he received a call from Bill Willey expressing concern that his sidewalk would be disturbed. However, Steve LaFrance said that the sidewalk would not be disturbed.

Steve LaFrance said that it does not matter either way, and it would probably be less expensive for MDR South Peak if the location was at the eastern end of the Lot. Steve LaFrance said that he has concerns with the water quality of the well if MDR South Peak decides to pursue option #2. Peter Joseph said that it may be possible for the Board of Selectmen to waive the town Water and Sewer regulation requirement that they tap into town Water, due to extenuating circumstances if MDR South Peak decides to go with option #2. Steve LaFrance said that Matt Henry supplied some plumbing codes that may suggest that plumbing be required for commercial establishments. Matt Henry said that the Planning Department does not concern itself with building code issues but provided the information to MDR South Peak as a courtesy.

Chairman Romprey asked what exactly the plumbing code dictated for a commercial establishment. Steve LaFrance said that it called for a toilet and a lavatory. According to the State Fire Marshall, because the trailer is going to be there for 180+ days, it is considered a permanent structure that shall abide by state code. Chairman Romprey said that he strongly suggests that MDR South Peak pursue option #3. Pat Bahr said what she was really after was altering the current temporary Certificate of Occupancy and making it permanent. Peter Joseph said that from his point of view he sees no issues with any of the three options but the Planning Board should have input since the Site Plan is now changing.

It was decided that nobody has issues with any of the three options. However, they will not issue a permanent Certificate of Occupancy until one of the three options is pursued. They will simply keep extending the temporary Certificate of Occupancy until there is a resolution. Chairman Romprey said

Town of Lincoln Planning Board – Meeting Minutes
September 8, 2010 – 6:00 pm

that it could be taken care of administratively so long as the Planning Board was ok with all three options. He said that MDR South Peak will hand in a new Site Plan when they know which option they will pursue.

Chairman Romprey brought up displeasure that some residents have been complaining to him about the MDR South Peak Sales Trailer landscaping. He said that they did not go to the extent they said they were going to when they showed the Planning Board the “green” landscaping plan when this site was approved. Tom Adams had called earlier that day as well with similar comments. Pat Bahr said that the changes to the landscaping were minor and they were necessary. Peter Moore said that the Planning Department has been fielding complaints about the trailer. Deanne Crystal said that while there has been some complaining about the trailer nobody has offered any suggestions about how to improve it. Peter Moore said that the Planning Board’s concern was that there would be additional parking on the side of the street that the trailer was located. Pat Bahr said that people are still going to park there because Half Baked Fully Brewed is located across the street.

C. Discussion: LUPO proposed Change: Village Center Height Requirements

Matt Henry began by explaining the different responses that he got back regarding sign height from other communities around the state. He said that he sent out a survey on Plan-link, an e-mail list-serve composed of planning colleagues, and received responses ranging from banning free-standing signs altogether to 25 feet. He explained that the responses he got back that were most comparable to Lincoln were Bristol and North Conway who both have a 15 foot height ceiling. Jim Spanos pointed out that the reason Subway even has a freestanding sign is that the town only allows one roof sign in the Village Center. Matt Henry said he measured the sign with Bill Willey and they measured approximately 19 ft for the free-standing subway sign. Charlie Cook asked Peter Moore if the intent of the sign ordinance was to have similar standards for different parts of town. Peter Moore said that the intent was to have more lenient standards for Route 3 due to the businesses located there and the village center would be more stringent.

Peter Moore said he was concerned that the sign stood out too much and the height is part of the problem. Lessening the sign height ceiling to 15 ft would help alleviate the problem while not hurting business. If the town allowed only a 15 ft. sign, the Subway sign would not have worked and they would have been forced to get a Special Exemption from the Zoning Board of Adjustment. Chairman Romprey said that this particular case is the rare exception and not the rule. Peter Moore said that he is just concerned 20 ft. free-standing signs will become the norm and he does not think that would be a good idea for a resort community such as Lincoln. Chairman Romprey explained that what should have happened is that the ZBA grant a Special Exception and in his opinion they would have had no problem getting it.

Peter Moore gave some background regarding exactly what the intent of the revamp of the ordinance was when it took place a few years ago. The intent was to market Lincoln as a resort community. He said he was concerned about the future of Lincoln as a resort community. Peter Moore said he would like to see sign height ceiling reduced to 15 ft. Joe Chenard, from the audience, said that he was concerned that it may affect the ability to plow the sidewalks. Peter Moore responded by saying we should not write the sign ordinance around the sidewalk issue, they should have zoning that is best for the town.

D. Discussion: Architectural Review

Town of Lincoln Planning Board – Meeting Minutes
September 8, 2010 – 6:00 pm

Matt Henry began by pointing out the current Site Plan Review Regulations that describe Architectural Review section as “Requirements”. He recommended that they change the wording to weaken the “requirements” language if the Planning Board is not going to require applicants to abide by them. The Planning Board discussed the possibility of calling them “Architectural Review Recommended Requirements”. A spelling error was also made note of (changing “plain” to “plane”). The Planning Board noted that both a vote and Public Hearing was required to change Site Plan Review Regulations. It was decided to leave the Site Plan Review Regulations as they were currently written and not change the Architectural Review Requirements section.

IX. PUBLIC INPUT on Specific Issues

X. ADJOURNMENT:

MOTION: Deanne Crystal made a motion to adjourn at 7:45PM. Charlie Cook seconded the motion. The motion carried unanimously.

Respectfully submitted,

Matt Henry

Dated: September 22, 2010

Pat Romprey, Chairman