

Town of Lincoln Planning Board – Meeting Minutes
March 16, 2011 – 6:00 pm

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

Staff Present: Planning & Zoning Administrator Matt Henry,

Excused Absences: Tom Adams

Others Present: Walter Rogers, Russ Cooley, Margaret Lelahes, Sharon O'Brian, Liz Lambregtse, Paul Hamel

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

II. CONSIDERATION of Draft Meeting Minutes for 02/16/11.

The Planning Board and Staff made the following changes:

Page 1: Add "to do" following agreed

Page 2: Replace "of" with "as"

Page 2: Add "on the security gate" after "formal action"

Page 3: Add that a photo of South Peak restricted access was submitted for the record as well

Page 3: Specify that the letter from Ed Brisson was regarding construction "vehicle" access

MOTION: Charlie Cook made a motion to approve the minutes of February 16th, 2011 as amended. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0)

III. CONSIDERATION of Draft Meeting Minutes for 02/21/11.

The Planning Board and Staff made the following changes:

Page 1: Charlie Cooks name appears in both the "Present" line and the "others"

MOTION: John Hettinger made a motion to approve the minutes of February 21st, 2011 as amended. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0):

IV. CONSIDERATION of an application to extend SUB/SPR conditional approval

Proposal: The applicant seeks to extend Subdivision approval for 6 months and Site Plan Review approval for 1 year as per respective SUB/SPR Regulations.

Planning Board: Acceptance of the completed application to extend SUB/SPR conditional approval.

Public Hearing: Approve or Disapprove application to extend SUB/SPR conditional approval.

Matt Henry began by explaining that Lincoln South Mountain Partners SUB/SPR conditional approval is set to expire in mid-April, and this request is meant to extend it. While Subdivision approval may be extended for 6 months at a time only, Site Plan Review may be extended for up to a year. As stated in the Site Plan Review Regulations, the Planning Board must hold a Public Hearing if it wishes to extend the deadline to the future, and Matt Henry recommended extending both Subdivision and Site Plan Review for the same time period for ease in tracking while adding no additional burden on the applicant.

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Matt Henry said that there is an issue with the advertisement in the Courier. It cut off half of the ad and after a few phone calls back and forth between the Courier and himself, the Courier said it is able to run a corrected ad. However, the corrected ad was never run. Pat Romprey asked if the notice was posted at town hall and abutters were notified. Matt Henry said that the abutters were notified and though a newspaper ad was customary in Lincoln, it is not required by our Site Plan Review Regulations or the NH statutes. The Planning Board decided that since the minimum notice requirement met state statute requirement, the Planning Board should hear the application.

Pat Romprey said that the Rapids litigation was currently in court and he feels that they are obligated to grant the extension in order to not muddle in the court's jurisdiction. He said that if the Planning Board were to let the conditional approval expire, they would be "acting as judge & jury" and they should not do that.

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

Chairman Romprey declared the public hearing open. Matt Henry cautioned the public against making comments based on the merits of the application because the merits were already discussed when the application was approved in April of 2010. Matt Henry said that useful comments would be those geared toward whether the extension is warranted.

There were no comments from the general public.

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

MOTION: John Hettinger made a motion to grant a six month extension to Lincoln South Mountain Partners. Charlie Cook seconded the motion. The motion carried unanimously (5-0-0). The new expiration date is October 2011.

V. CONSIDERATION of an application for Voluntary Lot Merger submitted by Peter Govoni Revocable Trust

Proposal: The applicant seeks to merge Tax Map 110 Lot 009 and Tax Map 110 Lot 008

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

Public Hearing: Not Required

CONSIDERATION of an application for Voluntary Lot Merger submitted by Peter Govoni Revocable Trust

Proposal: The applicant seeks to merge Tax Map 110 Lot 005 and Tax Map 110 Lot 004

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

Public Hearing: Not Required

Pat Romprey recused himself because he is related to Peter Govoni, the applicant.

Matt Henry said that though Peter Govoni was not in attendance, the Planning Board could act on a Voluntary Lot Merger (hereinafter "VLM") anyway provided that it feels it has enough information to make an informed decision. Matt Henry explained that Peter Govoni is requesting to merge the two lots because even though the small lots do not meet minimum lot size requirements, he is being

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taxed as though it is a buildable lot. “Non-conforming lots of record” are allowed to have a single family home on it even if it does not meet minimum lot size requirements. “Non-conforming lots of record” are lots that existed prior to the enactment or change to the Land Use Plan Ordinance (hereinafter “LUPO”). There is no drawback since the lot would be in compliance of the LUPO if the VLM was approved. In fact, if Peter Govoni were to try to re-subdivide the lot he would be able to do so only if the lot met the minimum lot size requirements.

Matt Henry said that Peter Govoni may not be able to keep the Connector Road E911 address that Peter Govoni wanted to keep because the address is assigned based on where the driveway is located and not necessarily where the house is facing. Matt Henry said that he went out there today and there was too much snow to see where the curb cut is and he did not see evidence of a driveway intersecting Connector Road.

Chairman Romprey asked if abutters had been notified. Matt Henry said the abutters do not need to be notified for a VLM and a Public Hearing is not required. As a matter of fact, most towns do not even ask for Planning Board approval but just designate the decision as a staff decision so long as the request meets LUPO requirements. However, past practice has been for VLM to obtain Planning Board Approval.

MOTION: Jim Spanos made a motion to approve both Voluntary Lot Mergers. Charlie Cook seconded the motion. The motion carried unanimously (5-0-0).

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

- A. Building Permit Applications
- B. Land Use Subdivision and Site Plan Applications/Approvals
- C. Sign Permit Applications
- D. ZBA Applications

Matt Henry explained that on the Matrix Reports there is one building permit that he wanted to discuss with the Planning Board. Matt Henry explained that Thomas Tremblay’s Accessory Apartment variance was denied by the Zoning Board of Administration (hereinafter “ZBA”) last meeting. The garage was not the reason Tom Tremblay applied for the variance. While the garage is allowed, Tom Tremblay was seeking the variance in order to allow an independent accessory apartment over the garage. The day after the ZBA meeting Tom Tremblay received a Building Permit Application for essentially the same thing but rather than living quarters over the garage, the proposal is for a “Recreation Room”. Since the recreation room cannot be considered an apartment because it would no longer make it a separate living unit, the town had to issue the Building Permit. This act is not prohibited in the Lincoln Zoning Ordinance and the garage met all the dimensional requirements for the Village Residential Zone. Matt Henry said that though he does not feel comfortable with that decision, there is little that could be done since the recreation room is not a separate living unit. Matt Henry drafted a memo informing the applicant that the town will be checking on the garage to ensure recreation room is not occupied.

Jim Spanos asked why the bedroom fee was paid if there was not going to be a bedroom. Charlie Cook said that he remembered a bedroom in the extension to the house which was not the issue at hand when Tom Tremblay came to the Planning Board. However, the water and sewer lines that existed in the abandoned trailer are being extended to the garage so Tom Tremblay should not have to

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pay those fees. Chairman Romprey said that Tom Tremblay should have to pay the fees because the trailer has been abandoned for 15 + years and the trailer was merely considered a storage shed. Chairman Romprey said that he sees issues with having people come 20 years later saying how many taps they had in their demolished home without written documentation. However, if a home is a few years old then the town should not charge for water taps because the town has accurate assessment information on its tax cards. In this case the trailer was assessed as a shed so the town does not have a record of what existed prior to the trailer becoming vacant.

Matt Henry informed the Planning Board that there are two sizeable applications coming before the Planning Board in future months. One is for the Price Chopper receiving area and the other is for a family entertainment center which would be located near the Hobo Railroad and the Comfort Inn. The Price Chopper application is for consideration, while the Family Entertainment Center is a conceptual review.

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

MOTION: Peter Moore made a motion to appoint the following individuals to the Capital Improvements Plan Committee. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0).

Chairman:	John Hettinger
Selectmen's Rep.:	OJ Robinson
Budget Committee Rep.	Charlie Cook
Member of Public/Staff:	Peter Joseph

Charlie Cook asked if there is a reason Subdivision Conditional Approval is only good for 6 months while Site Plan Review Conditional Approval is good for 12 months. Nobody knew the exact reason. Charlie Cook said that the Planning Board may want to make the two deadlines the same length of time in order to avoid confusion. Pat Romprey said that the Planning Board may tailor the deadlines on a case by case basis if necessary because the deadlines are regulations and not part of the LUPO.

Pat Romprey said that a few meetings ago, he brought up the possibility of making the Village Residential District a Historic District. The reason for that would be to keep the historic character of that area since Lincoln is a resort community and people may look to other parts of town to buy their second homes which could begin to affect the character of area. Charlie Cook wondered if there is unintended consequences that may result from adding a Historic District. Pat Romprey agreed that may be true, but that concern is something the Planning Board could look into a bit more. Charlie Cook said that the Planning Board does not know enough about Historic District regulations to take a position. Matt Henry said that he does not know too much about the topic, but what he does know is that the recognition would be an overlay district that must be approved at Town Meeting and the change would have its own set of regulations one of which requires a Historic District Commission to be formed. Matt Henry said that he would research the topic and come back with more information for next meeting. Peter Moore said that he feels the Planning Board really should not act on anything unless residents from the community come and ask for it. Pat Romprey said that the reason he is bringing it up is that several members of the community have come to him asking him to look into forming a Historic District in Lincoln.

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Matt Henry said that there was a question a while ago regarding why Multi-family housing in the Mountain Residential Zone (hereinafter “MRZ”) allowed for five or more units only. Matt Henry said that after looking through past town reports and minutes that prepped for the LUPO Ordinance change that created the MR Zone, his conclusion is that some reason exists why the town made that zone unique and more restrictive. In addition to the more restrictive multi-family housing requirement, the town also has larger minimum lot size as well as more stringent setbacks regarding a MRZ. Matt Henry said that he does not feel the distinction is a typo and if the Planning Board wishes to change the distinction, it must wait until Town Meeting in 2012 to change it legally. Joe Chenard said the history behind the MRZ is that the condominium documents in that zone expired and the people involved wished to place similar restrictions in the town ordinance without having to renew covenants. Matt Henry said that because full text of LUPO changes were not printed in the Town Reports in the early 2000’s, the town has no way of knowing if the difference is a typo. The Planning Board decided to leave it until the change is taken out via 2012 Town Meeting.

IX. PUBLIC INPUT on Specific Issues

X. ADJOURNMENT:

The meeting was adjourned around 8:30 pm.

Respectfully submitted,

Matt Henry

Dated: March 16, 2011

Pat Romprey, Chairman