

Town of Lincoln Planning Board – Meeting Minutes
October 13, 2010 – 6:00 pm

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

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

Excused Absences: Tom Adams

Others Present: Hermann Pfeuti, Rick Kelley, Paul Beaudin, Jonathan McNeal, Kevin Breuer, Sheila Grace

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

II. CONSIDERATION of the Draft Meeting Minutes of 09/22/2010.

MOTION: John Hettinger made a motion to approve the minutes of 09/22/2010 as presented. Jim Spanos seconded the motion. The motion carried unanimously (5-0).

CONCEPTUAL DISCUSSION/REVIEW regarding a change of use from existing retail to restaurant submitted by Hermann Pfeuti. Mr. Pfeuti is looking to convert old Verizon store (Tax Map 112 Lot 054) to a restaurant style deli with 20-25 seats for customers sit and eat.

Proposal: None

Planning Board: Conceptual discussion regarding change of use from existing retail to restaurant.

Public Hearing: Not Required

Chairman Romprey began by explaining the change of use that is taking place. Mr. Pfeuti explained that he is in the preliminary stages of leasing the respective lot and opening a deli that will have tables and chairs much like what is seen in restaurants. Matt Henry explained that it is somewhere between retail and restaurant and the State of New Hampshire calls the use “mercantile”. The town does not have such a use on their land use schedule. Matt Henry said that because there is going to be seating and meal preparation in conjunction with the collection of Rentals & Meal Tax revenue, he would consider it more of a restaurant which is why it would be a change of use.

Chairman Romprey asked what Hermann Pfeuti was planning on doing with regard to parking. Mr. Pfeuti said that he is planning on using shared parking that will be available to him via Alpine Adventures next door. There will be seating for 25 customers inside the building and 30-35 for outdoor seating. He said that Fire Chief Nate Haynes already performed a walkthrough and explained what he wanted as far as fire code. Pfeuti Hermann mentioned that he would probably be looking for a setback waiver from the Planning Board in order to construct a deck for outdoor seating. Peter Moore asked how he was planning on making a kitchen out of the structure. Mr. Pfeuti said that he would have to build one.

He said that the hours of operation will be somewhere around 10:00am – 6:00pm. Some members of the Planning Board expressed additional concern with parking. Mr. Pfeuti said that the Land Use Plan Ordinance mandates one space for every four customers and he will have to share parking locations to meet that ratio. He said that he has eight spaces that exist already which would equate to a 32 customer capacity. Chairman Romprey said he sees no concerns with the concept of the proposal, but he should address the issues that were brought up.

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CONSIDERATION of an application for collocation and expansion of existing Telecommunication facility submitted by Downs Rachlin Martin (DRM) for New Cingular Wireless (Tax Map 122, Lot 003).

Proposal: Seeks approval to collocate on existing telecommunication facility and increase the height of the monopole from 100 ft to 120 ft.

Planning Board: Acceptance of the Completed Site Plan Review

Public Hearing: Approve or Disapprove the Completed Site Plan Review

Matt Henry explained that rather than include the entire application in each Planning Board members packet, he included the executive summary that DRM placed in the first section. There were three copies of the application that the Planning Board has access to. Chairman Romprey went through the Planning Board protocol. He confirmed with Matt Henry that the application was formally submitted allowing enough time for proper public notice and abutter notification to take place. Matt Henry then explained that DRM is requesting the following waivers from Site Plan Review regulations:

1. Article XIV #5: *Name and address of the New Hampshire registered land surveyor who certified the plan.*
2. Article XIV #6: *An accurate plan of the site showing existing natural features, including watercourses and water bodies, various types of vegetation, topographical features and any other features which should be considered in the site design process.*
3. Article XIV #7: *The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaped and open space areas will be retained.*
4. Article XIV #8: *Existing and proposed topography of the site at two-foot contour intervals.*
5. Article XIV #9: *Soil mapping units and unit boundaries.*
6. Article XIV #10: *The location of all buildings within fifty (50) feet of the site and the location of all intersecting roads or driveways and utilities (water, sewer, etc.) within two hundred (200) feet.*
7. Article XIV #12: *The location of district boundaries, including wetlands and the floodplain.*
8. Article XIV #16: *The location of all existing and proposed deed restrictions, covenants, etc.*
9. Article XIV #17: *Surveyed property lines, showing their deflection angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters.*
10. Article XIV #22: *The location, size and design of proposed signs and other advertising or instructional devices.*
11. Article XIV #25: *The size and location of existing and proposed public and private utility connections, including provisions for fire protection.*
12. Article XIV #27: *The location and type of all existing and proposed lighting for all outdoor facilities.*
13. Article XIV #28: *A note is to be placed on the site plan stating that matters pertaining to bonding have been addressed to the satisfaction of the Board of Selectmen, as set forth in Article XIII, "Performance Guaranty or Bond."*

Matt Henry explained that these waivers are due to the low impact of the collocation. Much of what is required in the Site Plan Review Regulations are required for new developments. The only

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changes to the site will be the increased height of the tower, the generator, and the equipment shelter that will be built.

MOTION: John Hettinger made a motion to grant the waivers as presented. Joe Chenard seconded the motion. The motion carried unanimously (5-0).

Chairman Romprey asked Matt Henry if the application was complete. Matt Henry said that pending the aforementioned waivers, the application is complete.

MOTION: John Hettinger made a motion to accept the application as complete. Joe Chenard seconded the motion. The motion carried unanimously (5-0).

Chairman Romprey asked if any Planning Board members wished to have any discussion prior to public hearing.

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

Rick Kelley stated that he thinks the Cell Tower Collocation will have a positive impact on his operations at Loon Mountain and he fully supports the application.

Sheila Grace began by introducing her staff and explained that the proposal is to collocate on the existing Nextel tower located at 33 Brookline Road. They are proposing extending the tower height by 20 ft. They are planning on adding three antennas at an elevation of 107 ft and three antennas at an elevation of 117 feet in order to improve coverage. Increasing the height is required to meet the coverage requirements in town.

John Hettinger asked about whether Nextel granted permission to do this. Ms. Grace said that Nextel had signed a letter of authorization and that is located in the application. John Hettinger then asked if the structure could sustain a 20 ft. increase. Sheila Grace said that one of the conditions for approval in 2006 when the original Site Plan was approved was to include a monopole that had the structural integrity to withstand 50 ft. extension. John Hettinger then asked why a diesel generator was necessary for the tower when Nextel utilizes battery power. John McNeal responded that battery power would only provide six hours of activation time the diesel generator will allow the tower to operate during power failures that exceed 6 hours. Chairman Romprey asked why they were deciding to use diesel as opposed to propane. Kevin Breuer said that using diesel will allow emergency personnel to refuel the generators since they typically have diesel fuel handy. He also said that they are using winter treated fuel and they will have a drip pan under the tank.

Matt Henry then mentioned that at the Conceptual Review they mentioned that the NEPA screening will be performed following the Site Plan Review being approved. He said that the Planning Board may wish to make it an administrative condition that AT&T provide that for their file. Sheila Grace explained that the National Environmental Policy Act (NEPA) screening was a federal requirement that typically takes approximately 2 months. It measures the environmental impact of a cell tower collocation. They are allowed to conduct an abbreviated checklist because it is assumed that a full screening was performed when the site was initially planned. He indicated that they will be providing the report when that happens.

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Peter Joseph said that he has spoken with Dennis Ducharme of Inn Season Resorts and he had expressed support for the collocation and are happy to see the expansion of coverage that they will benefit from. Inn Season Resorts operates the abutting Pollard Brook Resort.

MOTION: John Hettinger made a motion to approve the Site Plan Review application as presented. Joe Chenard seconded the motion. The motion carried unanimously (5-0).

CONSIDERATION of a waiver of Site Plan Review Requirements submitted by Loon Mountain Recreational Corporation for the relocation of a salt shed to Tax Map 118 Lot 040.

Proposal: Seeks a waiver in order to forego Site Plan Review as required by the Planning Board Site Plan Review Regulations.

Planning Board: Approve or disapprove the waiver request.

Public Hearing: Not Required.

Rick Kelly began by explaining that there is an existing Salt Shed located on Lot 68 that must be removed as per an agreement that was made between Loon Mountain Recreational Corporation and Centex. The shed will be temporary in nature and will be removed after two years. The site was deeded as a maintenance facility when it was initially approved. South Peak wishes to move the salt shed location and he was informed when he filled out the building permit application that it required Site Plan Review. Due to the temporary nature and low impact of the site, he is requesting a waiver. Chairman Romprey asked if there will be an issue with regard to runoff, Mr. Kelly indicated that there would be no runoff issues. Peter Joseph asked how far the Salt Shed will be located from the Shoreline. Rick Kelly responded that they will be 300+ feet away.

Chairman Romprey asked for any public comment on the Site Plan Review Waiver. There were no comments.

MOTION: John Hettinger made a motion to approve the Site Plan Review Waiver as presented. Joe Chenard seconded the motion. The motion carried unanimously (5-0).

CONSIDERATION of the Draft 2011 Capital Improvements Program (CIP)

Proposal: CIPC seeks the Planning Board's endorsement of the 2011 Capital Improvements Program

Planning Board: Approve or disapprove the Draft 2011 Capital Improvements Program as presented.

Public Hearing: Not Required.

John Hettinger, Chairman of the CIPC began by explaining the changes that were made to this year's CIP document. Some of the changes included changing the priority classifications as well as adding a cell entitled "Unallocated Capital Reserve Fund Balance". John Hettinger also said that while the CIPC was able to meet their targets for 2011 they will need to increase their targets by an additional 202,093; 153,081; and 134,946; for 2012, 2013, 2014; respectively. Peter Joseph added that much of what is in the CIP is the result of deferred maintenance and should not be put off any more. He continued that it is a priorities question as to whether the town should take it out of the CIP and bond it later or put aside money for it now. He said that in his opinion the town should start putting aside money for it now and make money off the interest, even though it is not very much right now, as opposed to paying interest through a bond payment in the future. He said that the CIP committee was trying to be as upfront as possible with the financial commitments the town will face in the upcoming years, and recommends putting more money into capital reserve funds.

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Some of the specific projects that were discussed included:

1) #60: Dredge Lagoons and Sludge Removal

Peter Joseph said it may have to be done within the next five years and the Town will still be paying off the previous 20 year bond while new dredging and sludge removal is going on. Again, it is a matter of whether the Town wants to bond again, or put money aside for it early. Charlie Cook said that there should have been money put aside for this already because \$50,000 over ten years is a lot less painful than \$500,000 in one year. Peter Moore said that until the recession it was expected that Tap Fees would be used for this, however, that is impossible now.

2) #36 Beechwood Paving

Peter Joseph said that he was looking at a target of \$600,000 – \$700,000 worth of road work alone. Charlie Cook explained that this is contingent on other parties doing their part. Pat Romprey asked Rick Kelly if he was doing anything to stabilize the rock wall. Rick Kelly answered that he had a survey done and they are going to have engineers look at it in the near future. Peter Joseph said that Loon Mountain and the Town were on the same page when it came to the rock wall. He said that Loon Mountain owns the real estate and the Town owns the road. Chairman Romprey asked if Rick Kelly has considered steel matting for the 100 foot section of the wall. Rick Kelly said that he is having an engineer look at it soon to decide what materials should be used. Chairman Romprey said that Saber Mountain is required to maintain a portion of the road as well as part of the agreement.

3) #12 Water Intake Gallery Engineering Study

John Hettinger said that Bill Willey, Public Works Director, has been having issues with clearing it out for some time now. There is probably sand and grain that is clogging it up and Bill Willey has tried to flush it out with some success. Peter Moore asked if there was a really rough ballpark for the cost. Peter Joseph said that there cannot be an estimate without knowing what needs to be done on it. He said it may just need to be retrofitted the town just does not know, but an engineering study should be performed.

4) #32 Water Meter Recalibration

John Hettinger said that it seems funny we need to recalibrate meters that the town does not read, but it is on there because the town is required to have it to monitor usage if it needs to. The Town needs to be prepared if the state ever makes them bill residents for water.

5) #22 Repair Loon Pond Dam

John Hettinger said there may be a time when the Dam will need to be repaired and there is money being set aside for that. Peter Joseph said it would be a significant concern if the Dam were to fail. It would be an emergency and it is something the town should monitor.

6) #74 East Branch Pemi River Levee

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Charlie Cook asked if anything was going to happen with regard to the Levee. Peter Joseph said that it was not a high priority because the Levee no longer serves a flood control purpose; however, it should be maintained in its current state because it does help with bank stabilization.

The Board thanked John Hettinger and the committee for all of their hard work on the Capital Improvements Committee.

Matt Henry brought up the issue of impact fees. He said that the town was approaching the six year limit on how long they can hold on to impact fees. He said that according to state statute the funds need to be spent within six years of being collected. Chairman Romprey asked what happens if the town does not spend the money within six years of collection. Matt Henry said that the money must be returned to whomever paid the fee in the first place plus interest. Peter Joseph said that since Water & Sewer Tap fees are spent on a revolving basis so it is less of a concern, however, the town needs to spend Bedroom Fees very soon. Peter Moore said while he agrees that the town should spend the money, he does not think there is enough money to complete the project yet. Chairman Romprey said that the town could buy equipment as the money comes in and complete the project at a later date.

There was a change that needed to be made to the Recycling Center section of the CIP. The \$10,000 was not calculated in the total and therefore that will change the bottom line. John Hettinger said that he will make the change and bring it back to next meeting. Peter Joseph said that much of the details of the Recycling Center CIP section depends on how much Woodstock is going to contribute to improvements. Peter Moore mentioned that the municipal agreement states that it is their responsibility to come up with half of the funds.

Paul Beaudin discussed his opinion regarding the need for the CIP to be overhauled. He said that there are too many maintenance items that are listed in the CIP and that was not the original intent of the CIP. He said that when it was first implemented he was the biggest supporter. However, this year's CIP has \$50,000 worth of maintenance items in them that should be items managed by their respective departments. Peter Joseph said that the purpose of the CIP is to flatten out expenses so the town is not doing everything in one year and there is not a drastic onetime tax hike. Chairman Romprey said that while he agrees projects have been underfunded in the past, CIP was initially implemented as a manner to keep track of items so that projects do not fall through the cracks.

Peter Moore said that the CIP has no funds attached to it but was just a planning tool to be used as an aid to the Budget Committee to help with prioritizing big ticket expenses. Paul Beaudin said that it should be on the department head to justify maintenance expenses each year rather than put them in CIP. Charlie cook said that he favors the expendable trust fund for maintenance so that there are funds set aside for these minor maintenance items and a way to keep track of when they are done. He said that whether the funds are spent out of the operating budget or capital reserve, the bottom line of the budget will not change.

Paul Beaudin asked John Hettinger what \$2.3 million for the Village Center was for. He responded that it was a sophisticated plan in the past but it is unlikely to be done in the near future. The Village Center Plan was adopted by the community six years ago and that is the price tag of the plan. It is prioritized "A" because there is \$10,000 earmarked in the CIP for 2011. Peter Moore said that because CIP was indeed a planning tool, it is good to have a plan and a price tag on paper even though it may never happen. Paul Beaudin said that the only items that should be on the CIP should

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be the important “nuts and bolts” projects. He said that the conversation should be had at town meeting. John Hettinger said that he will bring it back to next Planning Board meeting with the change to the Recycling Center line.

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

Matt Henry informed the Planning Board about the Office of Energy and Planning Conference in November in Whitefield, NH.

IV. 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

V. PUBLIC INPUT on Specific Issues

VI. ADJOURNMENT:

MOTION: Joe Chenard made a motion to adjourn. Jim Spanos seconded the motion. The motion carried unanimously (5-0).

Respectfully submitted,

Matt Henry

Dated: October 13, 2010

Pat Romprey, Chairman