

Town of Lincoln Planning Board – Meeting Minutes
November 10, 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, Town Manager Peter Joseph

Excused Absences: Tom Adams

Others Present: None

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

II. CONSIDERATION of the Draft Meeting Minutes of 10/27/2010.

The following revisions were made to the Draft Minutes:

- 1) Page 1: Move the word “alternates” before the individual’s name.
- 2) Page 1: Add “Charlie Cook stepped down because he is an abutter to Betty Beaudin.
- 3) Page 4: Change : “illuminate” to “eliminate”
- 4) Page 2: Capitalize “Forest Ridge”
- 5) Page 2: Add “past” in front of “30 days”
- 6) Page 2: Change “was” to “are”
- 7) Page 2: Add 30 days
- 8) Page 3: Add apostrophe to “owners”
- 9) Page 4: Change Deanna to Deanne
- 10) Throughout: Pronouns were changed to make minutes more specific.

MOTION: John Hettinger made a motion to approve the 10/27/2010 minutes as amended. Jim Spanos seconded the motion. The motion carried unanimously (3-0-2).

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

A. Possible Zoning Changes – Timeline

Matt Henry began by explaining the timeline he had received from the New Hampshire Office of Energy and Planning regarding the procedure in which the Planning Board must follow in order to amend their Land Use Plan Ordinance. Matt Henry explained the deadlines that were written on the calendar had to do with citizen petitions. Peter Joseph explained that all Zoning Amendments do not need to be via citizen petition. The Planning Board may place Zoning Amendments on the March ballot if they wish without a petition. Jim Spanos asked if the Planning Board may place a zoning amendment on the March ballot and then recommend that it does not pass. Matt Henry said that there are typically recommendations attached to each proposed zoning change.

Matt Henry explained the proposed changes (attached). Some of the changes that required an explanation regarding the intent included:

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- 1) Awnings: There was currently no square foot requirement regarding the size of the awning. For example, after Subway put their awning up, Matt Henry fielded some complaints because they were allowed an awning, roof, and freestanding sign. Matt Henry proposed that awnings be considered a type of wall sign if messages or logos are printed on them because they still advertise the business.
- 2) Sign Height Ceiling – As discussed at the September 8th, 2010 meeting.
- 3) Firewood sale exemption – Residents have been selling firewood for years and Matt Henry feels it enhances the “look and feel” of Lincoln so if it is part of the tourist culture in town and should be allowed. The Town should make it an allowable use in the Land Use Plan Ordinance.
- 4) There are some proposed elderly housing additions so that if someone wishes to change uses the Planning Board will be aware of it because it would require Site Plan Review.
- 5) Some ambiguously defined terms are on the sheet. Sign, Reference Line, Public Waters, and Setback are all common words that should be clearly defined.
- 6) Matt Henry said that the fence ordinance is confusing and sends the reader to three different sections. The reason it is on the handout is because it needs to be rewritten.
- 7) Dimensional Requirements in the Village Center Zone. There have been a lot of people who have mentioned that a zoning change was passed at town meeting that allowed the Planning Board to waive the Land Use Plan Ordinance in the Village Center Zone. If that is the case, Matt Henry said he has found no documentation evidencing the change in the annual reports and if the town wants to have that requirement that is fine but it should be stated.

After Matt Henry described the changes that were listed on the handout, the Planning Board discussed the following changes:

- 11) “Primary building setback shall be 50’ from the reference line”: Deanne Chrystal said that if the Shoreline Protection Act were to change, the Ordinance would not be in compliance. If they amend it to say “50’ from the reference line or as stated in state statute”. That way it covers the town if it were to change again. Jim Spanos wanted assurance that the proposed change was not making the ordinance more restrictive. Matt Henry affirmed that the proposal was not more restrictive than state statute. Peter Moore said that while it is not necessary that it be written in the zoning ordinance, it would be helpful for an applicant to know about it.
- 10) “Dimensional Requirements for the Village Center may be waived by the Planning Board...” Joe Chenard said that when the original Village Center Plan was written the Planning Board was granted the authority to waive portions of the Land Use Plan Ordinance. Pat Romprey and Joe Chenard agreed that it was approximately 12 years ago. Matt Henry said that because there was no documentation of the change, if the Planning Board thinks that is a good idea, they should put it in the ordinance.

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Charlie Cook said that it may be a “can of worms” and that is really the ZBA’s area. Matt Henry agreed that it is traditionally the ZBA’s job to approve Special Exceptions. Special Exceptions are an allowed use that is closely monitored by the ZBA. Joe Chenard said that the Planning Board has been governing under this provision for years and he listed some specific examples. Peter Moore said that Matt Henry should look through more reports and try to find the approval that Joe was referring to at town meeting.

- 8) There was some discussion about the setback for each fence. Matt said that he plans to rework the whole fence ordinance and make it less complicated prior to placing it on the ballot in march.

- 8) Definitions:

“Elderly Housing”. The Board decided to eliminate the “55 years or older” phrase as well as replace the word “any” with “Multi-family”. Peter Moore said that he is afraid that the definition of Elderly Housing limits the town. Lincoln Green is the towns one form of elderly housing but it is really section 8 housing. Peter Moore asked to expand the definition to include “elderly or disabled housing”.

“Sign”: The Board decided to add “numbers” to the list of items that are considered a sign. Some members of the board were surprised that there was not an existing definition of a sign. Peter Moore asked about indoor signs and whether that should be included in the definition. Joe Chenard said that the sign task force intended to exempt signs that were located indoors.

“Setback”- delete the word “yard” from the definition. Pat Romprey asked if it was the intent to get rid of setbacks or lessen them. Matt Henry said it was not the intent, and that he hopes that it is defined in the Ordinance since there currently is not a definition. Peter Joseph said that the definition should be clear what is restricted by a setback. Pat Romprey said that a structure that is not attached to the house is freestanding and may be built right up to the property line since it is not a part of a building.

- 2) “Sign Height Ceiling”: The Board was decided at an earlier meeting that the sign height ceiling should remain at 20 feet. The entire change was deleted.
- 3) “Fire Wood Sale Exemption”: Charlie Cook asked to eliminate “during the summer months” to allow for year-round sale because it occurs in town during other seasons.
- 1) “Awning”: It was decided to delete “Awnings without messages printed on them have no square foot limitations and may be used in conjunction with other wall signs. Awnings or canopies may not extend over two-thirds of the sidewalk or six feet from the building face, whichever is lesser”. Awnings without lettering should not be considered a sign and are merely architectural accessories.

Charlie Cook asked Matt Henry to follow up on the Subway open sign that flashes. According to the sign ordinance, a window sign “does not require a permit but may not be a sign that flashes, strobes or has intermittent lighting, which creates the visible effect of movement.” The Subway sign clearly flashes. Half Baked Fully Brewed coffee shop also has a sign that flashes a border around it.

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Pat Romprey went through each of the changes one more time to ensure everyone was in agreement. The Planning Board agreed.

Peter Joseph discussed the parking requirement section of the Land Use Plan Ordinance. He stated that past practice has been for the Planning Board to simply waive parking requirements. However, because it is specifically mentioned in the Land Use Plan Ordinance, Parking may only be altered if it meets the Special Exception criteria and is approved by the Zoning Board of Adjustment. The Ordinance describes certain steps that must take place in order for the ZBA to approve the exception. Peter Joseph read the ordinance to the Planning Board and explained what documents were needed for the ZBA to approve a Special Exception in addition to the regular criteria. This includes a written report from the Lincoln Police Department and the Department of Transportation regarding pedestrian traffic if off-site parking is used to satisfy the parking requirement. Charlie Cook said that if the State of New Hampshire did not require it than it should be taken out of the Ordinance.

B. Master Plan – NCC Role

Matt Henry explained that North Country Council has a grant available to allow for 40 hours of work to be performed in support of the Master Plan. Tara Bamford said that they may be able to do a chapter, or make recommendations as to the revisions that are necessary as part of the time that they put into it. Peter Joseph said that many municipalities do not have the Planning Board conduct the actual Master Planning. Many towns have a steering committee that is tasked with Master Planning and the Planning Board simply adopts the document. The Planning Board agreed that the best use of the funds would be to have professional planners such as North Country Council recommend what parts of the Master Plan need to be revised.

V. 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

There were no questions/comments.

VI. PUBLIC INPUT on Specific Issues

John Hettinger asked if the town has followed up with any of the Hazard Mitigation Plan requirements that were discussed a year ago. Peter Joseph said that the only requirement was the town have a plan and to do their best to implement the changes. There is no check to see how many changes a community actually makes.

Chairman Romprey brought up the pending situation at SAU #68. They were performing renovations without applying for a building permit from the town. Chairman Romprey said that because a complete application was not filed with a licensed electrician, the town is referring the issue to the state Fire Marshall who is responsible for code enforcement for towns that do not have a building inspector. Matt Henry said that it is written on the permit application that the permit will not be

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issued without license numbers so he did not feel comfortable issuing the building permit or occupancy permit without the Fire Marshall's approval.

VII. ADJOURNMENT:

The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Matt Henry

Dated: December 8th, 2010

Pat Romprey, Chairman