

APPROVED

PLANNING BOARD
PLANNING BOARD WORK SESSION MEETING
WEDNESDAY, April 5, 2023 – 5:30 PM
***Lincoln Town Hall, 148 Main Street, Lincoln NH**

*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSz11bVFPRWVzbyt4UT09>

Meeting ID: 817 0076 6161

Passcode: 179696

Find your local number: <https://us02web.zoom.us/u/kblNuPaMIG>

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

I. CALL TO ORDER by Chairman James Spanos

Members Present: Chair James Spanos, Vice Chair Joseph Chenard Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, and Member Paul J. Beaudin, II, Alternate Danielle Black.

Excused: Alternate Mark Ehrman

Staff Present: Town Manager Carina Park, Town Engineer Raymond Korber (via Zoom)

Staff Excused: Planner Carole Bont

Guests: None

II. CONSIDERATION of meeting minutes from:

- **March 22, 2023 (Wednesday)**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative O.J. Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black

Motion to skip item II and move onto items III and IV by Vice Chairman Chenard

Second by Member Beaudin

All in favor

III. 6:00 PM CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

A. PROPOSED PROCESS FOR SUB-DIVISION AND SITE PLAN REVIEW APPLICATION AND APPROVAL:

Chairman Spanos begins the discussion regarding confusion of the approval process for Site Plan Review and Sub-Division applications. A memo (**see attached**) was sent to the Planning Board members from Town Manager Park and Planner Bont. Town Manager Park gives a summary of the memo. She explains that the Town Hall has fifteen (15) days to review the applications and determine if it is complete, and adding it to the Planning Board agenda. The newspaper only runs once a week and it shortens the amount of time the Town has to issue the required notices. In some cases, the time frame is reduced depending on when they need to get the notice to the newspaper. The Town is required to publish public notices for Planning Board hearings on Site Plan Review and Sub-Division applications in the newspaper of general circulation within the community in addition to posting them in two (2) public locations. The Town staff is very busy and reviews the applications within two to three (2-3) days of receiving them and recently some developers are coming in and their packets are missing the required information. Town Manager Park and Planner Bont are proposing an in-house checklist, similar to the what the Town has for applications for Land Use Authorization Permits. They will review the applications for completeness. If the application is not complete, they will reach out to the applicant and inform them of the missing items. If the application is deemed complete the matter will be put on the Planning Board's agenda and public notices will be published and abutters' notices will be sent via the US Mails as they would for any application. Due to the short timeline, it is not always possible to have the Town Engineer, DPW, Fire Chief, Town Manager, Planner Bont, etc. review the applications prior to the Planning Board Meeting. She explains the proposed plan for reviewing applications.

Proposed Review Process:

1. Review the application within the fifteen (15) days and determine if it is complete or not. If it is complete, the matter will be put on the agenda. If the application is not complete, the matter will not be put on the agenda.
2. At the Planning Board Meeting they are hoping that the Planning Board would agree to allow, what is statutorily allowed, a thirty (30) day timeline to determine if the application is approved or denied.
3. During the thirty (30) days the Town Engineer, DPW, Fire Chief, Town Manager, Planner Bont, etc. will be able to review the application and compile any questions or concerns they may have with the application and have those for the next meeting with the Planning Board.

Town Manager Park feels this will expedite the process as it will reduce the back-and-forth communications between the Town Office and Town Engineer, DPW, Fire Chief, Town Manager, Planner Bont, etc. after approval is granted. The questions will have all been answered prior to the Planning Board meeting. The Planning Board discusses that it will take sixty (60) days to get approval if they agree to go with what Town Manager Park laid out.

A discussion of how approvals are currently processed begins and Town Manager Park explains that the clerical checklist is reviewed, but much of the details that relate to actual construction of the projects is not reviewed by Town Engineer, DPW, Fire Chief, Town Manager, Planner Bont, etc., prior to the Planning Board meeting. Town Manager Park clarifies that this process will only apply for major sub-divisions and site plans.

The Planning Board discusses the current process and the proposed process.

Timeline: The Planning Board discusses how to stay within the statutory timelines and how to communicate what the timeline will be moving forward once the application is deemed complete by the Town staff.

Definition of Site Plan: The definitions for Minor and Major Sub-divisions exists and the Planning Board discusses the need for a definition for Site Plan as well.

Completed applications and staff review: The Planning Board discusses how to move forward with unanswered or unreviewed portions of the planned construction projects. It is suggested that after the Planning Board determines that the application is complete, any questions regarding Town Engineer, DPW, Fire Chief, Town Manager, Planner Bont, etc. input will be addressed at the next Planning Board meeting. Approval will come after the application is deemed complete, but the application will NOT be approved until it is fully reviewed by staff and the Planning Board.

Conceptual Review: The Planning Board discusses the role that the conceptual review plays in the overall review process. The conceptual review helps the applicant by letting them know all of the reviews that will be required for their project's approval prior to scheduling Site Plan Review.

Cost to applicant: Chairman Spanos raises a question regarding the cost to the applicant. He wonders if it is fair to require the applicant to spend money on engineering, for example, prior to the project's approval. Currently, projects are approved with conditions and that is when the applicant would spend the money on engineering, etc.

Staffing: The Planning Board discusses the town staffing issues and whether or not the current staff can handle the work load or if there is a need to hire more staff. They discuss the proposed review process and if it will actually streamline the process and thus decrease the need to hire more staff. The Planning Board discusses staffing and the budget of the town's planning department.

Application Approval and Project Approval: The Planning Board discusses that it is possible to determine whether an application is complete and then, rather than have the Planning Board approve the project as soon as they deem the application to be complete, and if and when they have questions regarding construction details that will require (Town Engineer, DPW, Fire Chief, Town Manager, Planner Bont, etc.) review, the applicant can come back to another Planning Board meeting for Site Plan Review with all of the required construction details vs. having the Planning Board determine that the application is complete and then immediately turn around and approve the Site Plan with multiple conditions. Town Manager Park adds that she would like to see sound decisions

by the Planning Board based on comments from the Town Engineer, DPW, Fire Chief, Town Manager, Planner Bont, etc. prior to project approval instead of the staff trying to resolve issues after the fact of approval.

Town Manger Park provides an example of the Planning Board approving a sub-division with conditions six (6) months ago and the developer's construction plans and details are still not approved by the town staff. She feels that the time spent by staff going back and forth with developers would be cut down to thirty (30) day vs. five (5) months if the Planning Board reviewed documents that have been reviewed by the town staff and only approve the projects when all materials are presented and questions are answered. The Planning Board continues to discuss the current process for approval and the proposed process for review.

Six Month Trial: The Planning Board agrees that they will consider the proposed plan, as spelled out in the memo, for a six-month period. The Planning Board will review and discuss how it is working in October 2023.

Motion by Member Beaudin, to accept the Proposed Process for Sub-division and Site Plan Review applications which including the following:

- **Planning Board to review the process in six (6) months (October 2023).**
- **There will be a timeline for applicants.**
- **Town Staff will recommend further review if necessary.**

Second by Selectmen's Representative O.J. Robinson

All in favor

B. SOUTH PEAK

Town Manager Park discusses the previous Planning Board meeting and the focus on the South Peak Master Plan. She has spoken with town counsel about what the Town can and can't do with regards to the Master Plan and how to move forward. She adds that with any applicant they need to establish what they will be using as a Master Plan.

Town Manager Park notes that Planner Bont has provided to the Planning Board members what she believes to be the original draft 2006 Master Plan for South Peak. The Master Plan has maps and an Appendix B, which is a traffic and site assessment study, along with Appendix C and D. This Master Plan from 2006 has lots of documentation. There has been a review of the development agreements and they all reference the Master Plan from 2006.

Town Manger Park asks the Planning Board to decide if they are going to hold South Peak LLC and FC-Loon LLC to this 2006 Master Plan or should the developer present a new Master Plan or a revised version of the 2006 Master Plan that identifies what is there now and what the new developer envisions for the future.

Town Manager Park said the Master Plan is a living document and will change as the development changes. She feels that if the Planning Board is basing current approvals

off of that 2006 Master Plan, the new developer's vision and goals and the 2006 Master Plan vision and goals don't coincide. Lincoln's Town Counsel (i.e., Town Attorney) is willing to reach out to the developer's counsel (attorney) to help work through this to establish either a new Master Plan or a Revised Master Plan that is agreeable to both the Planning Board and the developer. This new or revised Master Plan would establish a baseline for all future project approvals at South Peak.

The Planning Board discusses some of their concerns with the 2006 Master Plan which include the following:

- It is inaccurate as some low-density areas are now high-density areas.
- Deeded Open Space not delineated
 - Fireside Condos does not meet the open space requirement of approximately twelve (12) acres based on the density of the development. How does the developer handle deeded open spaces and account for them? They are currently falling short by approximately six (6) acres.
- Parking and overflow parking
- Land Use Ordinance compliance
- Sidewalks
- Updates not made by the developer as previously discussed in January 2023.
- Need for a shared understanding

Town Engineer Ray Korber joins the discussion and suggests that the Planning Board fully vet and approve the Master Plan and updates to the developer agreement and reference the revised or updated Master Plan. This will provide a shared understanding as projects move forward. He adds that typically a Planning Board will not approve anything unless they see the complete build-out of the proposal. They vote on the complete build-out of the proposal and the developer can phase it however they want to phase it. The developer can't come in and get approvals for phase after phase, piecemeal. The Master Plan will give a benchmark for decision-making going forward when the developer comes in with individual sub-divisions.

The Planning Board discusses issues related to South Peak Resort and how to move forward with the 41-unit Fireside Condo Project.

Town Manager Park discusses the benefits of having legal counsel's assistance on both sides coming to an agreement on the Master Plan as the Master Plan from 2006 is no longer relevant. She feels that if all future development is based on the same agreed-upon Master Plan it will make decision-making easier moving forward.

Selectmen's Representative O.J. Robinson adds that if no new or revised Master Plan is presented, the Planning Board will be bound by the 2006 Master Plan then the developer will have to abide by that 2006 version which, for example, requires sidewalks, deeded open space, condos in low density areas, traffic studies as phases are approved, etc.

Conclusion:

The Planning Board agrees that a baseline must be set and approval for future projects will be based on what is in the Master Plan from 2006 or until an agreed upon updated version of the Master Plan is presented by South Peak.

The Planning Board agrees Town Manager Park will reach out to the town's attorney and ask him to reach out to South Peak LLC and FC-Loon's attorney to discuss the matter and hopefully come to an agreement as to what documents they will follow for future development. Will approvals be based on the Master Plan from 2006 or will they provide an Updated Master Plan?

C. ROCK WALLS WITHIN SETBACK

Vice Chairman Chenard discusses rock walls within setbacks. Chairman Spanos explains that the definition of a rock wall has changed; if the retaining wall is less than four feet in height the retaining wall is not to be considered a "structure". Previously, a retaining wall was classified as "land prep". The Planning Board discusses bringing the issue to Town Meeting 2024. The Planning Board discusses walls and reinforcement systems that are being used.

D. PLANNING BOARD WORK SESSIONS

Selectmen's Representative O.J. Robinson discusses his thoughts on the Planning Board and how beneficial he feels work sessions are. He would like to see the Planning Board get together for work sessions at least once a month. He explains that he has about nine (9) proposals or procedural changes that he would like to discuss. The Planning Board discusses having work sessions on "off" weeks or to designate an hour of time as an agenda item on a regularly scheduled meeting. Selectmen's Representative O.J. Robinson will put together his thoughts regarding the proposals and ideas mentioned and would like to see a plan in place for the Planning Board to discuss issues moving forward. The Planning Board agrees that having time set aside to discuss Planning Board issues is a good idea.

E. WATER AND SEWER

Alternate Black asks how the town tracks the water and sewer usage.

Town Manager Park responds that the Town conducts a water and sewer analysis and tracks vested sub-divisions and any new development that comes in. The developers have to do their own independent water and sewer analysis with a vendor that is recommended by the Town.

Town Engineer Ray Korber joins the conversation to clarify the water and sewer calculations. He explains that the Town does a Capacity Analysis to determine if there is sufficient capacity and if not, the Town assesses the developer a surcharge. He adds that in some cases, meters can be used to calculate the actual hydraulic loads in the pipelines. The Town works with the consultants that the applicants retain to ascertain whether or not there is sufficient capacity to accommodate their proposed development. In the past, the Town also

looked at the wastewater treatment plant and the collection system in terms of overall capacity.

Mr. Korber explains that it is important to review more recent flow data; because of the pandemic the hydraulic loadings they see now are off from what the historical data set tells them. They have reviewed pre-pandemic flows and post pandemic as the post pandemic flows will be closer to what will now be expected in the future.

Member Beaudin joins the conversation and wonders how the South Peak Master Plan and other large developments' Master Plans will affect the calculations.

Mr. Korber responds that the Town will perform studies and will decide what their community wants to look like over the next twenty-thirty (20-30) years. The Town will apply that vision to the infrastructure to determine whether the infrastructure can handle that vision. If the Town's infrastructure cannot, then decisions need to be made to invest in the infrastructure to accommodate that vision.

Member Beaudin suggests that using the Capital Improvements Plan and Impact Fees could help with future infrastructure. The Planning Board discusses the Sewer Tap Fees for South Peak Resort. Currently, there are five (5) vested projects that have all been included in the calculations and when they are all fully built the capacity will be at 66%.

Mr. Korber confirms the threshold to be 80% and when that threshold of 80% is reached the Town will talk with NH DES and NH DES will advise the Town to start planning for expansion.

The Planning Board discusses impact fees and how in some cases as with the height of the most recently approved hotels which could have paid an impact fee to help purchase a fire truck that could reach the top floors. The Planning Board continues to discuss impact fees and when they can be applied.

Member Beaudin discusses the water restrictions in recent years due to drought conditions and the impact those water restrictions have on full-time residents when those residents see new hotels being built and the full-time residents can't water their lawns.

Town Manager Park responds that the Town puts restrictions on water usage in the summer months when the State of NH announces a drought and not because of the Town's ability to produce water.

The Planning Board discusses water restrictions and the intake limitations in the water system.

V. ADJOURNMENT

**Motion to adjourn by Member Beaudin
Second by Vice Chairman Chenard
All in favor**

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: May 10, 2023



Chairman Spanos

TO: PLANNING BOARD
FROM: CARINA PARK, CAROLE BONT
RE: PROCESS FOR SUBDIVISION AND SITE PLAN REVIEW

This memorandum is to articulate the internal process that town staff is recommending for review and approval of major subdivision and site plan applications. This process will assist us in better managing staff resources and workloads while ensuring sufficient information is before the Planning Board so proposals can be properly vetted and understood by the community. The process is outlined as follows:

1. Upon receipt of an application for subdivision or site plan review and approval, town staff will review the application for completeness.
2. If deemed incomplete, town staff will notify the applicant of deficiencies via email correspondence and await resubmittal of the application for further review. Town staff will seek to complete this review within 15 business days of receipt or resubmittal of an application.
3. If deemed complete, town staff will issue a memorandum and supporting documentation to the Planning Board that summarizes the scope and scale of the proposed project with a checklist demonstrating the application is complete. Town staff will schedule a preliminary hearing for the applicant so that the Planning Board can be introduced to the project, ask questions about the project and vote on the acceptance of the application. Town staff will seek to schedule a preliminary hearing within 30 days from the date the application is deemed complete.
4. Upon acceptance of the application by the Planning Board, the project will enter the review process where town staff will verify compliance with the Town Master Plan, development agreements and Land Use Ordinance. Town staff will request the applicant submit the appropriate level of documentation as is necessary to complete a compliance review. If a third-party review is required, town staff will retain the services of a professional engineer to assist in the review. Applicants will pay for the third-party review. Completion of the compliance review is subject to the scope and complexity of the proposal and the quality and timeliness of the documentation and information submitted by the applicant.
5. Upon completion of a compliance review, town staff will notify the Planning Board that the project substantially meets the requirements as per the Town Master Plan, development agreements and Land Use Ordinance. Town staff will also communicate any issues or considerations they believe warrant special attention by the Planning Board, as well as conditions of approval for the Planning Board's consideration. After the compliance review is complete, town staff will schedule a hearing for the Planning Board's vetting and full consideration of the project.

