

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, MARCH 11, 2015 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Vice-Chairman Jim Spanos, Selectmen's Representative OJ Robinson, John Hettinger, Taylor Beaudin (alternate), Callum Grant (alternate), Ron Beard (alternate & Fire Chief)

Members Excused: Chairman R. Patrick Romprey, Paula Strickon, Norman Belanger (alternate)

Members Absent: None

Staff Present: Town Manager/Town Planner Alfred "Butch" Burbank, Police Chief Theodore P. "Ted" Smith, Planning and Zoning Administrator Carole Bont, and Wendy Tanner (recorder)

Guests:

- Dennis M. Ducharme, Managing Member of RiverWalk at Loon Mountain, LLC, at 33 Brookline Road, Lincoln, NH 03251, and RRP (Registered Resort Professional), President of Inn Seasons Resorts 212 Mid Tech Drive, West Yarmouth, MA 02673, including Inn Seasons at South Mountain and Inn Seasons at Pollard Brook.

- I. CALL TO ORDER** by the Chairman of Planning Board; announcement of excused absences, if any, and seating of alternates(s), if necessary.

The meeting was called to order at 6:00PM.

*Chair Romprey, Paula Strickon and Norman Belanger (alternate) were excused.
Ron Beard and Taylor Beaudin were seated as alternates.*

- II. CONSIDERATION** of meeting minutes from:

- February 11, 2015

Motion to approve meeting minutes from February 11, 2015.

Motion: OJ Robinson **Second:** John Hettinger

All in Favor: (4-0) *Taylor Beaudin abstained.*

Motion to skip over item one, "One Love Brewery" because the applicant is not present.

Motion: OJ Robinson **Second:** John Hettinger

All in Favor: (5-0)

III. NEW BUSINESS

- A. 6:00 PM** – Planning Board (PB) will consider the following matters:

1. **Conceptual:** One Love Brewery: Michael Snyder and Jennifer Riley of Dover, NH, principals in One Love Brewery are in the process of renovating the former Fratello's Restaurant to turn it into a pub and eventually a brewery/pub in the

Village Shops building at 25 South Mountain Drive #16 (Map 118, Lot 046) owned by Village Shops ICH, LLC, of PO Box 127, Lincoln, NH 03251. The property is located in the Village Center District. They want to do the following:

- a. Serve food and alcohol on the deck. The prior restaurant Fratello's used the deck in the past to serve food and alcohol.
- b. Have entertainment outdoors on the deck, for example, a three (3) piece band play music on the deck. Per Snyder, the prior Fratello's Restaurant also had occasional entertainment on the deck.

Michael Snyder is unable to come to the PB meeting because he has to attend a mandatory class re: liquor license. Michael Snyder would like to know if he can go ahead with this plan or whether he would need to come for Site Plan Review. We did not find any restrictions on outdoor activities in Land Use Plan Ordinance or in Site Plan Review Regulations. The Disorderly Actions Ordinance is applicable.

Town Manager Burbank presented One Love Brewery's request in the absence of Michael Snyder. One Love Brewery would like to expand outside onto a deck. There would be beverages, food and a maximum of a three piece band outside. The Planning Board discussed whether Snyder's plan would constitute a change of use or expansion of use requiring Site Plan Review approval.

Town Manager Burbank said that the former business owner, Fratello's Restaurant, served food outside on the deck so Burbank did not think that Snyder's serving food outside on the deck would constitute a change of use or an expansion of use.

Bont asked whether adding the element of entertainment constituted a change or expansion of use. Bont said that no one she spoke to was sure about whether or not there was ever entertainment outside at Fratello's. Bont said that when Michael Snyder was before the Planning Board last time, the Planning Board members asked him if he was going to do anything out on the deck, he said no, he would not. Bont said that because of his answer, the Planning Board members assumed Snyder would require Site Plan Review approval to expand into outdoor activity. Bont said she looked through the Zoning Ordinance and could not find anything that would address whether serving food or alcohol on the deck outside would constitute a change of use or an expansion of use.

Town Manager Burbank said that originally Snyder wanted to have a garden on the lawn near the Gazebo with food, drink and music. Burbank felt that Snyder's visions have now changed so that Snyder is now looking toward the deck for serving food and drink outside.

Vice Chair Spanos said that if the deck was never used as a restaurant before, Snyder would have to come in for Site Plan Review approval. Adding entertainment outside on the deck would also require Site Plan Review approval because it would be an expansion of use.

Hettinger said that the sound of a band usually annoys someone.

Town Manager Burbank said that there was a band or music outside in the past with other events in the parking lot at BrewFest and at the 4th of July event by the Gazebo. Burbank said that he told Snyder that Snyder would be notified one way or another.

Vice Chair Spanos said Snyder would need approval from the Police Chief for the entertainment.

Town Manager Burbank said that the Police Chief does not see it as a big deal, but he will not be the neighbor here listening to the noise.

Vice Chair Spanos said that if we get a lot of noise complaints we could tell Snyder to stop the music because it was not working out.

Hettinger said that could be a contingency on the approval that the music can stay as long as there are no complaints. Hettinger felt it would work because the restaurant was not located in a residential area.

Bont said that Dennis Ducharme has Inn Season Resort right next door. South Mountain Development, LLC's customers at Inn Seasons South Mountain Resort could be annoyed by the music at the Village Shops next door.

Beaudin asked if the music would be playing while people were eating or whether it would continue after hours.

Town Manager Burbank said that he sensed it would be an après ski thing with a band, or in the summer time at 6:00PM beer crowd with guitars or a three piece group out on the patio while you are drinking beers. Burbank said he sensed it would not be a rock band, but that Snyder wanted a band for background music.

Callum Grant said that he can remember them eating outside on the deck at Fratello's and there was a speaker outside with music playing. Grant said there was precedence for music but not live music.

Beard said that there was a volume control for nonlive music.

Town Manager Burbank said that he was all for dining outside.

Robinson said that in the mid-nineties the restaurant the preceded Fratello's had dining outside when the restaurant was called Tavern on the Mill.

Vice Chair Spanos said that Snyder was not dependent upon the band crowd. Beard said he thought that Snyder wanted to provide live music more to create an atmosphere. Bont thought outdoor music would serve the Brewery as advertising as well.

Town Manager Burbank said that when he is comfortable with the plans, he will send a letter to the Liquor Commission so that Snyder can expand his taps to serve on the deck and his permit

will include the deck.

Bont said that she thought that Snyder needed a different type of liquor license to provide outside dining with entertainment.

Beard said that adding entertainment and serving liquor outside was a lot more involved for Snyder's kitchen. If Snyder serves alcohol outside he has to meet certain menu requirements. Food has to be available within so many hours of the entertainment. Beard thought there was quite a bit to being able to serve food outdoors.

Grant said that the reality of Snyder's space is that if Snyder puts a band out on the deck the number of people he could have on the deck would be finite. There is a lot more room inside.

Hettinger said that Snyder will need to watch what he does on the platform playing to the people down by the Gazebo because sometimes they turn the volume up too high.

Bont asked if there was a history of playing concerts in the Gazebo.

Town Manager Burbank said that they had the 4th of July band there.

Grant said that it was not normal to have bands play at the Gazebo. There has only been music in the gazebo for special events, like the 250th anniversary.

Vice Chair Spanos questioned the Planning Board whether they thought that Snyder needed to come in for a Site Plan Review. All members agreed they did not need to come in for site plan review.

2. **Conceptual:** Southern Peaks Development, LLC - Inn Season Resorts, at 23 Inn Seasons Drive, 33 Brookline Road, Lincoln, NH South Mountain Resort – East Wing Addition, Phases 1 and 2, needs to make the following “minor” changes to the Site Plan approved to include property owned by TFG Lincoln Properties, LLC, c/o The Finch Group, 6111 Broken Sound Parkway, NW #150, Boca Raton, FL 33487-2774:

- a. Parking Lot
- b. Lighting
- c. Landscaping
- d. Drainage

Dennis Ducharme will explain what proposed revisions or changes are. The PB will determine whether the owner needs to come back to the PB for revisions to the Site Plan Review or for a new Site Plan Review.

Ducharme explained the revised parking plan with changes from the original approval to the Planning Board.

Bont explained that the “revised site plan” was the document that Ducharme would be talking about.

Ducharme said that when they started to build the first building they were not aware that they would have to dig down further than expected creating a full basement. There was a lot of debris as they dug as they came across logs. They would like to start the final phase of construction and Ducharme believes they will hit the same logs and debris that they did on the last phase creating a huge basement. They looked at it with the architect and thought that the basement on the next phase would be at street level on the back side and would make some great units. Ducharme said that the architects looked at the space and designed 6 units in the basement on the back side of the new building. Ducharme explained that it was planned for the first phase but never built it, that the first building has an empty basement. The second phase they would like to build the 6 units in the basement. Then they did a parking count to revise the parking to assure there were enough spaces covering the zoning requirements for the entire project. Ducharme explained that the revised parking is also on the plans the Board was looking at.

Ducharme opened the larger copy of the plan and explained the lower level to the Planning Board. They have to dig deep in order to remediate the large debris in the ground. Ducharme pointed out a shaded area in the middle of the plan that was a staircase that was put in to meet code because it was the end of the newest building and if phase II did not get built, it would meet code. When phase II is built, that staircase would come out and a studio unit would go in that space. Then a new staircase would be built at the end of the new building (Phase II).

Vice Chair Spanos asked if the staircases at the end would eliminate any of the units.

Ducharme said no, because where the old staircase is would be a new unit.

Hettinger asked about egress from the building once the staircase in the middle was removed.

Ducharme pointed out the staircase on the other end as well as the elevator.

Bont asked how many levels of living space.

Ducharme said 5 levels.

Bont thought that a variance would be required. That an exception was obtained for RiverWalk, but that this building would need a variance. Bont said that there was a limit on the number of living stories.

Robinson said that the limit was on the total to stories going up (emphasis on UP).

Beaudin asked if you exceed the limit, do you need to go to the ZBA (Zoning Board of Appeals) for a variance.

Ducharme thought that the limit was to prevent builders from building a living area in the attic.

Ducharme continued to explain where the staircases were and that there would be a laundry room on level 2.

Bont looked up the requirements in the Land Use Plan Ordinance (LUPO) and stated that the maximum structure height is 35' and no more than 4 floors above or below ground level to be used as living space.

Ducharme stated he had 4 levels above ground and that with the 6 units they want to put in the basement, there would be 5 living levels.

Ducharme asked if the Planning Board thought that the ZBA would approve this.

Bont said it would not be an approval, it would be a request for a variance.

There was a discussion as to whether the structure would have to apply to the ZBA for a variance because of the height or amount of floors. It was decided that this would have to go before the ZBA for a variance. Distance from the property line was discussed.

Bont read the height requirement from the LUPO.

- A. In the General Use, Village Center, Rural Residential and the Mountain Residential Zones the following height restrictions shall apply:
1. The maximum structure height shall be thirty-five (35) feet measured from the primary eaves on the uphill side of the structure.
 2. There shall be no more than four (4) floors used as living space above or below ground level as measured through any vertical plane of the building.

Town Manager Burbank stated that the LUPO would disallow living in the basement and the attic.

Robinson said that you could use the basement or the attic, but not both. Robinson asked if "hardship" would have to be proven to obtain a variance.

The Planning Board discussed the plan and the distance from the property line.

Bont explained what the ZBA would consider before granting a variance by reading the "Variance" section of the Ordinance.

Variance – A relaxation of the terms of this Ordinance, where such relaxation meets the following condition in order to be legally granted:

1. No diminutions of surrounding properties would be suffered,
2. Granting the permit would be of benefit to the public interest;
3. Denial of the permit would result in unnecessary hardship to the owner seeking it;
4. By granting the permit substantial justice would be done;
5. The use must not be contrary to the spirit of the Ordinance.

Ducharme said that he did not have the initial intention to dig as deep as required to remediate the debris to set footings.

Vice Chair Spanos and Robinson stated that it could be listed as a hardship to the property environment and geological problem to remediate debris left over from past businesses.

Ducharme stated that it will cost him approximately \$250,000 to transport this dirt with asbestos fibers in it and he is about to sign a contract with an asbestos removal company for this purpose.

Robinson asked if Ducharme knew where the dirt was taken.

Ducharme said he did not know where.

Beaudin said that they may make you put the dirt in double line containers that would say “Inn Season” on the containers.

Ducharme said that he was spending \$22,000 on fabric that lines the trucks and he has to label it stating it came from this specific piece of land. Ducharme stated that they budgeted for \$250,000 dollars for this process. Ducharme explained that it would be good if he could put units in this lower level because he already had all the storage and mechanical rooms he required and this would be wasted space if it is not utilized.

Town Manager Burbank asked if these lower units would be studios. Ducharme said that they would not be studios because there are no windows.

Ducharme said that with the 6 units they want to put in the lower level and then 3 more units when they take out the center stairwell, which would add 9 more units to the building which would require more parking. Two parking spaces needed to be removed to accommodate the propane tank. The total project if you add the 6 and the 3 is 129 units total which requires 163 parking spaces. Ducharme explained they had 162 parking spaces.

Bont said that they just voted at the Town Meeting on Tuesday, March 10, 2015 to decrease the size of the parking spaces from 200 square feet to 170 square feet.

Ducharme felt that parking spaces needed to be larger, not smaller, to avoid damage to vehicles when opening doors. Ducharme said that the 23 units in the first section are selling well, so there is a need for the next phase to begin quickly. Ducharme explained that when they built the last phase they had to dig down 8 feet lower than they thought they would have to and then build it back up. Ducharme explained that with the next phase they may have to go even lower and would like to be able to utilize the space by putting units in the lower level.

Bont said that she has the forms for the ZBA and could set something up fairly quickly.

Vice Chair Spanos said that we need to know if they need sight plan approval from the ZBA.

Town Manager Burbank asked about the parking lot that comes in from a gravel drive and was on property of TFG Lincoln Properties, LLC.

Ducharme explained that property belongs to The Finch Group (Wes Finch) and there is an easement for parking. Ducharme explained that he referenced the easement on the drawing and also approached Wes Finch and their lawyers asking Wes Finch permission to tear up the current pavement and put in new curbing, lighting and drainage on that parking easement. Subsequently the Town of Lincoln received a letter from Wes Finch giving that permission to Ducharme to improve the lot with the easement on it. Ducharme reiterated that there will be plenty of parking and the only place they lost parking was where the propane tanks would be going in.

Vice Chair Spanos said that the issue now is whether or not site plan approval will be required for the extra units.

There was a discussion about the order of approval. The Planning Board agreed that variance approval from the ZBA would be required first and then come back to the Planning Board for a Site Plan Review.

Bont said that a joint meeting between the ZBA and the Planning Board will expedite the process. It makes sense to do a joint meeting because it would require sending only one set of notices to abutters.

Vice Chair Spanos thought that that ZBA meeting at 5:00PM or 5:30PM and then the Planning Board meeting directly after would save time.

Bont said that she would recommend that they do a joint meeting and ask for a combination of a variance from the ZBA and a Site Plan Approval for the change.

Robinson said that he already has Site Plan Approval for the building, but now requires a variance to occupy the lower level. Robinson said that most of the items can be waived at this point because they were already approved, like lighting. The Planning Board would only need to look at the new units in the basement during Site Plan Review.

Bont felt it should be treated like the last Site Plan Review which was a modification but still give notice to abutters.

Robinson said that ground water runoff was already looked at in the old plan and there are no changes externally so he just wants the Planning Board to know that these items do not need to be reconsidered for the second Site Plan Review.

Vice Chair Spanos said that it should be treated as a finished building that rooms would be added in the basement.

Ducharme asked if he could get started with Phase II and asked if he needed an extension from the first one. Regardless of which way the final Site Plan Review goes, he will still be building the originally approved plan and would like to get started as soon as the ground thaws.

Bont said yes, Ducharme should ask for an extension at the same meeting. Bont thought that the last extension will be expired in May.

Ducharme said that he could receive a building permit now and Bont said that he should wait until he receives the extension at the next meeting.

Vice Chair Spanos asked if anyone had any further questions.

Bont said she would call Ducharme tomorrow to set up a meeting for the variance.

3. **6:00 PM** – Planning Board (PB) has a request for an opinion about the status of the property:

Consultation: What is the status of the property described as 15 Bog Brook Road (Map 108, Lot 005, formerly Map 18, Lot 6)?

The property has three residences on it.

- a. Single Family home built in 1940.
- b. Mobile Home 1984 (replaced an even older mobile home)
- c. Cabin built in 2008 with Building Permit, but no Special Exception or Variance.

The appraiser wanted to know what the property was approved for so he can accurately assess it. Can all three homes be inhabited or rented? Are one or two homes considered detached apartments? The property is in the Rural Residential (RR) District. The lot is 13,939.2 square feet. Minimum lot size for one residence is 15,000 square feet.

Callum Grant was excused for the discussion of this lot because he is an abutter.

Bont said that the bank has hired an appraiser and the appraiser asked about the property.

The single family home was built in 1940, the second home is a replacement mobile home that was put on the lot in 1984 and the log cabin was built in 2008. Bont said that the lot itself is not even large enough for one house and it now has three dwelling units on it. The appraiser asked if all of the units could legally be rented out. If they can be rented, how many of them can be rented. Are they all rental properties? Are they in-law apartments?

Vice Chair Spanos thinks that the house and the trailer were occupied by the family

Grant said that the son is living in the trailer and is cared for by the parents to some degree. Grant was not sure what the cabin was for.

Town Manager Burbank asked if they were looking to market the property.

Bont said that she was not sure if they were refinancing or selling.

Vice Chair Spanos said that anyone can live there regardless of the original intent.

Town Manager Burbank asked if a new owner would have to come in for Site Plan Review to rent out the units.

Vice Chair Spanos said that Site Plan Reviews were really only for commercial property.

Bont said that anything more than a duplex is considered commercial.

Vice Chair Spanos said that it has been more than three units since 2008.

Hettinger asked if the property was not considered to be multi-family if all three units were occupied by all one family.

Robinson said no, it was not so. Robinson said if the occupiers of the lot are all related it does not change the fact that there are three dwelling units on one lot.

Bont said that the minimum lot size in the Rural Residential (RR) District is 15,000 sq. ft. per unit. And they do not even have 15,000 square feet on the entire lot.

Hettinger asked why the measurements on the sketch do not match measurements on the map.

Bont said that the sketch map is a hand drawing and if you look at the property tax maps, the buildings appear to overlap the property line.

Robinson said that with this mapping accuracy is not always the case. Sometimes it is the mapping software that does not work accurately.

Vice Chair Spanos pointed out a line on the map followed by an S meaning it was a surveyed line.

Bont said that S means that it is an estimated value and did not come from a survey. Bont explained that lot number 5 acreage was followed by an AcC meaning the acreage was calculated and not based on a survey. Looking at the same map Bont explained that the only property that was surveyed was lot 8 on the top left of the map where the acreage was followed by an Ac which means the numbers came from a surveyor. None of the other lots were surveyed.

Grant said that the one lot shown, but not identified on the map in the south west corner of the map was his lot and his lot was surveyed.

There was a brief discussion about the numbers on the map and surveying versus calculated numbers.

Vice Chair Spanos asked if Bont had spoken to the owners. Bont said no, only to the appraiser.

Robinson said that we issued a building permit in 2008 for the cabin. Robinson said the building permits were issued, but they were not appropriate. We cannot take them away. In 1998 and 2008 we had zoning that would have prohibited this and somehow permits were issued.

Vice Chair Spanos said that someone did not do their homework and mistakes happened.

Bont said that a new owner could use three dwelling units on this lot.

Robinson said that if they want to get rid of the mobile home and replace it with something, they will need to come to the Planning Board and that is where it will end.

Vice Chair Spanos said that two of the three dwelling units would be grandfathered because they predate adoption of the zoning ordinance. Bont said that if the dwelling units were treated like a pre-existing non-conforming use, the owners would only be able to replace the units if they burned down. Then the burned unit or units would need to be replaced within a year otherwise his property would have to come into compliance.

Robinson said that the existing structures are pre-existing and although non-conforming, they can stay. Any change in the structures or the use of the structures would have to come into compliance with the zoning ordinance.

Vice Chair Spanos did not agree. He felt that the owner could replace the mobile home if it took up the same footprint as the old one. Same with the cabin and the house. Vice Chair Spanos said that there was a case, an arcade at Hampton Beach that was changing their old arcade games to video games. The Hampton Beach Planning Board told the arcade owner he could not do that, but the court said he could. The arcade owner could not increase his footprint, but if he kept the same use he could replace broken and worn equipment as he saw fit even though it was a non-conforming use.

Bont said that principle of allowing the replacement of a pre-existing nonconforming use might be limited to the mobile home but would not apply to the other two buildings. The Land Use Plan Ordinance allows the replacement of pre-existing nonconforming buildings if the buildings are damaged or destroyed by natural causes such as fire or something beyond the control of the owner. If the buildings are destroyed or damaged by natural causes the property owner can repair or rebuild a non-conforming structure, provided that it is completed in one year and occupies the same footprint. All the correct permits and fees would apply as well. That is the only way they could replace a pre-existing nonconforming building like the house or the cabin.

Town Manager Burbank said it would take an actual disaster to rebuild a non-conforming structure.

Bont said that the Ordinance could be rewritten so that it did something else for next year.

Robinson said that we all agree that if the buildings came down because of a disaster, the property owner could build the same thing in the same footprint within a year without a problem. As far as the two structures are concerned, the Planning Board agrees that they are pre-existing and non-conforming, the house and the cabin and if the owner leaves them as they are they can stay there.

Robinson said that he only mentioned the cabin and the house because he thought that the Planning Board was not in agreement over the mobile home.

Robinson said that if the mobile home was destroyed the property owner could replace it within a year with something that was the same size but he could not replace it with a larger mobile home.

Town Manager Burbank said that the 12' x 44' trailer could be replaced with a trailer with the same footprint. If he brings in a larger trailer the Planning Board would have a problem with that.

Vice Chair Spanos said that with a Land Use Permit he could replace the mobile home in kind.

Hettinger asked what would happen if the lot is sold.

Robinson said that these rules go with the land. The same rules would apply to any owner.

Town Manager Burbank said he would put a record of this discussion in the map and lot file.

Other Business updates

Vice Chair Spanos said that all the warrant articles passed at the annual town meeting.

Letter from Alpine Adventures

Town Manager Burbank explained a letter sent by the neighbors of Alpine Adventures to Jeff Woodward with a proposal. Jeff Woodward is the General Manager of Alpine Adventures and Whale's Tale. The neighbors of Alpine Adventures met with Town Manager Burbank and Jeff Woodward. Alpine Adventures expressed an interest in working with the neighbors. The slide is very noisy and the structure was built in a residential zone. Jeff Woodward understands that he needs to satisfy the neighbors. Alpine Adventures came up with the suggestion that Alpine Adventures put up a new climbing platform and move the bag to a location where customers can jump from different heights onto the bag. The slide was something Alpine Adventures had considered getting rid of anyway. This letter is a proposal from the neighbors.

Beaudin asked what the slide was made of that it makes so much noise.

Robinson explained that the slide is made of hard plastic with the texture of a toothbrush. The inner tubes are going over a texture like a toothbrush and it makes noise.

Town Manager Burbank thinks that although the noise may come up again from Alpine Adventures, right now they are on the right track and working with the neighbors.

Financial Cuts as a Result of Town Meeting

Selectmen Chair Robinson has asked Town Manager Burbank for department heads to look at reductions in their budgets or changes in programs that are sustainable. This means that Robinson does not want to see all training cut this year only to see that all of the training comes back next year and costs more. That would not be saving money; it would be postponing the inevitable. Robinson wants department heads to find things that can get cut out and will not burden next year's taxpayers.

Comprehensive Shoreland Protection Act

Bont said that many years ago (2008) we asked for an exemption from the CSPA (Comprehensive Shoreland Protection Act) and we got it (letter dated 3-31-2010). Bont explained that this type of exemption would usually be granted if the dense downtown main street of the town was right on the river like in Claremont and Franklin. Lincoln did receive the exemption. Some of the property in the exempt area was developed and some is still not developed yet, but had been approved for development on some level. The existence of this exemption from the CSPA came to Bont's attention when Steve LaFrance of Horizons Engineering called. LaFrance brought to her attention that his client had an exemption from CSPA. He was preparing an application and wanted to be sure that his client was exempt.

Hettinger said that it was interesting to note that if you look closely on both sides of the river, from Loonbrook west the exemption only applies to the north side of the river. The south side is not exempt, so all of South Mountain is not exempt.

Robinson said that there was no development there. Hettinger thought that South Mountain had applied for an exemption and never received it.

Bont said that she expanded the size of the map depicting the area where the exemption applied using the copier, but she still could not tell clearly which lots were exempt. Bont asked CAI Technologies what it would cost to put a layer on the town maps indicating the exemption. CAI said this layer would cost \$700. The area of the exemption would only appear on the online version of the maps, not on the hard copy tax maps we receive from them each year. It is more expensive to put this exemption area on our tax maps, but he will only put the area of the exemption on the online maps.

Hettinger felt that the layering was very helpful.

Robinson said that Bont can print that color map and the list and email it to people.

Grant said that there would be other revisions to the maps

Bont said that the maps with the exemption was for her benefit as well. Bont explained that once the exempt area was on the map there was no further charge and thus, nor further expense. Small changes are made, but there is no significant charge unless there is a large global change to the maps.

Town Manager Burbank said that FEMA (Federal Emergency Management Agency) would be looking closely at this over the next 2 to 3 years as they redo the floodplain maps.

Robinson said that FEMA may want to pay to put it on our website.

Bont thought that FEMA would not want us to be exempt. Town Manager Burbank thought that they may want our exemption withdrawn.

Vice Chair Spanos said that the Comprehensive Shoreland Protection Act was a State Law.

Robinson said that branch of FEMA was just supposed to be mapping the flood areas, not the shoreland areas. He asked why would they have an advocating position on including or not including the shoreland.

Vice Chair Spanos said his understanding was it was permanent exemption.

Town Manager Burbank said that was good and we would go with whatever decision was made.

Robinson said he was in agreement with that unless Bont finds that in her work it would save her time and effort for her.

Bont said that LaFrance said that his clients were exempt. Russ Cooley and CVRI South Peak are his clients.

Hettinger said that South Mountain had an exemption.

Bont explained that she colored in the maps to try and figure out which lots were included in the exemption. There was a brief discussion between Planning Board members as to which lots were exemption and which did not as well as what the exemption meant to homeowners. Bont said you can build right up to the edge of the bank with the exemption.

The decision was made to hold off on the \$700 for now.

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

- V. PUBLIC PARTICIPATION AND OTHER BUSINESS:** Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

VI. ADJOURNMENT

Move to Adjourn.

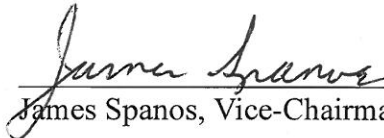
Motion: Callum Grant Second: Ron Beard

All in Favor: (5-0)

Respectfully submitted,

Wendy Tanner
Planning and Zoning Recorder

Dated: March 11, 2015



James Spanos, Vice-Chairman