

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, MARCH 25, 2015 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

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

Members Excused: Norman Belanger (alternate)

Members Absent: None

Staff Present: Town Manager/Town Planner Alfred "Butch" Burbank, Planning and Zoning Administrator Carole Bont, and Wendy Tanner (recorder)

Guests:

- Jonathan (Jon) Ham property owner and business owner/operator of Arnold's Auto Center, 98 US Route 3, Lincoln, NH., and member of the Zoning Board of Appeals.
- Tamra Ham, wife of Jon Ham, 98 US Route 3, Lincoln, NH
- Larry "Chopper" Hartle, Jr. d/b/a Pemi Valley Moose Tours, PO Box 216, Lincoln, NH 03251.

- 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

- II. **CONSIDERATION** of meeting minutes from:

- March 11, 2015

Motion to approve the minutes of March 11, 2015 with changes.

Motion: OJ Robinson

Second: John Hettinger

All in favor: (3-0)

Strickon abstained from the vote.

III. NEW BUSINESS

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

1. **Conceptual:** Jonathan (Jon) Ham d/b/a Arnold's Auto Center, 98 US Route 3, (Tax Map 109,. Lot 002) of Lincoln, NH 03251, experienced a significant increase in his business since his last Site Plan Review approval of 4/25/2001. He would like to review his Site Plan Review approval with the Planning Board. He is looking for input from the Planning Board about what he would need to get Site Plan Review approval to increase the number of vehicles parked on the site of his auto center. Also he would like to specifically receive approval to continue the

auto body business that has been a part of Arnold Auto Center business since Jon Ham's childhood, because the auto body portion of the business is not clearly part of the old Site Plan Review approval. What does Ham need to submit or address to receive Site Plan Review approval?

Town Manager Burbank stated the town received complaints from other residents about the large number of vehicles parked in and around Arnold's Auto Center. Records in the town hall were searched going back as far as we have in the town files (about 30 years) for any Notices of Decision or agreements about parking for that site. The record shows that initially the Planning Board granted Site Plan Review approval for fourteen (14) vehicles to be parked on site and that number included vehicles owned by Arnold's Auto Center. Town Manager Burbank said that it was clear to him from reading the minutes and the files that after the initial Site Plan Review approval there were many discussions in Planning Board meetings about the number of vehicles parked at Arnold's Auto Center, however, most minutes of those meetings reflect that the discussions were limited to just that, discussions. Nothing clarifying the approved uses for the property or increasing the maximum number of cars allowed to park on the lot was ever formalized in a written agreement or in a written Notice of Decision. No decision was ever made about how Jon Ham would deal with fluctuations in the numbers of vehicles on the lot because of storms or accidents. Town Manager Burbank suggested that Jon Ham/Arnold's Auto Center come in to see the Planning Board for a conceptual to see what suggestions the Planning Board might make so that Ham can get Site Plan Review approval to accommodate his increased business. Burbank believes the scope of the Site Plan Review approval should include additional parking (if the lot can accommodate it) and the types of allowable uses and should be finalized in a Planning Board Notice of Decision.

Chair Romprey asked what the complaint was.

Town Manager Burbank said that it was "too many cars, over and above what was permitted", which no one is arguing. Arnold's Auto Center agrees that at times Arnold's Car Auto Center has many more vehicles there than the fourteen (14) vehicles permitted under his Site Plan Review approval, especially during or after a storm. Town Manager Burbank asked the owners of Arnold's Auto Center to come up with a proposal that the Planning Board could make a final Notice of Decision on.

Chair Romprey asked if any part of the operation of the business is in question.

Town Manager Burbank said that the auto body part of the business was never formally entered into the record as a business. The shed presently being used as an auto body shop was approved for parts storage. However, at the time of the Site Plan Review approval, auto body repairs were being made in the original garage. There are no records at the town hall addressing the auto body side of the business and there has been questions several times over the years if the auto body was an expansion of business without a permit.

Tamra Ham said that years ago having an auto repair business included auto body work as part of the business.

Chair Romprey stated that in the early nineteen nineties (1980's) when he restored a 1966 Gran Prix all of the body work was done at Arnold's Auto Center. Romprey confirmed that back then Arnold's Auto Center included a body shop as part of its operation.

Town Manager Burbank stated that officially it is now in the record that Arnold's Auto Center included a body shop for many years and perhaps since Arnold's first opened, many years prior to the enactment of zoning.

Tamra Ham asked if twenty to thirty (20-30) years from now when Jon and Tamra retire will her son have the same issues when he takes over the business.

Chair Romprey said that Arnold's Auto Center is a full service garage all inclusive with engine repair, tires and auto body work.

Town Manager Burbank said that the Hams are here to address the parking issue as well.

Tamra Ham stated she would like to tear down the house and put in a parking lot.

Chair Romprey advised the Hams to figure out how many square feet of parking area would fit in the area now taken up by the house. Measure the square footage of the footprint for Ham's house and divide by one hundred seventy square feet (170 sq. ft.) to see how many parking spaces Ham would get. Chair Romprey does not think the space obtained from tearing down the house would yield enough parking spaces to make it worth the work.

Tamra Ham said she thought tearing the house down was worth it. She thought the area under the house would give them twelve (12) more spaces. Tamra Ham went on to say that because the driveway took up the length of the lot already and the land under the house there was already impervious the whole area under the house could be paved.

Chair Romprey said that there is no point of contest over the body shop; it has been there since 1973. Chair Romprey asked Ham whether on peak days when Ham tows twenty to thirty (20-30) cars if twelve (12) additional parking spaces would make that much of a difference.

Jon Ham was not sure it would.

Chair Romprey said that if Ham has fourteen (14) approved parking spaces now and he gets another twelve (12) more approved by removing the house, Ham would have only twenty-six (26) parking spaces total. Even on a busy day when Ham tows in thirty (30) cars, the twelve (12) additional parking spaces still would not be adequate to solve his parking problem.

Spanos said that Ham does not have the typical parking lot. With an auto center cars have to be constantly moved in and out; many of the cars here will be disabled.

Chair Romprey said that he has seen the business (Arnold's Auto Center) on a busy weekend and it is absolute chaos.

Bont said that Jon Ham had explained that when there is a storm there are stragglers and cars end up sitting on his lot for days at times. It is not likely that all disabled cars will get fixed and be gone by the end of the day. Ham fixes what he can, but many vehicles stay on the lot for days. Some car owners cannot afford to pay the towing and repair bills right away. Jon Ham said the biggest problem now is that he fixes the vehicles and then the vehicle owners do not have the money to pick the vehicles up right away.

Chair Romprey reiterated that removing the house would not give Ham enough parking spaces.

Strickon asked how many parking spaces removing the house would give them.

Tamra Ham said removing the house would give them twelve (12) parking spaces, that includes the deck off the back of the house. Tamra Ham explained her parking idea to the Planning Board on the printed plan.

Beaudin asked what was under the deck in the back of the house.

Tamra Ham said it was asphalt. She did not understand why there was an asphalt patio; but it was asphalt.

Town Manager Burbank said that the Hams would not violate the soil that is existing already; they would just pave over the asphalt that is already there. Town Manager Burbank said that the reason he asked the Hams to come in for a conceptual was to run their ideas for expansion of use by the Planning Board to be sure no other issues came up.

Chair Romprey said that he did not have any issues with what the Hams were proposing. He just did not think that tearing down the house would benefit the Hams to the point of being adequate for their purposes.

Robinson said that Spanos brought up a good point. These are not parking spaces like in a shopping mall where many different car owners pull their cars pull in and pull out. Where they have parking spaces 1-8 on the map, there are two rows of cars there. So if there are seven (7) cars in one row, there are really 14 cars parked there. Actually there are generally eight (8) cars parked per row. There are really 16 cars total in that area. Either way there are more than fourteen (14) cars.

Jon Ham said that there are three (3) parking spaces on one side of the sign and three (3) on the other for a total of six (6) spaces by the sign.

Robinson said that there are really twelve (12) spaces there because the Hams park two (2) cars in one space. Robinson said that the site map should match reality. Robinson felt that the other part of reality is that the Hams don't have parking spaces in front of the auto body part of the operation because there is a garage door there. For the same reason there are no parking spaces in front of the main garage bay doors.

Chair Romprey said that if you take into consideration internal spaces, Arnold's Auto Center also

has four (4) bays, so there is room for an additional four (4) cars.

Jon Ham said that he went over the site plan map years ago with Town Manager Peter Joseph. Town Manager Joseph told Ham that he could park cars in front of the bay doors. That was how they came up with the twenty-two (22) parking spaces.

Robinson said that inside the building should not count as parking spaces just as the vehicle inside the bay should not count as a vehicle that is parked.

Hettinger said that there are two (2) parking spaces in front of parking spaces numbered ten (10) and eleven (11) on the site map that come into play.

Jon Ham said that the original plan with the town was to tear down the storage building, but Deanna Huot who was on the Planning Board at the time said “why would you tear it down, that would be inside parking”, and that is why the shed was left there. The shed should have been torn down twenty (20) years ago.

Chair Romprey said the inside does not count. Looking at the map, Chair Romprey counted the spaces in front saying there would be eight (8) parking spaces and could be more.

Town Manager Burbank said that Arnold’s Auto Center still has to store snow during the winter and is required to have space for snow storage.

Jon Ham said that behind number 10 there is another space where the plow truck is parked.

Chair Romprey said that on the side of the house Ham has a fence where two (2) other cars are parked; that is two (2) more parking spaces. There is nothing to prevent Ham from parking cars in front of his bay doors, so that would be two (2) more. Chair Romprey said that he counted nineteen (19) parking spaces and if you count the two (2) parking spaces out back that would be twenty-one (21) parking spaces. Chair Romprey said that if you have room for twelve (12) more parking spaces by demolishing the house it would probably be adequate.

Tamra Ham asked for clarification on the size of a parking space. The Planning Board said a minimum parking space is one hundred seventy square feet (170 sq. ft.).

Chair Romprey said that when Hams reduce their parking spaces to the one hundred seventy square feet (170 sq. ft.) requirement, they will find they can get four (4) more parking spaces.

Jon Ham reiterated that he may still have a problem with too many vehicles when he gets busy.

Town Manager Burbank said that it should be in the record what the Planning Board thinks is an acceptable number of parking spaces. Town Manager Burbank said that it should also be in the record what the Planning Board thinks is an acceptable surge for parking on the busy days. He does not care if the number is a percentage or a flat number of cars, but that information needs to go in the record.

Chair Romprey asked for clarification on what Ham means by a “surge”.

Town Manager Burbank stated that on the busy days when there are more cars in the lot than parking spaces, will the Planning Board allow for a surge of cars. That seems to be the issue here.

Chair Romprey asked if the Planning Board would agree to twenty-one (21) parking spaces.

Robinson confirmed that this meeting was just a conceptual. Bont reminded the parties that there is nothing binding in a conceptual. Robinson then said that he does not want to say twenty-one (21) parking spaces, but he does want to say more than what they have now. Double rows out front makes sense, parking along the house makes sense and parking in front of the doors makes sense.

Chair Romprey asked Robinson what he would say about a proposed overage above twenty one (21) automobiles on a temporary basis.

Tamra Ham said that there was one ice storm this winter when twenty-eight (28) vehicles were brought in that weekend. Of those twenty-eight (28) brought in, nineteen (19) vehicles stayed for one to three (1-3) days.

Jon Ham said that a lot of the vehicles just needed minor work.

Tamra Ham said that if the overage brings them to twenty-five (25) cars and then the police call and there are three (3) more vehicles that need to be towed, they have to go and get the vehicles.

Jon Ham said that his brother Jarrett Ham is very understanding if Jon Ham needs to leave three (3) disabled vehicles up at Jarrett Ham’s garage for a night, as long as Jon Ham does not have any long term vehicles left behind.

Chair Romprey confirmed that the Hams have a place where they can put disabled vehicles on a temporary basis as a backup. Chair Romprey asked them to kick around in their minds, how many spaces they need for overage on a short term basis and bring that back to the Planning Board.

Tamra Ham confirmed what Chair Romprey was asking. Romprey wants the Hams to put as many spaces as they think they can fit on the lot that would meet the one hundred seventy square feet (170 sq. ft.) requirement. Romprey then asked the Hams to estimate how many more parking spaces they would require for short term overage and come back to the Planning Board with that figure.

Chair Romprey said that if the Hams have a backup like Jarrett Ham’s garage, they can include that in their plan as long as it is a legal parking space.

Beaudin asked if they parked cars down past the diner. Jon Ham said that was State of New Hampshire land.

Chair Romprey said that people cannot park vehicles on State of New Hampshire land.

Tamra Ham said that the Hams will come back with a number of how many spaces they can fit on the property and a number of how many spaces they need as an overage.

Town Manager Burbank said that when the Hams come back, they should ask the Planning Board for an official number of parking spaces relative to the business to be put in a written Notice of Decision once and for all.

Bont confirmed that the Hams would be coming in for a Site Plan Review and therefore she would need to notice abutters about a Site Plan Review hearing. Chair Romprey said yes.

Beaudin asked where the State of New Hampshire right-of-way was. Jon Ham showed the Planning Board where the State of New Hampshire right-of-way was on the old Site Plan. Beaudin said that in a town right-of-way people can park vehicles, but people cannot park in a State of New Hampshire right-of-way.

Tamra Ham said that her front yard, flower garden and the fence are all in the State of New Hampshire right-of-way and her yard, flower garden and fence have been there since before there was a State of New Hampshire right-of-way.

Chair Romprey said that the Hams will need to ask the Planning Board to reaffirm what the scope of their Arnold's Auto Center business is and what the basis is. Chair Romprey said that the body shop issue can be put to rest. Arnold's Auto Center has been a body shop since before the town adopted the ordinances.

Ron Beard asked if the Hams could give the Planning Board an idea about what the average turnaround time would be for towed cars. How quickly do the insurance companies come and pickup wrecks? This information will help the Planning Board make a reasonable decision based on a realistic average turnaround time for vehicles to calculate what their overage should be.

Chair Romprey said that long term storage is the big issue.

Tamra Ham asked what she needed for forms.

Bont told Tamra Ham that the forms were on the web site but that she would send them to her via email as well.

The Hams thanked the Planning Board and left.

2. **Conceptual:** In 2014 Larry ("Chopper") Hartle, Jr., d/b/a Pemi Valley Moose Tours, PO Box 216, Lincoln, NH 03251-0216, received Site Plan Review Approval for Change of Use/Expansion of Use from one business to a two business seasonal use at the property owned by David Rodgers (d/b/a The Mothership Board Shop) at 278 Main Street (Tax Map 117, Lot 119). Mothership

was operated by David Rodgers during the ski season. During the spring, summer and fall months of 2014-2015, Hartle used the Mothership building and parking lot to operate Pemi Valley Moose Tours during the spring, summer & fall months. The lot was located in the General Use (GU) District. This year during the spring, summer and fall months, Hartle would like to operate out of the old post office located at 136 Main Street (Map 118, Lot 048) owned by JBEGOOD, LLC, c/o John J. Durocher, PO Box 657, Lincoln, NH 03251. The lot is located in the Village Center (VC) District. In the past Durocher d/b/a Great American Ski Renting Co., has been operating only during the ski season, however, this year he will operate during the summer months as well, selling summer sports equipment. Although Hartle plans to sell tickets for Pemi Tours out of the building during the daytime while the Great American Ski Renting Co., business is open, Hartle's tour customers would arrive and depart from the building after the Great American Ski Renting Co. was closed for the day. What would Hartle need to submit or address to receive Planning Board Site Plan Review for his business at this location? Does making the business year round need any type of Site Plan Review approval?

Hartle said that his summer business was at the Mothership building last year and "...it worked great". About 2 or 3 weeks ago Hartle asked Dave Rodgers if he could come back to the Mothership building this year. Dave Rodgers said that his own business may stay opened for the summer. There was also some question about a septic system at the Mothership that may not be working properly. Hartle is now looking to find a new place to run his Moose Tour business for this summer. John J. Durocher who operates The Great American Ski Outlet at the old Post Office building (136 Main Street, Tax Map 118, Lot 048). Usually the Ski Outlet business closes in the summer, so Larry would like to know if his business could work in this space. The property is owned by "JBEGOOD, LLC" c/o John J. Durocher. Hartle explained that there are sixteen (16) parking spaces at the building and that he averages anywhere from twelve to sixteen vehicles (12-16) per trip.

Hartle presented a sketch of the where he would put the parking and his bus on the lot. Chair Romprey asked if that number of vehicles (12-16) included a parking space for the tour bus.

Hartle said that the tour bus would be parked on the other side of the building from the parking lot. Town Manager Burbank asked if there was a curb cut for the other side of the building. Hartle confirmed that there were two curb cuts. The bus would use one curb cut. The customers would use the other.

Chair Romprey asked if there would be "on street loading". Hartle said "no", he would load on the side of the building.

Chair Romprey asked if Hartle would be considered a sub-operation of this space, although he would be selling tickets from this building. Hartle agreed.

Spanos asked if the Great American Ski Outlet would be opened during the day this summer. Hartle said they do not know for certain yet. They may be selling bikes, but even if they are open, Hartle would still be a sub-operation.

Chair Romprey asked if adding Pemi Moose Tours to the retail space would require dual signage.

Hartle said he spoke with the current owners and thought they would combine the two businesses on one sign (i.e. Great American Ski and Bike/Pemi Moose Tours), but was not sure if that was possible.

Bont did not think there was an issue with two businesses on one sign, but wanted to check the Ordinance to be sure.

Bont said that it was an expansion of use in a way. Planning Board members felt that the building was retail and what Hartle sells is “retail”, so there was no change in use. It was also confirmed that they would not be changing the physical space so they did not feel it would qualify as an “expansion of use” as defined in the Site Plan Review regulations.

Chair Romprey asked what size the parking spaces were as shown on his rough sketch on an old Site Plan. Hartle explained the parking spaces were 10’ x 17’ spaces or one hundred seventy square feet (170 sq. ft.) each.

Bont verified that the Planning Board did not think that Hartle would need any Site Plan Review approval for this change. Bont said that the change in the operation of these two businesses does not clearly fall within the definition of expansion or change of use.

Hettinger asked if the bus would be parked on grass. Hartle said it would be parked on grass.

Chair Romprey said that he does not think that this change would require a Site Plan Review because the space is already a retail use and it will continue to be a retail use with the second business operating out of the space. Robinson also felt that since it was retail to retail it would not require a Site Plan Review.

Robinson said that he does not think that it was a change at all and would not require site plan review. Robinson stated that the building is a retail building and that it will continue to be retail with a second business. Robinson did point out that Hartle will require a sign permit if he is going to change signs.

Hartle thanked the Planning Board.

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

Site Plan Review and Land Use Plan Ordinance Edit

Bont said that the addition of a Stormwater Management Ordinance was voted in at the Town Meeting on March 10, 2015. This new ordinance needs to be referred to in the Site Plan Review Regulations in order to align with the Land Use Plan Ordinance.

The Planning Board briefly discussed if further changes should be voted on in a Public Meeting, but it was unanimously decided that the vote at Town Meeting to adopt the Stormwater Management Ordinance, gives the Planning Board the approval to also include references the two references to the Stormwater Management Ordinance in the Site Plan Review Regulations and the Land Use Plan Ordinance. There are no changes being made to the Ordinances themselves, but only to reference the new Stormwater Management Ordinance.

Motion to add reference to the New Stormwater Management Ordinance to the Site Plan Review and Land Use Plan Ordinance:

Motion: OJ Robinson Second: Strickon

All in favor: (5-0)

Fire Protection at The Landing at Loon Mountain (Saber Mountain Partners, LLC)

Chair Romprey said that it has come to the attention of the Planning Board that there may be water flow issues at the Landing at Loon Mountain which in turn is causing a fire fighting issue.

Fire Chief Beard said that three weekends ago he went up to “The Landing at Loon Mountain” to check on the cisterns that are supposed to be hold water to be used for fire prevention. Both cisterns were plowed in with snow. Beard then called Saber Mountain’s Property Manager, Brent Drouin. Brent Drouin is also the owner of Century 21 Mountainside Realty. Beard told Drouin that the cisterns need to be cleaned out because there are no hydrants in the Landing and the fire trucks cannot reach the cisterns. Beard felt that if he had to fill the truck quickly he would need to go to the Mountain Club at Loon. After a couple of weeks went by Beard went back to check the cisterns again and they still had not been cleaned out. Beard again called Saber Mountain Property Manager Brent Drouin and left a message that the cisterns needed to be cleaned out because that was the only fire protection the Landing has other than the water they can carry in tanks. Rex Caulder went up and cleaned them out on Monday. Beard went back and drafted out of them to make sure they were not frozen. The two cisterns that were installed hold 10,000 gallons of water each.

Chair Romprey said that “The Landing” development should have four (4) cistern tanks for a total of 40,000 gallons.

Fire Chief Beard said that ISO's (International Organization for Standardization) minimum requirement for a cistern (it is the same for a hydrant on a town water supply) is 250 gallons per minute uninterrupted for 120 minutes (2 hours) which is 30,000 gallons of water that needs to be available from a cistern. With Engine I and Engine II together Beard only has a combined "water on wheels" of 4,200 gallons.

Chair Romprey asked how long it would take to pump one 10,000 gallon cistern dry.

Fire Chief Beard said not long, but it would depend upon the truck used and the hose used. If they had the ladder truck up there the ladder truck could empty one cistern in about three (3) minutes.

Town Manager Burbank said that it appears the developers of "The Landing" cleverly got around the approving authority back then by stating that they had created a total system of 40,000 gallons (10,000 gallons in each cistern) when in fact each and every cistern should have been designed to hold a minimum 30,000 gallons each.

Chair Romprey said that the second issue is that there is no water pressure in the area of the homes at "The Landing".

Fire Chief Beard said that as a baseline for fighting a fire in a structure of 3,000 square feet the Fire Department needs a minimum of 9,000 gallons, depending on what percentage of the building is on fire. Beard said that 9,000 gallons is the minimum amount of water the fire department will need in BTU's (British Thermal Units) to fight a fire in that one house. Beard did some calculations. He said that if the Fire Department drafts off the top cistern and then picks a point further down the road to the furthest house, they would require about 1,800 to 1,850 feet of a four inch (4") inch hose to reach the furthest house. It will take 1,381 gallons of water just to fill that hose. If they pull off an inch and three quarter (1 ¾") cross lay that would require 300 feet just to charge those two lines. They would need a grand total of 1,381 gallons to fill the hose before they can put one drop of water on the fire. The Fire Department would be left with only 7,700 gallons to fight the fire.

Taylor Beaudin said that the cisterns were not made to hold enough water to fight a fire. He thought the cisterns were put in as a backup water source.

Town Manager Burbank said that must be how the Saber Mountain Developer got by the fire inspection of the plans at the approval stage.

Beaudin said there is a cistern tank sitting at the end of Buck Road in the woods. Robinson asked if the cistern tank was hooked up. Beaudin said that since they did not finish Buck Road there is no water or sewer up there. The cistern tank is just sitting at the end of Buck Road in the woods. It is not hooked up.

Hettinger asked Fire Chief Beard if they had ever run a fire test in the east side of Beechwood Drive. Hettinger also asked Beard if the Fire Department would have to go to the East Branch Pemigewasset River to get water to fight a fire up there.

Fire Chief Beard said that they had a fire in that area and were able to put it out. They had enough water for that particular fire, but if they had to flow “big water” in that area it would not be available.

John Hettinger said that when “The Landing” went in, both the water and the sewer were a limiting factor.

Fire Chief Beard said that it was the elevation that was the problem. Pumping the water up to the elevations that “The Landing” was built is difficult.

Hettinger said that when “The Landing” went in the engineers said that if there was a power failure most of the houses there have sewage pumps. If all those pumps came on all at once they would overload the sewer lines coming back to the west. Hettinger believes that one of the reasons that the Planning Board made “The Landing” developer put in the cistern tanks is because the developer could not draw enough water from the town water system to fight a fire. Hettinger said that the Planning Board also thought about requiring the home owners to put in time delay relays on the sewage pumps so they would not all come on at once.

Chair Romprey asked if the developers of “The Landing” were supposed to put a water storage tank up there as well.

Town Manager Burbank said that stage pumps suck the source of water dry and that water system will never work if all lots at “The Landing” are built out.

Robinson asked if the booster pump system was approved by the Planning Board.

Chair Romprey said that the stage pump system was supposed to be only temporary.

Robinson asked if anyone had put the statement in writing that the booster pump system was supposed to be only temporary.

Chair Romprey said that he understands that the statement never made the minutes and was not written down.

Town Manager Burbank said that the Planning Board should keep in mind that “The Landing” development needs to be watched. If “The Landing” development becomes popular and more homes are built, there is no fire protection in that area. The homes being built there are very large. The homeowners may or may not be aware there is no fire protection for their area.

Town Manager Burbank said we found a third party review report from May of 2005 by Hoyle, Tanner & Associates, Inc., that was created after the Planning Board’s Site Plan Review approvals were in place describing many deficiencies.

Chair Romprey said that the Planning Board had asked for a report from Hoyle, Tanner & Associates, Inc., because the Planning Board was not comfortable with what had been turned in

by the developer. This report was never acted on because the report never got out of the Town Manager's office.

Town Manager Burbank said there was a red flag that "The Landing" had many deficiencies that did not meet various state and local regulations. The report includes a list of deficiencies like, "why are you putting in an 8" water main and no fire hydrants?". The developers of "The Landing" apparently could not put hydrants in because they could not supply the water to them without stealing from every other person in this town. There were no provisions made for a water storage tank to cover that pressure zone like we are talking about at South Mountain. "The Landing" should have its own pressure zone. There are many red flags, but for now we need to get it into the record now that going forward it is going to be contentious but it should be brought to the forefront because sooner or later it is going to become popular and they will be doing more building.

Chair Romprey said that what this is going to come down to is this: If "The Landing" development cannot provide adequate fire protection then the Town technically cannot issue a Land Use Permit.

Bont said that the Planning Board is telling her as the person who issues the building permits, but we are not having this conversation with the developers who need to hear it.

Chair Romprey said that the problem with inadequate water for fire protection at "The Landing" has to be investigated before Bont as Planning and Zoning Administrator can issue any further Land Use Permits.

Bont said that she has issued a couple of Land Use Permits up at "The Landing" already.

Town Manager Burbank said that the position he will take as the Town Planner is if someone comes to the Town Hall with proposed plans to build in "The Landing" development we will put a halt on building until the issues are resolved.

Chair Romprey said that the first thing we need to do is get Fire Chief Beard, Public Works Director Willey and the engineer together in a meeting to discuss these issues.

Town Manager Burbank said that we do not want to get our engineer involved because the Town should not have to pay for this. We need to need to get the engineer who works for Schorr Berman who is the developer of "The Landing" to come into the Town Office for a discussion.

Robinson said that Town Manager Burbank should send a letter to Schorr Berman saying that the town is not convinced that there is adequate water for Fire Protection in "The Landing" development. Robinson said that Schorr Berman's engineer will have to study that and show the Planning Board that there is adequate water for fire protection before any further building will be approved.

Hettinger recommended that Chief Beard write a letter to Town Manager Burbank with his findings. The letter from the Fire Chief would in turn trigger a letter from the Town Manager to

Schorr Berman about the town's concerns.

Chair Romprey said that if the State Fire Marshall could write one as well, that would be helpful.

Robinson questioned whether the State Fire Marshall would get involved in something like this.

Fire Chief Beard said the State Fire Marshall will give advice and guidance to the local Fire Chiefs only because the development is a residential development and not a commercial development.

Robinson said that Beard's letter could talk about the cisterns and it could talk about the lack of water pressure. The Planning Board agreed there is also a pressure issue, but the main issue is the lack of water volume.

Fire Chief Beard said that the developer truly needs to meet a minimum standard for the ISO.

Chair Romprey said that meeting the minimum standards for ISO could be a Site Plan Review requirement. When the development was approved, the developers and the Planning Board had assumed there would be adequate water pressure. The four (4) 10,000 gallon cisterns were supposed to be backup in place of hydrants. Chair Romprey said that what happened was that the developers found they did not have decent water pressure at the development. When the developers discovered that they did not have the water pressure they put in three (3) stage pumps. The three (3) stage pumps were not what was planned in the beginning. A storage tank was also discussed, but the water storage tank somehow that went by the wayside. The four (4) cisterns were never determined to be adequate.

Town Manager Burbank said that when it is busy in town, those few homes that are up there also get busy using water. "The Landing" development start kicking in the pumps. Next you hear Public Works Director Bill Willy and Water Department Manager David Beaudin working hard trying to make enough water to keep the town tanks running. They are making water for just regular water usage. That effort does not include making water for fire protection.

Chair Romprey said that if they break a water main using those pumps they will take the whole town water system right down. Those pumps are ridiculous.

Taylor Beaudin said that the pumps are probably not running all that often.

Town Manager Burbank said that the pumps are triggered by water pressure drops. When the water pressure drops, another stage pump kicks on and so on. If all three stage pumps start kicking on, the entire town will be effected. This problem was flagged in the beginning when the Planning Board was working on approvals, but the Town and the developer was never followed through on addressing this issues.

Robinson asked how cisterns worked.

Town Manager Burbank said that a cistern is just a big tank that sits there with stagnant water in

it.

Spanos questioned Fire Chief Beard saying that two hundred fifty (250) gallons a minute for five (5) minutes is one thousand two hundred fifty (1,250) gallons.

Fire Chief Beard confirmed that was only a minimum. The high numbers use two (2) hours, so one hundred twenty (120) minutes times two hundred fifty (250) gallons per minute equals thirty thousand (30,000) gallons. Chief Beard also said the volume required and the timing is all dependent upon the length and type of hose used.

Robinson said that if the four (4) cisterns were part of the original plan, the cisterns should be part of Fire Chief Beard's letter to the Town Manager.

Chair Romprey said that even the four (4) cisterns were never intended to be the sole source of water to be used for firefighting.

Town Manager Burbank said that there are two (2) cisterns in the ground and there is one (1) setting out in the woods. No one knows where the fourth (4th) cistern is.

Taylor Beaudin said that there is a hydrant on the upper road. Beaudin explained that he once plowed snow for "The Landing" and that was how he became aware of the hydrant. Beaudin thought that the hydrant may have had a bag over it. Beaudin thought that if Fire Chief Beard hooked a fire truck up to that hydrant, he would probably "take the rubber off of the pumps".

Fire Chief Beard did not think there should be any hydrants at "The Landing" because there is not enough water pressure to support hydrants.

Chair Romprey asked if the developers were under the assumption when they put in the first fire hydrant was that they would have water pressure.

Taylor Beaudin said there was a hydrant on the upper road. Beaudin used the upper road to turn around when he plowed for them.

Town Manager Burbank explained that he would now wait for Fire Chief Beard to send a letter to him and proceed from there.

Update on Letter to Alpine Adventures from their neighbors.

Robinson gave the Planning Board an update on the letter the Planning Board and Alpine Adventures received from the neighbors of Alpine Adventures. Alpine Adventures has not responded to the letter yet.

Town Manager Burbank said that Alpine Adventures is not in total agreement with the neighbors and the issue is still being worked on.

Change of Control

Chair Romprey said that he has been Chairman of the Planning Board for almost 15 years now. Overall he has enjoyed working with everyone on the Planning Board and thanked them. Although he will be staying on the Planning Board as a member, he now recommends Jim Spanos to take over as Chairman of the Planning Board.

Motion to nominate Jim Spanos as Chairman of the Planning Board.**Motion: Pat Romprey****Second: John Hettinger****All in Favor: (5-0)**

The crown was then moved over to Jim Spanos.

Motion to elect Pat Romprey as Vice Chairman of the Planning Board.**Motion: Jim Spanos****Second: John Hettinger****All in Favor: (5-0)****Motion to elect John Hettinger as Clerk of the Planning Board.****Motion: Pat Romprey****Second: OJ Robinson****All in Favor: (5-0)**

Jim Spanos thanked Pat Romprey for his many years of service. (*applause*)

There was a discussion about Planning Boards and liability.

Town Manager Burbank said that the Planning Board of any town is the most sued department in the town.

Robinson questioned whether individual members of the Planning Board are protected as individuals against any liability. Town Manager Burbank said yes, with some limits.

Robinson asked if a member of the Planning Board could be sued as an individual because of something he said that may have swayed the vote for the Planning Board.

Town Manager Burbank responded by citing an example. A previous Lincoln Town Manager was named in a recent lawsuit for a decision he made many years ago. The former town manager cannot be sued as an individual, only as a town official. The only conduct that plaintiffs can “come after” Planning Board members for is willful misconduct or gross negligence. Every Planning Board member is entitled to their opinion as long as their actions do not come under the heading of “willful misconduct” or “gross negligence”. Town Manager Burbank cited as an example: if a town official divulged something of a confidential nature outside of a Planning Board meeting just to get back at someone, his behavior would constitute “willful misconduct” and the town could say to that town official, “You are on your own.” Town Manager Burbank said that the Planning Board members are “covered” or protected against liability as long as they stick to discussing business within a meeting and do not get together outside of a meeting to discuss current issues. It has to be a posted meeting.

- 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

Motion to adjourn:

Motion: Jim Spanos Second: OJ Robinson

All in Favor: (5-0)

Respectfully submitted,

Wendy Tanner, Planning and Zoning
Recorder

Dated: March 25, 2015



R. Patrick Romprey, Chairman