

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, MAY 27, 2015 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

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

Members Excused: Vice-Chairman R. Patrick Romprey, Taylor Beaudin (alternate), Norman Belanger (alternate)

Members Absent: None

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

Guests:

- Tim Churchill owner of Tim's White Mountain Garage, 240 US Route 3, Lincoln, NH 03251 and resident of Lincoln, NH.

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

Chair Spanos stated that Vice-Chairman R. Patrick Romprey, Taylor Beaudin and Norman Belanger were all excused.

II. CONSIDERATION of meeting minutes from:

- May 13, 2015

Motion to approve the minutes of May 13, 2015 with corrections.

Motion: John Hettinger Second: OJ Robinson

All in Favor: (4-0)

III. NEW BUSINESS

- A. 6:00 PM** – On Wednesday, April 22, 2015, at 7:00 pm, the Planning Board (PB) started the public hearing, and then continued the public hearing to April 29, 2015, at 6:00 pm on the application. On April 29, 2015, the Planning Board opened the public hearing and then continued the public hearing to a date certain - Wednesday, May 13, 2015, at 6:00 pm. On May 13, 2015, the Planning Board again **opened the public hearing and then continued the public hearing to a date certain** – Wednesday, May 27, 2015, at 6:00 pm – and will consider the following matter:

1. **Site Plan Review - Application for Site Plan Review approval for change of use from residential duplex to multi-family housing.** Applicant David Rodgers d/b/a Great Stone Face Skier, LLC, requests Site Plan Review approval to change the use of a dwelling from a duplex to multifamily housing with three living units

in accordance with Article VI of the Lincoln Site Plan Review Regulations, Section B,2 of the Land Use Plan Ordinance. The lot is 29 Main Street, (Tax Map 112, Lot 026) located in the Village Center (VC) District. Also included is a request that the Planning Board grant a waiver of the minimum lot size dimensional requirement of 15,000 sq. ft. per dwelling unit as permitted in the Village Center District by the Land Use Plan Ordinance. The property is owned by Great Stone Face Skier, LLC, PO Box 68, Lincoln, NH 03251-0068.

Upon a finding by the Board that the applications meet the submission requirements of the Land Use Plan Ordinance and Site Plan Review Regulations, the Board will vote to accept the applications as complete, and, if the Planning Board finds the applications to be complete, then a public hearing on the merits of the proposal will follow immediately.

Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Town Manager Burbank explained that the report from the Fire Marshalls office was not available yet. The report has been passed up to a higher level for final review because of the number of calls they received from an abutter.

Chair Spanos asked Fire Chief Beard if the Fire Marshall's office had given him any indication about whether the Fire Marshall's report would have any changes from what they had indicated to him verbally.

Fire Chief Beard said that although the Fire Marshall's Office has not given him any indications either way, he is being cautious. When we do receive the written report, that report will reflect the official position or stance of the Fire Marshall's Office.

Bont said that she recommends that the Rodgers hearing be continued until June 10, 2015 at 6:00 pm.

Robinson asked if there was a meeting on June 3, 2015 for the group wanting to move into 55 Main Street. Bont confirmed that Susan Chenard on behalf of Rabbi Levi Krinsky has submitted their application, but that their hearing will be held on June 10, 2015 as well.

Motion to postpone the hearing for change of use from residential duplex to multi-family housing to June 10, 2015 at 6:00 pm.

Motion: John Hettinger Second: OJ Robinson

All in Favor: (4-0)

B. 6:00 PM. Conceptual. Tim Churchill is exploring a possible change of use/expansion of use for the lot whose address is 14 Maltais Farm Road (Tax Map 108-029) presently owned by Ellen Mary Goodin located directly across US Route 3

from his three (3) adjacent properties for the purpose of parking up to twenty (20) vehicles on the lot. Tim Churchill does business as Tim's White Mountain Garage on properties across US Route 3. Tim Churchill owns three lots across the street from the subject property:

- 1. Tax Map 108, Lot 38 – 240 US Route 3, (Tim's White Mountain Garage)**
- 2. Tax Map 108, Lot 39 – 238 US Route 3; (rental Mobile Home & Cabin) and**
- 3. Tax Map 108, Lot 40 – 236 US Route 3 (Duplex residence).**

Churchill explained that he wants to purchase property across the street (US Route 3) from his current automobile repair shop/garage called "Tim's White Mountain Garage". He wants to purchase 14 Maltais Farm Road (Tax Map 108 Lot 29). The subject lot has frontage on both Maltais Farm Road and US Route 3. The house is accessed from Maltais Farm Road. The lot where Churchill's garage is located on 240 US Route 3 (Tax Map 108, Lot 038).

Churchill informed the Planning Board that he spoke to Sean Sweeney, P.E. from Headwaters Hydrology, PLLC, about the wetlands on the lot to get Sweeney's input. Churchill explained that he wants to tear down the house presently located on the lot and to replace it with a double wide trailer. In addition, Churchill wants to add a second use to the lot; he has outgrown the space he has at Tim's White Mountain Garage and needs more room to park vehicles. He was hoping to get a curb cut on US Route 3 to access the back portion of the lot from NH Department of Transportation(DOT). Sean Sweeney helped Churchill with the NH DOT filing for a driveway permit for access off US Route 3 (also known as a "curb cut"), however, this application was just denied.

According to the NH DOT Declaratory Ruling No. 2000-01 Driveway Permits:

(l) "Driveway" means any point of vehicular access, including public or private roads, to or from a state highway, regardless of how the driveway is configured within the property of the applicant.

Because access from US Route 3 has been denied, Churchill said that he would have to drive from his garage, down US Route 3 and then around to Maltais Farm Road to access the subject lot. Churchill would like to put eighteen to twenty (18 – 20) parking spaces behind the house in the back of the lot across from his garage.

Chair Spanos asked Churchill if the vehicles he would be parking there would all be registered vehicles. Churchill said yes they should be registered for the most part; it would be no worse than what he has currently on his lot now. Churchill said that he was not starting a junk yard; the lot would be used for vehicles in his business. Churchill explained that often people leave their vehicles with him while they take time to decide if they want to have the work done or not.

Chair Spanos asked if the parking lot would be lighted.

Churchill said that he is thinking about putting in some type of a dim street light in. He would also like to open up the front of the lot so he could see the vehicles from his lot across the street. There is a stream along the front of the lot facing US Route 3; he would put boulders in front of the stream so that the vehicles could not be accidentally driven into the stream. He is thinking about planting shrubs that do not grow that high (about 20 foot) in front of the vehicles to partially hide them from US Route 3, but sparse enough so that he would still be able to see into the lot from his garage and house across on the other side of US Route 3 to keep an eye on the vehicles parked there.

Town Manager Burbank asked if he would be parking his race car trailers in that lot in the winter.

Churchill said that he thought he would use the lot for storage in the winter. He is thinking about possibly putting in a carriage shed for storage, but right now his main concern is to park cars in the lot. It will not be a public parking area; only employees from Tim's White Mountain Garage will be driving cars in and out of the lot.

Chair Spanos asked whether Churchill considered either erecting a fence or planting shrubs to hide the parking lot from the neighbors.

Churchill said that the shrubs around the front would be for hiding the vehicles from US Route 3 traffic.

Town Manager Burbank said that Map 108 Lot 029 was in the General Use zone.

Churchill said that he has always tried to have respect for his neighbors. Churchill said that he has only talked about leaving some underbrush in the front, and that Dalton Avery told him that the more he opens the lot up, the more it would dry out.

Town Manager Burbank asked if Churchill would be putting in a culvert for the drainage or leave it a brook.

Churchill said the brook would remain just a brook, because the DOT would not approve a curb cut. His concern would be people breaking into customers' vehicles and general security. Churchill thought that he might put in a small foot bridge over the stream so that if he goes over and parks a car he can come back again over the foot bridge, but he would not even put rails on the bridge because he would not want the bridge to be seen from the road. Churchill says there are still unanswered questions.

Chair Spanos said that although Map 108, Lot 29 is in the General Use (GU) District, he thought that Map 108, Lot 28 was not. Chair Spanos and Bont looked at the map showing which lots were in the Rural Residential (RR) District and which lots were the General Use (GU) District in the neighborhood of Tim's White Mountain Garage.

Strickon asked where on the property the doublewide residential trailer would be placed.

Churchill indicated to Strickon the proposed location on the map and said that the house would be torn down and a new double wide trailer would be installed in the same vicinity.

Robinson asked how close to US Route 3 would Churchill be developing the parking lot.

Churchill described an area where they pile the snow in the winter and behind that area is a stream that never dries up. In front of the stream they would want to put some shrubs and clean it up and make it look nice for people that are walking or biking by so it will be presentable.

Town Manager Burbank said that Churchill cannot alter the brook.

Churchill said that without measuring he would estimate that the parking lot would be 20 feet from the stream and about 40 feet from the white line on the side of the road. When the shrubs grow up, the average automobile driver driving by would not see the vehicles on the property. Churchill said that he would want to be able to see the vehicles parked there from his business - Tim's White Mountain Garage – to ensure no one was breaking into or stealing vehicles. Churchill said that if a customer was coming to pick their car up, he would move the car to be picked up back across the street to the garage, so if someone was stealing a vehicle, it would be more noticeable.

Chair Spanos asked Churchill to look into possible asbestos in the house he will be taking down.

Churchill said that Bont gave him phone numbers for the people he can call to have the house checked for asbestos. Churchill said he is looking into how to remove the house. Churchill was here to see if the Planning Board had any reason he would not be allowed to do it.

Chair Spanos said that Churchill would have to check with the Fire Chief over how to dispose of the house.

Town Manager Burbank said Churchill and the Fire Chief were having preliminary discussions about the house coming down but the final plan is yet to be determined.

Bont looked at the Land Use Ordinance and explained that Motor Vehicle Sales and Service under the business use is allowed in the General Use (GU) District, but even if the Planning Board wanted to characterize the business as “storage of contractor equipment”, which is not really the same thing as motor vehicles, that use is allowed in the General Use (GU) District as well.

Chair Spanos said that he was thinking that storage of motor vehicles was an extension of Tim's White Mountain Garage.

Bont said that the property would be a separate lot. It would become a mixed use lot and the LUPO (Land Use Plan Ordinance) does not really address mixed uses. Churchill will have both a commercial use and a residential use on one lot. The business is greater than a home business.

Hettinger said that he was not sure what the NH DES (New Hampshire Department of Environmental Services) rules were about parking a lot of cars on a parcel with a stream going through it; Hettinger suggested that Churchill look into that. Hettinger felt that there would be rules because cars tend to drip oil and other fluids.

Churchill said that Sean Sweeny is going to get him a permit from the State of New Hampshire Wetlands Bureau and asked if that would be enough for the Planning Board to approve his request.

Town Manager Burbank said that if Churchill goes through the process and obtains a DES permit he will know all the answers to the Planning Board's wetlands questions.

Robinson asked if Churchill planned to pave the parking lot or if it would stay dirt parking lot.

Churchill said he has no immediate plans to pave the parking lot and that it would stay dirt.

Robinson said that was good because a dirt parking lot would eliminate any storm water run-off issues.

Chair Spanos asked if any Planning Board members had an issue with having a house and a commercial garage parking lot on the same lot. Chair Spanos looked to Bont to ask if there was anything in the regulations for or against having both a residential house and a parking lot on the same lot.

Bont said that she could not find where it was addressed anywhere in the Land Use Plan Ordinance.

Robinson said that in the same neighborhood there are many other people who have a house and a parking area for a business on the same lot.

Tanner asked if there would be a time when many "dead" cars would be parked there like a junk yard. If he did, that might create neighbor complaints.

Chair Spanos said that Churchill has represented to the Planning board that the vehicles parking on the lot would all be customer cars and would be registered.

Churchill said that it was not his intention and he would not have many unregistered vehicles parked there and that all the cars should be registered. Churchill said that he owns five (5) vehicles himself and they are all registered. He may have a demolition

derby car in his driveway occasionally, but not for a long period of time. Churchill said he is not trying to run a junk yard.

Robinson said that to address that concern, perhaps the Planning Board could impose a condition of approval that the lot be used for parking and not operated as a junk yard. The State Statute NH RSA 236:112 in essence states that no lot shall have more than two (2) unregistered vehicles on the property at any one time and that will apply here as well. Robinson said that in his opinion that it is a good use for the land, but that the Planning Board would have to go through a full site plan review for this because it was a change of use and would involve a change of landscape. Robinson said that site plan review would give the neighbors the ability to give input.

NH RSA 236:112 Definitions. – For the purposes of this subdivision:

- I. "Junk yard" means a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. As used in this subdivision, the term includes, but is not limited to, the following types of junk yards:
 - (a) Automotive recycling yards, meaning a motor vehicle junk yard, as identified in subparagraph (c), the primary purpose of which is to salvage multiple motor vehicle parts and materials for recycling or reuse;
 - (b) Machinery junk yards, as defined in paragraph III; and
 - (c) Motor vehicle junk yards, meaning any place, not including the principal place of business of any motor vehicle dealer registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126, where the following are stored or deposited in a quantity equal in bulk to 2 or more motor vehicles:
 - (1) Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or
 - (2) Used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle.

Churchill said that one of the Goodin's neighbors tried to purchase the property at one time because his garage was partially on the property.

Town Manager Burbank said for clarification Churchill was purchasing the entire lot.

Churchill said that he would own the lot and he was trying to help the woman currently living on the lot. Churchill asked how long site plan review would take.

Chair Spanos told Churchill that he should talk to Bont to get the paperwork to start a site plan review. Chair Spanos said that it would be the end of June before everything was complete.

Bont explained how the process works and how the notice must be put in the paper and we only have a weekly paper that we use. Bont said that in a pinch we can put the ad in a different paper, but it would be twice the cost.

Town Manager Burbank said that if Churchill was not on a time crunch to get this done, he would work with Bont and schedule something in June.

Churchill asked that if the Planning Board was ok with his going forward to pursue this project and whether the Planning Board was aware of any other issues that might come up unexpectedly so he could address them.

Chair Spanos said that there may be issues that the abutters will raise that will throw a wrench in the deal, but the proposal as presented was acceptable to the Planning Board with all that has been presented so far.

Bont and Churchill tried to set up a time to meet and go over paperwork.

Tim Churchill left the meeting.

Survey for the Master Plan

Bont explained that she was trying to get the survey nailed down for the Master Plan. Fitzgerald asked Bont for a map of the “village center” and where it would begin and end. Did the Planning Board want to limit the location of the “village center” to the Village Center (VC) District as set forth in the Land Use Plan Ordinance with accompanying zoning maps or did they have a broader definition of “village center” in mind? Bont worked with the Planning Board to determine the area that makes up the Village Center. The Planning Board gathered around and examined the map. The purpose was to determine the exact location of the “village center”.

There was a discussion among the Planning Board members about the buildings at the outskirts of the “village center” and which should be included in the “village center” for purposes of future development.

Robinson said that the purpose of this is to look for input from the survey on future development within the “village center”.

Robinson asked if the survey would go out with the tax bills.

Bont said no, because the envelopes would weigh too much, putting the cost of mailing the tax bills into a higher rate and the overall mailing cost would be more expensive.

Hettinger said that he has heard about a scam where people are hired to perform mailings and they get paid to do so, but then never actually send the envelopes out.

Chair Spanos said that the Planning Board should use the property tax bill owner list because everyone gets their own tax bill.

Bont said that she understood people were concerned that some property owners would not receive a copy of the survey because they do not receive a copy of their property tax bill.

Chair Spanos said that what Bont was saying is that some property owners would not receive the survey because their tax bill is not sent to them, but to a mortgage company or to a legal estate.

Bont said that if we use the property tax list, the survey would still go to the owner and a copy would go to the bank.

Robinson asked if the surveys would be sent to time share owners. Robinson did not think that the input of timeshare owners would be that valuable.

The Planning Board discussed time share owners and made the decision to avoid sending to time share owners.

Chair Spanos asked if there was a way to tailor the list so that only the people that need to see the survey receive the survey.

Town Manager Burbank said that if you do a couple thousand mailing you will get a sense of what people are thinking. Town Manager Burbank thought that only about one percent of the surveys would come back. He thought that would give the Planning Board all the feedback it will get.

Bont said that Fitzgerald would call her back tomorrow morning to discuss what media it will be advertised in. They talked about doing an advertising to try and get people aware of the survey. They talked about using the ballot box and having drop off at the Town Hall and another at the Library, maybe one at the school.

Chair Spanos asked if it would be more effective to send out a post card referring people to the web site.

Bont thought that outreach option would work well for the 20 to 30 year olds.

There was a brief discussion about how to get the surveys out and how to get them back again.

Fire Chief Beard said to put it in with the report cards. There was laughter from the Planning Board.

Bont asked the Planning Board if anyone had suggestions about where to advertise the survey. What advertising tools should be used? Bont said that as an example, in other towns they offered the survey at an Old Home Day, but we do not have one.

Strickon proposed putting copies of the survey at the Church. The feeling within the Planning Board was that the church would have an issue with proposing that their parishioners fill out a municipal Town Survey.

Town Manager Burbank asked if there was a target date to get the survey back.

Robinson said the Lincoln Woodstock Chamber of Commerce newsletter and putting the town survey on the town website would be a good start.

Bont told the Planning Board that if they had any other thoughts to email her.

John Riley Memorial Sign

Strickon reported that the John Riley Community Garden sign went up nicely and thanked the Town for donating wood chips for the base of the sign.

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

Motion to adjourn at 6:40 PM.

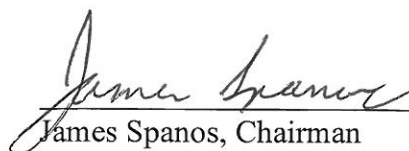
Motion: OJ Robinson Second: Paula Strickon

All in Favor: (4-0)

Respectfully submitted,

Wendy Tanner, Planning and Zoning
Recorder

Dated: May 27, 2015


James Spanos, Chairman



Property Card: 14 MALTAIS FARM ROAD Unit 00000

Town of Lincoln, NH

Parcel Information

Parcel ID: 108-029000-00 Vision ID: 1567 Owner: GOODIN ELLEN MARY Co-Owner: Mailing Address: SOUSA, AMANDA K. & MERRICK PO BOX 406 LINCOLN, NH 03251	Map: 108 Lot: 029 Use Description: Single Family Zone: GU Land Area in Acres: 0
Sale History	Assessed Value
Book/Page: Sale Date: 6/1/2011 Sale Price:	Land: \$66,400 Buildings: \$56,300 Extra Bldg Features: \$0 Outbuildings: \$0 Total: \$122,700

Building Details: Building # 1

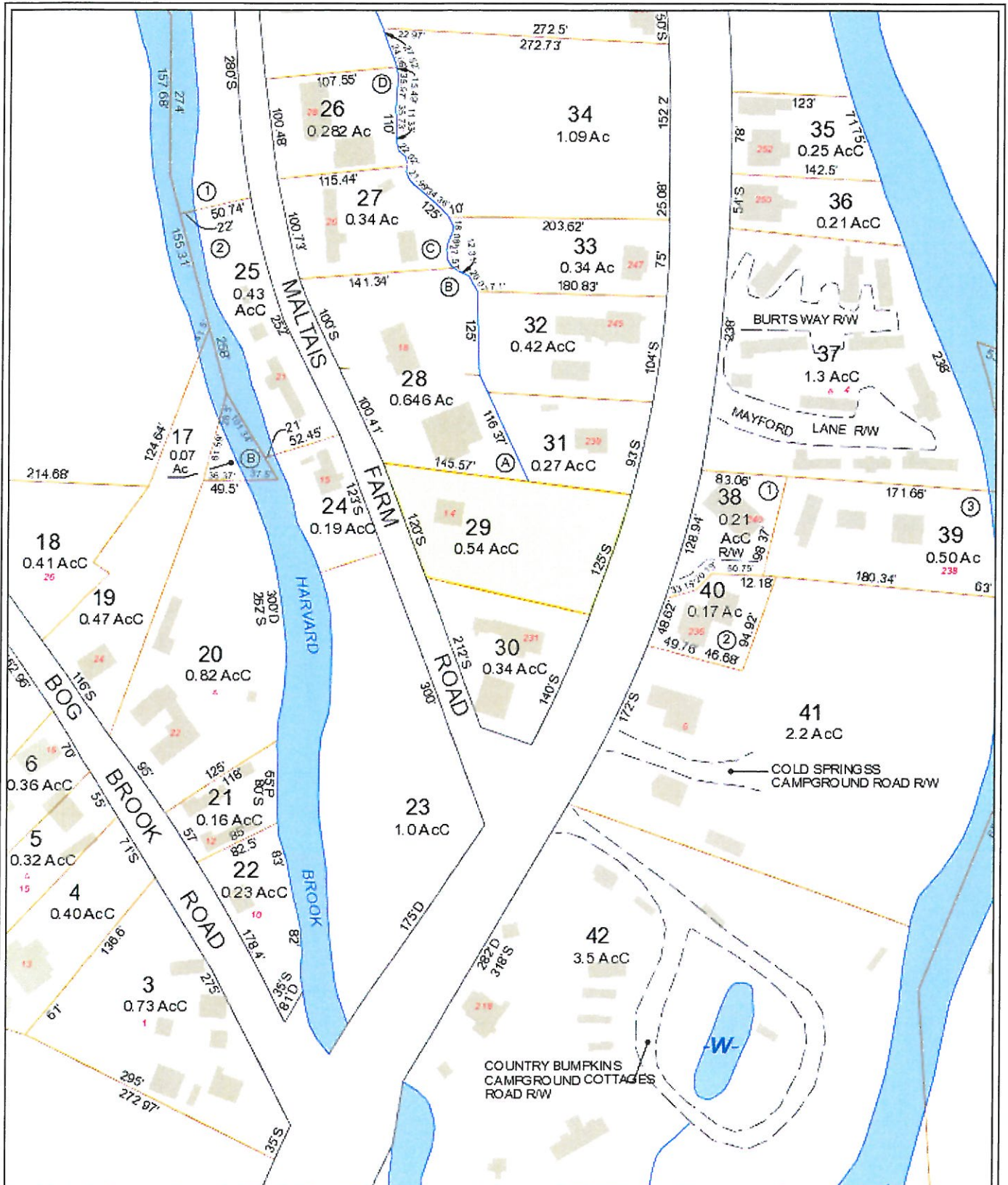


Model: Residential
Living Area: 848
Appr. Year Built: 1970
Style: Ranch
Stories: 1.00
Occupancy: 1
No. Total Rooms: 4
No. Bedrooms: 02
No. Baths: 1
No. Half Baths: 0

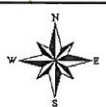
Int Wall Desc 1: Drywall
Int Wall Desc 2:
Ext Wall Desc 1: Masonite
Ext Wall Desc 2:
Roof Cover: Asphalt
Roof Structure: Gable
Heat Type: Forced Air-Duc
Heat Fuel: Gas
A/C Type: None



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Lincoln, NH
1 Inch = 132 Feet
May 27, 2015



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