

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

APPROVED

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

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

Members Absent: None

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

Guests:

- Cynthia (Cindy) S. Lloyd, member of the Budget Committee and Capital Improvement Plan Committee and resident of 45 West Branch Road #6 & #8 (Tax Map 122, Lot 006000-0B-00201), PO Box 759, Lincoln, NH 03251-0759
- Paul Beaudin II, Chair of the Zoning Board of Adjustment and resident of 2 Louis Lane (Tax Map 117, Lot 069)
- Melissa Downing, Mother of Students
- Kaitlin Downing, Student
- Danielle Downing, Student
- Don Landry, d/b/a Greenside Ink, LLC and a member of the Zoning Board of Appeals, address: 11 Kanc Recreation Road, PO Box 753, Lincoln NH 03251, owns the property at 749 US Route 3 with two buildings (Map 102 Lot 005)
- David Dixon, 4 Liberty Lane, PO Box 1331, Lincoln, NH 03251-1331, owner of 4 & 6 Liberty Road, (Tax Map 107, Lot 069)

- 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 6:02 PM.

Callum Grant and Ron Beard were seated.

II. CONSIDERATION of meeting minutes from:

- October 14, 2015
- October 28, 2015

Motion to approve the minutes from October 14, 2015 with 1 minor grammatical change and a correction of one sentence.

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

All in Favor: (5-0)

Motion to approve the minutes from October 28, 2015 with 1 minor change.

Motion: John Hettinger Second: OJ Robinson

All in Favor: (5-0)

III. NEW BUSINESS

1. **Capital Improvement Plan:** Planning Board Review and Public Hearing to adopt 2016-2021 Capital Improvements Plan. The Purpose of the hearing is to consider the updated 2016-2021 Capital Improvements Plan (CIP) for adoption. Copies of the CIP will be available at the hearing or can be reviewed at the Town Offices during regular business hours or on the Town website at www.lincolnnh.org.

John Hettinger stated that the CIP committee consists of:

- Chair and Planning Board representative John Hettinger
- Town Manager Butch Burbank,
- Selectmen's Representative OJ Robinson
- Budget Committee member Cindy Lloyd

Also present at all the meetings were:

- Planning and Zoning Administrator Carole Bont
- Finance Director Helen Jones
- Respective Department Heads to present their budgets

According to Hettinger, the CIP Committee met on eight (8) separate occasions for two (2) to 3 (3) hours each time. The CIP Committee budgeted one million three hundred fifty-four thousand nine hundred dollars (\$1,354,900) in total dollars for the CIP for the year 2016 and that includes the service debt on three (3) projects. This proposed CIP budget represents an increase of about forty-four thousand dollars (\$44,500) or three and four tenths percent (3.4%) over what was budgeted last year.

Hettinger said that although forty-four thousand dollars (\$44,500) sounds like a lot of money, he suggested that the Board look more closely at just one of the projects the CIP Committee is planning for (i.e., the Levee) which totals ninety-thousand dollars (\$90,000) per year by itself. The total cost of the levee is one million one hundred thousand dollars (\$1,100,000).

According to Hettinger, in addition to the levee, there are four (4) other huge projects planned:

1. **Fire Department's Hahn Tower Truck:** We are not sure how long the Fire Department's Hahn tower truck will last. There has been some twisting of the ladder and although it passed inspection, it may not in the near future. The cost of a tower truck is approximately one million dollars (\$1,000,000).
2. **Sewer Lagoons Dredging:** The periodic required dredging of the sewer lagoons is coming up and the cost is seven hundred fifty thousand dollars (\$750,000).
3. **West Street Reconstruction:** The reconstruction of West Street is a nine hundred thousand dollar (\$900,000) project.

4. **New Sewer Treatment Plant:** Although we do not know for certain when NH Department of Environmental Services (DES) will require the Town to do away with the sewer lagoon system and replace it with a sewer treatment plant system, at some point the Town will be required to design and engineer a new sewer treatment plant. We should anticipate having to make this change in the near future (like by 2018) or several years down the road. The CIP Committee's estimated cost of a new sewer treatment plant was based on how much such a system cost other towns that have similar sized systems of two million (2,000,000) gallons per day. The cost of such a sewer treatment plant is around eight million dollars (\$8,000,000).

The CIP Committee tried to even out the CIP budget and stick within the two to three percent (2-3%) increase. This target percentage rate of increase is based on the inflation factor even though inflation is low right now; the Town still needs to catch up and budget for these projects which have been put off for years and are absolutely necessary for the town.

CIP 2016 Consolidated Spreadsheet:

Robinson went down the CIP spreadsheet and discussed some of the more significant new projects in order as they came up.

- Item 24–**Revaluation/Statistical Update/Utilities** for which we have been putting aside \$20,000 per year. The revaluation is going to be done in 2016. We received an estimate of the cost. We are \$33,000 short of the estimate which is why that number is higher in 2017. In the following year (2017) we recommend that the Town put aside \$25,000 instead of \$20,000 to keep pace with the cost of a revaluation so the Town will be able to have a revaluation again as required without having to raise a lot of funds all at once in the year that the revaluation will be performed.
- Item 23–**Fire Station Building New Location Feasibility Project** is a new line item compared to last year. We budgeted no money and made no guess as to the cost. This line was only included to make the Committee aware of the need and give them a heads up for next year. At some point the Fire Department may be looking to add a second fire station building in a second location away from the present downtown location. This is a new project that is unfunded and unexplored at this point.
- Item 45–**Hahn Tower Truck** as scheduled in the CIP to be replaced in 2022. The truck was tested this year and they did make some investments to keep it running, but it is unlikely that truck will last until 2022 without major repairs. The Committee kept this item in the CIP thinking that it may be converted over to a bond project at some time in the future. If the Town decides to replace the tower truck in 2016 or 2017, the line item would then convert over to bond payments rather than a CIP line item.
- Item 22–**Proposal To Replace Loon Pond Dam** – This item was fully funded and we had almost started that project when the Federal Government got involved requiring the Town to do environmental studies. Since this expenditure was unforeseen those studies have cost us a lot more than was expected for this project; environmental studies were not on the CIP schedule before. So even though the project was fully funded last year,

the Town needed an additional \$20,000 in this year's budget to cover the cost of the required environmental studies.

- **Item 43–Water Treatment Plant Building Upgrades & Maintenance** is a new project to build a dry storage unheated shed on the premises. The Water Treatment Plant was designed for four cells. When the third cell was put in it took up the room they were using to store chlorine, chemicals and other items. When the time comes to install the fourth cell, there will be no extra storage room for chemicals and maintenance items. The purpose of the dry storage shed items would be storage for these items.
- **Item 77–River Crossing at Cold Spring Well** – This is a new item this year. There is a pipe going across the river between Country Bumpkins Campground and the Cold Spring Well. The pipe was underground when it was initially installed. With erosion in the Pemigewasset River, the pipe is now exposed at river level and at some point that pipe will need to be replaced. The electrical conduits in the pipe have been moved already as part of the project. Now the water pipes that are exposed will need to be moved.
- **Item 100–Route 3 Water Treatment Plant** – is a new project. The current water treatment plant will soon reach the maximum for the water treatment facility. There is room for one more cell at the existing plant. With the third cell the capacity of the Water Treatment Plant has an additional capacity of 500,000 gallons per day, however, once that number is reached, another facility may be needed and perhaps built in North Lincoln off US Route 3. This line item was put in the CIP spreadsheet as a place holder for the future.
- **Item 101–Upgrade Cold Spring Well Facility** is a new line item. At some point this well system will need work.
- **Item 57–Town Wide Manhole Inspection/Repair/Engineering** this is ongoing project, but funds have been put aside. There was a mandate by the EPA (Environmental Protection Agency) that required the Town to do a town-wide inspection and repair of its manholes; half of the manholes were inspected and repaired in 2015 and funded by the \$30,000. The other half needs to be done next year and will cost \$40,000. Beyond next year, the funds will accumulate so that we can continue to do this project. These funds are for inspecting and maintaining the manholes and that is why the moneys set aside annually drops down to \$5,000 per year.
- **Item 71–Reclaim & Pave West Street and Engineering** is no longer being funded in the CIP because it is now being proposed to be funded with a bond; it was funded with a bond because it needed to be done sooner than anticipated. The funds that have been set aside will be used to pay the bond over the next 2 or 3 years.
- **Item 59–Install Truck Scale** is a new item. The purpose of the truck scale is to use the scale at the Solid Waste Facility to weigh trucks that bring in solid waste so that a more accurate measurement is taken when truckloads of waste come in. Currently a Solid Waste employee is taking a mere guess on how much the driver owes based on what he sees. This method could make a taxpayer pay more or less than he/she should be paying

depending on how well the employee guesses. A truck scale would be more accurate. It was put in this year to give a heads up to the CIP committee, however, the truck scale is still not a definite item. If the item is not funded until 2020 the CIP Committee will be investigating it more between now and then.

Bond Projects After 2015: (Page 31)

Robinson stated that was all the new or changed items until you get to where the Bond Projects are listed on page 31.

- **Item 71 – West Street Reconstruction** is a new bond project.
- **Item 74 – East Branch Pemigewasset River Levee (Bond Project).** Robinson said that the East Branch Pemi River Levee is again listed on list of Bond Projects on the CIP Spreadsheet. A warrant article to repair the levee will come before the annual Town Meeting again. Robinson hopes that the levee repair will become funded this year. If it does not, then the Town will probably be facing higher expenditures than is presently budgeted in the CIP to pay to build it because the State will step in and rebuild the levee. The State will charge the Town both to rebuild the levee and then levy fines against the Town for not building it.

Motion to open the public hearing at 6:18 PM.

Motion: John Hettinger Second: OJ Robinson

All in favor: (5-0)

1. Item 7. Replace Roof of Recycle Center Building

Paul Beaudin asked, “Why do you need to replace the roof on the recycling center?”

Robinson said that because of the advanced age of the roof they are preparing for when the roof will need to be replaced. The actual year the roof will be replaced may not be in 2017, however, the Town will be able to fund its half of the expenditure when the roof needs to be replaced. Saving for this project began last year (2015). [The Towns of Woodstock and Lincoln split the cost of Solid Waste expenditures.]

Beaudin asked if that amount in the CIP represented only Lincoln’s half.

Robinson said that \$15,000 represents only half of the estimated cost to replace the entire roof. Robinson added that the entire roof may not be replaced at once; the east section of the roof that leaks now may be done first. However, whether part or all of the roof gets replaced at one time, depends upon a number of other factors; it is possible that the entire roof might be replaced in phases.

2. Item 19. Garage/Maintenance Shed At Kanc Rec Area

Beaudin asked if the Garage/Maintenance Shed at Kanc Recreation Area was new to the CIP list.

Robinson said that right now the Town keeps the groomer for the Kanc Recreation Ski Area outside all year long. Exposure to the weather causes more wear and tear on the groomer than if the groomer was inside; now the groomer just sits on a potentially wet surface all year round.

Robinson said that the bare ground is not a good place for the Town employee to work on that piece of equipment. The alternative is to load the groomer on a truck and transport it somewhere to be repaired inside and then transport it back. In the meantime repairs are done when it is zero degrees outside and the mechanic is laying on ice to do the repairs. Robinson said they were looking at a Quonset Hut style building but they are still not sure what type of building would be best. They are looking at a building that the groomer can be kept inside when not being used, off of the ice, off of the dirt, off of the grass. Leaving the groomer to sit for long periods on wet soil creates a corrosion and rust problem.

Beaudin said that if you look at Loon Mountain and other ski areas, they do not house their groomers. Beaudin felt that to work in the groomer in the summer the employees could transport the groomer down to the maintenance facility that the town owns and Beaudin felt the town maintenance facility might be a more secure location for the groomer. Beaudin felt a shed for the groomer was “more of a want than a need”.

3. Item 56. Repair/Replace Town Owned Salt Shed

Beaudin then asked about the Repair/Replace Town Owned Salt Shed and questioned the cost of \$100,000.

Robinson said that the salt shed that the town has today is a pole barn structure and the way it sits and is designed the water tends to run into it. Part of the \$100,000 would be to regrade the ground level to bring it up to where the salt and sand are not underwater. Robinson said that it would be as simple a structure as possible but that it needed to be at enough height to get trucks in to be able to dump.

Beaudin felt that \$100,000 was enough to build an elaborate structure.

Robinson said that seemed high to him as well until they took a look at what the State paid and other towns paid for structures with enough clearance and height and enough storage to hold the volume at which the town orders the salt and sand.

Beaudin said that the Town can just order salt in dump trailers or dual wheeled that will only go up so high and you have to push it in anyway. Beaudin said that you cannot dump it all the way inside.

Town Manager Burbank said that putting the item in the CIP was a planning tool, a place to hold dollars aside. Town Manager Burbank said that there is a stream close by and that there are many environmental reasons for why this shed would have to be properly constructed. Town Manager Burbank said, “We could put \$50,000 in and need \$100,000; or we could put \$100,000 in and discover that we only need \$50,000. The CIP is only for planning purpose.”

Beaudin said that he realizes this and that the CIP has always been a planning tool, but in his opinion the CIP is a planning tool that always turns into hard dollars at the end.

4. Item 97. Kanc Rec Area Parking Lot Reclamation (Gravel)

Beaudin asked if item 97, Kanc Rec Area Parking Lot Reclamation, is new.

Bont said, “No”. Robinson said that the parking lot reclamation was on the list last year, but was not funded yet.

Beaudin asked if the Town intended to put pavement on the parking lot or just gravel. Robinson said that the Town intended to put gravel on it. Beaudin said that the parking lot was pavement now.

Town Manager Burbank said that the current Board of Directors asked the Town to either grind the pavement up or dig it up and make the parking lot gravel. That thought was not shared by the Recreation Director so the request was put in to reclaim the parking lot, rather than pave it. To “reclaim it” means that the Town could grind up the pavement and smooth it or roll it to repave. Eventually the parking lot has to be done because now the parking lot has large pot holes and the Highway crew spent hours pushing gravel into the potholes.

5. Item 21. Police Department - PD Dispatch Communications Improvements

Beaudin asked about item 21, Police Department Dispatch Communications Improvements saying, “Does this ever go away?” Beaudin said he remembered when they first put in the Police Department they got a grant to fund the communications and dispatch equipment. Beaudin said that the communication system was upgraded so that it would be ready for a number of years. Beaudin said that every year the Police Department and the CIPC seem to put in a substantial amount of money into the Police Department Dispatch Communications Improvements. Beaudin asked if this ever ends or was it never ending.

Town Manager Burbank said that he would like to say it ends, but unfortunately with the constant changes in technology it does not end. The sum of \$20,000 is what the Chief of Police presented as an ongoing need to keep the communications current as technology changes. It is almost a given that upgrades will be needed.

Beaudin asked, “Are we trying to keep up with the Joneses?” Beaudin said that he knows that the Town of Lincoln is growing and he understands that we need newer and better things. Beaudin asked, “Do we really need the latest and greatest all the time?”

Town Manager Burbank said that Beaudin is right, but the Town of Lincoln voters decided to maintain a very expensive dispatch operation. To do it right the Town has to keep dispatch’s technology on the cutting edge because dispatch is the Town’s only means of communication with the fire and police departments that we rely on. That is the cost of maintaining our own dispatch system. A couple of years ago we made an effort to combine our dispatch with other

agencies in order to stay on that cutting edge for a lot less money, however, the Town residents voted that down. Consequently, Town Manager Burbank said that the Town will have to set that money aside so Lincoln stays cutting edge because “The Court system very shortly is not going to accept hand written motor vehicle summons.” The officers will have to have communication systems in each patrol car. The dispatches from the patrol cars will go through the dispatch center and then be sent electronically directly to the court system. That upgrade alone is expensive and that kind of technology is ever changing.

Town Manager Burbank said that the technology is there so that if a small community decides to get its dispatch services through the Grafton County Sheriff’s Department the community would have to buy radios for the cars and the technology associated with them, but that is it. Our county taxes pay to upgrade the County Dispatch system. The computerized communication system is without a doubt the most expensive part of a communications center. Town Manager Burbank said that \$20,000 per year is a lot of money, but if the Town does not set enough money aside to keep the dispatch center up to date then our dispatch center will not be able to support our emergency services. We need to keep our dispatch center up and running.

Beaudin said that was a fair explanation.

6. Item 45. Fire Department – T1 Hahn Tower Truck (PB) (G11210)

Beaudin asked about item 45 the Hahn Tower Truck. Beaudin said that in 2014 the estimated cost of the Hahn Tower Truck was about \$750,000 and now it’s \$1,000,000. The estimate has grown 25 % every year.

Robinson asked what had grown.

Beaudin said that the estimate has grown. Beaudin said that in 2021 the estimate will be \$2,000,000 at this rate. Beaudin said that the Town of Lincoln has the ability to assess impact fees. He knows somewhere in the past the Town of Lincoln had discussions with developers about setting aside money for the purchase of a ladder truck. That truly is an impact to the town. There are not many places in town that need a ladder truck, especially one that reaches the current size of some of the buildings here. Beaudin said that he believes that the Town is “missing the boat” somewhere on some of the special assessments that can be charged to some of these developments that are going on to assist in buying some of these specialized pieces of equipment. Beaudin feels the town should look into that.

Town Manager Burbank said that two years ago he sat with Dennis Ducharme and talked about a ladder truck. Town Manager Burbank said that Ducharme told him that if it had been brought up during the approval process for his building he would have been happy to look into funding the purchase of a ladder truck, but that now funding is set for that hotel and he could not get any further funds. Town Manager Burbank said that “we missed the train, unfortunately.” What the town has now is a 38 year old fire truck that barely passed the service test. Although the ladder is bent within 3/16 of an inch, the ladder still passed the service test. One unfortunate use of that ladder and it may no longer work; if it bends more, the truck with its ladder will need to be taken out of service. We are not going to make it to 2021 with that ladder truck. Town Manager

Burbank may have to have a conversation with the Board of Selectmen that they may want to consider putting a request for the funds to purchase a ladder truck before the town meeting as early as next year because it takes a year to deliver one of these trucks. Town Manager Burbank said that in April of 2016 Ducharme will be ready to start moving furniture into that seven (7) story hotel. As a Town Manager, Burbank can say, "You are not wrong, but we missed the train." We cannot go back and get these folks to help the Town buy a ladder truck. If Ducharme wants to start Phase II we will be right there with these issues. Town Manager Burbank said that in this discussion he is picking on Ducharme because Ducharme is building the biggest stuff, but there are other developers in town that would also fit the bill.

Beaudin asked what approvals Ducharme has received.

Town Manager Burbank said that Phase I is the only approval in place right now so Phase II and III still are to come.

Beaudin asked, "When Phase II and III [of the RiverWalk Condominiums] come up, will the Planning Board take a look back and say we need a taller ladder truck?" Beaudin asked if there is a mechanism in place to trigger the Planning Board or the Board of Selectmen to assess this.

Robinson said that in order for the Town to do something like that the Town has to adhere to the rules and guidelines that apply. Robinson said for example, the Town would need to determine that the tower truck was a "specialty vehicle" that would be needed just for that building. The problem occurs when the Town later uses that tower truck to put out a fire at your house; then the Town would be using that tower truck as an essential piece of town-wide firefighting equipment. If the Town said "we want them to pay" and the developer said "no", then the two parties went before a judge, Robinson did not think the Town would win. Robinson said that it would be better for the Town to work with Ducharme rather than mandate that he buy a tower truck. Robinson felt that making it a requirement would end the discussion.

Beaudin said that the Town should work with developers.

Town Manager Burbank addressed the question about whether the Town should carry one million dollars (\$1,000,000) on this line item where in actuality the cost of a tower truck could range from six hundred fifty thousand dollars (\$650,000) to one million dollars (\$1,000,000). Town Manager Burbank said that in all probability the Town of Lincoln is not going to get a one million dollar (\$1,000,000) fire truck. The CIPC put that amount in the CIP as a place holder to give people an honest worst case scenario look at the cost of a tower truck. Town Manager Burbank said that in his opinion purchasing the tower truck will be a bond issue. There is a "lease to purchase" plan where they will give you a fire truck and for the next 5 or 6 years you pay it off. There are many options for payment.

Beaudin said that the Town is part of a mutual aid system. If the Lincoln tower truck is the highest ladder truck in the local area, whenever they have something somewhere else then it will go there too. Beaudin thought that Lincoln owns the highest ladder truck in the north.

Chair Spanos asked if this would be a new truck.

Town Manager Burbank said that he is recommending that the Town buy a new tower truck because of the nature of a tower truck. If the Town needed a pumper truck, the Town could purchase a 50 year old pumper in good shape without any safety concerns, however, with a pumper you would not have 2 or 3 firefighters up on the end of a lengthy aerial ladder. With this large an investment and given the task you want the aerial ladder to do, the Town should start with a new one. With the limited use it will get in a Town like Lincoln the tower truck would last longer than it would in a busy urban municipality. You could pull a tower truck into the station for \$600,000 or \$1,000,000, it all depends upon the bells and whistles. You have to take a look at what features on a tower truck that the Town would really need and that decision would impact the price.

Beaudin said that as long as you are looking at all the possibilities for the future I am ok with that. Beaudin thought that there was a conversation a while back with Ducharme or the developers across the street and there was a commitment for someone to help purchase a fire truck.

Town Manager Burbank did not remember such a conversation and thought it must have happened before he was hired as Town Manager.

Don Landry asked if Fire Chief Beard knew what they do at the Mount Washington Hotel as far as firefighting.

Fire Chief Beard said the Mount Washington Hotel calls in ladder trucks from other fire departments.

Landry confirmed that there is nothing in the Town of Carroll that will reach 100 foot.

Fire Chief Beard said nothing that he is aware of. Beard thought that Woodstock's ladder truck's reach is 75 foot and Littleton has a 95 foot reach.

Robinson asked if Lincoln purchased the ladder truck new.

Fire Chief Beard said that Lincoln's ladder truck was purchased used in 1997 or 1998 but that the truck has a 1978 chassis.

7. Item 22. Proposal to Replace Loon Pond Dam

Beaudin asked about item 22, Proposal to Replace Loon Pond Dam. Beaudin asked if there was any consideration given to putting a syphon in there instead of a dam.

Town Manager Burbank said that the US Fish and Wildlife Service does not like to see the pond drop two feet (2'). Because the water behind the dam is being used as a municipal water source for drinking water, there are a bunch of regulations. NH DES wanted the dam back in kind because it does support wildlife. Town Manager Burbank said that the Town does not have a lot of wiggle room.

Beaudin said that the cost of replacing the dam seems like an awful expense.

Town Manager Burbank said the dam is the cheapest part. It is the thirty yards of concrete that costs so much money. Now the cost is elevated because we have to study the long-eared bats. Town Manager Burbank said that part of the contract is that they can never let the brook go dry, it must always be running, even a little.

8. Item 27. Sewage Treatment Aerator Replacement & Upgrade (1)

Beaudin asked about item 27 Sewage Treatment Aerator Replacement & Upgrade. Beaudin said that the aerators do not all die and that a number of them have been replaced already. It says that the money is spent in the year that it is appropriated. How many more aerators do we need to replace? Beaudin said that this has been going on for a number of years.

Town Manager Burbank said that there is always an aerator sitting there ready to use. Once an aerator tips over or goes upside-down in the water or sinks they have to come out so we always have a fresh aerator sitting there ready to install. Sewage Treatment Aerator Replacements and Upgrades is an ongoing expense as long as the Town has open sewage lagoons. Putting aside money for the aerators is good planning – providing a backup aerator so that we do not get caught without an aerator and unable to aerate the Town's sewer lagoons. Although aerator replacement is like a maintenance expense, setting aside money in the CIP is a good way to have the necessary money available instead of rushing around to see where we are going to get money from some other department to buy things when they are needed.

Beaudin said that he thought \$4,000 was a lot of money for an aerator.

Town Manager Burbank said that a lot of that money includes the labor to repair or replace the aerator. If an aerator goes upside-down it is not cheap to have someone repair or replace it.

Beaudin said that if you have one, but you go all the way out to 2021 buying a new one every year.

Town Manager Burbank said that the money set aside is not only to buy the aerator, but includes the cost of repairing them.

Beaudin questioned the price and asked if the \$4,000 is for upgrades.

Town Manager Burbank said when we send a pump out for the water plant it cost us about \$6,000 to get rewound; it is not cheap.

9. Item 84. Sewer Inflow Study

Beaudin asked about item 84, Sewer Inflow Study. Beaudin asked how long ago the last Sewer Inflow Study was done.

Town Manager Burbank said that they took samples this year and did the grid.

Robinson thought it was last done two (2) years ago.

Beaudin asked when the Town actually dredged the lagoons.

There was a brief discussion with guesses ranging from 5 to 7 years ago.

Beaudin said that the 2014 estimate was \$530,000 and now it is up to \$750,000. Beaudin thought the town was spending a lot of money at the sewage treatment facility between the dredging and the aerators and thought that maybe they should rethink this expense. The Town is looking at one million dollars (\$1,000,000) when it will cost eight million dollars (\$8,000,000) to build a whole new sewer plant. Beaudin said that it is 1/8th the cost to build a whole new sewer plant.

Town Manager Burbank said that regulatory agents are looking at the sewer plant as critically as Beaudin is. The NH DES is on Burndy pretty hard to make sure that their copper loading in the sewer lagoons does not continue to rise.

Beaudin said that we are looking at seven hundred fifty dollars (\$750,000) to dredge the lagoons, and then probably one million dollars (\$1,000,000) before we are ready to do it when it would cost eight million dollars (\$8,000,000) to put in a whole new sewer plant.

Robinson said that if the Town builds an eight million dollar (\$8,000,000) sewer plant, the Town still would have to dredge the lagoons before we could retire them. The Town would have to dredge the lagoons anyway whether the Town builds a new sewer treatment plant or not.

Town Manager Burbank said that in one meeting with the NH DES the standards could change.

Robinson said that he hopes that if the NH DES changes the rules and makes the Town get rid of the current sewer lagoon system, they would give the Town enough lead time to make the change so that the considerable expense would not be a surprise.

Beaudin said that the last time the sewer lagoons were dredged “a less than stellar company was hired to do it”. Beaudin said that he watched a man from the company dredge the lagoon. The man was in a loader trying, but “it was terrible”. Then they brought that guy with the machine in who seemed to know how to do it and he was a little more professional. Beaudin said he wanted to know where the Town is getting its estimate from.

Town Manager Burbank said that the figure of eight million dollars (\$8,000,000) is a guesstimate. When you de-water the sludge and if the clay liner gets damaged, you could get into gravel instantly which creates a whole new issue. So it is truly a guesstimate although we try to be as realistic as we can.

Beaudin asked about the money that the Town has received from the land that the town has from the litigation (Beaudin could not remember the name of the account).

Robinson said that the money in the Roland Dubois account can be used to make any “expansion” of the sewer system.

Town Manager Burbank said that he was not sure how much money is in the account, but the obligation of the litigant to pay is all done; there is no more money from the litigation going into the account.

Hettinger said there is \$351,957 in that account.

Robinson said that if the Town ever had to build a new sewer treatment plant that money could be used because a new treatment plant would be considered an “expansion”. If the new sewer treatment system would cost eight million dollars (\$8,000,000) to build, the amount the Town would only have to raise would be less the \$351,957 in that account.

10. Item 65. Replace 2012 FORD 250

Beaudin asked about item 65, Replace 2012 Ford 250. Beaudin said that the 2012 Ford 250 is set to be replaced in ten (10) years. Some of the other trucks have a life expectancy of 7 years, 8 years or 9 years. Beaudin asked if the life expectancies of all of the vehicles could be moved out to ten (10) years so the Town could try and get more use out of the vehicles. Beaudin said that he thinks that back hoes and front end loaders and a lot of the equipment on the schedule was scheduled to be replaced too early. Beaudin thinks the equipment should last longer.

11. Item 36. *Beech Wood 1 Paving & Drainage Repairs

Beaudin asked about item 36, Beechwood I Paving and Drainage Repairs. Beaudin asked if the Town owned Beechwood Road.

Robinson said that the Town is in discussion with Loon Mountain about that. The Town has a recorded deed from 1976 that says the Town owns the top portion of those roads. Robinson said that is pretty much undisputed unless you are the one individual in town who is vocal and who believes that is not the case. If the Town tried to go to court now, after letting the issue go for forty (40) years by saying, “back in 1976, a deed was recorded and it should not have been”, a Court would not even entertain the issue because the Statute of Limitations would have run. So the answer to the question, “Does the Town own Beechwood Road?” is, “Yes, the Town owns it.”

Beaudin asked if the town owns the drainage.

Robinson said that to protect the Town’s investment in the road, the Town also needs to have responsibility for and the ability to address drainage. It would be a waste of taxpayers’ money to spend one million dollars (\$1,000,000) grading and repaving the road without addressing the drainage; then rain would come and due to improper drainage, would wash the road pavement away. That would be a waste of taxpayers’ money. We should not put in new pavement on Beechwood Road until we get the drainage addressed so that water stays off the roads and does not destroy them.

Beaudin asked if the Town is working with the owners of Loon Mountain Ski Area and Loon Recreation Corporation (Loon) to resolve it.

Town Manager Burbank said that in lieu of litigation the Town is in discussions with Loon. Robinson said that “They are all at the table and they are being very cooperative about how we approach addressing this issue”.

Beaudin said that Loon, as a long time major taxpayer, deserves a little more services than they get. Loon has been a long time big tax payer in Town. Beaudin thinks Town officials should work harder with Loon to try and resolve some of the issues up there. Beaudin felt that without Loon the Town would not be where it is today.

Robinson said that he would like Beaudin to repeat his statement at the next annual town meeting because it is Robinson’s hope that the Town will reach an agreement with Loon prior to the March 2016 Town Meeting. Robinson said that the Board of Selectmen and Loon are hoping to come to the Town Meeting in March f 2016 with a proposal that will require Town support in order to move forward on the project up on Loon Mountain.

Beaudin said that he had no problem with that.

12. Item 96. Sidewalk Maintenance

Beaudin asked about item 96, Sidewalk Maintenance. Beaudin said that we keep putting money into sidewalk maintenance and we have not seen any maintenance done. Beaudin said that if we are putting money into sidewalk maintenance he would like to see some maintenance done.

Town Manager Burbank said that no sidewalk maintenance was performed this year, however last year there was.

13. Item 96.k. Railings/Paving Bike Path Along Route 112

Beaudin said the same thing for Item 96k. If the Town puts money into the Railings/Paving the Bike Path account he would like to see something done.

Town Manager Burbank said that the bike path railings need repairs. One piece fell off and was put back on because we are trying to get as much mileage out of the current railings as we can. Money is being set aside to repair and replace the railings along the bike path. Burbank said that the current thinking is that we should go with the fiberglass type decking that will last longer, but the new Public Works Director may have different thoughts.

14. Item 29. Solid Waste - Existing Equipment Replacement Fund

Beaudin said that under item 29 Solid Waste – Existing Equipment Replacement Fund the one hundred thousand dollars (\$100,000) was supposed to be a total amount to be raised between Lincoln and Woodstock. Beaudin said that there is already \$54,000 in the account, why does Lincoln need to continue to put money into the account?

Beaudin said that the fund was only supposed to get up to one hundred thousand dollars (\$100,000) and meant that fifty thousand dollars (\$50,000) each from Lincoln and Woodstock was the limit to be raised. Beaudin said that once the fund got up to the fifty thousand dollar (\$50,000) limit for Lincoln it was to be held at that level until something was needed and then the Town it would start back up again saving money.

Town Manager Burbank said that he had not heard that before.

15. Item 30. Repave Recycle Center Roadway

Beaudin asked if item 30, Repaving Recycle Center Roadway should be listed in the part of the CIP addressing “Roads and Streets”. Beaudin felt that if item 30 was listed under Solid Waste it meant it was a shared item between Lincoln and Woodstock. Beaudin said that Lincoln owns all the property and roadway going into the Solid Waste facility and felt that if the road was to be paved it should be listed under the Public Works budget, not Solid Waste.

Town Manager Burbank said that the Town of Lincoln could take that argument to Town of Woodstock.

Beaudin said that if you are going to get half of the money from the Town of Woodstock, that is fine. Robinson said that the only paving done on that road was after Hurricane Irene. Robinson thought that money for paving the road came out of FEMA funds.

Beaudin asked if the responsibility for paving the Recycle Road was half Lincoln’s responsibility and half Woodstock’s. Robinson said that at least around the existing facility the responsibility is split. Robinson said that you could argue the part of Recycle Road from Main Street by McDonalds and past the Sewer Treatment Plant is solely Lincoln’s responsibility. Town Manager Burbank said that if you turn left, the road is all for the Lincoln-Woodstock Solid Waste facility. The right turn goes to the Lincoln Waste Treatment Lagoon.

Beaudin said that going back to the agreement, the Town of Lincoln owns all the property for the Solid Waste Facility. The Towns of Lincoln and Woodstock share the cost of the equipment and the building. Beaudin said that if the Town of Lincoln owned all the property it might be Lincoln’s responsibility. Robinson said that paving is considered an improvement just like the building is an improvement.

16. Item 39. Community Center Building Infrastructure

Beaudin asked about item 39, Community Center Building Infrastructure. Beaudin said, “If you look back on the 2015 warrant, there was no money appropriated for the Community Building, yet in 2015 it shows a \$15,000 contribution.” Beaudin thought that was a mistake.

Robinson said that if you look at page 28, item 87, Van Replacement 05’ White Chevy and item 79, Replace/Repair Caterpillar Diesel Tow Engine, they add up to the \$15,000. Robinson explained that Recreation included three separate categories and that the Recreation Department Total at the end encompassed all three categories. Beaudin said that he stands corrected.

17. Item 18. Library Building Infrastructure.

Beaudin questioned the figures on totals for the Library Building Infrastructure on page 30. The total listed was \$11,000 and Beaudin said that he thought that at the March 2015 annual Town Meeting Joseph J. (“JJ”) Bujeaud amended the motion to raise an additional eleven thousand dollars (\$11,000) for the Library Building Infrastructure CIP by increasing it from seven thousand dollars (\$7,000) to eighteen thousand dollars (\$18,000). Beaudin thought that the Library Building Total should be eighteen thousand dollars (\$18,000) for FY 2015.

Robinson also thought the total should be eighteen thousand dollars (\$18,000).

There was a brief discussion about the Library numbers and they will be checked again with the Finance Manager Helen Jones and amended as appropriate.

18. Item 12. (Under Bond Projects After 2015) Proposal To Replace River Intake Gallery - PBP

Beaudin asked about item 12 (page 31), Proposal to Replace River Intake Gallery – PBP. Beaudin asked if the River Intake Gallery was the same thing that the Public Works just replaced.

Town Manager Burbank said, “yes”, and if Beaudin looked at the dates, he could see that another replacement of the River Intake Gallery (PBP) is set to be completed again by 2034.

Appropriations for this future expenditure are beginning now because of the total cost of the project.

Beaudin said that if the Town was required to improve the levee in 2016, he thought that some more of the CIP funds should be put toward that project instead of others. Beaudin said if the state has mandated the Town to fix the levee and the Town now has a clear direction and then the Town will have to vote to spend the money to fix the levee. Beaudin personally thinks that some of the CIP money should not be spread or carried out further on other projects, but rather should be dedicated more toward the Levee project so that Town taxpayers do not have such a big financial obligation hanging for the Levee Project if it does happen.

19. Item 56 Repair/Replace Town Owned Salt Shed (under Property & Building Maintenance)

Don Landry said that he wanted to return to the discussion about the salt and sand shed. Landry said the salt and sand shed just for his small landscape business involves about eighty (80) three by three foot (3'X 3') "deadman bins" with dome caps for holding salt and sand. Landry said the bins cost about sixty-five dollars (\$65) each. He uses about eighty (80) of those for about five thousand two hundred dollars (\$5,200) and then depending upon what type of tarp you would use, the tarp costs about ten thousand dollars (\$10,000). Landry just wanted to give people an idea of the difference in cost between a small sand and salt operation for a small landscape company versus a sand and salt shed for a municipality.

Town Manager Burbank said that the public works director may have different ideas but the Town understands that they need to look at the Salt and Sand Shed again.

Beaudin said that a couple of years ago the CIPC and the Public Works Department did not have even twenty-five thousand dollars (\$25,000) in the CIP for that purpose. Beaudin felt that to increase the estimated cost to \$100,000 now was too big of a jump.

Town Manager Burbank said that towns are scrutinized more than private businesses. Right now the Town of Lincoln uses primarily sand with very little salt. The Town still needs a secure and environmentally safe place to store salt and sand with salt.

Beaudin said that he cannot figure out why you can put all the salt and sand on the road that you want, but you cannot store it anywhere. Chair Spanos said that is "the government" you are talking about.

Bont said that by the way, the NH DOT just reduced District One's road salt budget by \$900,000. [The Town of Lincoln is served by both District One and District Three.]

Fire Chief Beard (who works for NH DOT) said that NH DOT employees are going to have to strictly adhere to the State winter maintenance guidelines. Depending upon the class of road, NH DOT will put salt and sand along the center line in a three feet wide strip. You can go on the NH DOT web site and look at the guidelines. Online the NH DOT has colored maps that show which roads and classifications they will be monitoring. Beard said that all the trucks are now computerized to manage the salt and sand flow. The employees are supposed to set their equipment to a two hundred fifty (250) spread rate at two hundred fifty pounds (250 lbs.) of material per lane lap; Fire Chief Beard said that is not a lot of salt.

Motion to close public hearing

Motion: John Hettinger Second: Ron Beard

All in Favor: (5-0)

Chair Spanos asked if we could talk about adopting the CIP.

Bont said that we need to adopt it with any changes we might need to make after we discuss the correct amount to put in **Item 56 Library Building Infrastructure** with Finance Manager, Helen Jones.

Robinson said that under **Item 56 Library Building Infrastructure** the \$5,000 is correct and the \$2,000 is correct and that \$7,000 was appropriated for repairs to the building.

The Planning Board had a discussion about the library funds and how it was amended at the town meeting in March of 2014.

Chair Spanos asked if we can approve it and make a change administratively.

Robinson said that history is what it is, we are only approving 2016 forward and that the 2015 column is where the error is and that can be amended administratively.

Motion to approve the 2016 to 2021 Capital Improvement Program.

Motion: Callum Grant

Second: John Hettinger

All in Favor: (5-0)

2. **Conceptual:** Don Landry d/b/a “Greenside Ink” 11 Kanc Recreation Road, PO Box 753, Lincoln NH 03251, owns the property at 749 US Route 3 with two buildings on it: the building formerly known as the Glen Press where he operates a landscaping business and a manufactured home (Map 102 Lot 005). He would like to remove the manufactured home, but retain the square footage and the water & sewer hookup to rebuild a second building on the site at a later date. The lot is in the General Use (G.U.) District.

Landry explained that he would like to remove the manufactured home now, but would like to still be able to build another home with that square footage at a later date. Landry explained he would like to take the house down because it is an eyesore. He would like to dress the area up a little, but he would like save the footprint to be able to put back a home at a later date.

Hettinger asked Landry what the footprint of the manufactured home was.

Landry said he thought the current manufactured home was sixty feet by thirteen feet (60' x 13'). Landry has two problems that he thought he might be able to solve with his current proposal: no affordable workforce housing for his employees and people stealing his firewood from his lot. Landry said that at first his intention was to put a one bedroom affordable home on the lot for his employee. Then he experienced a theft of firewood. His Greenside Ink lot is the last stop before you get into “The Notch”; people just drive into his business parking lot and steal his fire wood there on their way to “The Notch”. Landry said that it is hard to find affordable rent and good employees, so Landry thought that if he had a home at his place of business (Greenside Ink) and an employee living there, he could help his business two ways, (1) by having an affordable place for an employee or employees to live and (2) if the area looked lived in, people are less likely to steal from him. Landry thinks that having someone on the property all the time to keep an eye on the property would help. Landry asked if he were to build a home on the same spot, in the future, would he be able to build up, putting a second or third story on the building for an

investment in the future. Landry's hope is that in the future, when he retires, that the property would have both a place of business that someone would want and the buyer could have their family living right there on the property. Landry does not have a plan yet but would like to obtain confirmation from the Planning Board that if he removes the home now, that he could rebuild it later.

Town Manager Burbank asked if the manufactured home was tied into the business septic system or if the house was tied into the town sewer system separately. Landry said he did not know yet, but he would look into it.

Chair Spanos asked if Landry was proposing to replace a residential use with a residential use. Landry said the lot is presently being used as a commercial use. Chair Spanos said that what Landry has described is residential use. Landry said for that the current manufactured home is residential, but the 100' x 40' building is presently being used for his Green Ink business which is a commercial use.

Chair Spanos asked what Landry's anticipated time frame is for his plan to rebuild. Landry said he would probably need two (2) years to rebuild. Landry said that he has had Pete's Rubbish Removal do an asbestos report for the manufactured home. The home was given a clean bill of health. Landry said that before he bought the property everything inside had been redone in the old trailer; they gutted it all out and replaced everything. Where that stuff went was a mystery, but it is not there now.

Chair Spanos asked about lot coverage. Bont said she did not check that.

Robinson asked how big the lot was. Landry said that the lot is 1.06 acres.

Tanner said that she thought that Landry was just asking for additional time to replace the manufactured home. Once someone takes out a building that they need to put it back within one year, he was asking for two years.

Bont said that was only if there was a nonconforming use was destroyed by fire or natural disaster.

Section C. NON-CONFORMING USES. A non-conforming use may be continued, subject to the requirements set forth in this Section:

1. When any existing non-conforming use has been discontinued for one year, that land, building or structure may thereafter be used only in conformity to this Ordinance, except that the Board of Adjustment, upon application duly made, may grant a special exception pursuant to Article VIII to permit the resumption of the non-conforming use under such conditions as the Board may impose.
2. Any existing non-conforming use shall not be changed to another use, except in conformity with this ordinance.
3. A non-conforming use may not be expanded, except upon a finding by the Board of Selectmen or their designee that (a) the expansion reflects the nature and purpose of the existing non-conforming use so as not to constitute a different use and (b) the expansion will not have a different or detrimental impact on the neighborhood in which the use is located.
4. A non-conforming structure or building which is damaged or destroyed by natural cause, such as fire or other calamity beyond the control of the owner or occupant, may be repaired or rebuilt and any non-conforming use of the structure or building may be resumed, if the following conditions are met:
 - a. Repair or rebuilding must be completed within one year after the damage or destruction occurs, unless an extension is allowed by the Board of Selectmen for good cause shown;
 - b. The structure or building shall occupy the same footprint as the damaged or destroyed structure or building and its height and volume may not be expanded or extended.
 - c. Repairs or reconstruction shall be conducted pursuant to a properly issued land use permit, and Site Plan Review where applicable, and shall conform to all applicable building, plumbing, electrical and other code and water and sewer regulation requirements.

Chair Spanos said that one year deadline should not be set in stone because people could be negotiating with insurance and that may take longer.

Beaudin said that even if he takes that down as long as he meets the setback requirements when he builds new.

Bont said Landry would still need to come back for Site Plan Review approval because it is commercial property.

Chair Spanos said that it was not really an issue because it is not over the 70% lot coverage.

Robinson said that he did not think that the square footage was the issue. If the Planning Board said no, then you could come back and if you meet the setback requirements you can build. What Robinson believes the critical issue is the use of the property as residential or mixed use. If you tear the manufactured home down the lot becomes completely commercial and there would be no residential component there. Then when you come in to build a one bedroom apartment, you will be changing it from commercial to both mixed commercial and residential which is what it is now. Robinson said that what Landry is really asking for is a grandfathered use of the property as mixed commercial and residential. Robinson said that he would propose that is granted because it is how it exists now.

Town Manager Burbank said that this is a conceptual and asked if Landry should come back and do that formally before the Planning Board.

Beaudin said that Landry should be able to do the same thing. Beaudin asked, what if Landry would like to have a seasonal rental there.

Chair Spanos said that there is no problem now with Landry using the manufactured home seasonally.

Robinson said what if Landry eliminates the manufactured home now, and then two years go by and he does not put in another home. Then later, when Landry comes back to the Planning Board, he would have to go through what Robinson just went through to change the use. Robinson said that the lot is already a mix of commercial and residential uses. In Robinsons opinion there is no need to make Landry come back if he waits 2 years or 3 years because it is existing now. Robinson would recommend grandfathering the use of the property as mixed. The square footage, the Planning Board could say “yes”, but realistically but it is irrelevant because the lot is so big. Robinson said that if Landry wanted to build something bigger, as long as he managed to stay within the 70% maximum lot coverage, especially if he went up, we would go no more lot coverage.

Fire Chief Beard asked if Landry could retain the water and sewer tap credits that exist.

Robinson said that was actually a Selectmen issue, not a Planning Board issue. However, historically, the Town has always allowed taxpayers to retain water and sewer tap fee credits from their previous buildings.

Landry said that he has a neighbor who looks at the manufactured home every day. If Landry could tear it down now, the neighbors’ view would be more pleasant too.

Town Manager Burbank said that this is a “Conceptual” and not a formal Site Plan Review hearing. Town Manager Burbank asked the Planning Board whether the discussion about Landry’s request reflected in the Planning Board minutes tonight would be all that is required, or should Landry come back in filing paperwork and requesting formal Site Plan Review approval in the form of a declaration from the Planning Board that the lot is a mixed use lot.

Town Manager Burbank asked the Planning Board if it would require a full site plan.

Robinson said, “no”, that it would be just a formal request as opposed to a conceptual.

Chair Spanos asked if there was even a legal basis to do that. Chair Spanos said that the Planning Board has allowed other people to demolish buildings, but then to grandfather the demolished square footage to be rebuilt at a later date, but it was always part of a Site Plan Review public hearing.

Hettinger said that we need to be sure our decision is recorded so that Landry is protected.

Robinson said that it is not a change of use so the Planning Board does not have to have a public hearing. Robinson said that he would make a **motion** to approve the lot as being grandfathered as mixed use as commercial and residential as it is now, for a period of three (3) years that would allow Landry to rebuild the residential section of the lot.

Chair Spanos recognized Paul Beaudin.

Beaudin asked if this meeting tonight was supposed to be a public hearing.

Bont and Town Manager Burbank said tonight's hearing was for a "Conceptual", not a Site Plan Review public hearing.

Beaudin said that abutters do not get a chance to have input. Any abutter did not get notified that Landry wants to keep the residential use on the lot even after he tears down the manufactured home. The abutters were not notified.

Chair Spanos said that Landry is only asking for an interpretation of the Land Use Plan Ordinance.

Grant asked how the lot is currently zoned. Chair Spanos said General Use.

Chair Spanos recognized David Dixon.

David Dixon asked if this was the stepping stone to get to where Landry needs to be. Dixon has the same situation and asked if he should also ask for a conceptual hearing first to get permission to rebuild within the same square footage.

Town Manager Burbank said that he would suggest that Dixon does that and get on the agenda for a conceptual to come in and talk to the Planning Board conceptually. In a "Conceptual" neither the applicant nor the Planning Board members are bound by anything said at the conceptual hearing.

Bont said that the Planning Board's interpretation will be in the minutes. We will put a set of approved Planning Board minutes in Landry's Map and Lot file so that when he comes in here in 2.5 years, we know:

- a) Landry already has a water and sewer hookup and he is going to get credit for that; and
- b) Landry is going to have to come in for Site Plan Review to build.

Chair Spanos said that he is not building a commercial structure.

Bont said that the building will take place on commercial property as an expansion of use.

Town Manager Burbank said that the lot is already has a mixed use. Robinson said that he would still have to come in for a Land Use Permit so that we can see that he is meeting the setback requirements and he is meeting the 70% coverage.

Bont said she would have questions about parking.

Town Manager Burbank said that Landry will not have to come in for Site Plan Review because it is already a mixed use and they are giving him three (3) years to rebuild. Landry will come in to obtain a Land Use Permit and the parking will be addressed then.

Chair Spanos asked if he meets the setback requirements now. Landry said that he has not looked into it, but believes that the present manufactured home does meet the setback requirements.

Robinson said that the setback is ten feet (10') on the rear toward the state highway.

Chair Spanos asked about the side setbacks. Landry said that there was plenty of room on the sides.

Chair Spanos recapped saying that Landry is going to remove the residential mobile home and within three (3) years Landry is going to apply for a Land Use Permit and rebuild something with similar square footage.

Robinson said that we should not say square footage, but that we should say similar use.

Chair Spanos recapped again saying that Landry is going to remove the residential mobile home and come back within a three (3) years for a Land Use Permit to build a new residential structure.

Motion to approve the lot as being grandfathered as mixed use as commercial and residential as it is now, for a period of three (3) years:

Motion: OJ Robinson

Second: John Hettinger

All in Favor: (5-0)

5 minutes recess.

Master Plan

Chair Spanos said that before the last meeting, Bont sent out draft copies of the Master Plan update. Planning Board member Pat Romprey was unable to attend the last meeting, however, he submitted a letter that he was opposed to Architectural Review after the meeting started. Bont supplied a copy of Romprey's letter to the Board. The letter will be attached to the minutes.

Bont said that the second issue was that the Board asked what the White Mountain National Forest Proclamation Boundary was.

There was a brief discussion about what the Proclamation Boundary is and what it specifies.

Tanner noted that in the Planning Board minutes for October 28, 2015 she had taken an excerpt from the web showing a fairly good explanation of the Proclamation Boundary.

Town Manager Burbank said that he understands the Proclamation Boundary works like this: If the US Forest Service were to approach the current owners of a property to purchase land to be added to the White Mountain National Forest, they would not have to go back to the US Congress to get approval if the property falls within the Proclamation Boundary.

Grant gave an example of how this might work that happened with his family about 15 years ago with the US Forest Service. A member of the Clark family purchased a tract of land of about 60 acres, most of which was scenic with rough terrain. He traded two (2) acres of his lot for one (1) acre of the White Mountain National Park with the White Mountain National Forest Service to straighten out his property boundary line. He took a tall skinny lot and transferred it to straighten up the lines. This gave Clark continuous land to join his plot, but he gave away twice the amount of land in exchange. The transfer was all done at the local level and money did not change hands. The Forest Service traded one (1) acre for two (2) acres so the private landowner could to consolidate his lot. The affected property was within that Proclamation Boundary. The US Forest Service did not have to get permission from the US Congress to do so.

Residential Sprinklers

Bont said that the State Fire Marshal was here and found this section of the RSA and asked Bont to make the Planning Board aware of it.

674:51 Power to Amend State Building Code and Establish Enforcement Procedures.

V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park as defined in RSA 205-A:1, II. Nothing in this paragraph shall affect the ability of an applicant for a local land use permit to include the installation of fire suppression sprinklers pursuant to RSA 674:36, IV, or affect the validity or enforceability of such inclusion.

Bont said that the Town cannot mandate the installation of automatic residential sprinklers in one or two family dwelling units. The State Fire Marshal wanted to make sure that this law was brought to the attention of the Planning Board.

Chair Spanos said that if someone comes in for subdivision and it is determined that there is not enough water for fire protection, if it is a choice of not getting an approval or putting in sprinklers, they (the homeowner) can choose to put in a sprinkler.

Town Manager Burbank said that it is highly recommended in some places in town. He had a discussion today with a prospective builder. Burbank said, the Town cannot mandate it, but based on the type of home you are building and the fact that you intend to house your family there, we would highly recommend it. The prospective builder thought that it was a “no brainer”.

Grant said that installing a residential sprinkler system in a new building is not a problem, however, retrofitting a sprinkler system into a pre-existing building is a problem.

CRVI South Peak TRS, Inc. – Water Tank – Fire Protection – Hemlock Drive

Hettinger asked if anyone heard from CRVI South Peak TRS, Inc. (also known as “Cypress”) about the water tank they were going to put up there?

Town Manager Burbank said that the Town is having conversations with developers. Town Manager Burbank said that several of the property owners especially South Peak are concerned. Fire Chief Beard has a meeting next week where he will show some of the property owners who own property in the Hemlock Drive area exactly what they have or do not have for water.

Hettinger asked Fire Chief Beard how he made out with the test he ran last week.

Fire Chief Beard said that last weekend they did a test on the hydrant at the back end of the cul-de-sac on Hemlock Drive.

- The Fire Department put a gauge on and went to the other hydrant located further down toward Crooked Mountain Road.
- Fire Chief Beard started out with a reduced size hose for this test. Fire Chief Beard explained that he reduced the size of the hose from 2.5 inches to 1.5 inches knowing that their water system was on a jockey pump system.
- Fire Chief Beard opened the hydrant and dropped it down to 20 PSI (pounds per square inch) residual on the cul-de-sac fire hydrant.
- Fire Chief Beard tried to do a test, but initially the water was barely reading on the gauge; however, then the second jockey pump kicked in and he had a lot more flow. The residual went from 20 PSI to 30 or 34 PSI residual.
- Fire Chief Beard opened the hydrant some more and did a flow test and got 289 gallons per minute with a 1.5 inch size hose. Fire Chief Beard said that they got the best reading during that test; the reading was 289 gallons per minute from a 1.5 inch orifice and he maintained a 24 PSI residual on the other hydrant.
- Then Fire Chief Beard tried a 2 inch reduction and because he had 4 PSI residual, about 24 PSI. He wanted to see if he could step up the size of the hose and then measure what kind of water he would actually get. With a two inch (2”) size hose Fire Chief Beard barely got 200 gallons per minute.

Fire Chief Beard said that in the Fire Service when they dress a hydrant to feed a fire truck, they run a four inch (4”) line. The water from the fire hydrant is not useable. The water would flex the hose, but as soon as Fire Chief Beard opened a cross lay on the truck it would collapse the line and drop it below the twenty (20) PSI residual. If he used the hydrant it would tend to caveat their jockey pump system and do damage.

Fire Chief Beard said that he is going to do this demonstration for the homeowners because they are now aware they have fire hydrants that the fire department cannot use.

Town Manager Burbank said that he has had conversations with three (3) property owners. One is a property owner who is still thinking about building a house and two currently have homes and live there. In speaking with them, Town Manager Burbank said he learned two things:

- The property owners did not realize that that fire hydrant they were looking at on Hemlock Drive did not belong to the Town of Lincoln
- Right now the fire hydrant is an ornament.

According to Town Manager Burbank, what Fire Chief Beard did not say was that the minimum fire flow to qualify for a municipal fire protection system is 500 gallons per minute for an hour and a half, uninterrupted, with a static pressure that does not drop below twenty (20) PSI anywhere in the system.

Town Manager Burbank said that the property owners in South Peak have domestic water. He believes there is plenty of water there to build houses; all of that engineering is correct. However, there is not enough water up there to provide fire protection using the hydrants.

Town Manager Burbank said that this is a dangerous situation. One longtime homeowner up there has been calling him. He told the Town Manager that the homeowners are going to be talking to the property owners, CRVI South Peak TRS, Inc. (also known as “Cypress”) about putting in the water tank. One of the property owners said they cannot wait two years for a water tank. The second phase for the sale of the lots has not even gone through the Attorney General’s Office yet. That process could take a couple of years. The Town may just have to step back and see what happens.

Town Manager Burbank told the homeowners that their engineers told him that if the tank goes in, the homeowners there will have fire protection and more water than they need. The homeowners told Burbank that they will have to find a way to circulate the water and keep it fresh. For that particular development, the Town of Lincoln is in good shape, in that the Town is doing everything it promised to do.

Fire Chief Beard said that he had preplanned that area as “Rural Firefighting”. The developers did build the cul-de-sac to the proper dimensions. The road width is 23 feet. They can do a tanker shuttle if need be, but they can also forward lay in from Crooked Mountain Road and bring water in on that road to supplement those hydrants that are ineffective.

CRVI South Peak TRS, Inc. – Water Tank – Fire Protection on Crooked Mountain Road

Hettinger asked if the hydrants on Crooked Mountain Road would provide enough water supply for firefighting purposes.

Fire Chief Beard said that he still needed to test those.

Town Manager Burbank said that the water for the Crooked Mountain Road area is off the Loon tank. He does not think that the static pressure there is great. The elevation there is approaching that 950 foot mark even on the pressure without being pumped.

Hettinger said that there was a cross connect where Hemlock Drive went into Crooked Mountain Road.

Fire Chief Beard said that they have those two valves turned off to the jockey pump system which is feeding the homes on Hemlock Drive. Fire Chief Beard said that the firefighting plan is:

- They can go to either lower side of Crooked Mountain Road;
- They can go to the Pemi Base Camp which is at a much lower elevation and tank the water in, or
- They can go below the entrance gate where there is a hydrant that is at a lower elevation.
- Either side he could have tankers coming from both sides.

What separates the South Peak development from other developments in town is that:

- The road width is better; and
- They have an approved size cul-de-sac for a turn around.

So the Fire Department can bring the fire truck in, maneuver it around, dump the load of water and leave the scene to get more water. No backing up required. They could just drive in and drive out.

Ice Castle – Expansion of Use

Hettinger said the matter that the Planning Board talked about with the attorney for the Ice Castle is bothering him. It seems to Hettinger that there are going to be times that no matter how good of a job the Planning Board does to review a Site Plan Review application before approving it, something is going to happen that is going to screw up that plan. For instance, who knew that they were going to have a world famous Disney© Ice Princess dancing around in the Ice Castle and then advertise it throughout all of New England on TV. None of us could have guessed that was going to happen. The Planning Board should be able to go back and take another look at something like that, no matter whose Site Plan it is, to try and come up with an alternate way of handling things. Hettinger said that he is not sure what to call that, but perhaps the town attorney could give the Planning Board some direction on this. Hettinger said that it is not going to happen all the time, it would only be for a major emergency or something like that. Hettinger felt that the attorney came across as pretty tough.

Belanger asked if this was all dependent upon the amount of tickets that are sold. Belanger said that the Planning Board should know where that ceiling would be.

Hettinger said that it could happen that we approve something and we think we have thoroughly looked the application over and done our due diligence to approve it. Then a year later we find out that something has happened suddenly. For example, there is a tremendous amount of interest and a lot of people come up to see whatever it is and it ties the traffic and the community all up. Hettinger feels that the Planning Board should have the ability to go back and take another look at it.

Bont said that the Planning Board could either revise the fifth paragraph (e) in the definition of “Change of Use and Expansion of Use” or add a sixth paragraph (f). The problem is that the Site Plan Review Regulations say that the Planning Board can only bring something back if there was

a material change to a previously approved site plan. Bont feels that the Planning Board could add language to include any material change to a development that pre-existed prior to the adoption of Site Plan Review Regulations as determined by the Planning Board Chair and Town Planner. The problem is that when the Site Plan Review Regulations were drafted we did not think about those developments or uses that pre-existed prior to the Town's adoption of Site Plan Review Regulations. Bont suggested adding the following language:

(f) Any material change to a development that pre-existed prior to the adoption of Site Plan Review Regulations, or a series of changes over a 3-year period resulting cumulatively in a material change, as determined by the Planning Board Chair and Town Planner.

This is the definition of Development in the Site Plan Review Regulations:

DEVELOPMENT: The construction or improvements on a tract or tracts of land for nonresidential use or use for multi-family units other than one and two family dwellings. For purposes of these regulations the word "development" includes a "change or expansion of use" as defined below.

This is the current definition of Change or Expansion of Use:

CHANGE OR EXPANSION OF USE:

- (a) The conversion of any lot, parcel or building, or portion thereof, from a residential use to a nonresidential or multi-family use;
- (b) The addition of more than 500 square feet of floor area or other impermeable surface to an existing nonresidential or multi-family use;
- (c) The addition of less than 500 square feet of floor area or other impermeable surface to an existing nonresidential or multi-family use, if constructed within 3 years of any prior construction on the same lot or parcel;
- (d) A change of use from one category of permitted or special exception use, as listed in the land use schedule of Article VI of the Lincoln Land Use Plan Ordinance, to another such category of listed use, regardless of whether the change involves construction; and
- (e) Any material change to a previously-approved site plan, or series of changes over a 3-year period resulting cumulatively in a material change, as determined by the Planning Board Chair and Town Planner.

Chair Spanos said that in his opinion, under the current Site Plan Review Regulations, we can bring them back in for material changes.

Bont said that according to the Site Plan Regulations, you can bring them back if it had been a material change to a site plan approved by the Planning Board; there would be no question. If the Hobo Railroad had had gone through the Site Plan Review process and been approved, the Planning Board could have brought them back in here based on the combination of the opinion of Town Planner and the Planning Board Chair. Bont felt that all the Planning Board needs to do

is put some language in the LUPO so that the Planning Board's right to review not only applies to something that has already come before the Board for Site Plan Review, but it also applies to something that pre-existed prior to the adoption of Site Plan Review Regulations.

Chair Spanos personally thought we had enough to bring them in. Bont and Hettinger agreed. Chair Spanos said that no matter what language we include in our regulations, there will always be someone who will try to get around the regulations.

Hettinger thought that ethically the Planning Board has a responsibility to the citizens of the Town to review this.

Town Manager Burbank sent an email last week to Ben Clark telling him that the Board of Selectmen was waiting to see his Traffic Plan. Burbank also wanted to know how much water they will be using because we need a contract for water. Burbank wants to cap the water at seven million (7,000,000) gallons. Last year they used ten million (10,000,000) gallons. Ben Clark said the Plan is done. NH DOT is reviewing the plan. After NH DOT reviews it, the Town is going to get a copy of the plan because the Board promised they would have a public discussion about it. They were getting close to making ice last year at this time. Town Manager Burbank said that he has not seen a piece of wood or a 2x4.

Fire Chief Beard said they have been working on the parking lot expansion.

Town Manager Burbank said that he did not think they have moved any plastic lines for setup.

Chair Spanos said that with the weather forecast it is unlikely they will be making any ice for a while. Chair Spanos said that giving the Planning Board the ability to bring someone back in could be political too, and a new board could come in with a different view.

Town Manager Burbank said that everyone is not wrong. However, there are so many activities in this town that are historic that people have just done without getting a Special Event permit for example. It will be difficult to turn that ship around. For example, Loon has activities that they do every year. These events just happen. Some of the events are listed on their submission from many years ago, but some are not. What if, all of a sudden the Highland Games has grown to the point where it is really causing problem in town now? Is that an increased expansion that the Planning Board would like to look at? The Planning Board will have to think about that. Burbank gave another example. What if the Whales Tale ride or the Alpine Adventures slide became so popular there was traffic backed up onto I-93? It is the same use, but should the Planning Board be able to revisit it?

Chair Spanos said that when these events are approved, they can only accommodate so many people. Do we want 500 people standing in the street?

Hettinger said if there had been a big fire somewhere and the fire trucks could not get through, what then?

Town Manager Burbank said that the engineers from NH DOT, Access Utilities Engineer James McMahon III, P.E., and District One Engineer Philip L. Beaulieu came in. Town Manager Burbank asked them about the traffic issues here in Lincoln. “The Town of Lincoln is getting busier.” They said they are worried right now. They will be sending letters to the larger developers about the amount of traffic they will be bringing into town. Town Manager Burbank asked what the NH DOT’s answer was on the property they own. Traffic up on Interstate 93 (I-93) is their main concern. McMahon or Beaulieu said that the first thing they would do is restrike Main Street and all of the parking on Main Street will be eliminated. That is the first thing that would be done by NH DOT to get two lanes in and two lanes out. The NH DOT said that has been discussed in the DOT office. If they have to start dealing with continuous traffic jams on the interstate in Lincoln, they would try to get two lanes beyond Loon if they can do it.

Chair Spanos asked if they would have a hearing on that before they would do it.

Town Manager Burbank said they do not need to hold a public hearing. NH Route 112 and Interstate 93 are their roads. The traffic in Lincoln is on their radar but this proposed solution could be 10 years out. The DOT said that they understand that that will compound the Town’s problem. They know that and they do not want to take that lightly because there already are parking issues. If the Planning Board starts asking the Whales Tale to come in and explain the increase in business, there could be angst.

Chair Spanos said that the Whale’s Tale comes in for Site Plan Review approval every time they put in a new ride.

Robinson said that looking at the ordinance, he is not sure if they are required to.

Grant said that in the Clarks Trading Post case, it was a change in use. They changed a parking lot into part of the park itself.

Robinson said that Clark’s use is a tourist attraction. Robinson said that use is not a sidewalk, a parking lot or a gift shop, it is a tourist attraction.

Grant said that Clarks used fifty-one (51) existing parking spaces to put in that ride. The first phone call they got was from NH DOT’s Engineer Jim McMann III asking what would be done about parking. Clarks is shifting more of its parking across the street and is changing the traffic flow across US Route 3. The NH DOT has a vested interest in that change. Clark’s next move is to make more parking. To make more parking Clark’s needs to go to Concord and get the Traffic Engineer at NH DOT to sign off on the crosswalk. Grant said that the NH DOT will come back to you with their concerns about traffic and parking. So as a Board you should care about the parking in town, whether it is a series of parking spaces or a parking lot. NH DOT certainly cares.

Chair Spanos said that it is his understanding that the State Statute applies if you put up a structure, other than a one or two family. If it is a commercial structure so you have to come in for Site Plan Review.

Town Manager Burbank said that a 1 or 2 family residence is considered a “residential use”, but more dwelling units than a duplex is considered a “commercial use”.

Chair Spanos said, that is what he is saying. A tourist attraction ride is not a 1 or 2 family residential use; so it is a commercial structure and needs Site Plan Review.

Robinson said that if they go with Bont’s suggestion, it gives the Planning Board important language to include. He asked if we needed to go to Town Meeting to change the Site Plan Review Regulations.

Bont said that Site Plan Review Regulations do not need to be done at Town Meeting. Land Use Plan Ordinance changes must be done at Town Meeting. Bont said she would research this change to the Site Plan Review Regulations. This last time we made changes, we did all of them at the same time and made them all part of a package. We did it that way because the changes to the Land Use Plan Ordinance effected what needed to be in the Site Plan Review Regulations and the Subdivision Regulations. Bont did not think we have to go to Town Meeting for changes to the Site Plan Review Regulations.

Robinson said suggested making that change. Robinson said that because something existed prior to Planning Board approval process does not mean that they can change their use or expand their use without coming to the Planning Board for Site Plan Review approval.

Town Manager Burbank said that would lead us to the question of Ben expanding his wintertime business where it is a tourist attraction already.

Chair Spanos said that Clark and his attorney are just twisting things. He does not think we need to change the ordinance because of them.

Robinson said that he also does not want to change the ordinance because of them. However, he is looking forward at other potential problems. If the regulations say a review is only for things that have come before for Site Plan Review approval before, we need to change the language.

Bont said that as a lawyer that is what he is getting paid for: going through the language in our document, picking it apart and finding a large enough loophole to push his client through.

Robinson said that he is not sure if that is the loophole that worked for his client, but it is a loophole and we have the opportunity to fix it before someone else comes along.

Bont said that they do put a temporary shed in and cover the meter so that it doesn’t freeze. Bont said that since it was a tiny temporary structure that is removed as soon as the event is over we did not give them a Land Use Permit.

Chair Spanos said that if it covers more than 500 feet of impervious surface he needs a permit. Bont said the structure is much smaller than 500 square feet.

Robinson asked if the Planning Board can ask Bont to come up with some language and see if we need to vote on it at Town Meeting or if we can just vote on it as a Planning Board meeting.

The Landing

Robinson asked if The Landing is coming back in for Site Plan Review.

Town Manager Burbank said that The Landing Site Plan extension expired in April of 2015 and they have not renewed it. Their bond for Black Mountain Road expired in January of 2015. The Town Attorney Peter Malia as a courtesy gave them 7 days and they were asked to come in for a compliance hearing or to see about getting another extension. The bond is a separate issue in itself. The Planning Board could hear them on the same night, but the bond. Burbank thinks there is an RSA that says if the bond is not renewed then there is grounds to bring them in for full Site Plan Review.

Robinson asked if that meeting had been scheduled.

Town Manager Burbank said no, but next Tuesday will be the 7th day. If at that time they have not voluntarily come in and submitted the paperwork to get on the agenda, we will ask Attorney Peter Malia to formally file to bring them in for a Compliance Hearing. The Board of Selectmen will hear from Schorr Berman on Monday night about the issues. As an enforcement group, the Town Manager and the Board of Selectmen, will make a determination if it should be referred to the Planning Board.

Hettinger said Black Mountain Road is a disaster.

Town Manager Burbank said that the amount of the bond was dropped. They let them drop the amount of the bond to \$100,000. Initially the bond was for \$250,000, but they paved up around the corner and requested that we drop the amount of the bond from \$250,000 to \$100,000. They left \$100,000 in there to repair that road. The construction that they have done on the road has deteriorated and now there is no bond. They have not moved quickly to put that bond back on. They were told over a week ago and they acknowledged that the bond had expired.

Hettinger asked what happened to the money when the bond is no longer? Does it go back to the bank?

Town Manager Burbank was not sure, but that if the bond is still sitting there and the developer leaves and the road is sitting there not done, the town can move to access that money to repair the road. The problem is, he let the bond expire.

There was a brief discussion and speculation about bond funds.

Robinson said that it should not be the Town's responsibility to watch and keep track of when the bonds expire. If that bond expires the Town should be notified.

Bont said that the bond for Black Mountain Road has expired in the past because there is a letter from the previous Planning & Zoning Administrator, Matt Henry, in the file asking Saber Mountain Partners, LLC, to renew the bond.

Chair Spanos said that whoever issues the bond should notify the Town as the bond beneficiary.

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 a adjourn at 8:10PM.

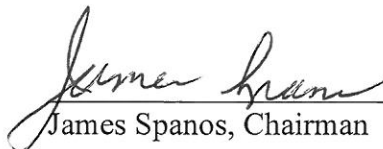
Motion: John Hettinger Second: Norm Belanger

All in Favor: (5-0)

Respectfully submitted,

Wendy Tanner,
Planning and Zoning Recorder

Dated: November 11, 2015


James Spanos, Chairman