

**LINCOLN PLANNING BOARD  
REGULAR MEETING MINUTES  
WEDNESDAY, MAY 11, 2016 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

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

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Planning and Zoning Administrator Carole Bont, and Wendy Tanner (recorder)

**Staff Excused:** Town Manager and Town Planner Alfred "Butch" Burbank

**Guests:**

- **David Dixon** – 4 Liberty Lane, PO Box 1331, Lincoln, NH 03251-1331, owner of 4 & 6 Liberty Road, (Tax Map 107, Lot 069)
- **Karen Fitzgerald** – Landscape Architect - FitzDesign Inc., 1222 Bennington Road, Franconia, NH 03043-3014
- **Callum Grant** – Project Manager for Clark's Trading Post, Inc., 116 US Route 3, PO Box 1, Lincoln, NH 03251-0001  
**Iain Grant** – 207 Daniel Webster Highway, Lincoln NH 03251,
- **Iain Grant** - Assistant to Callum Grant, Project Manager for Clark's Trading Post, 116 US Route 3, PO Box 1, Lincoln, NH 03251-0001

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

*Chairman Spanos called the meeting to order at 6:00 P.M.*

- II. CONSIDERATION** of meeting minutes from:
- April 13, 2016

**Motion to skip over the minutes from April 13, 2016 until later in the meeting.**

**Motion:** Pat Romprey      **Second:** John Hettinger      **All in favor: (5-0)**

- III. CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

1. **6 P.M.: Master Plan Update 2015-2016:** Karen Fitzgerald of FitzDesign to work on and review drafts of Master Plan Chapters. **This is a work session. There will be no public input.**

Karen Fitzgerald handed out copies of the Land Use section of the Master Plan. Karen sent out two other chapters earlier this week, Transportation and Economic Development for review by the Planning Board.

### **Transportation Chapter**

#### **Private Roads**

Chair Spanos asked a question about the Transportation chapter. On page 9 the first full paragraph says:

Lincoln may need to consider reexamining its authority over the private roads within private developments. These roads make up the majority of access routes to residential areas and public safety must be guaranteed. Many of these roads were built during a period when building standards and inspections were lax. Providing fire and emergency access to these residences is top priority for the Town and the roadway engineering must be up to standards.

Chair Spanos questioned if the Master Plan is recommending that the town take over private roads.

Fitzgerald said that when reviewing the Master Plan the Planning Board discussed the difficulty of ascertaining where the Town's responsibility starts and ends with developments approved with private roads. The Planning Board discussed how the Town could ensure safety when a homeowners association (HOA) falls apart. Are there any provisions in the Land Use Plan Ordinance about how the Town should handle the private roadways and other private infrastructure (i.e., private water and sewer lines) in these instances?

Bont said that the paragraph does not say the Town is going to do something different about private roads. The paragraph says the Planning Board "may need to consider reexamining its authority over" these issues as part of its review of the current Master Plan.

Fitzgerald said that the subject of private roads also came up as part of the recent Water Resources Plan Update and in reviewing the Town's water and sewer infrastructure.

Chair Spanos said that he does not see the Town ever agreeing either to bring the private roads up to Town standards or to force these developments to bring their roads up to Town standards. Some of the private roads are forty (40) years old.

Fitzgerald said that when the Planning Board discussed why this issue of private roads was important, the emphasis was not on whether the developers should rebuild the roads, but rather on making sure that the Town's emergency vehicles can still travel down these private roads to provide safety services when needed.

Vice-Chair Romprey said that the Town cannot force a private HOA to maintain their private roads. Some of the roads in question were built prior to when the Town created a Planning Board.

Fitzgerald said that the issues associated with private roads really come to life in Lincoln because there are *so many miles* of private roads. It is something for the Planning Board to think about and to ponder – where does the liability associated with private roads lie? Fitzgerald is not suggesting that the Planning Board do anything. The Planning Board decides what, if anything, it wants to do. The subject of private roads has come up in discussions of the Planning Board in reviewing its Master Plan. “It is something to consider.”

Vice-Chair Romprey asked if there was a discussion on this several months ago. Robinson said the issue of private roads came up when the Planning Board was talking about all the private water systems in town. Robinson liked the way the paragraph was worded because it does not say what needs to be done, only that the authority needs to be reconsidered. If that authority means taking over the streets, or requiring them to be brought up to Town standard or whatever, it is only directing the Planning Board to *look* at what the Planning Board’s authority is in these matters. Is the Planning Board authorized to force the private entity HOA to maintain their private roads to sufficient standards to allow access for emergency vehicles?

Grant said that the Planning Board has, in a sense, already taken steps in that direction. For example, one step taken recently at the annual Town Meeting was to prohibit gated communities.

Vice-Chair Romprey said there is no legal vehicle that would allow the Town to enforce engineering standards for private roads.

Robinson said that he is not sure that the Town would want to do that. The paragraph says “reexamining its authority over the private roads...” One way to exercise the Town’s authority over private roads is like prohibiting the use of gates on the roads. The next step could be, not requiring homeowners associations to bring the private roads up to certain engineering standards, but at least requiring HOAs to maintain adequate access for emergency vehicles to get in and out of the properties.

Grant said one point could be requiring HOAs to plow their private roads in the winter. Imagine if someone in one of those private developments has a residential fire and there are three feet of snow on the road because the road was not plowed.

Vice-Chair Romprey said that he thinks that Grant has hit on the answer: perhaps the Town could establish minimum safety standards requirements that requires X, Y and Z for fire and medical services. That way the Town is not taking over the road. The Town is not forcing the developers or HOAs to rebuild the private road. It is up to the developer or the HOA to make the road passable.

Fitzgerald said if there are some new construction projects or some reconstruction projects going on, the Planning Board would be able to require the developer to build private roads to certain standards or if the developer wants to add new roads to a development that those roads need to

be built to certain standards. Chair Spanos said that if the development is already built out, it would be hard to widen the road. Vice-Chair Romprey asked Fitzgerald if she had visited any of these projects.

Fitzgerald said that because of the large number of miles of private roads in the Town, the issues associated with developments along private roads are worth discussing.

Vice-Chair Romprey said that he agrees that the Town needs some type of protection, but he does not think the Town has the legal means to force a developer to update any private roads to meet Town standards.

Chair Spanos said that there is a development in Town that recently failed. The development was not fully built out. The Planning Board's thought was that it is already too late to make the developers redo or widen the roads. The Town cannot really do anything about the roads that have been established for almost forty (40) years.

Vice-Chair Romprey said that if the Town could pass protective ordinances (i.e., minimum life safety standards by saying the roads need to be maintained specifically to this degree) the Town may be able to do that without:

- a. Taking over the roads; and
- b. Forcing developers or HOAs to rebuild the roads.

Fire Chief Beard asked if the other Planning Board members meant that basically the Town would require developers or HOAs to have their private roads maintained as if they were a fire access route; roads must be able to support the heaviest piece of fire apparatus.

Grant said he drives the ambulance and has gotten to the end of a private road and then he has not been able to drive up the road in the ambulance.

Vice-Chair Romprey asked Grant if that would work for the ambulance service if the Town asked developers or HOAs to maintain their roads to a specific standard.

Grant said that when driving an ambulance, if the ambulance cannot get to a location because of the developer's or the HOA's failing, liability does not fall back on the Town or the Fire Department or the ambulance service.

Vice-Chair Romprey thanked Fitzgerald for putting the paragraph about private roads in the Master Plan Update draft so the subject could be debated.

Fire Chief Beard said that moving forward, there is a lot of property in Town (i.e. US Route 3 North) that has yet to be developed. Now and moving forward with any new developments, the Town can enforce the higher Town Road Standards.

Vice-Chair Romprey said that we can enforce Town Road Standards and Regulations on new developments, but most of the private roads in developments that exist today predate this

Planning Board. Chair Spanos said that was his concern that we would somehow look for a way to go back. The consensus was that there is no way to go back at this point.

Fitzgerald said that the Master Plan tries to set up a list of outstanding issues or problems in the community that should be considered or addressed over the next ten years. The purpose of the Master Plan is not to lay down exactly what the Town is going to do to solve problems. However, if the Planning Board wants her to change the wording just let her know.

### **Complete Streets**

Fitzgerald said she put the “Complete Streets” idea into the Transportation Chapter. She asked the Planning Board to talk about it. “Complete Streets” is not a mandate. The Planning Board might want to look at the possibility of planning for “Complete Streets” going forward particularly in the village area. The New Hampshire Department of Transportation (NH DOT) is behind the whole idea of developing “Complete Streets”.

Strickon asked what “Complete Streets” are. Fitzgerald said that Complete Streets are streets that are designed to safely accommodate everyone (i.e., bicyclists, pedestrians and vehicles, plus more.)

Strickon asked Fitzgerald if there is a car lane, bicycle lane and a sidewalk is the street “complete”. Fitzgerald said that there are other guidelines for “complete streets” as well. Strickon asked where we would find those guidelines. Fitzgerald said that both the NH DOT and “Plan New Hampshire” have a lot of information on this subject. There are some towns in New Hampshire that have adopted a Complete Street Policy. A “complete street” involves amenities and landscaping. A complete street is a more pedestrian and non-motorist user friendly street.

Vice-Chair Romprey asked how such a “Complete Street Policy” could be applied to Main Street/NH Route 112 in Lincoln; the NH DOT said that at some point it is going to take away these parking spaces on Main Street, probably sooner rather than later. Fitzgerald asked if that change proposed by the NH DOT was based on a traffic study. Chair Spanos said that the NH DOT indicated in order to keep traffic moving on the interstate that the next step NH DOT would take would be to take away the on-street parking spaces. In the past during busy times traffic backs up on Interstate 93 and the NH DOT would like that traffic off of the interstate.

Fitzgerald said that the Town has some say in this. If that is not what Lincoln wants then the town can work with the NH DOT to come up with a different plan. Having two lanes on Main Street seems like a crazy idea to Fitzgerald.

Vice-Chair Romprey said that during peak times the current traffic configuration does not work. Fitzgerald said that the Town then can design the downtown for those peak event times. Vice-Chair Romprey said that he thinks that rather than designing for traffic during peak events, the Town would need to design for the amount of traffic during more normal times or some amount of traffic in between light and heavy traffic, but first the Town would need to do is find more offsite parking. Fitzgerald said that there could be other solutions for dealing with heavy traffic

during peak events. For example, the Town could have offsite parking and shuttles during the busy times.

Hettinger asked if there were any suggested “good practices” for building or marking complete or safe streets. Fitzgerald said the opinion about “good practices” of people who do street design keeps fluctuating on issues like whether or not to mark separate bicycle lanes and whether to add certain traffic calming features. Hettinger said that someone must have a lot of experience with the safety and be willing to share. Fitzgerald said there has been a lot of work around street scape design, traffic safety, trying to maintain a small village identity and not putting “4 lanes of traffic” down the middle of a small village. Just to maintain the character of a village area is worth some study because the character of the village area can really change quite a bit depending on how the traffic is handled.

Bont asked Hettinger if he was asking which communities had made these types of changes.

Hettinger said he was just asking if somebody may have some good “Complete Street” standards. Say for instance, could the Town design a complete street to avoid the problem like when a guy is riding his bicycle down Main Street next to parked cars and the guy in the parked car opens his driver’s side door to get out and the bicyclist runs into the driver’s open door. It does not seem to be a good idea to put the bicycle lane next to the parking spaces. Somebody must have some good ideas so that you can have a successful “complete street”. The Planning Board probably would want to look into what the best ideas for a “complete street” would be.

Grant said, “For instance, these 24 pages or so is the U.S. Department of Transportation Federal Highway Administration Guidelines for midblock crossings. This is just for a crossing, not for four (4) lanes or anything else.” The information is out there but it is complex and extremely heavy.

Fitzgerald said that in designing a “complete street” the designer is really required to take a harder look at what goes on. “Driver awareness” is the key. “Driver awareness” can take a lot of different forms, but what you want to do is make the drivers more vigilant about anticipating what could go on here. There are a lot of pedestrians and a lot of bicycles and that is the key to the safety component of “complete streets” (i.e., slowing people down). If pedestrians feel safer walking around there will be more pedestrians. Drivers slow down when they see more pedestrians. The solution to Lincoln’s peak traffic issues could take different forms. It deserves a bigger look just than throwing out a bunch of ideas. In the Master Plan update, the Planning Board can say that is one of the goals is to really study this issue so that a solution fits with the goals of the Town and what the Planning Board heard people say they would like in the village area.

Strickon said that the Planning Board members are supposed to take home the Transportation and Economic Development chapters. Bont asked that the members can make changes and then either scan the edited chapters and email them to her or fax them to her, whatever works for them.

### **Economic Development Chapter**

Fitzgerald said that the message about Economic Development is about preserving the place and the character of the Town while at the same time supporting growth. There is not a lot of projected population growth for this area; consequently, there is a different tone for the 2016 Master Plan Update than the tone of the 2003 Master Plan when the economy and development was booming. It looks like, economically, the US and the State are “on the up side of things”. There will be some more development, but how much development will there be for the Town of Lincoln? The State as a whole is losing its workforce. The Planning Board talked about how the Town/State can encourage the younger population to come back to New Hampshire. The 2003 Master Plan said, “Diversifying Your Job Base”. That goal should be the future goal of the Economic Development chapter for the 2016 Master Plan and the major message for the Economic Development section.

### **Land Use Chapter**

Vice-Chair Romprey asked if the “Small Business District” was referring to the Lincoln Industrial Park. The answer was yes.

Fitzgerald said that Land Use Chapter is really the core of the Master Plan.

The Land Use Chapter is broken into:

- Existing Land Use
- Future Land Use

The general land use categories are:

- Undeveloped
- Residential
- Commercial
- Industrial
- Town Services/Utilities

Fitzgerald said that the new proposed Land Use Chapter is not much different than the Land Use Chapter outlined in the 2003 Master Plan. Fitzgerald asked if the Town had any businesses apply for tax credits for investment in certain improvements and new infrastructure under the Economic Revitalization Zone (ER-Z). Has the ER-Z had any effect on the businesses or development in that area? The answer was no. Chair Spanos thought that no one has applied for the tax credit because we are coming off of a recession. Fitzgerald just wanted to be sure to include that information in the Master Plan if anyone had applied for it.

Fitzgerald then went through the Current Zoning District section. The zoning districts have not changed since 2003. The current Zoning Districts are:

- A. Commercial/Business Districts
  - General Use (GU)
  - Village Center (VC)
  - Small Business District (SBD)

**B. Residential Districts**

Village Residential (VR)  
General Residential (GR)  
Rural Residential (RR)  
Mountain Residential (MR)

Fitzgerald says that future residential development is expected to increase in areas where residential uses are predominant. These areas have already seen strictly residential development and they present the greatest potential for condominiums or regular residential development.

Those areas include:

- North side of Route 112 after the Village Center,
- South side of Route 112 after Loon Mountain,
- Large section of town north of the Village Center, and
- Smaller scattered areas along Route 3.

There was a long discussion about where there is still residential land to be developed and who owns each of the larger lots. Grant gave a brief history of the land owned by the Clark family members as well as the old Campers Inn property.

Strickon asked if the Updated Master Plan 2016 could be more specific about the areas suitable for future residential development. Fitzgerald said she could do that. The current paragraph is right out of the old Master Plan. She wanted to review the specifics in the paragraph with the Planning Board to nail down where these areas are. The vacant lots do not have to be specifically residential as she is just talking about what the potential is for development.

Hettinger asked, in reference to the last paragraph, didn't the Town change the name of the "Lincoln Industrial Park" to the "Lincoln Business Park"? The answer is "yes".

Robinson asked Fitzgerald if she could accompany the "Future Industrial Residential Land Use" paragraph with a map. Robinson said that he would rather see a map with those areas in red than to have her try to describe a lot north of Mansion Hill. Fitzgerald said there will be maps, but she just wanted to give the GIS man the correct parcels that need to show on the map. There will be a map that will accompany this whole section, or several maps. She will be more specific about those lots and the map will show these areas. The Planning Board will get another chance to approve the maps.

**Commercial Land Use**

Fitzgerald asked about the second sentence which read:

As mentioned in the Village Center Plan (2002), "a strong and healthy Village Center area will benefit all citizens of Lincoln."

Fitzgerald was not sure if this same goal should be mentioned in the Master Plan Update 2016, but it is still something that is being referenced, using the 2002 Village Center Plan. Chair Spanos said that the goal was still relevant.



Fitzgerald said that the next sentence in question reads:

“Zoning should continue to allow for greater density of commercial development in the Village Center. Zoning should examine the possibility of expanding the Village Center Zone to Dodge Place.”

Fitzgerald said that this comments were added a few years ago when edits were started in 2013 and she wanted to know if it was still relevant. Chair Spanos said that it was acceptable to leave it in because the Planning Board has talked about it.

Chair Spanos said, “We also talked about moving the Village Center lot back one.” He asked if everyone agreed with putting that concept in the Master Plan. A few members said yes.

Fitzgerald asked the Planning Board if they wanted to call it a “Zone”, a “District” or an “Area”. Chair Spanos said that it is a “Zone”. Bont said that the official word is “District”.

#### **ARTICLE VI DISTRICT AND DISTRICT REGULATIONS**

**Section A. DISTRICTS.** The Town of Lincoln shall have seven distinct districts. They shall be the “Village Residential”, “General Residential”, “Rural Residential”, “Mountain Residential”, “Small Business Development”, “Village Center”, and the “General Use” District. These Districts, as established, are shown on the “Lincoln Zoning Map” which is hereby declared to be a part of this Ordinance. The land area not included in one of the other six districts as shown on the Lincoln Zoning Map shall be the “Rural Residential” District. Abbreviations for the seven Districts, used throughout this Ordinance, are as follows: General Use (G.U.), Village Center (V.C.), Village Residential (V.R.), General Residential (G.R.), and Rural Residential (R.R.), Mountain Residential (M.R.), and Small Business Development (S.B.D.).

Fitzgerald said that it is the actual zoning boundaries. Fitzgerald asked Chair Spanos to make the wording change and send it to her.

#### **Future Development – Mixed Use Land Use and Planned Phased Developments**

Fitzgerald said that the title was another edit that was made in 2013 and asked if that was the correct terminology.

The next paragraph was as follows:

Two large undeveloped areas have been identified as future mixed-use development: the area south of the Pemigewasset River, where the new RiverWalk South Loon Mountain Development South Peak Resort is underway, and a large area north of the Village Center and east of I-93 where Forest Ridge is currently located (See Future Land Use Map.).

Robinson said that he would describe the area differently and suggested, “The future development area straddling the East Branch Pemigewasset River”. Robinson said it is where the new RiverWalk and South Loon Mountain Development are. Strickon asked if they should delete the word “new” from “new RiverWalk” and just have “RiverWalk” because this Master Plan Update is going to be around for a long time – a good 10 years at least – when RiverWalk will not be so new anymore. Vice-Chair Romprey agreed.

Fitzgerald said that the South Loon Mountain Development is underway. Bont said to call it the “South Peak Resort” Development. Fitzgerald asked if that was the same as “South Loon Mountain”. Planning Board members indicated that the development was the same.

Fitzgerald said that she took the Land Use chapter that had been partially edited in 2013 and did not really change it because she wanted to make sure that the Planning Board members were still okay with the 2013 edits.

### **South Peak Resort**

Fitzgerald asked if the South Peak Resort was still underway. Bont said that South Peak Resort was approved for many (1,018) dwelling units, but many (821) of the approved dwelling units were never built. There is current renewed interest in the area and the developers are starting to do some of the things they were supposed to do back in 2005 or 2006. Chair Spanos said that South Peak Resort’s Master Plan was approved back in 2006, but the current owner/developer (CRVI South Peak, TRS, Inc.) has not moved forward with the various phases. Fitzgerald confirmed.

Fitzgerald read again “large area north of the Village Center” and was not sure if they were talking about the same area that was discussed previously. Robinson said that the “large area north of the Village Center” is where Forest Ridge is currently located. Fitzgerald asked if Forest Ridge was slated for mixed use and planned phased development.

Bont said planned phased residential development, but not mixed use. Bont asked where the mixed use would be. Fitzgerald said that RiverWalk Resort is a mixed use. Robinson said South Peak Resort will be mixed use.

### **Industrial Land Use**

Fitzgerald said that the last paragraph is the industrial land use. The last sentence was added to this chapter and wanted to know if it was still current. The sentence reads:

“The Economic Revitalization Zone Tax Credit includes the Town Industrial Park and provides businesses with an added incentive to locate in Lincoln and create jobs.”

Chair Spanos said that the “industrial area” has already been subdivided and developed into lots and those lots are intended to be sold to buyers who want to operate a business on it. Vice-Chair Romprey said no one has filed a request for this type of tax credit.

Chair Spanos said that this paragraph insinuates that the development of an industrial park is only in the planning phases, but it is a real business park with lots for sale. Hettinger said that the “industrial park” is really not an industrial park, it is a business park. Chair Spanos said that it is a small business park. Robinson said to change the word “industrial” to “small business”.

Chair Spanos said that the business park was developed by the Town. Hettinger said that the utilities are already installed. Chair Spanos said, the entire infrastructure is in place.

### **Spelling and Error Corrections**

Strickon noted a spelling error on the fourth line down.

Hettinger said, the first page, second paragraph that starts “Overall, the Land Use...” the last sentence, where it says that the “National Forest occupies over 935”, should be followed by the word “acres”. Grant corrected Hettinger saying it should read “percent”. It should read, “Although the National Forest occupies over 93.5% of the total land area in Town...” Bont said that having such a high percentage of undevelopable land makes all the other privately owned land in Town that much more valuable.

### **Impact Fees (Bedroom Impact Fees)**

Fitzgerald said the impact fees section has been taken out. On page two, under “Development Patterns”, second paragraph, there is a listing of regulations including “Bedroom Impact Fees (2004)”. Chair Spanos said that the “Bedroom Impact Fees (2004)” is not really a regulation.

Fitzgerald said there should be a section where the Planning Board suggests ways to address the mitigation of negative financial impacts of developments or how to fund additional required town expenditures caused by development.

### **Steep Slope and Erodible Soil Protection and Stormwater Management Ordinance**

Fitzgerald said the Planning Board discussed steep slope protection and erodible soil protection. Does the Planning Board want to add protections for these to be considered as a policy? Chair Spanos asked Fitzgerald if she was asking about highly erodible soils. Chair Spanos said “It is already in here.”

Fitzgerald said that the Planning Board talked about some developable lots where both steep slopes and erodible soils is a problem. For example, when the Planning Board looked at the maps created by Dan Sundquist (“the GIS guy”), there was a large (530 acre – Map 408, Lot 001) piece of land, where most of it was steep and the soils were highly erodible. The Planning Board should consider whether those factors should be addressed in Town policies.

Strickon asked if the Storm Water Management Ordinance already addressed steep slopes or highly erodible soils. Chair Spanos said we can evaluate steep slopes and erodible soils when a project comes in for site plan approval. Hettinger agreed, saying “We do not want it in the Master Plan.”

Robinson said that he did not think the Planning Board wanted to reference the Storm Water Management Ordinance in the Master Plan, but that they did want the Master Plan to state what concerns the Planning Board had that might guide future ordinances. Robinson believes the Master Plan should state that:

- The Planning Board has identified storm water runoff as a problem.
- The Planning Board has started to address stormwater runoff.
- The Planning Board needs to continue to watch over development that occurs on steep erodible soils to see if it becomes a problem.

Robinson said, if the Planning Board recognizes those concerns in the Master Plan it enables the Town to later adopt ordinances to address those concerns; ordinances should be based on the Master Plan, not based on just three selectmen who thought it up, or on the current Planning Board who thought it was just a good idea. This ordinance should be defensible if they are rooted in the Master Plan.

Bont said, the draft Master Plan as written does not say that the Planning Board has to adopt an ordinance. It just says the Planning Board should consider it and take look at it. Perhaps what the Planning Board considers a concern in the Master Plan never actually becomes a problem, however, if the Planning Board starts to see the concern become a problem, then the Planning Board has laid the foundation to do something about it (i.e., recommend the passage of an ordinance).

Fitzgerald said the Master Plan does not state what the policy should be or that you need to have a policy. The Master Plan just says that you have identified a problem. Robinson said that we should say we have identified it as a problem.

Chair Spanos said that building on steep slopes is a potential problem; it is not a problem yet. Steep lots are not causing a problem yet. Robinson disagreed. Robinson said that storm water runoff is a problem. Bont said that stormwater runoff is a problem because we are allowing developers to develop on steeper land. Robinson said that as developers develop on steeper land, the developers have to take into account the storm water runoff and mitigate any problems related to that.

Robinson said, this draft section of the Master Plan does not say we have to write ordinances or regulations. It does not say what the regulations will be. What it says is that we have identified the problem. We have identified that it will get worse as we develop steeper land and we need to keep an eye on it.

Vice-Chair Romprey said that if the Planning Board is going to identify that problem in the Master Plan, should not they identify other problems in town as well?

Fitzgerald said that the root of the issue is that the Town has very little land left to develop. Of the land that is left to develop, a lot of it has highly erodible soil on steep slopes. The Town just enacted a Storm Water Management Ordinance. That is like a new step towards addressing these

concerns. Going forward the Planning Board will not be dealing with the same types of development as it has in the past because all of the land that is relatively easy to develop has already been developed.

Fitzgerald said that all the Master Plan is saying is that:

- We understand and recognize where we are right now in 2016.
- We have got just a small amount of vacant land. A lot of the vacant land has erodible soils and steep slope issues. We should be thinking about these issues.
- We need to consider the issues that we are faced with for the next ten (10) years.
- The Master Plan does not tell the Planning Board that it has to do anything. It does not tell the Planning Board what to do. The Master Plan is a vehicle to use if the Planning Board comes to the point where they need to change something.
- The Master Plan sets up for the next Planning Board for the next ten years. What you are putting into place is really for people on the next ten (10) years to be able to use the Master Plan, not right now, for the future. So you have to think about it in that sense. Setting up vehicles for the Planning Board for the next 10 years.

Chair Spanos said that the Master Plan should reference the Storm Water Management Ordinance and not expand too much upon it. Hettinger said that the Planning Board should consider the Storm Water Management Ordinance in future development. Strickon said the Storm Water Management Ordinance needs to be mentioned.

Fire Chief Beard said:

“When looking at development on a steep slope with highly erodible soil, all measures should be considered to stabilize and not adversely affect the land and buildings below the area being developed.”

Belanger agreed with Chief Beard’s statement and said that this concern should be mentioned in the Master Plan. Vice-Chair Romprey asked if that would be worded as “a concern”. “We don’t want to word it as a statute.” Robinson said no, just a concern. Strickon said she was okay with doing that. Chief Beard said that wording leaves the door open so that the Planning Board can interpret it differently. Chair Spanos said, “We do not want to make it specific at this time.” Vice-Chair Romprey said to use Beard’s statement verbatim.

### **Increasing Density Along US Route 3**

Fitzgerald said another goal and strategy that the Planning Board reviewed earlier is to study areas along US Route 3 (Daniel Webster Highway) presently zoned as General Use (GU) District to consider the possibility of modifying the zoning district to allow for greater density.

Fitzgerald said that putting goal or strategy to increase density along US Route 3 into the Master Plan does not mean the Planning Board is going to do it or change anything – the Planning Board is just going to look at it. That is the tone that the Master Plan typically has. It is not a mandate. The Master Plan cannot even be legally enforced. Responsibly, in about ten years the Planning

Board will have to look at where the Town is and then update the Master Plan for the next ten (10) years or so.

### **Implementation Plan/Spreadsheet**

Fitzgerald said she wanted to review and hear the Planning Board members' final thoughts on the draft Implementation Plan. An Implementation Plan is a spreadsheet of all of the goals and strategies in the text of the Master Plan and put into a spreadsheet. The Implementation Plan puts a loose time line on the various goals. The Implementation Plan says what party is responsible for seeing it through. There are several pages but each of the sections of the Master Plan has the goals and the strategies labeled out and the time table. This helps the future Planning Board with the next update so that they can go through the Implementation Plan and see what goals they have accomplished or not. The last Master Plan did not include an Implementation Plan.

Chair Spanos asked if having an Implementation Plan obligated the Planning Board to actually carry out the tasks on it. Fitzgerald said no. It is just a guide. Fitzgerald said often Implementation Plans have proposed changes in them that do not get accomplished, but it helps to have a document to guide you through. The Implementation Plan has goals and strategies that the Planning Board laid out in the very beginning, so they need another look.

- First Column – “Strategy #” – LU1 would be Land Use Chapter First Strategy.
- Second Column - “Strategy Description” are the general goals for each chapter. Usually there is only one referred to “the Vision” in the beginning of each chapter.
- Third Column - “Action” – These should be actionable items, things you can actually do, not ideas, but actual items that someone could go forward with. These are the bullet items the Planning Board should be focusing on and review what they have laid out.
- Fourth Column – “Time Frame” is the time frame for the actions listed. The time frames could be 2 years or 10 years, as tight or as loose as they want it to be.
- Fifth Column – “Lead Party” – The lead party would be the Planning Board for most of these actions and possibly the ZBA if the ZBA needs to be involved with some of these actions.
- Sixth Column – “Other Partners” – Other entities that should be involved, even if it is another Town department like the Recreation Department or the Public Works Department.
- Seventh Column – “Notes” – For any notes that you would like to see included.

Fitzgerald said that the Implementation Plan is typically in the back of the Master Plan. An Implementation Plan is a relatively new concept for Lincoln and she wants to make sure that the Planning Board is agreeable with this addition if they think it would be helpful.

Robinson said that he likes the concept of the Implementation Plan presented in a spreadsheet format because it takes all of the chapters and paragraphs and words and puts it into a chart that says:

- This is what your vision says.
- This is what the action is.

- This is who is going to do it.
- This is when they are going to do it.

Fitzgerald said that table of the Implementation Plan takes the vision and at the end of all the chapters the Planning Board ends up with a list of “what do we do now”.

Robinson said that as the Planning Board goes along with its regular monthly business, it will be good to review the Master Plan and its Implementation Plan document periodically. Robinson thinks the Master Plan is a bit like a Capital Improvement Plan (CIP). Like a CIP, the Master Plan is just a guide. Like the CIP, the Town does not have to do/fund things the way that the Master Plan/CIP Committee recommends. The CIP gives the Selectmen and the Town a guide and the CIP Committee tweaks the CIP every year. The Master Plan gives the Planning Board a guide and the Planning Board can tweak the Implementation Plan every year. The CIP Committee can eliminate things, changes time lines, move deadlines for expenditures to go faster and slower. The Planning Board can do something similar with the Master Plan. Robinson said he likes the process of putting the goals and strategies in a spreadsheet format.

Hettinger asked if the Implementation Plan table was a format that other towns were using. Fitzgerald said, “Yes”. Every Master Plan that Fitzgerald has been involved with recently has had an Implementation Plan in a table. Other Town Planning Boards do not always create the Implementation Plan table, but she really likes the table because she can write to the table and see that everything in the text has been addressed. The other advantage to having an Implementation Plan table is when the Town is looking for a grant to do a certain improvement, and the goal is in the Implementation Plan, it is much more powerful support for the Town’s grant application. The Town can say on their grant application, “It’s part of our Master Plan and we want to get this done.” The granting entities look at that in a favorable way. The Implementation Plan is in an Excel file. It is really easy to edit in an Excel file or they can print it and scribble on it. Fitzgerald said that this is the last piece of getting the Master Plan together.

### **Public Services**

Fitzgerald said that the other chapter she is currently working on is “Public Services”. Because there are so many pieces, so many different departments and organizations involved in gathering all the data, she is still waiting to hear back from some of the departments. Lincoln department heads have not been responsive. The Library, Food Pantry, Recreation Department, Fire Department, Police Department, Public Works, Cemetery - there are a lot of different pieces in that chapter because it covers everything. There is nothing earthshattering that needs to be reported.

Chair Spanos asked when our next meeting with Karen Fitzgerald will be. Bont said the fourth Wednesday of June, June 22, 2016. The Board thanked Karen Fitzgerald for her time.

### **Review the minutes from April 13, 2016**

#### **Motion to approve the minutes of April 13, 2016 as amended.**

**Motion: Paula Strickon      Second: OJ Robinson      All in Favor: (4-0)**

*Pat Romprey abstained from the vote.*

2. **6 P.M.: Conceptual:** – Clark’s Trading Post Inc., 116 US Route 3, traffic flow and parking reconfiguration – Callum Grant (Map 109, Lot 009 – attraction and Map 109, Lots 004, 005, and 006 – parking)

*Callum Grant stepped down for the Clark’s Trading Post conceptual.*

**Callum Grant’s Presentation for Clark’s Trading Post:**

Grant said that last year he presented a plan to the Planning Board to seek the Site Plan Review approval for the construction of a new water raft ride at Clark’s Trading Post (Clark’s) 116 US Route 3 (Map 109, Lot 009). At the time Grant voiced Clark’s intention to replace the parking spaces that were taken up by the water ride to the lot across the street from Clark’s Trading Post and that he would be back at some point to present this parking scheme. Last year on April 22, 2015, the slide installation did not involve any driveway alterations or anything that would have involved the New Hampshire Department of Transportation (NH DOT).

Grant said this year Clark’s is ready to discuss creating the replacement parking across the street. Clark’s used up 51 parking spaces to put in the water slide and they are looking to get back about 50 spaces on the other side of US Route 3. Since August last year Grant has had discussions with the NH DOT. Now that Clark’s is moving ahead with parking, the first thing that the NH DOT would like to do is correct some of the perceived deficits that exist on the US Route 3 corridor. One of those perceived deficits is the existing driveways at Clark’s Trading Post which were grandfathered back in the 1960’s and have been a thorn in the side of the NH DOT ever since, to hear the NH DOT speak about it.

Grant said in August Clark’s presented the NH DOT with a plan for the parking and NH DOT’s first comment was that they would require a traffic study before they would talk to Clark’s about parking or anything else. So Clark’s had a \$6,000 traffic study done on the US Route 3 traffic situation which was conducted by HEB Engineers and submitted to the NH DOT who accepted the traffic study.

Grant said then Clark’s came back to NH DOT and before NH DOT would talk to Clark’s about traffic, NH DOT required Clark’s to install a new cross walk, or perhaps even a tunnel or a bridge for safe crossing of pedestrians. The idea of a bridge or tunnel would eventually be put to rest based on the traffic study. The limited amount of traffic did not warrant that a bridge or a tunnel be built; however a much upgraded cross walk is required.

Grant was before the Planning Board specifically to speak about the crosswalk for Clark’s. Before Clark’s can discuss parking with the NH DOT or cut a tree on the other side NH DOT is requiring the Clark’s to establish a better crosswalk. Along with the crosswalk, NH DOT wants to address the driveways, particularly where the big “Clark’s Trading Post” sign is located.

Grant showed the Planning Board a plan, designed by HEB Engineers, for a cross walk. The



idea of asking for a conceptual is to find out from the Planning Board if the Board would require Clark's to submit to a full scale site plan review for the update of a crossing that already exists and the driveway changes such as they are. Grant pointed out the main gift shop building and showed the existing cross walk location and where the proposed new crosswalk is.

Grant said that the original plan that Clark's brought to the Planning Board last year started to look at having two crosswalks that would give access from a greater area of the parking lot on the west side to the east side. The NH DOT absolutely condemned the two crosswalk plan and wants only one cross walk midway. The drawing showed the crosswalk midblock and was a little further north than the current crosswalk.

Grant said that despite all efforts to have NH DOT come and walk the site with them, NH DOT refused and, on paper, picked a spot midblock for the crosswalk that was at the highest embankment between the road and the parking lot. But the crosswalk is midblock and that is what NH DOT requested. So instead of going where the crosswalk was with about a four foot (4') grade change from the parking lot to the road, the crosswalk is now located at a six foot (6') change of grade from the parking lot to the roadway. Clark's can accommodate NH DOT's request with two (2) more extra steps.

Grant said the larger issue, however, is to make this grade change from the parking lot to the road ADA compatible. In order to do that Clark's will need to build a seventy-five foot (75') ramp. Clark's was hoping to move the crosswalk the other way, but NH DOT did not want the crosswalk closer to the US Route 3A junction with US Route 3 so the crosswalk is being moved to the highest elevation.

Grant said this crosswalk proposal has been studied by NH DOT since last August. The crosswalk plan brought before the Planning Board today is the outcome of all the research. The crosswalk plan has a double back ramp which is about forty feet (40') long, starting at ground level in the parking lot and then north and across and then back to gain access to the elevation. The cross walk will cross US Route 3 and then a sidewalk in the green grass running along in the green grass next to the parking lot on the west side. The purpose of the sidewalk is to capture anyone coming out of the parking lot so they will come to the sidewalk and then filter down to where the crosswalk is located.

Grant said that in addition to a ramp, NH DOT is also going to require pedestrian activated flashing lights. The lights are \$6,000 each and two (2) lights on two poles will be required, one for each side of the road. The lights are solar powered and have either Bluetooth or wireless communication across between the two lights so as not to have to dig up the roadway (US Route 3) to run wires. Grant said he is here to ask, is this plan going to require a full scale planning application, or can this just be considered a very expensive upgrade of existing facilities?

Vice-Chair Romprey asked if any buildings would be installed. Grant said, "No buildings," but they will be putting concrete in the ground for the ADA compatible ramp and some steps. Vice-Chair Romprey asked if the NH DOT had approved these changes. Grant said that NH DOT has approved this plan verbally.

Chair Spanos asked if NH DOT was asking Clark's to close any of the entrances to the main parking lot. Grant said that NH DOT is asking Clark's to close the entrance south of the main entrance sign. Grant thought that would be all right; the change will add parking spaces south of the sign to make up for the parking spaces that will be lost having to put in the ramp. Initially, NH DOT did ask that the US Route 3A entrance be closed, but have settled with Clark's and agreed that the US Route 3 entrance will be only an entrance and not an exit too.

Fire Chief Beard mentioned that the US Route 3A entrance was required for fire truck access.

Grant said that Clark's maintained to NH DOT that they needed the US Route 3A entrance for maintenance access so NH DOT is allowing it as an entrance, but not an exit so entrance will need signage on both sides so it is clear that there is no exit. Grant reiterated that the one entrance that will close and that most of the new construction will be located on the NH DOT right of way which the NH DOT is agreeable to.

Vice-Chair Romprey asked whether the parking area that this new construction will access already exists. Grant said, yes, but they have not even talked about the new parking area that is yet to be built. Bont said that relocating the crosswalk and creating the parking area is such an expensive project that Clark's wants to do it over time.

Vice-Chair Romprey said that if NHDOT has approved this proposal and that most of the work is on the right-of-way, why would the Planning Board need to have a full site plan review of this part of the project? Bont said after they put in the crosswalk this year, Clark's will prepare the plan for parking across the road for next year. Then maybe next year Clark's would come in for Site Plan Review for the parking area itself. That is more in line with what the staff perceives as requiring full Site Plan Review. Vice-Chair Romprey agreed, and then next year the only concerns that the Planning Board would have would be drainage, runoff, or whatever.

Grant said that the first phase of the parking area plan is 50 spaces north of the big rock. Originally Clark's intended to have two crossings: one to the north, (that NH DOT said "no" to), and the other in the middle. The crosswalk in the middle needs to be completed before NH DOT will even talk to Clark's about allowing more parking along US Route 3. Vice-Chair Romprey said that once the crosswalk upgrade is done, NH DOT will have no say about the parking phase.

Grant said that NHDOT will have a say because Clark's will be moving driveways and NH DOT wants Clark's to move driveways. That part of the project will come next. Tonight the conceptual is about the crosswalk and closing the existing entrance off US Route 3A to outgoing traffic.

Chair Spanos said that Clark's will have to resubmit an application all over again next year to the NH DOT. Grant said yes, but when Clark's speaks to NH DOT next year, Clark's will have already taken the first steps that NHDOT demanded. Clark's cannot even talk to NH DOT about parking until this first step is completed.

Hettinger said that he may have only a slight issue with the flashing light that is pedestrian activated. What happens if someone comes over and forgets to activate it? Grant said that was

on the pedestrian. Hettinger said that the light should just be running all the time and not be pedestrian activated. Grant said that this required light is a very specific type of light.

Robinson asked if the pedestrian activation meant that a button must be pushed. Grant said that the light pole does have a button. The staff at the NH DOT was very specific and quoted the regulation book (Grant had a copy of the book). There will be two pedestals, one on either side of the road and they are about eight feet (8') tall and a pedestrian sign with flashing lights and a button. Someone coming up the ramp and presses the button. The light does not mandate the traffic to stop. It is not a red light. A warning light comes on.

**Chair Spanos asked the Planning Board to take a vote. The Planning Board voted that Clark's Trading Post will not need to come in for Site Plan Review approval for these changes. The vote was unanimous.**

3. **6 P.M.: Follow-up:** Rick Elliott d/b/a Mount Coolidge Construction, LLC, is developing "The Pines at Forest Ridge". The retention ponds were not installed in accordance with the plans. He has had to redesign the retention ponds since the Planning Board approved them. Does Rick Elliott need to come back to the Planning Board for approval of the changed plan or can the Planning Board authorize the Town Manager/Planner to approve the change based on Town Engineer Ray Korber's recommendation?

Bont said that this request is from her and Town Manager/Planner Burbank asking if Rick Elliott needs to come back to the Planning Board for approval of the changed plan. The developer had to reengineer the retention ponds because they were not built in accordance with the original plan. Elliott went ahead and started building the buildings so the retention ponds had to be redesigned to accommodate changes created by the buildings. The contractor did not hire their engineers to supervise the site work or to ensure that the subcontractor was following their engineering plans. It is an issue with the developer and the contractors.

Vice-Chair Romprey asked if the Town Engineer was involved and if he had reviewed the plan. Bont said, "Yes". The Town Engineer reviewed the revised plan and thinks the revised plan is fine. The staff asked the developer for additional funds to put in the escrow account to cover the cost of periodic checks by the Town Engineer that the detention ponds are being built in accordance with the revised plans. The Town Engineer recommended that staff ask the Planning Board for approval because the revised plan is different than what the Planning Board approved in its Site Plan Review. Town staff agrees with what is recommended by the Town Engineer, Ray Korber of KV Partners, LLC. Is the Planning Board comfortable with going with the Town Engineer's recommendation, or does the Planning Board want Rick Elliot to come back and present the revisions to the plan to the Planning Board?

Chair Spanos said that a hearing would accomplish the same thing. Vice-Chair Romprey agreed and did not see a need for the applicant to come back. Strickon asked if the Town Engineer would be overseeing the new changes. The answer was yes.

Vice-Chair Romprey said:

- Rick Elliott needs to submit an addendum to their plan.

Hettinger said:

- Town needs a letter from Town Engineer Korber approving the changes in the file so that ten (10) years from now we will know what happened.

Bont said that if the Planning Board's approval, subject to the Town Engineer's review, is put into the minutes that should address any questions in the future.

**Chair Spanos polled the members of the Planning Board to see if everyone was in agreement that Rick Elliott did not have to come back in to the Planning Board to submit the changes to his site plan with the detention ponds to the Planning Board. Everyone was agreement. Results of the polling were unanimous.**

## **V. OTHER BUSINESS**

### **A. ENVIRONMENTAL ASSESSMENT OF TOWN LAND**

Bont gave the Planning Board a six page executive summary of the environmental assessment of the property owned by the Town intended to be the location of the Riverfront Park where the Linwood Solid Waste Facility is located and where the Town was going to put the skateboard park. (Map 112, Lot 008 – former Burndy Landfill) and (Map 112, Lot 009 – Lincoln Woodstock Solid Waste Facility and vacant land for future Riverfront Park site).

### **B. STATE AFFORDABLE HOUSING DIRECTIVE**

Bont also gave the Planning Board a packet about the State's new directive requiring municipalities to be more flexible in allowing affordable housing, for example, to allow attached accessory apartments in all residential zones. At this time the Land Use Plan Ordinance allows attached accessory apartments in all residential districts. Between now and next year's town meeting the Planning Board should determine what changes, if any, are needed to come into compliance with the State's directive.

### **C. ALTERNATES**

Chair Spanos said that since Taylor Beaudin resigned from the Planning Board, he would like to go down to three alternates. Bont said that she thought the bylaws say that we can have up to 5. Vice-Chair Romprey agreed. Vice-Chair Romprey said that at one time the Planning Board was looking for additional alternates because sometimes regular members were unable to attend. Chair Spanos said that the law specifies up to 5, but he would like to stay with three alternates. The Planning Board members agreed.

### **D. OFFICERS**

**Motion to keep the officers the same. (James Spanos as Chair. Pat Romprey as Vice-Chair. John Hettinger as Clerk.)**

**Motion: Pat Romprey      Second: Paula Strickon      All in Favor: (5-0)**

**E. SALE OF TOWN LAND TO ALEX RAY TRUST D/B/A THE COMMON MAN RESTAURANT**

Robinson said that the Select Board had their second public hearing about the proposed sale of the land owned by the Town and leased to the Common Man for parking. (Map 118, Lot 43.1) There were mostly favorable comments at the hearing. There was a letter of objection from Paul Beaudin at the first hearing and a letter of objection from Paul Beaudin at the second hearing. Everyone else who spoke was in favor of the sale. The Board of Selectmen voted to approve that sale. The next step is to bring an application for a proposed Lot Line Adjustment before the Planning Board for approval with notification to the public and the abutters and a public hearing.

Chair Spanos said that basically the Town is just moving a lot line and incorporating a portion of that lot into the Common Man's lot. Robinson said that was correct. The Town is not creating a separate lot. The Town is taking that corner of land off the Town's lot and putting it onto the existing Common Man lot owned by the Alex Ray Trust on 10 Pollard Road (Map 117, Lot 102).

Robinson asked for it to be placed on the agenda for next month.

**VII. 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.

**A. DAVID DIXON**

Dixon came in to ask about the removal of his mobile home. He is currently waiting for the asbestos and lead paint test results to come back.

Because the current garage that is attached to the mobile home is being torn down, Dixon would like to know if he could put up a small shed that will go to the left of the house. The shed would be on skidders and sitting on a couple of pavers. According to the map he looked at, the shed would meet the setbacks.

Bont asked if the shed would be located in the 100 Year Flood Plain or the Shoreland Protection District. Dixon said that the shed would not be located in the 100 Year Flood Plain or the Shoreland Protection District because it would be close to the driveway [which is at a higher elevation].

Bont asked if Dixon was going to bring in an Application for a Demolition Permit for the mobile home and garage. Dixon said that he was building just a shed, not a permanent structure, and asked if he required a permit. The answer was "yes".

Bont said that if Dixon was going to submit a Demolition Permit Application for the mobile home and garage and then a Land Use Permit Application for the new cabin, he could put the new shed on the same Land Use Permit Application for the cabin.

Vice-Chair Romprey asked how old the trailer was that it might have asbestos or lead in it. Dixon did not know the age of the trailer. Vice-Chair Romprey said that he has never seen asbestos or lead turn up in any other trailer. Bont said that would be good. Dixon said that it would save him about \$5,000, so he would be happy to see it come back negative for both. Vice-Chair Romprey asked if it was tested. Dixon said that it has been tested and sent to Concord last week. Vice-Chair Romprey asked if it had 8" x 8" floor tiles. Dixon said the floor covering was linoleum. Chair Spanos said it needs to be tested because of the age of the home.

Dixon said that he needs a little shed to put things in, like bicycles and a snow blower, etc. Bont said that if Dixon submits the Land Use Permit Application for the new building, he should put the shed on the same application and do it all at once. Dixon said that there is currently a garage on the lot. When that garage is torn down he will have no storage space, so he would like to put up a small shed now. Bont asked if he already had a shed. Fire Chief Beard said that the garage was attached to the mobile home that is being torn down. Dixon said that the shed will be white with black trim and match the house. Vice-Chair Romprey asked if Dixon planned to put the shed in before he builds the cabin. Dixon said, "Yes".

The consensus was that Dixon should put both the cabin and the shed all on the same permit.

#### **IV. ADJOURNMENT**

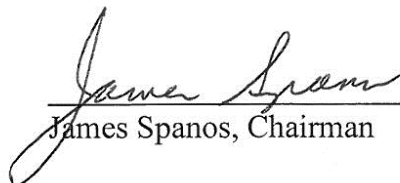
**Motion to adjourn at 7:35 P.M.**

**Motion: John Hettinger      Second: OJ Robinson      All in favor: (5-0)**

Respectfully submitted,

Wendy Tanner,  
Planning and Zoning Recorder

Date Approved: 05/23/2016

  
James Spanos, Chairman