

**LINCOLN PLANNING BOARD  
REGULAR MEETING MINUTES  
WEDNESDAY, OCTOBER 9, 2013 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

**Present:** Chair R. Patrick Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, Selectmen's Representative Patricia McTeague (filling in for Selectman OJ Robinson), Paula Strickon, Norman Belanger (alternate), and Taylor Beaudin (alternate).

**Members Excused:** Selectman OJ Robinson.

**Members Absent:** None.

**Staff Present:** Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank.

**Guests:** James Donahue, of 50 Maltais Farm Road representing himself and his wife, Mary Donahue.

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**I. CALL TO ORDER:** by Chairman Pat Romprey at 6:00 P.M.

*Chair Pat Romprey called the meeting to order. Selectman OJ Robinson was excused. Selectman Patricia McTeague is present to represent the Board of Selectmen.*

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**II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:**

- September 25, 2013

*The Board agreed to review the minutes after hearing the Application for a Minor Subdivision – Lot Line Adjustment.*

**Motion to move consideration of the minutes to later in the meeting.**

**Motion:** Hettinger.

**Second:** Spanos.

**Motion carried (4-0).**

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**III. NEW BUSINESS**

**A. 6:00 pm.      Application for Lot Line Adjustment**

**1. Application (SUB #2013-03)**

**2. Map 107, Lot 38 and Map 107, Lot 38.1**

**3. Address:      50 Maltais Farm Road and L/O Maltais Farm Road**

**4. Applicant:    James Donahue**

**5. Owner:        James Donahue and Mary Donahue**

***Proposal: For Planning Board To Approve an Application for Lot Line Adjustment between 2 Lots*** – Applicant James Donahue proposes a Lot Line Adjustment between Tax Map 107, Lot 38 (58 Maltais Farm Road) and Tax Map 107, Lot 38.1. Both adjacent lots are located on the

Maltais Farm Road. The size of the proposed subdivided lots will be as follows: Lot #38 will change from 0.34 acres to 0.27 acres. Lot 38.1 will change from 0.65 acres to 0.72 acres. Both lots are owned by James and Mary Donahue, 58 Maltais Farm Road, Lincoln, NH 03251. Both lots are located in the General Residential (GR) Zone. The applicant's surveyor and engineer is Horizons Engineering.

If the application is accepted as complete by the Planning Board, a public hearing will be conducted during this meeting or scheduled for a future meeting of the Planning Board.

**Motion to accept the application to subdivide two lots from Lot 118, Lot 39 as complete.**

**Motion: Spanos.**

**Second: Hettinger.**

**Motion carried (4-0).**

***Background:** Several years ago, based on instructions from the State of New Hampshire, Lincoln (and other municipalities) combined adjacent lots that were in the same ownership. Later, the State informed municipalities that the State should not have given the towns that advice. Towns were advised to notify property owners that the merged lots could be unmerged. Mr. Donahue wanted the Town to unmerge the three lots. The Town unmerged the lots. Now Mr. Donahue has three adjacent lots on Maltais Farm Road. Mr. Donahue wants to build a second house on the second lot. Now he would like to adjust the lot lines so the lot configurations make more sense for those two homes on those two lots. Mr. Donahue also owns a third adjacent lot in back of the house next door with no frontage.*

*Eric Pospesil from Horizons Engineering spoke to the Planning Board about the proposed lot line adjustment as a conceptual idea on behalf of Mr. Donahue when Mr. Donahue was unable to attend. The Planning Board was amenable to the proposal as a conceptual idea.*

**Motion to Open the Public Hearing.**

**Motion: Hettinger.**

**Second: Spanos.**

**Motion carried (4-0).**

*No Comments.*

**Motion to Close the Public Hearing.**

**Motion: Hettinger.**

**Second: Spanos.**

**Motion carried (4-0).**

*Applicant's surveyor, Eric Pospesil, needs to make two minor corrections to the Mylar before the Planning Board can sign it.*

- 1. Put the Tax Map and Lot numbers on the three lots owned by Mr. Donahue Map 107, Lot 38, Lot 38.1 and Lot 38.2.*
- 2. Put 15,000 square feet minimum lot size instead of 10,000 square feet as the minimum lot in the General Use Zone.*

*[Note: This second suggested change was a mistake. The minimum lot size is 10,000 square feet, not 15,000 square feet, because the lot in the General Residential District not the General Use District. The minimum lot size in the General Residential District is 10,000 square feet. The minimum lot size in the General Use District is 15,000 square feet. Eric Pospesil was notified.]*

**Motion to Approve the Proposed Minor Subdivision (Lot Line Adjustment) between Map 107, Lot 38, and Map 107, Lot 38.1 as indicated on the survey plan.**

**Motion: Hettinger.**

**Second: Spanos.**

**Motion carried (4-0).**

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## **II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:**

- September 25, 2013

*Strickon suggested fixing the first sentence in the third paragraph on Page 5, to read less awkwardly. Bont will reword the sentence without changing the meaning.*

**Motion to move the minutes as amended.**

**Motion: Hettinger.**

**Second: Strickon.**

**Motion carried (4-0).**

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## **III. NEW BUSINESS RESUMED...**

*Thomas Hahn did not show up for his scheduled Conceptual. The Planning Board already heard from two parties, Richard K. Elliott and Ray D'Amante, at the last Planning Board meeting on September 25, 2013, about this proposed subdivision. Hahn received copies of the minutes for that last meeting.*

*The Town Manager discussed with the Planning Board the numbers of inquiries about the Forest Ridge Development and the sealed bids for the notes formerly TD Bank for properties owned by Lincoln Development, LLC.*

*The Planning Board waited until 6:25 pm.*

### **B. 6:00 pm. Conceptual for a Minor Subdivision (Lot Line Adjustment)**

- 1. Application (SUB#2013-04)**
- 2. Tax Map 122, Lot 001 and Tax Map 115, Lot 017**
- 3. Address: LO Pollard Road and Parcel 2, First Ridge**
- 4. Applicant: Thomas Hahn, Senior Forester for Foreco, LLC**
- 5. Owner #1: Map 122 Lot 001 is owned by Green Acre Woodlands, Inc**

6. **Owner #2: Map 115, Lot 017 is owned by Jori Properties, LLC.**

**Proposal: For Planning Board to have input in a Conceptual Review for a Lot Line Adjustment Between 2 Lots:** Applicant proposes a minor subdivision (Lot Line Adjustment) to annex approximately 21 acres from Forest Ridge – Tax Map 115, Lot 017 (154 acres) to add to Map 122, Lot 001 of 6.35 ac.

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**IV. OTHER BUSINESS**

**A. Do Monitoring Sheds for Fuel Leakage at Kancamagus Country Store, LLC Need to Go Through the Site Plan Review Approval Process or Could That Requirement Be Waived?**

*Kancamagus Country Store, LLC ("Country Store") (Contact: Alice Dam) on land owned by SBN Real Estate Investment LLC on Map 112, Lots 67, 68 and 69.*

1. **History:** Bont informed the Planning Board that the Country Store had an underground fuel tank leak. They have been cleaning up the leak. The NH Department of Environmental Services wants the Country Store to put up monitoring sheds. Bont spoke to Environmental Program Manager Jeremy Roberts from KAS Environmental Science & Engineering ("KAS") of Williston, Vermont, hired to help create a remediation plan. KAS has to put two remediation stations near the store. The stations consist of a small wooden shed (each less than 150 square feet in size) inside a 10'X10' stockade enclosure. The monitoring stations will be located on adjacent properties on Main Street. The monitoring stations need to be in place before the end of the year.
2. **"Accessory Buildings":** Because the stations would qualify as "accessory buildings" and as accessory buildings they are so small (i.e., less than 150 square feet) it means the buildings do not have to meet even the setback requirements for accessory buildings. The setbacks in the Village Center District are:
  - a. five foot (5') front setback;
  - b. fifteen foot (15') rear setback; and
  - c. ten foot (10') side setback [unless it is an addition to an existing structure already in place within the 10' setback as of January 1, 1997, then the side setback for additions is zero feet (0')].
3. **Fence:** However, because of the proposed stockade fence that goes around the sheds and not the sheds themselves (less than 150 square feet), the Country Store would need to come before the Planning Board for a Site Plan Review, unless the Planning Board waives the requirement for a Site Plan Review. (See Land Use Plan Ordinance, Article V General Regulations, Section I Fences, paragraph 3, Non-Residential Lots, subparagraph a.) Other less stringent setbacks apply to fences.

4. **Where?** Romprey asked exactly where KAS was going to put the monitoring stations.
- a. Attached to these minutes is a copy of Tax Map 112 which highlights the properties in which the remediation systems will be housed. The first monitoring station is proposed to be installed on Lot 55 which is the Century 21 building. The other monitoring station is proposed to be installed at the boundary of Lot 67 and Lot 69. Both of these two lots are owned by SBN Real Estate Investment LLC. According to the sketch submitted, one is going to be located between two buildings; they drilled in between the two buildings where there is almost a driveway. The other one is located between Rogers and the Map Building. Apparently the leak traveled in a southerly direction. The map shows the lots where the monitoring stations will be located, but not the exact spot on each lot.
  - b. According to Burbank, these temporary structures could be there for years.
  - c. The leak in the Country Store's Underground Storage Tanks (UST) was discovered early in the year. This summer they dug up three USTs - two 6,000-gallon and one 8,000-gallon single-walled steel UST's - and replaced them with one new 15,000-gallon split compartment (11,000/4,000) double-walled fiberglass UST. They also installed new APT piping, sumps and other UST System appurtenances.
  - d. Burbank informed the Planning Board that he understood that the leaking fuel made its way all of the way down to the Hobo Railroad property. One house had so much leakage in the house you could smell it in their house.
5. **Issue: Does the Planning Board want the Country Store to go through the whole Site Plan Review process or would the Board be inclined to waive Site Plan Review?**
- a. Romprey believes the requirement is going to be approved one way or the other. The Planning Board will not have a choice. He was concerned about the actual locations of the monitoring stations. He believes NH DES will determine the location.
  - b. Burbank said that the monitoring stations will encompass the well head of where they drilled. He thought the leak was off to the sides of all of those properties. He understands the leakages were in all of the structures where the sampling wells are.
  - c. Hettinger asked if the leakage and the monitoring stations were on other people's properties and whether they knew about the proposed monitoring wells. Burbank believes that the property owners where the monitoring stations are proposed to be located know because they were drilling there for about a month.
  - d. Burbank stated that KAS was trying to determine the extent of that leak which was into the basement of a bunch of homes and businesses. Some of which were so impacted that they had to have fans blowing the gas fumes out of their buildings.

- e. *Spanos asked who was paying for the hazard mitigation. Burbank said that Irving Oil (190 Commerce Way, Portsmouth, NH 03801) was responsible for hazard mitigation.*

**6. *Romprey informally polled the Planning Board members to see if they would be inclined to waive a full Site Plan Review.***

- a. *The Planning Board is inclined to waive the requirement for a Site Plan Review however, make sure the Town has a good map with the specific locations of the monitoring stations.*

**B. Does the Planning Board Approve of the Concept of a Proposed Skateboard Park on Town Land (Map 112, Lot 009)?**

*Town Manager Burbank presented on behalf of the Board of Selectmen, Friends of Rec's proposal to put a Skateboard Park on town land near Jean's Playhouse.*

1. ***Skate Board Park in Village Center Master Plan:*** *Part of the vision for the Village Center Master Plan was to have a large recreation area that included a lot of different attractions, like Jean's Playhouse, a handicapped-accessible kayak access to the East Branch Pemigewasset River and an amphitheater. One of those attractions included in the Village Center Master Plan was a Skateboard Park. Now the Friends of Rec group has some young people who have a potential funding source. They are enthused about raising funds and putting a Skateboard Park together. They presented their idea to the Board of Selectmen. The Selectmen would like the Planning Board to have input and discussion about both the proposal and the location. The Friends of Rec have proposed using the piece of property owned by the town that is adjacent to Jean's Playhouse.*
2. ***Location of Skate Board Park Already Conceived in Plan:*** *Hettinger informed the Board that former Planning Board member, Tom Adams, has already mapped out some of those features, including the location of a Skateboard Park. Tara Tower tried to find a map of what Tom Adams presented, however the map was more of a sketch and she and Bont could not find it. He cannot remember exactly where the Skateboard Park was slated to go. Hettinger explained that Tom Adams is a retired landscape architect. "He has designed some amphitheaters that would knock your socks off. You cannot believe how beautiful they are." Although his sketches are hand done, Adams put a lot of thought and effort into them. Adams made some conceptual drawings showing what goes where. Hettinger will try to get a copy of the map from Adams.*
  - a. *Hettinger informed the Planning Board that according to the Village Center Master Plan the amphitheater is supposed to go right next to Jean's Playhouse. The actors should be able to use the changing rooms and props out of Jean's Playhouse, get prepared and just walk across the parking lot to perform at the amphitheater.*
  - b. *Burbank asked the Planning Board if they wanted to stick to the Village Center Master Plan. Does the Planning Board approve of the concept of a*



*skateboard park on that piece of town property somewhere? Does the Planning Board have any objections if we can find the land for it and if it does not interfere with where the amphitheater was going?*

3. ***Town's Liability:*** *Strickon inquired about whether the town would be carrying liability insurance to put a Skateboard Park on town land. Burbank informed the Board that he thought the town would lease the land to this nonprofit organization, "Friends of Rec" who would take full responsibility for the insurance. Strickon was concerned about the liability issue because in the town she lived in before put in Skateboard Park with rules about safe use. The kids refused to wear helmets and pads. The town could not enforce the rules.*
4. ***What Kind of Skateboard Park?*** *The Board of Selectmen can enter into an agreement to lease town land to Friends of Rec, but a Skateboard Park involves a major concrete building project. They have funding and estimates of anywhere from \$80,000 - \$90,000 to build it. Romprey suggests that they create a professional grade park. Burbank informed the Planning Board that Friends of Rec intend to build a professional grade park with gunite (a mixture of cement, sand, and water applied through a pressure hose, producing a dense hard layer of concrete used in building for lining tunnels and structural repairs). The park will be a beginner to intermediate level. It is not going to be an advanced park.*
5. ***Who Wants To Develop and Be Responsible For The Skate Board Park?*** *The Friends of Rec are running the development of the Skateboard Park through their 501(c)(3). So the Friends of Rec would be the ones that would be coming to the town for a lease. They would build it. Maintain it. Pay for the insurance.*
6. ***Why Go Before the Planning Board?*** *Conceptually, the Board of Selectmen wants to run the idea of a Skate Board Park by the Planning Board because of where that is placed in town, given the Village Center Master Plan. This project is not a minimal impact project like the Frisbee Golf course that Burbank signed a lease for to put around the Kanc Rec Area ski area. The skateboard park is a major structure made out of concrete. To move a skate board structure would be a big deal if it was not in the proper location. The location Friends of Rec would prefer is down on the town property which would be just off from the Jean's Playhouse parking lot.*
7. ***Conceptual Threshold Issues for the Planning Board:***
  - a. *Conceptually, does the Town want a skate board park?*
  - b. *If yes, where would the Town like the Skate Board Park to go?*
    - i. *Friends of Rec would like to put the Skate Board Park on town land near the center of Town.*
    - ii. *Speaking as the town manager/planner Burbank thinks skate boarding is an activity that should be near the center of town. If it is a Beginner to Intermediate Park it is going to be a draw. Parents will drive their kids to the park and then go out and shop in our stores. Burbank thinks it would*

*be a nice thing for the town, but it would have to be properly placed.*

8. ***Is the Skateboard Park a Municipal Project?*** Romprey asked if the Skate Board Park would be considered a municipal project. Burbank said it was not a municipal project. If it is not a municipal project then the Friends of Rec would have to come in and have Site Plan Review. The Board of Selectmen does not care whether the Skate Board Park is a municipal project or not, the Board of Selectmen thinks a Skate Board Park proposal should come before the Planning Board.
9. ***What Issues Would the Planning Board Address in Site Plan Review?*** If the Village Center Master Plan is still a viable document then the Town should want to fit a Skate Board Park into that Master Plan. Although a Skate Board Park is included in the Village Center Master Plan, the Board of Selectmen would like the Planning Board to review typical Planning Board issues like lighting, parking, ingress and egress, hours of operation, etc.
  - a. Belanger asked if the skate board park would be locked at night and what the hours of operation would be. Burbank responded that usually these structures are not fenced, closed at night or locked. There is no supervision. He does not know what Friends of Rec intends to do. The Town would get Police Department input through the Police Chief. Burbank explained that it was too early to discuss these issues as this is just a conceptual idea.
10. ***What Do the Board of Selectmen and Planning Board Members Think About the Proposed Location?***

Romprey asked the Board of Selectmen's opinion about the proposed location.

  - a. Selectman McTeague believes it is a good location because there are no near neighbors to drive crazy down there.
  - b. Spanos believes it is a good location to put right in the middle of town because it will be a draw. Romprey agrees.
  - c. The Selectmen want this to be a cooperative decision between the Board of Selectmen and the Planning Board. The Board of Selectmen wants to know if the Planning Board agrees that a Skate Board Park could or should go there on the Town Property. The answer is a qualified, yes.
    - i. They would have to agree to maintain it.
    - ii. They would need a lease agreement spelling out responsibilities.
    - iii. We would need to figure out where to put the Skateboard Board so we do not edge it in between Jean's Playhouse and the proposed amphitheater or where the handicapped accessible kayak launch is supposed to go.
11. ***Other Potentially Interested Parties.*** Burbank informed the Planning Board that he had had a brief discussion with Ray D'Amante who represents Dennis Ducharme of RiverWalk – the proposed conference center. Burbank asked D'Amante if Ducharme would want to participate in the development of that park.
  - a. D'Amante thought Ducharme might like to contribute because that kind of recreational opportunity would benefit RiverWalk too.



**B. Capital Improvement Plan 2014:**

*Hettinger, Chair of CIP Committee, informed the Planning Board that the Capital Improvement Plan (CIP) Committee has been meeting weekly since the beginning of August, but it is still not completed. The Bylaws indicate that we should be done with the CIP process by September. Hettinger recommended that the Planning Board change the Bylaws moving it to later in the year. It is too early to start the CIP process in June and July because there is not enough information available at that time. The Board discussed the pros and cons of moving forward with inaccurate guesstimates earlier in the year. The CIP Committee members are trying to do some due diligence and get as accurate information as they can to put in the CIP. When Lincoln started the CIP process about ten years ago the whole process was so terribly inaccurate that the numbers were not helpful. They hope to finish the CIP in time for the next Planning Board meeting or the meeting after that.*

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**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.

*No public input.*

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**III. NEW BUSINESS RESUMED...**

*6:25 pm Thomas Hahn, of Foreco, representing Green Acres Woodlands still is not present.*

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**VIII. ADJOURNMENT**

**Motion to Adjourn.**

**Motion: Spanos.**

**Second: Hettinger.**

**Motion carries unanimously by all members present (4-0)**

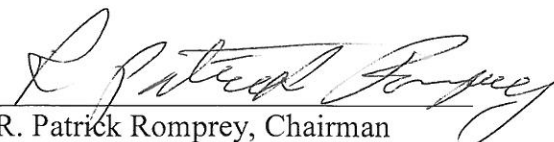
*The meeting was adjourned at 6:26 pm.*

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Respectfully submitted,

Carole Bont, Planning and Zoning  
Administrative Assistant

Dated: October 23, 2013

  
R. Patrick Romprey, Chairman