

**LINCOLN PLANNING BOARD  
REGULAR MEETING MINUTES  
TUESDAY, JUNE 26, 2013 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

**Present:** Chair R. Patrick Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, Paula Strickon, Selectman O.J. Robinson and Taylor Beaudin (alternate)

**Members Excused:** Norman Belanger (alternate).

**Members Absent:** None.

**Staff Present:** Planning and Zoning Administrative Assistant Carole Bont, and Town Manager & Town Planner, Alfred “Butch” Burbank

**Guests:** Don Landry d/b/a Greenside Ink, Dennis Ducharme, representing RiverWalk Loon Mountain, LLC, (formerly Southern Peaks Development), William (Bill) R. Davidson, Chief Civil Engineer from Hoyle & Tanner Associates, Inc. for RiverWalk Loon Mountain, LLC, (formerly Southern Peaks Development), Rick Kelley, representing Loon Mountain, Paul Bartlett, co-owner of Lincoln Center North, and Eric S. Pospesil, LLS – Horizons Engineering, representing Cypress Real Estate Advisors about South Peak Area (property owned by CVRI South Peak TRS, Inc. - formerly CENTEX then MDR) about proposed subdivision and Lot Line Adjustment – a conceptual (General Use Zone) and representing James Donahue and Mary Donahue about proposed Lot Line Adjustment – a conceptual (General Use Zone).

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

*Chair Pat Romprey called the meeting to order. Norman Belanger was excused.*

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

- May 22, 2013
- June 12, 2013

**Motion to approve Minutes from May 22, 2013 as written.**

**Motion:** Robinson.

**Second:** Strickon.

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

*The Board discussed the minutes. John Hettinger recommended a change of the word “annual” to “annually”.*

2. Under **Officers**, Paragraph 2:

- a. They changed the word “annual” to “annually” so the section will read, “The Officers of the Board shall be elected annually during the month of April...”

**Motion: “To approve the minutes of June 12, 2013, as amended.”**

**Motion:** Spanos.

**Second:** Robinson.



**Motion carried (3-0). Romprey and Robinson and Strickon abstained as they were not present at that meeting.**

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### III. NEW BUSINESS

#### A. Site Plan Review Application (SPR #13-04)

##### 1. SPR #13-04: Site Plan Review Applications – Application for Approval for a Change in Use.

- a. **Map 102, Lot 005**
- b. **Address:** 749 US Route 3
- c. **Applicant:** Don Landry  
11 Kanc Rec Road  
Lincoln, NH 03251
- d. **Property Owner:** Greenside Ink  
749 US Route 3  
PO Box 953  
Lincoln, NH 03251-0953

**Proposal: Application for Planning Board Site Plan Review Approval for a Change in Use** – Don Landry d/b/a as Greenside Ink, requests the Planning Board grant approval for a change in use in the General Use Zone at 749 US Route 3 (Tax Map 102, Lot 005) from a Printing Press Company to a Landscaping Company with no retail establishment, in accordance with Article V, Section A of the Lincoln Site Plan Review Regulations. The property will be a base of operation for the landscape business and will not be retail establishment. No changes to the structure are contemplated at this time.

According to NH Revised Statutes Annotated 676:4,I (d) and the Town of Lincoln Site Plan Review Regulations and Land Use Plan Ordinance, the Town is required to notify the public of a proposal for land intended for a **change of use**.

*Don Landry's application and map indicate he is not causing any physical change to the building. He is not doing anything substantially different with the building. He is just changing the use of the building from a print shop to a landscape business. He is not changing the ingress or egress.*

*On the sketch he submitted with his application, Don addressed any questions that might arise about the traffic plan associated with the property. At this time the school uses his lot to turn the school bus around because his lot has two entrances and there is enough room for the school bus to turn around. Don Landry is fine with this arrangement. If it turns into a problem for some reason in the future, then Don will consider putting up gates. Meanwhile, he will work with the school because he knows his lot is very convenient for the school to turn the bus around.*

**Motion to accept the Site Plan Review Application as Complete.**

**Motion:** Robinson.

**Second:** Spanos.



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

**Motion to open public hearing.**

**Motion: Robinson.**

**Second: Spanos.**

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

*Any abutters in the audience? None. Comments or questions? None.*

**Motion to close public hearing.**

**Motion: Spanos.**

**Second: Robinson.**

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

**Motion to Grant Site Plan Review Approval for a Change in Use for Don Landry d/b/a as Greenside Ink, in the General Use Zone at 749 US Route 3 (Tax Map 102, Lot 005) from a Printing Press Company to a Landscaping Company with no retail establishment, in accordance with Article V, Section A of the Lincoln Site Plan Review Regulations. The property will be a base of operation for the landscape business and will not be retail establishment. No changes to the structure are contemplated at this time.**

**Motion: Robinson.**

**Second: Spanos.**

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

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**B. Site Plan Review Application (SPR #13-02)**

**1. SPR #13-02: Site Plan Review Applications – Application for Approval for an Expansion of Use.**

**a. Map 118, Lot 047**

**b. Address:** 23 Inn Seasons Drive

**c. Applicant:** Inn Seasons Resort  
11 Kanc Rec Road  
Lincoln, NH 03251

**e. Property Owners:**

Southern Peaks Resorts, LLC  
BlueGreen Corporation  
4960 Conference Way No. #100  
Boca Raton, FL 33431

Southern Peaks Resorts, LLC  
BlueGreen Corporation  
PO Box 1058  
Lincoln, NH 03251

William Curran, etal.  
Dennis M. Ducharme



BlueGreen Corporation  
4960 Conference Way No. #100  
Boca Raton, FL 33431

Dennis M. Ducharme, etal.  
R. Scott McGreagor  
BlueGreen Corporation  
4960 Conference Way No. #100  
Boca Raton, FL 33431

Interval Ownership Trust - ISRSM  
BlueGreen Corporation  
4960 Conference Way No. #100  
Boca Raton, FL 33431

Interval Ownership Trust - ISRSM  
4960 Conference Way No. #100  
Boca Raton, FL 33431

**Proposal: Application for Planning Board Site Plan Review Approval for an Expansion of Use –** Inn Seasons Resort requests the Planning Board grant approval for an expansion of use in the Village Center Zone at 23 Inn Seasons Drive (Tax Map 118, Lot 047). Inn Seasons has submitted a Site Plan Review Application for construction of a 3-story, 61-unit timeshare hotel addition to the existing South Mountain Resort, construction of associated utilities to serve the addition, improvements to the existing parking lot, and lighting and landscaping improvements in accordance with Article V, Section A of the Lincoln Site Plan Review Regulations Article V, A. (Project Name: South Mountain Resort – East Wing Addition, Phases 1 and 2).

According to NH Revised Statutes Annotated 676:4,I (d) and the Town of Lincoln Site Plan Review Regulations and Land Use Plan Ordinance, the Town is required to notify the public of a proposal for land intended for an expansion of use.

*The applicant, **InnSeasons Resort - South Mountain**, (“InnSeasons”) was represented by Dennis Ducharme and assisted by William R. Davidson, P.E., Chief Civil Engineer, and Kathleen M. Jones, P.E., of Hoyle & Tanner Associates, Inc. The Inn Seasons Resort is seeking approval for the construction of a 4 story, 61-unit timeshare/hotel as an addition to the existing South Mountain Resort, located between the town office and the town office’s view of South Mountain. Some sections are three stories and some are four. This is an addition connected to the hotel that is there now.*

*The addition will have the same type of roofing, same type of siding and the same type of finish as the Inn Seasons Resort has now. There is the cupola on the building that will have unique characteristics like the other pre-existing building has.*

*According to Davidson, the eve height of the building is thirty-five (35) feet high on the front side to the parking area, but not on the mountain side. On the mountain side or back side the new*



*addition will be just about the same size as what is there now. The original is 62 units on the master plan. It has the amenities in that building. The new building will not have amenities. It will just have units. There are 61 units in the new building.*

*For Inn Seasons – South Mountain Resort, there are no economic conditions still affecting this project. They anticipate getting started as soon as they receive this Site Plan Approval. They are preparing the architectural plans now.*

**Motion to accept the Site Plan Review Application as Complete.**

**Motion:** Robinson.

**Second:** Spanos.

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

*Questions by the Planning Board*

*1. What is the timetable?*

- a. They hope to be in the ground this summer and weather-tight by the winter. They anticipate it will take ten months. The 61 unit addition will be done in two phases. Phase I will be 24 units, coming out from the corner of existing building. They will start Phase II – the next 37 units, making up the 61 units - right after they complete Phase I. They are selling the units in this building pretty fast with partner, BlueGreen Corporation. So, by the time they are ready to open the first phase, registering with the NH Attorney General, they will be ready to start digging on the Phase II.*

*2. What is the impact on Lincoln's Master Water Plan?*

- a. According John Hettinger, Lincoln has a Master Water Plan. In light of the number of units associated with this project, Lincoln may want to review and possibly revise the Master Water Plan. He does not think this particular project is going to impact the water situation in any way, but Lincoln may want to redo that water plan in light of this project and other outstanding projects like RiverWalk. "We are okay right now."*

*3. Public Works Director, Bill Willey, has some concerns about the small size of the water main. Is it too small?*

- a. Public Works Director Bill Willey has been in contact with Hoyle & Tanner about his concerns about the small size of the sewer main. Willey has some camera footage indicating potential problems with the timeshare/hotel addition tying into the existing sewer line. They believe that portion of the run follows along a flat surface. Willey will share the camera footage with Hoyle & Tanner. [The problem was discovered by Chris Mulleavey of Hoyle & Tanner when Hoyle & Tanner was working for Lincoln on another project.] Willey is concerned that if Inn Seasons Resort ties in the new addition there might be a problem. The flat spot in the*



*existing sewer main is located between where new addition for Inn Seasons Resort – South Mountain would be tying in and where the RiverWalk would be tying in. Willey thought it was a 12 inch main and the flat spot is less than 200 feet. Such a large addition going through that flat pipe could create an issue so the problem needs to be worked through.*

4. *What about sharing the nearby private pump station with the abutters?*
  - a. *Hoyle & Tanner considered using the sewer line behind the pump station that comes out of the existing building, but because there is such a grade change with the building –the addition drops about four feet below where the existing building is - they thought that it would be better to run a branch service. They are not sure what the elevations are going through because there is no super-manhole or clean-out that they can use to see in the pipe so they thought it would be better to run a brand new service to the new addition. To address Bill Willey's concern, by running a new service they will be tying in upstream [sic – did he mean "downstream"] of the flat spot.*
5. *The plan calls for reducing a 30" pipe reduced down to a 24" inch pipe where the culvert crosses the road down behind. Is that large enough to handle the potential load?*
  - a. *Hoyle & Tanner performed drainage calculations and learned that the 24" pipe is large enough to handle the load. With the new addition they would have no more drainage going off site than what they already have with the existing development. Right now their plan is a little unorthodox because the load first runs through a 30 inch CNP, then it goes through a 24 inch CNP that goes into the wetland that then goes out to the RiverWalk site. When they construct the RiverWalk site, they will get a permit to redo all the drainage in that area where it ties in all the way through. The drainage system for RiverWalk will include the drainage from Inn Seasons – South Mountain and that will combine to fill the drainage system they are designing. Right now the pipe is not being filled, so the 30 inch CNP is sufficient for what they are planning for Inn Season – South Mountain Resort because they will be actually reducing the flow from what exists right now once this addition to InnSeasons Resort is built.*
6. *The plans call for a 6 inch ductile main being attached to an 8 inch main to a sprinkler fire suppression system, however, that may not be adequate if there is no fire hydrant there. If there is no fire hydrant, there needs to be a fire connection so the fire department can pump enough water to supplement the sprinkler system on the outside. Can a six inch pipe provide a large enough flow so the fire department can do that?*
  - a. *Fire Chief Ron Beard reviewed the plans. He wants either a hydrant in the plans or a large enough water main to support the sprinkler system AND a fire department hookup. When they drew up the plans Hoyle & Tanner thought that there was a proposed hydrant off that line, but there is not. Consequently, the 6 inch line that comes into the actual addition that is expected to be used for the*



*sprinkler system will also be needed for fire protection. Hoyle & Tanner does not know that for certain so they will check to make sure there is enough water flow to support the sprinkler system AND a fire department hookup too.*

7. *Have the electric vaults been designed sufficiently to withstand flooding?*

*Hoyle & Tanner does not see any flooding concerns there. Both of those vaults are a little bit above the road, but not much. If the flood water was to pond, the water would end up cresting the road first before reaching the electric vaults.*

*Ducharme talked to Jimmy Boyle, head of engineering for Inn Seasons – South Mountain Resort for the past ten years for Ducharme and for the past twenty years before. Boyle has not seen any flooding on this site. There might be a little bit of a pond in that corner of the property, but it should not be enough to top the electric vaults. Right at the corner any flood waters will overtop the road and fill in that area before it ever reaches those electrical vaults.*

8. *There are some parking spaces and curbing within the 15 foot rear setback closest to the police station, is permitted? The newer parking areas are shown on C5.*

*a. Concrete curbing within the setbacks is allowed.*

9. *Looking at Site Plan Sheet C5, the concrete retaining wall is both within the 5 foot front setback and is actually located, in part, on someone else's property. The concrete retaining wall is on property owned by Lincoln South Mountain Partners (Map 118, Lot 003).*

*a. Hoyle & Tanner will pull that concrete retaining wall back for the sidewalk and the result will be a flatter area. Then they could "tie off" that retaining wall. They will put the retaining wall on land owned by Inn Seasons – South Mountain Resorts.*

*b. The abutting property is listed on the plans as being owned by James RF. Miles, Trustee, of Slope Side Realty Trust, c/o Roger Lehrberg, Esq. However, that is no longer a separate lot and it is no longer owned by the listed entity. It is now part of Map 118 Lot 002 now and is owned by TFG Lincoln Properties, LLC c/o The Finch Group. It should not be listed on the plans as a separate lot. The number for the Map 16 Lot 310.1 is an old number that is no longer in use. Hoyle & Tanner will make the status of the proper ownership clear. The easement will show up on the plan. It will show the permanent parking easement on this lot (Map 118, Lot 002) as shown within the area outlined in yellow, however, the easement area is not a separate lot. That parking lot is actually in place now, however, the configuration will change a little.*

10. *Is the parking area on Map 118, Lot 002 (owned by TFG Lincoln Properties, LLC c/o The Finch Group) part of the 154 required parking spaces?*



- a. *Yes. Hoyle & Tanner actually planned 167 parking spaces. They are required to have 154 required parking spaces so they have 13 additional parking spaces more than they are required to have. The parking lot on the adjacent lot (Map 118, Lot 002) is part of the 154 required parking spaces. There is an easement. There is an existing parking lot there right now with an existing easement on it.*
11. *Are the two dumpsters for the InnSeasons Resort presently located off-site going to be relocated onto the site?*
  - a. *There is one dumpster and one compactor presently located on the adjacent lot owned by the mall called Village Shops ICH, LLC (Map 118 Lot 046 – 25 South Mountain Drive). The dumpster and the compactor are going to be relocated onto the InnSeasons Resort site this winter. InnSeasons left the dumpster and compactor on the Village Shops ICH, LLC lot for a few years after Dennis Ducharme (InnSeasons – South Mountain Resort) sold the mall; he was helping out the mall. The service agreement is going to expire this winter so Ducharme will no longer take care of the mall parking lot. They have to put the dumpster and the compactor on the Inn Season property after the agreement expires this winter.*
12. *Inn Seasons – South Mountain Resort will be doubling the size of its facility and so will double the solid waste disposal needs. Do you intend to double the number of dumpsters that will have to handle double the solid waste amounts from the addition?*
  - a. *Ducharme envisions just one good-sized dumpster because they will have a compactor on the site. Using a compactor is the most efficient way of taking care of solid waste. Right now the two abutting properties are sharing those dumpsters – the 62 units here on the InnSeasons Resort site and the abutting property Village Shops ICH, LLC. Ducharme has been taking care of the garbage for the Village Shops, ICH, for ten years. After this winter, the Village Shops will be on its own. Inn Seasons – South Mountain Resort will need the dumpster and compactor on its lot. Ducharme does not know what the yardage of the dumpster is.*
13. *There are two staircases on the “front” of the addition, next to the Loon Access Road, C-5 on the site plan it says “Construct Concrete Staircase Coordinate Location with Doorway shown on Architectural plans”. The two sets of staircases are both within the five (5) foot front setback. The stairs are part of the structure. They cannot be within the five (5) foot setback.*
  - a. *The staircases are emergency exits. The staircases come down to the basement from the concrete foundation. They will put a mechanical room in the basement. They may put the laundry system in this building because presently it is located on the other end of the existing building. The concrete stairs located 1/3 of the way down the side of the building is for separation of Phase I from Phase II. When they are building Phase I, those stairs will be the staircase that comes down the*



*side. Once they start with Phase II and they get that part constructed, the stairs that are further of the way down will disappear and the staircase will go to the end of the building. The staircase that is by the retaining wall that we were talking about earlier those will remain, but the ones that are intermediary will be moved.*

- b. The Planning Board indicated that the staircase is part of the structure and cannot be within the setback. Dennis Ducharme and Hoyle & Tanner agreed that the staircases will be located at the far end of the building and not within the setbacks or they will push the building in a little ways and wrap the staircase around the corner to the end. The lost space in the jog was just a housekeeping closet.*

*14. Where the parking lot is on the side of the adjacent lot, what is the jog where it says "7.5 feet"?*

- a. That is the width of the sidewalk/walkway that wraps around the building. It is not part of the structure.*

*15. There are two underground propane tanks within the setbacks associated with the original structure that appears to be within the 15 foot rear setback in the top northeast corner of the lot as shown on C5. Are the two propane tanks going to stay within the setback?*

- a. Those existing propane tanks are going to stay where they are. The propane tanks feed both buildings (InnSeasons Resort M118 L047 and The Village Shops M118 L048). Those propane tanks feed the former Fratello's Restaurant (formerly "Olde Timbermill Restaurant" as indicated on the plans) located in the Village Shops (M118 L048) and the Village Shops have an easement on the InnSeasons property.*
- b. There are two propane tanks located in the center of parking lot in the middle of the lot as shown on Utility Plan C7, where it says "Install buried propane tanks in accordance with manufacturer's instructions..."*

*16. What is the impervious coverage? [Referring to a Letter from Hoyle & Tanner dated June 5, 2013, addressed to R. Pat Romprey, Planning Department.]*

- 1. The total lot is 4.42 Acres. They have 3.07 acres of existing impervious coverage. They have an increase of 0.18 acres going from existing to proposed total coverage of 7800 square feet.*
- 2. [Note: Letter from Hoyle & Tanner says 1.45 acres of impervious surface + 1.36 acres of mowed grass surface = 2.81 Acres (Inflow area)].*
- 3. [Note: Using the documents filed,  $2.81Ac + 0.18Ac = 2.99Ac = 0.68$  or 68% coverage. Maximum coverage is 80% in the Village Center District].*



4. *The majority of the drainage system is a closed drainage system. (Look at C5 & C6.) There is a small section that has a swale that goes around the back of the building, but then there is also a storm tech infiltration system which is basically a series of yellow chamber systems with stone that infiltrate the storm water into the ground. They are able to use that drainage system in the storms and for all their storms have a reduction in those that is based on that chamber system. It is a pretty small increase in the impervious area on this site.*
17. *Are they including the easement area they show on the adjacent lot as part of the whole site?*
- a. *Yes. From an impervious standpoint, it equals out because there is existing pavement there right now. Where the building is going, the majority of the footprint is already existing pavement so there is only a small area on the small grass slope that is going to become impervious that is not impervious now.*
18. *Is the detention pond and some of the drainage system located on three other lots and not the subject lot?*
- a. *Yes. They are basically reconstructing what is already exists there right now. They already have grading in that area to get the drainage to go down. There is an existing swale there right now on the Loon Mountain Access Road.*
19. *Does Inn Seasons Resort have an easement to put a drainage system on property now owned by CVRI South Peak TRS, Inc. - formerly MDR and before that CENTEX. [Cypress Real Estate Advisors re: South Peak Area]?*
- a. *Rick Kelley, representing Loon Mountain: The Landing, Loon Mountain and South Peak all have an easement on property now owned by CVRI South Peak TRS, Inc. - formerly MDR and before than CENTEX.*
- b. *Does Loon own the land or does Loon just have a right of way?*
- i. *Rick Kelley: Loon has a right of way. The land originally belonged to Crenshaw and when the Paper Mill "came apart" Loon Mountain got a permanent easement from the Mill in 1979. The easement included the right to maintain and expand the right-of-way known as Loon Mountain Access Road. Loon Mountain redid the entire road. CVRI has "inherited" the ownership of the property subject to Loon Mountain's easement.*
- c. *Is Loon's easement just a right-of-way limited to a rite of passage or can Loon dig up the land?*
- i. *Rick Kelley: Loon can dig up the land and put in drainage and utilities. Loon has all rights above and below the road.*



- d. *Inn Seasons Resort will work out the property owners and Loon Mountain (and other easement holders) who does what with the drainage along Loon Mountain Access Road.*

**Motion to open public hearing.**

**Motion: Spanos.**

**Second: Robinson.**

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

*Any abutters in the audience? None. Comments or questions? None.*

**Motion to close public hearing.**

**Motion: Spanos.**

**Second: Hettinger.**

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

*The following issues were addressed:*

A. **Drainage Issues.**

- B. **Sewage Issues.** *They are going to work on the sewer issue with Town to make sure they don't run into a problem with the flat spot in the town-owned sewer pipe. Hoyle & Tanner will talk with Billy Willey. The flat spot has not caused any issues with the existing load, however, the Town is not sure the sewer line would be able to handle that many additional units. The alternative is to run the sewer line from somewhere else. Could Hoyle & Tanner calculate whether the additional 61 units coming into that flat spot are okay? The town does not want to have an off-site issues caused by the new addition. This sewer line will service this project, but it also services other projects down the street.*

1. **Private Pump Station:** *River Green has a pump station down near Bunker Lane on the other side. It would be tough to get into. Hoyle & Tanner thought about using it when they were planning for RiverWalk, however, it is privately owned. The owners control the access to the pump station and they would have to get permission from the owners to get access to it. The owners have denied access to others in the past.*
2. **Flat Spot:** *The issue of the sewer line flat spot was raised by Hoyle & Tanner when they reviewed Horizon Engineering's sewer analysis for the Rapids project. The line was identified as running 30% full which Christopher R. Mulleavey, P.E of Hoyle, Tanner & Associates, Inc. said would indicate that the sewer line has a flat spot. Public Works Director Bill Willey flagged the problem. It was never determined for certain why the pipe was running 30% full; was the result a flow issue or was the pipe flat and the sewerage was just sitting there? The Town has not fixed the flat spot because it has not caused any issues so far; however, the Town is concerned about putting an additional load on the sewer line with a flat spot in it. According to Romprey, the*



*amount of loading was not planned to go in that direction; the sewer line was planned to go the other way. If the questionable area is only about 200 feet they should be able to come up with a work around. As long as there is pitch there that they can construct it. It is more of a cost issue.*

3. **The Rapids:** *How did they approve "The Rapids"? The Rapids could not get up to this sewer line. The Rapids project was going to have a much larger load than the hotel. The Rapids had to work with that association to use their pump system. Their approval was conditional.*
4. **Not A Condition Of Application:** *Fixing the sewer line is not a condition of this application. It is just a question. We just don't know what has to be done to make it fully functional, if anything. The Planning Board advised the applicants to investigate further before they build.*

C. **Master Water Plan Update:** *The Town may be required to get that Master Water Plan survey updated, reorganized and modified to include that project because it was never included before. The state wants Lincoln to update it. The water survey shows how many units are being built over how many years and how many units you expect to be built in how many years and what the water capacity there is in the town. However, this is not a requirement for the applicant.*

D. **Timetable.**

1. **Two Phases.** *The first phase is 24 units. The second phase is 37 units. They did not want to do this project in thirds because they did not want to drag it out, making it inconvenient for their guests. It takes a year or two to analyze the project, as to the rate of sales. They have been selling at a steady rate for the past two years. The economy is just starting to get better. They figured out what their attrition will be and the length of their lenders' patience for the next 4 ½ years. All of the above was approved and memorialized in writing with their lender. The timetable is not quite two years. There is a small section of the second floor they are using as sales offices. Eventually the sales office will go away. They will stop selling on site because BlueGreen Corporation sells off-site.*

E. **Third Party Inspection.**

1. *The Town is about to start an inspection process from the ground up. The Planning Board had some Building Inspector professionals come to speak to them several weeks ago. It will be at the developer's cost. The Board feels it is necessary. Developers come into Lincoln, build and then disappear. After they have disappeared the problems start to appear. We do not have the building inspection process in place yet, but we would have to ask Ducharme to do it on a voluntary basis to make sure the building is being built to State Code. They asked Ducharme if he would be willing to hire a third party*



*unless Hoyle & Tanner has someone who is certified to do that. They will inspect the site and the building.*

2. *According to Hoyle & Tanner, in other towns, at the end of a project they are required to put a letter together that says that the building site and the building were built in general conformance with the plans. They sign a contract with the owner to actually be out on site because without being out on site and making sure it is being done that way they cannot certify that the building was built according to specs.*

**Motion to accept the application as complete.**

**Motion: Hettinger.**

**Second: Spanos.**

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

**Motion to approve the application of Inn Seasons– South Mountain Resort for an expansion of use in the Village Center Zone at 23 Inn Seasons Drive (Tax Map 118, Lot 047) in accordance with the Site Plan Review Application for construction of a 4-story, 61-unit timeshare hotel addition to the existing South Mountain Resort, construction of associated utilities to serve the addition, improvements to the existing parking lot, and lighting and landscaping improvements in accordance with Article V, Section A of the Lincoln Site Plan Review Regulations Article V, A. (Project Name: South Mountain Resort – East Wing Addition, Phases 1 and 2) with conditions.**

**CONDITIONS:**

1. **Address drainage issues.**
2. **Move the walkway and stairway from the east side of the building out of the five foot (5') front setback area to the south end of the building.**
3. **Place the concrete retaining wall associated with the loading dock within the property boundary.**
4. **Hire a third party inspector to certify that the site and the building have been constructed in accordance with State Building Code at the developer's cost.**

**Motion: Hettinger.**

**Second: Spanos.**

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

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**IV. OTHER BUSINESS.**

**A. CONCEPTUAL – PRELIMINARY CONSTULATION AND REVIEW:**

Michael Donahue about land owned by James Donahue and Mary Donahue – a conceptual (Map 107, Lot 038) 58 Maltais Farm Road (1.6 acres) General Residential Zone.



*Michael Donahue intended to present the conceptual on behalf of his parents, James and Mary Donahue, however, he had a medical issue and was unable to attend. The surveyor they hired from Horizons Engineering happened to be present, Pospesil, Eric S., L.L.S. and so the conceptual was discussed with Pospesil.*

*Mr. and Mrs. Donahue own three lots. Many years ago the State advised towns that if they had any substandard lots their goal should be to get rid of as many substandard lots as possible. The State advised Towns that if someone owned a substandard lot in town and then purchased an abutting lot, to merge the two lots unless the owner had subdivision approval. Substandard lots are a bigger issue in towns where there is no town water or town sewer. Per the state's advice, the Town merged Mr. Donahue's three contiguous lots. Since then the state has changed its position and towns are required to unmerge lots that were merged in this way at the property owner's request until 2016.*

*Mr. Donahue is asking the Town to unmerge his three lots. He has separate deeds for the three lots. He has just had a survey done. He has a house already on Lot #1 and he would like to build a second house on lot #2. He also would like to do a lot line adjustment that looks like #1 highlighted area. He would be putting the new house on Lot #2. On Lot #3 he is not really looking to do anything with it. He is looking to hang onto it at this point. Eventually he might want to sell it to an abutting neighbor – lot #39 because the owners are kind of interested in it. But he is not interested in selling it right now.*

*The lots all meet minimum square footage and setbacks; however, Lot #3 is landlocked. According to Pospesil, Donahue talked to Pospesil about creating an easement along the other lot to access Lot #3.*

*The Planning Board did not see any issues providing Donahue had enough square footage to meet the square footage requirements and the setbacks AND provided there are proper easements with access for all three lots.*

*This part of the meeting is a "Conceptual" so the planning board members are not bound by anything they say at this meeting. It provides an opportunity for Donahues to informally ask and get advice from the Planning Board. The Planning Board does not anticipate any problems, providing the Donahues do not create any landlocked lots.*

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**B. CONCEPTUAL – PRELIMINARY CONSULTATION AND REVIEW:** Eric S. Pospesil, LLS – Horizons Engineering for Cypress Real Estate Advisors about South Peak Area (property owned by CVRI South Peak TRS, Inc. - formerly CENTEX then MDR) about proposed subdivision and Lot Line Adjustment – a conceptual (General Use Zone).

**1. Location of the Lots Proposed to be Subdivided:** Pospesil showed the Planning



Board part of the plan set that they are working on to amend an existing AoT (Alteration of Terrain) permit. He indicated the Riverside area on South Peak Road where CENTEX/MDR/CVRI had a subdivision a couple of years ago. The date on this plan was 2011. They are proposing a new subdividing of an additional four lots. They are also proposing a fifth lot where there is a spur road.

2. **Lot Sizes:** The total area where the proposed subdivision is about 1 ¼ acres. The lots themselves run about 8,000 square feet. The building lots are small and clustered with lands held in common to offset the density.
3. **Flood Plain Issues:** According to Pospesil, although the four proposed lots appear very close to the river, they are not in the flood zone and the flood zone is on the plan he showed to the Planning Board.

The Planning Board asked if the proposed lots are out of the flood hazard areas that the FEMA maps are showing now or also out of the areas that FEMA has indicated they are going to check. The FEMA flood maps are old and overdue to be redone. According to Pospesil, Horizons Engineering performed a detailed flood study in the relevant area back at the start of this development because there was a flood plain issue.

Hettinger indicated that after Hurricane Irene there was an issue on their land because he walks that land all of the time and "There is sand all over the place right there!" Pospesil responded that the "Irene Event" was probably greater than a 100 year event. FEMA only maps the 100 year flood.

According to Town Manager Burbank, because of recent conversations he has had with FEMA on the levy issue, FEMA has not done a remapping of Lincoln only because of the federal "sequester". The Town of Lincoln's Flood Plain Maps are overdue to be redone. The rivers have moved in some areas. FEMA is talking about raising the flood plain level. Romprey advised Pospesil to bring a copy of Horizons Engineering flood study when they apply for the subdivision.

Pospesil advised that Horizons used its flood study to establish the flood zone on the original subdivision. Hettinger reminded him that when the prior owners came in the Planning Board made them change the location of some of the lots due to the location in the flood hazard areas. "The water was running half way up the property." Pospesil: Duly noted. We will raise this issue with the client when we are designing the units there. We feel pretty comfortable with our flood analysis that was done.

The owners currently do not have any permits that are in effect. Pospesil advised the planning board that Horizons is doing an additional AoT (Alteration of Terrain Permit Application) for one area. For the other areas they are working on AoT and Shoreland Protection Area Permits. For these other areas there are



*no other wetlands. There are no additional impacts.*

4. **Planning Board:** *The Planning Board advised Pospesil, the owners are already vested in this area with what they have done. They just need to update their permits. The Planning Board does not have any issues with any of the proposed five new lots as long as it is not exceeding the density of this subdivision. Pospesil assured the Planning Board that they are not anywhere near reaching the total density. Romprey reminded Pospesil to calculate and show the subtraction of these lots from their total number of lots approved. According to Pospesil, the total number of the agreement that he saw on record was about 1,000.*

*The Planning Board does not care where they build the buildings as long as they are not exceeding the density. They can put them all in one cluster, as long as they don't exceed the number of approved parcels. The minimum lot size does not matter in this particular subdivision. Many of the lots in this subdivision are under the 15,000 square foot minimum lot size. It becomes a matter of density for the total area.*

5. **Third Party Inspections Required:** *The Town is going to mandatory third party inspections within the next month.*
6. **Location of the Proposed Lot Line Adjustment:** *The Lot Line Adjustment that we are proposing is where the riverside lift is. The lift splits these two lot lines. We are going to do a new lot line and create an open space easement. Actually, we are just going to move these lot lines and this is going to be retained. The lots are still buildable, but no one would want the liability of having the pole on their lot. That way we take that liability for that pole off a buildable lot.*

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#### **C. POSSIBLE ADOPTION OF PLANNING BOARD RULES OF PROCEDURE AS RECOMMENDED BY TOWN COUNSEL & REPEAL PLANNING BOARD BY-LAWS**

*A question was raised about Page 3, Number 9; the last sentence states, "Voting shall be by roll call which shall be recorded in the minutes, if requested." Do we really want to have to take a roll call vote every time we vote? We are going to vote the way we always vote unless there is a request for a roll call vote. Then we will do a roll call vote. We added the language "if requested".*

*Another change from the original proposal was to allow alternates to participate in the discussion, however, it has to be clear to the applicants and participants and audience, that alternates were not motioning, seconding or voting. This is a continuation of the present practice. The Planning Board Chair should make it clear at the beginning of each hearing to the applicants, the participants and the audience who the alternates are,*



*who regular members are and that alternates will not be motioning, seconding or voting.*

**Motion to rescind the Planning Board By-Laws and in their place to Adopt “Rules of Procedure – Planning Board, Town of Lincoln, New Hampshire”.**

**Motion: Strickon.**

**Second: Spanos.**

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

#### **D. DISCUSS CONSTRUCTION CODE AFFIDAVIT**

*The Planning Board discussed the Construction Control Affidavit as part of the inspection process. At this time we are not issuing building permits or performing building inspections and therefore, we are not issuing Certificates of Occupancy because we are not authorized to enforce the State Building Code. This is because the Town's legislative body has not adopted NH RSA 155-A. We do issue Land Use Plan Permits, but those permits only address zoning issues and not building code issues.*

*The Planning Board is proposing the use of this form to go along with the third party inspection. We want to get people who do work in this town to acknowledge that they are responsible for what they draw and what they build in this town and responsible for any oversight for the building of these buildings. The owner has to get the plumber and the electrician, and the other people who work on their project to sign off. The owner will need a separate Construction Control Affidavit for each part of the project - the architect, the site guy, the engineer, the plumber, the electrician. The architect can sign off on the entire project if he wants to.*

*We found this form on our Lincoln website. At some point in history this form was approved and put in as a part of the planning process. This certifies construction met the requirements on the stamped plans.*

*People who are building these homes come from societies where building inspections are part of normal everyday life. They expect it. People come in here looking for permits and couldn't believe that we did not have inspections. They feel the inspections offer them some kind of protection against faulty construction.*

*Bont will do some searching out of what size would be appropriate. Should it be limited to commercial construction and single family homes greater than a certain size? The Board talked about inviting professionals who work in town to come in to would have to use the Construction Control Affidavits and third party inspectors to express their thoughts and pass their thoughts to us. We are then we should either go out to bid for that to pick a company that we are going to use until there is a conflict or we just do it on a case-by-case basis. We have a list of professionals. We have two criteria: they have to be certified and bonded for structures both above and below ground.*



**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. **Paving Black Mountain Road:** *The Planning Board discussed the status of the paving of Black Mountain Road. Schorr Berman was going to pave the road by August. He was going to do it sooner if he could.*
- B. **Sale of Land Near Kanc Rec Road:** *Robinson updated the Planning Board about a recent discussion the Board of Selectmen had about a triangular lot of about ½ acre owned by the Town.*

**VII. ADJOURNMENT:**

**Motion to Adjourn.**

**Motion:** Robinson.

**Second:** Spanos.

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


*The meeting was adjourned by at 8:06 pm.*

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Respectfully submitted,

Carole Bont, Planning and Zoning  
Administrative Assistant

Dated: July 24, 2013

  
R/ Patrick Romprey, Chairman