

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
TUESDAY, MARCH 13, 2013 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Pat Romprey, Selectman O.J. Robinson, Vice-Chairman Jim Spanos, Clerk John Hettinger, and Norman Belanger (alternate).

Members Excused: Paula Strickon

Members Absent: None.

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

Guests: Schorr Berman, representing “Saber Mountain The Landing” formerly known as “Saber Mountain Partners”

I. CALL TO ORDER: by Chairman Pat Romprey at 4:00 P.M.

Mr. Romprey called the meeting to order and announced the excused absence of Paula Strickon. Chairman Romprey appointed Alternate Norman Belanger to be seated.

Norman Belanger was asked to introduce himself and give a short synopsis of his background. In 2004, Mr. Belanger retired as a Lieutenant Police Officer after 30 years working as a police officer in his hometown of Somerset, Massachusetts. Prior to his job as a police officer and during nights while he served as a police officer, he worked as a construction laborer for his father who owned a small construction company. Prior to that, Mr. Belanger served 2 years in the Navy.

In 1986 he received a Massachusetts license as a “Construction Supervisor”. He and his wife owned a vacation condo in Lincoln for 12 years prior to moving here. In 2003-2004 he built his own home and in 2004 he and his family moved here. He lives on Spruce Drive in Forest Ridge. Since 2006 he has been employed by Loon Mountain as a lead carpenter and manager of the security department.

The Board of Selectmen appointed him as an alternate on the Planning Board. He was sworn in by the Town Clerk earlier. The Board members welcomed him to the Board.

Chester Kahn verbally resigned from the Planning Board to Chairman Patrick Romprey. The Board regretfully accepted his resignation and thanked him for his service.

II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:

- February 13, 2013

The Board discussed the minutes. John Hettinger proposed a number changes (see attached page). The Board approved the proposed amendments.

Motion: “To approve the minutes of February 13, 2013, as amended.”

Motion: Robinson.

Second: Hettinger.

Jim Spanos and Norman Belanger abstained because they were absent from that meeting. Motion carries (2-0).

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

- A. **2013 Proposed Zoning Amendments – Final Status.** The Planning and Zoning Administrative Assistant reported that four persons commented about their confidence in the Lincoln Planning Board. The proposed Zoning Amendments passed with a very comfortable margin. They discussed the town meeting results.
- B. **2014 Possible Zoning Amendments.** The Planning and Zoning Administrative Assistant suggested creating an option in the temporary land uses section next year for a waiver of the fees for Vending or Special Events in the case of nonprofit, or other social or worthy causes. This will be put on the list of possible amendments for 2014.
- C. **Saber Mountain Partners (now “Saber Mountain - The Landing”) represented by Schorr Berman about Black Mountain Road. Proposal:** The Landing (formerly known as “Saber Mountain Partners”) is requesting an extension for the five (5) year period, to begin upon final approval of the site plan, to undertake the restoration of Black Mountain Road from the intersection of the East Branch Drive lower to the intersection of East Branch Drive upper to standards defined by a road typical provided by Horizon Engineering to include shim and over paving. (Notice of decision dated May 26, 2005 - in accordance Article 5.07a of the Lincoln Subdivision Regulations.)

Discussion: *Schorr Berman came to discuss the subject of his request on behalf of “Saber Mountain - The Landing” (formerly Saber Mountain Partners) for a five year extension to fix Black Mountain Road as required by prior subdivision in 2005. He explained that they started the project in 2005-2006. They were putting in the roads when the economy crashed. In 2011 they put in Back Forty Road without hammerheads. They understood that they had a five year window to pave Upper Black Mountain Road that had been used during the construction of Queen’s Way. The road they put in was part of a grant, however, it did not include Queen’s Way. They are willing to clean up upper Black Mountain Road, meaning repair, shim and overcoat it. After they are done they will repave Upper Black Mountain Road.*

Town Manager Butch Burbank explained that he did not ask Public Works Director Bill Willey to attend tonight’s Planning Board Meeting. The Planning Board at that time did not ask Saber Mountain Partners to bring the road up to Town specifications because the road was going to remain a private road. Instead Saber Mountain Partners was supposed to put Black Mountain Road back to the condition it was in before they started their project. Burbank asked the Planning Board to give direction to what condition the road was in prior to the construction. When Saber Mountain Partners have fixed the road back to the satisfaction of the Planning Board the Town will videotape the road. When finished, the quality of the road will not rise to

the level of a town road. The Town of Lincoln would expect the engineers of Saber Mountain Partners to certify that they brought the road up to the condition it was in before the construction started.

The Planning Board and Schorr Berman agreed that Saber Mountain Partners is expected to repair the road all of the way to "The Landing". Saber Mountain Partners used lower Black Mountain Road in the course of construction, the length of which is approximately 2,200 feet.

Town Manager Burbank asked Schorr Berman why they needed a five year extension. Schorr Berman explained that when they went into the project they were anticipating the project to take five years. Then the economy collapsed. This past year, 2012 was the worst year. The economy set them back, not just from finishing the lots, but from finishing the roadwork as well. The Letter of Credit for \$250,000 guarantees that they will finish the roadwork within five (5) years.

Schorr Berman asked if they could reduce the amount of the Letter of Credit based on the lineal feet not finished, as long as he maintains the road in drivable condition.

OJ Robinson indicated that he was fine with the five year extension. He felt that Schorr Berman understood that it was in Saber Mountain Partners' best interests to keep the Upper Black Mountain residents satisfied with the drivability of the road.

Motion: "To grant a five year extension to finish the work on Black Mountain Road to the 'The Landing'. Meanwhile, Saber Mountain Partners will repair Upper Black Mountain Road to drivable condition and once that is completed, the Town will reduce the amount of the Letter of Credit proportionately. Furthermore, that Saber Mountain Partners will maintain the roads to a 'reasonably appropriate condition' until the project is finished. Saber Mountain Partners will start repairs in the spring of 2013 and finish at the end of August of 2013."

Motion: Robinson.

Second: Hettinger.

Motion carried unanimously (4-0).

IV. REVIEW AND COMMENT on the MATRIX REPORTS and OPEN FILES pertaining to:

A. Land Use Permit Applications

- 1. LU Case #2013-5: Land Use Plan Ordinance Permit for new commercial ride at Whale's Tail.**
 - a. Map M105, Lot 027**
 - b. Address: 481 US Route 3**
 - c. Applicants/Business Owners:**
 - O.J. Robinson
 - 83 Hanson Farm Road
 - Lincoln, NH 03251

d. Property Owner:

Property is owned by:
NLI, Inc.
PO Box 67
Lincoln, NH 03251-0067

e. Proposal:

The South Tower Platform will be extended with a 8'X20' addition. A new fiberglass launch station will be placed on the new addition. A new fiberglass tube run-out will be installed. Filter/Pump system to be placed in existing buildings. Fill and make-up water to come from on-site pond.

f. Estimated Cost of improvement: \$300,000.

Recusal: O.J. Robinson recused himself to go into the audience and present his project.

Presentation: *The oldest slide is on the south side of the steel tower and the slide and the tower were built in 1986. The tower was designed to hold six water slides. Presently, there are four slides on the tower. There are two take-offs, two straight run outs and there are two sections not hooked up to slides yet. The new slide will go into one of the blank bays. There will still be one empty bay on the tower. The new ride is an elevator style ride where the floor drops out; the rider drops through the floor, whirls around in a loop-de-loop and then shoots out the end. The slide is not within the setbacks. It is a small addition to a pre-existing tower. Whales Tail will not be using town water. They use another water source for their rides. OJ Robinson presented the board with the final plans. He anticipates that they will start on the slide as soon as the snow melts.*

Motion: "To approve the new commercial ride at Whale's Tail as presented in the plans."

Motion: Hettinger.

Second: Spanos.

Motion carries unanimously by all sitting members (3-0).

The Planning and Zoning Administrative Assistant updated the Board on other permits granted to date.

A. Land Use Permit Applications**1. LU Case #2013-4: Land Use Plan Ordinance Permit for Single Family house for Kenneth M. Litvin.**

a. **Map 123, Lot 23**

b. **Address:** 38 Westview Road.

c. **Applicant:** Mark & Robert Dumont Construction Inc. on behalf of Kenneth M. Litvin

3621 US Route 3

Thornton, NH 03285

- d. **Owner:** Kenneth M. Litvin
435 Chestnut Street
Wrentham, MA 02093
 - e. **Note:** Litvin also owns building envelopes for lots 24 and 25.
 - f. **Paid:** Water and Sewer Tap Fees. \$4,500 (water)+\$2,800 (sewer)
2. **LU Case #2013-6:** Land Use Plan Ordinance Permit for remodeling 90 Mountain Club on Loon.
- a. **Map M126, Lot 019**
 - b. **Address:** 90 Loon Mountain Road
 - c. **Applicants/Business Owners:**
Philip E. Decato II
90 Loon Mountain Road
Lincoln, NH 03251
 - d. **Property Owner:**
Mountain Club on Loon
90 Loon Mountain Road
Lincoln, NH 03251
 - e. **Proposal:** Remodel existing men's and women's lock rooms to include new HVAC.
 - f. **Estimated Cost of improvement:** \$268,000.
 - g. **Question:** Were any changes in made in number of water-sewer hookups? Tap fees? No.

B. Land Use Certificate of Compliance

1. **LU Case #2012-24: Certificate of Land Use Compliance** for Southern Peaks Resort – Change seven hotel rooms into 5 condo suites.
- a. **Map 118, Lot 047**
 - b. **Address:** 23 InnSeason Drive, Lincoln, NH 03251.
 - c. **Applicant:** Southern Peaks Resorts, LLC - Dennis Ducharme
23 InnSeason Drive
Lincoln, NH 03251
 - d. **Owner:** Southern Peaks Resorts, LLC
23 InnSeason Drive
Lincoln, NH 03251
 - e. **Address for Tax Billing – Property Managers:**
BlueGreen Corporation
4960 Conference Way
Boca Raton, FL 34311
 - f. **Proposal:** Demolished 7 Hotel Rooms & reconstructed them into 5 timeshare suites (added 4 kitchens, 4 soaking tubs, & 1 common area laundry with residential washer/dryer/utility sink)
 - g. **Paid:** Application Fee of \$50, Water Tap Fees of \$3,050, Sewer Tap Fees of \$3,050.

C. Land Use Subdivision and Site Plan Applications/Approvals

None.

D. Sign Permit Applications**1. Sign Permit #13-02**

- a. **Map** 107, **Lot** 059
- b. **Address:** 27 Liberty Road
- c. **Applicant:** Mary Gould - "Wash 'N' Wags"
5 Eagle Cliff Road
Lincoln, NH 03251
- d. **Property Owner:** Vincent & Louise Ciarleglio
- e. **Proposal:** Renovate and update off premises free-standing sign. Put in place of former Liberty Inn and Cabins sign.

E. ZBA Applications

None.

F. Temporary Land Use Applications:**1. Transient Vendors Applications**

- a. **TVP Case #2013-01:** Transient Vendor Permit – Danny Avery – White Mountain Maple Sugarhouse Maple Syrup Sales
 - i. **Map** 113, **Lot** 073
 - ii. **Address:** 83 Main Street, Lincoln, NH 03251.
 - iii. **Applicant:** Danny Avery
83 Main Street
Lincoln, NH 03251
 - iv. **Property Owner:** Brent P.; & Brenda Noseworthy & Stephen R. & Becky Noseworthy
Car Quest, 83 Main Street
Lincoln, NH 03251
 - v. **Proposal:** Sell Maple Syrup from car in Parking area of Car Quest

2. Special Events

None.

G. Violations

None.

- V. PUBLIC PARTICIPATION AND OTHER BUSINESS:** Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

The Planning Board discussed the possibility of having a building inspector. Could this be shared with another town? What would the town's obligation be to have a building inspector? They will look into it.

VI. ADJOURNMENT:

Motion to Adjourn.

Motion: Robinson.

Second: Hettinger.

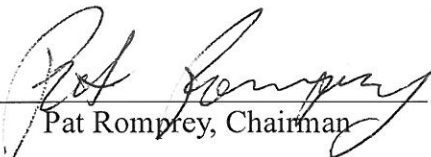
Motion carries unanimously by all members present (4-0)

The meeting was adjourned by at 7:10 pm.

Respectfully submitted,

Carole Bont, Planning and Zoning
Administrative Assistant

Dated: April 10, 2013


Pat Romprey, Chairman

Proposal: Saber Mountain Partners requests a five (5) year extension to restore Black Mountain Road and any other roads affected by their development efforts per their Notice of Decision dated May 26, 2005.

Discussion: When Saber Mountain Partners received their subdivision approval in 2005, their approval was contingent upon their fixing any damages to the roads they used to develop the project. ~~They damaged~~ The roads did incur damage during the development of the project. ~~The Most of this~~ damage was incurred about five years ago.

After a brief period of success, during which time Saber Mountain Partners sold a number of lots, a spec house(s) and established put roads, water, sewer and electrical services in to other many of the lots not yet sold, the economy deteriorated. ~~tanked.~~ Consequently, Saber Mountain Partners did not finish developing the entire project as all of the lots as they had planned. Meanwhile, ~~the those~~ roads have remained in a poor and damaged condition. The East Branch, Queen's Way and the Black Mountain Road ~~should be require repair fixed up enough~~ so that they can be traveled safely by residents and emergency vehicles even if ~~the they road is~~ are not top-coated. ~~Saber Mountain Partners already have equipment up there.~~ (Saber Mountain Partners are no longer using the Upper Branch Road or Queen's Way). On Queen's Way the services are already in place. They could ~~repair fix up those these~~ sections of the roads now. ~~The roads have to be drivable.~~

The Board members had concerns about granting a five year extension. The one-way section of Queen's Way has to be fixed as soon as weather permits – meaning as soon as the ground thaws and the asphalt plant opens. Also the holes in Black Mountain Road have to be fixed. If Saber Mountain Partners maintain the damaged roads, the Planning Board may be willing to extend the deadline for the topcoat. If Saber Mountain Partners could fix and put a finish coat on Queen's Way they could extend the life of the road immeasurably. There is one section of Queen's Way that is "just awful". It that needs immediate attention, help. ~~Queen's Way needs more than just a touch up. Queen's Way is the worst~~ particularly the one-way section. ~~If they wait too long the cost of fixing the roads will increase.~~

The Board discussed different options available to them. The Board would like Saber Mountain Partners to make some improvements over the summer as was anticipated in the Notice of Decision. As long as Saber Mountain Partners make repairs this year the Board would consider approval of a one year extension. ~~might be inclined to approve a one year extension.~~ The Planning Board expects that the Town Manager will enforce this.

The Planning Board will ask Shorr Berman to come in on behalf of the Saber Mountain Partners to meet with the Planning Board. The Planning Board decided not to ~~will not~~ grant an extension until they speak with Mr. Berman directly as a board. Town Manager Butch Burbank will ask Public Works Director Bill Willey to attend the meeting also. The Planning Board will send Shorr Berman a letter requesting that he come in and ~~meet with the Board.~~ Meanwhile, Town Manager Butch Burbank will ask Public Works Director Bill Willey for his opinion on the state of the affected roads and what needs to be done to make them drivable.