

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

**APPROVED**

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**Present:** Chairman Pat Romprey, Selectman O.J. Robinson, Clerk John Hettinger, Paula Strickon and Chester Kahn (alternate).

**Members Excused:** Vice Chairman Jim Spanos

**Members Absent:** None.

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

**Guests:** Susan Champagne (representing the Purple Tomato) and Caroline Lyons (representing The Common Man).

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**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 Vice Chairman Jim Spanos. Chairman Romprey appointed Alternate Chester Kahn to be seated.*

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

- August 8, 2012,
- August 22, 2012,
- October 10, 2012,
- October 15, 2012,
- November 14, 2012 and
- January 22, 2013.

*The Board discussed the minutes. The meeting on November 14, 2012, was a standard work session of the planning board. The Meeting dated October 10, 2012, was recessed and reconvened until October 15, 2012.*

**Motion: “To approve the minutes of as presented” for the following dates:**

- August 8, 2012,
- August 22, 2012,
- October 10, 2012,
- October 15, 2012,
- November 14, 2012 and
- January 22, 2013.

**Motion: Robinson.**

**Second: Strickon.**

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

**III. CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).**A. Zoning Amendments – Final Form.**

*A copy of the final form of the Proposed Changes to the Sign Ordinance, the Temporary Land Uses (Special Events and Transient Vendors), and the Site Plan Review Regulations was distributed to the Planning Board members.*

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

*The updated Matrix Report to the end of 2012 was distributed to the members of the Planning Board, minus the page of the Report with Subdivisions, Lot Line Adjustments and Site Plan Reviews on it which will be completed for the next meeting.*

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**A. Land Use Permit Applications**

1. **LU Case #2013-1:** Land Use Plan Ordinance Permit for renovation of retail space.
  - a. **Map** M113, **Lot** 0030000-01-00002
  - b. **Address:** Linwood Plaza, 78 Main Street, Unit #2 (Ground Floor).
  - c. **Applicants/Business Owners:**  
James and Susan Champagne  
28 West Street  
PO Box 1045  
Lincoln, NH 03251-1045
  - d. **Property Owner:**  
Linwood Plaza is owned by:  
Bear Mountain Properties, LLC  
135 Captains Drive  
Brick, NJ 08723
  - e. **Proposal:** New business “Purple Tomato” to renovate a former mercantile retail space into a farmer’s market with a small kitchen. It will not be a restaurant, but rather a farmer’s market with a small kitchen in the back to prepare foods to sell, but not to sell hot foods.
  - f. **Questions:**  
Change of use? No. The space was commercial retail space before, and will continue to be commercial. It used to be a ski shop or a video store.

*Chairman Romprey recused himself from the Board and sat in the audience. His wife is related to the owners.*

**Proposal:** *Susan Champagne introduced herself as the co-owner of a proposed farmer’s market which will be known as the “Purple Tomato”. She is aware of the State of New Hampshire’s Health permits that are needed and they are in process. At this time she anticipates that the Purple Tomato will be open 5 days per week. She will have a small noncommercial residential range in the store. The ceiling above the range is a two hour rated ceiling which is adequate in this situation. She has talked with the Lincoln Fire Chief. The occupancy in the store is*

*estimated to be less than 50 people. The space was formerly commercial retail space – it was a video store. It is located to the left of the school SAU office in the Linwood Plaza. Any and all concerns of the Planning Board were addressed to their satisfaction.*

**Motion: “To approve the land use permit application as presented.”**

**Motion: Robinson.**

**Second: Strickon.**

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

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- 2. 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. **Notes:** They also own building envelopes for lots 24 and 25.
    - Need to pay Water and Sewer Tap Fees before Permit can be issued.

*The Planning Board does not need to review this matter as Lincoln does not have a building code or a qualified building inspector. Note: The Water and Sewer Tap fees have been paid. A permit will be issued by the Town Manager.*

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## **B. Land Use Subdivision and Site Plan Applications/Approvals**

### **A. Subdivision (Prior) Case #2013-5: Request for a 5 year extension to fix Black Mountain Road.**

- 1. **Map 132, Lots**
- 2. **Address: Black Mountain Road**
- 3. **Applicant:** Saber Mountain Partners, LLC  
155 Main Street  
PO Box 820  
Lincoln, NH 03251
- 4. **Proposal:** Requesting an extension for the five (5) year period, to begin upon final approval of the site plan, undertake to restore 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.)

**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. The roads did incur damage during the development of the project. 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 and spec house(s) and established roads, water, sewer and electrical services to many of the lots not yet sold, the economy deteriorated. Consequently, Saber Mountain Partners did not finish developing the entire project as they had planned. Meanwhile, the roads have remained in a poor and damaged condition. The East Branch, Queen's Way and the Black Mountain Road require repair so that they can be traveled safely by residents and emergency vehicles even they are not top-coated. (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 these sections of the roads now.*

*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 needs immediate attention, particularly the one-way section.*

*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. The Planning Board expects that the Town Manager will enforce this.*

*The Planning Board will ask Schorr Berman to come in on behalf of the Saber Mountain Partners to meet with the Planning Board. The Planning Board decided not to 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 Schorr Berman a letter requesting that he come in and meet. 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.*

**Motion:** “To make a written request that Saber Mountain Partners come in to discuss the matter of the ongoing maintenance and repairs of the affected roads and their request for an extension to topcoat the road. Public Works Director Bill Willey will be asked to attend.”

**Motion:** Robinson.

**Second:** Kahn.

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

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### C. Sign Permit Applications

1. **Sign Permit #13-01**
  - a. **Map** 113, **Lot** 002
  - b. **Address:** 4, 6-24 Lumberyard Drive
  - c. **Applicant:** Lincoln Center North, LLC  
PO Box 681  
Lincoln, NH 03251
  - d. **Proposal:** Renovate and update free-standing sign and wall sign.

**Proposal:** *To renovate and update the free-standing sign and wall sign.*

**Discussion:** *The present wall and free standing signs have deteriorated over time. Each time a movie changes both signs have to be updated manually to reflect current listings for the movie theater. The new sign will have an LED display and will be able to be updated remotely. It will more equitably reflect the businesses in the mall. The structure of the new sign will be a vast improvement over the aging structure of the older sign. Any and all concerns of the Planning Board were addressed to their satisfaction.*

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### D. ZBA Applications

*None.*

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### E. Temporary Land Use Applications:

#### 1. Special Events Applications

- a. **Case #2013-3:** Land Use Plan Ordinance Permit Application for Special Event for a temporary Ice Bar at the Common Man.
  - i. **Map** 117, **Lot** 102
  - ii. **Address:** 10 Pollard Road.
  - iii. **Applicant:** Caroline Lyons, General Manager & Carol Gillen, Acting General Manager
  - iv. **Owner:** Alexander L. Ray Revocable Trust, Alexander L. Ray, Trustee  
PO Box 581  
Ashland, NH 03217

- v. **Proposal:** Ice Bar at the Common Man parking lot during the school vacation week Feb. 15<sup>th</sup> – Feb 24<sup>th</sup>.
- vi. **Questions:** Will get approval from Police Department and Fire Department.

**Proposal:** *The Common Man would like to host a Special Event called a "Temporary Ice Bar" in parking lot of the Common Man Restaurant like they have in the past. The Special Event will be held for nine days during the two school vacation weeks – February 15<sup>th</sup> through February 24<sup>th</sup>.*

**Discussion:** *The Common Man's temporary ice bar special event will not impede any fire lanes. They will have their permits to serve liquor outdoors from the NH Liquor Commission after their 11:30 am liquor inspection tomorrow. They have contacted the fire department and the police department to address any concerns these municipal departments might have. Their additional signage will be limited to one banner on the restaurant and another banner on the road sign. They did a good job of managing the event last year. Any and all concerns of the Planning Board were addressed to their satisfaction.*

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## 2. Transient Vendors Applications

*None.*

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## F. Violations

*None.*

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- 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.

*None.*

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## VI. ADJOURNMENT:

**Motion to Adjourn.**

**Motion: Kahn.**

**Second: Robinson.**

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

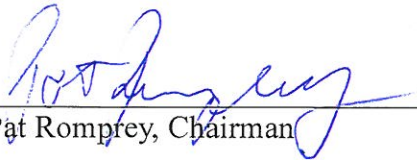
The meeting was adjourned by at 4:45 pm.

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Respectfully submitted,

Carole Bont, Planning and Zoning  
Administrative Assistant

Dated: March 13, 2013

  
Pat Romprey, Chairman