

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES**

APPROVED

WEDNESDAY, JANUARY 9, 2013 – 6:00PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH 03251

Present: Chairman Pat Romprey, Vice Chairman Jim Spanos, Selectman's Representative O.J. Robinson, Clerk John Hettinger, Paula Strickon and Chester Kahn (alternate).

Staff Present: Planning and Zoning Administrative Assistant Carole Bont.

Members Absent: None.

Guests: Thomas Adams.

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

Mr. Romprey called the meeting to order.

II. CONSIDERATION OF DRAFT MEETING MINUTES TO BE REVIEWED.

A. November 28, 2012, Meeting Minutes

1. "Motion to add the names of persons who motioned and who seconded the two minor corrections to the Capital Improvement Plan to 'Motion: Spanos. Second: Robinson'."
- a. Motion: Hettinger.
- b. Second: Robinson.
- c. Motion carried unanimously by all voting members present 4-0.
1. "Motion to approve minutes dated November 28, 2012."
- a. Motion: Spanos.
- b. Second: Hettinger.
- c. Motion carried unanimously by all voting members present 4-0.

B. December 26, 2012, Meeting Minutes

1. "Motion to correct the spelling of "Strickon" – Paula's last name."
 - a. Motion: Spanos.
 - b. Second: Robinson.
 - c. Motion carried 3-0. Paula Strickon abstained as she was not present at the meeting.
 2. "Motion to approve minutes of minutes dated December 26, 2012."
 - a. Motion: Hettinger.
 - b. Second: Robinson.
 - c. Motion carried 3-0. Paula Strickon abstained as she was not present at the meeting.
-

III. WORKING SESSION AND REVIEW OF DRAFT OF PROPOSED ZONING ORDINANCE TO BE NOTICED FOR TOWN MEETING

- A. The Board made general revisions to the language and outline format so the ordinance is easier to read and so the duties of the applicants and the town are more clearly stated. Although changes proposed to be made to the language ordinance were well-intentioned, the word "shall" is a legal term of art and in some instances should stay in the ordinance. One example is that the word "shall" was replaced with the word "must". Sometimes "must" is not the appropriate word.
 1. "Shall" means the actor has a mandatory legal duty to do something or a future event.
Reserve the word "shall" for imposing a duty upon the subject of the sentence or the party to the agreement. Shall is a mandatory word, and the subject of the sentence should be obligated to do something as a result of the "shall". If you can replace the word "shall" with the words "has a duty to" it is appropriate to use the word "shall".
 2. "Must" is also a mandatory word, but it can be used in contexts where no duty is imposed.
-

3. “Will” expresses the future or an agreement between the parties without intending to impose a duty.
4. “May” is a permissive term and indicates the term or act is merely discretionary, not mandatory.
5. Some portions of the ordinance were redrafted to more clearly indicate the specific duties of the applicant and the duties of the town.
6. Some reference numbers throughout this section of the ordinance were changed to reflect the correct sections referred to.

B. Zoning Amendment Changes:

1. **Article VI-B, A. (A. Purpose).** The Board rewrote Article VI-B, A (Purpose) to make it less awkward, but they made no change to the intent or content.
 - a. The Board changed the proposed “we want” to “the Town desires”.
2. **Article VI-B, B. (B. Applicability).** The Board added a new section B Article VI-B, (B. Applicability).
 - a. The Board changed the language so it is clear that the applicant has the duty or the option of erecting a sign instead of the sign having options or a duty.
3. **Article VI-B, C. (C. Administration).** The Board changed section Article VI-B, (C. Administration) from “It is the duty of the Board of Selectmen or their designee to administer this Ordinance” to “The Board of Selectmen or their designee shall administer this Ordinance.”
4. **Article VI-B, D. (D. Fees).** The Board deleted Section D. Application Fees and put the same information in Section E.2.g.
5. **Article VI-B, D. (D. Definitions).** The Board kept changes made to the definitions that were made at the September 24, 2012 meeting.
6. **Article VI-B, E. (1. Permit Required and 2. Application).**
 - a. The Board made language changes from “All signs...require...” to “a property owner, business owner or an authorized designee may apply for a sign permit.” The Board made similar language changes throughout this article.
 - b. The Board added “This permit is a construction permit. A construction Sign Permit is valid for one (1) year.”
 - c. The Board added: “c. If the applicant is not the property owner of the land on which the sign is to be located, the property owner or authorized designee shall also sign the application.”
 - d. The Board added to E,2,f. “property identification by both street address and...”, “lighting, if applicable” and “...any easements over the property”.
 - e. The Board changed the language in E,2. (g. Application Fees), from “All applications are required to submit...” to “All applicants for a sign permit shall submit...”
 - f. The Board reorganized Section E,2,f (Application Contents) and added to include street address and easement information.
7. **Article VI-B, E. (3. Application Review);** The Board added an application review process.
8. **Article VI-B, E. (4. Post Permit Approval).** The Board added a post permit approval process.
9. **Article VI-B, E. (5. Exempt Signs).** The Board reorganized the section for Exempt Signs and extended the approval for yard sales from two days to four days.
10. **Article VI-B, E. (6. Permitted Signs, 7. Prohibited Signs, 8. Non-Conforming Signs, 9. Provisions, 10. Sign Classification and Standards).** The Board reorganized and made changes to E.2 Sign Classifications and Standards, by combining the definitions of signs with the applicable standards instead of listing definitions and standards separately.

- a. The Board reorganized the information in the sections relating to Real Estate Signs and Real Estate Off Premise Directional Signs and Subdivision Signs.
- 11. **Article VI-B,E. (10. Sign Classification and Standards).** The Board added a requirement that the applicant include written permission by the landowner permitting the placement of the Off Premise Directional Signs.
- 12. **Article VI-B,E. (Special Events References)** The Board pulled all references to Special Events out of this section and put Special Events and Special Event signage in its own separate section now Article VI-C.
- 13. **Article VI-B,E. (10. Sign Classification and Standards).** The Board added a requirement that the applicant include written permission by landowner permitting placement of the Off Premise Directional Signs.
- 14. **Article VI-B, F. (F/J. Integrated Sign Plan).** The Board added a Section entitled “Integrated Sign Plan” that adds flexibility for additional signage for multi-business properties, or singular properties of greater than 10,000 square feet or tourist attractions located in the General Use and Village Center zones.
- 15. **Article VI-B, F. (H/L. Appeals).** The Board added an administrative appeals section.
- C. **Article VI-C (Temporary Land Uses).** The Board added a new Article VI-C (Temporary Land Uses) to include:
 - a. Special Events. Parts of the Sign Ordinance pertaining to special events were placed in this section.
 - b. Transient Vending. The original Street and Sidewalk Vendors Ordinance would be superseded by this section.
 - c. Temporary Land Use Signage.
- D. **Site Plan Review Changes.** The Board made changes to the Site Plan Review Regulations necessitated by changes to the Land Use Ordinance.
 - 1. The Board added two items to application: “anticipated attendance” and “anticipated police details”.
 - 2. The Board added Site Plan requirements for plan elements and title block to be placed on the plan itself.
- E. **Deadlines for Posting and Publishing Notice of Proposed Zoning Amendments:** The Board discussed in general the deadlines for posting and publishing for the First Hearing for Zoning Ordinance.

IV. SABER MOUNTAIN LETTER OF CREDIT: WHAT PORTION OF WHAT ROAD IS THE LETTER OF CREDIT APPLICABLE TO?

(Old Tax Map 32, Lots 10, 11, 48-68) (New tax maps - parts of Map 130, 131, 132)

The Letter of Credit for Black Mountain Road needs to be extended; the letter of credit expires on January 13th. The Town Manager is working on getting an extension of letter of credit in place.

The Planning Board reviewed the Notice of Decision and the minutes from 2005 for the Saber Mountain Development pertaining to the maintenance of the road. The problem is that although the description of the road in the minutes is correct, the description of the road in the Notice of Decision is not. The mistake in the Notice of Decision is an administrative error. The Board discussed how to fix the mistake. The Board discussed the exact location of Black Mountain Road with Thomas Adams, a former planning board chair.

Consensus of Opinion

“It is the determination of the Planning Board that Black Mountain Road as described in the April 27, 2005, minutes begins at the end of the Mountain Club parking lot and terminates at the property line at the landings and does not include the upper portion of Black Mountain Road.”

The Board was unanimous in its opinion.

III. OLD BUSINESS: PEMIGEWASSET RIVER DIKE/LEVEE**A. WHAT IS THE POSITION OF THE BOARD OF SELECTMEN?**

Robinson brought Chester Kahn up to date on the situation with the Pemigewasset River Dike/Levee because Kahn missed the meetings when the matter was discussed.

VI. ADJOURNMENT:

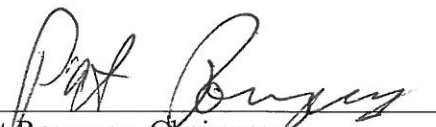
1. Motion for Adjournment by Hettinger.
2. Second by Spanos.
3. Motion carries unanimously by all members present 4-0.

The meeting was adjourned by at 7:48 pm.

Respectfully submitted,

Carole Bont, Planning & Zoning Administrative Assistant

Dated: February 25, 2013


Pat Romprey, Chairman