APPROVED

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, FEBRUARY 12, 2014 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

Present: Chair R. Patrick Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, Selectmen's Representative OJ Robinson, and Paula Strickon.
Members Excused: Norman Belanger (alternate), and Taylor Beaudin (alternate).
Members Absent: None.
Staff Present: Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank.
Guests:

- Jennifer Jones Goodbout, Landlord and one of the principals in JJJG Real Estate Rentals, LLC, PO Box 352, North Woodstock, NH 03262 that owns 435 US Route 3, Lincoln, NH 03251 (Tax Map 105, Lot 021) presently rented to Edwin A. Peterson, Jr., d/b/a Speed Bear Repair and Custom.
- Jason Goodbout, Landlord and one of the principals in JJJG Real Estate Rentals, LLC, PO Box 352, North Woodstock, NH 03262 that owns 435 US Route 3, Lincoln, NH 03251 (Tax Map 105, Lot 021) presently rented to Edwin A. Peterson, Jr., d/b/a Speed Bear Repair and Custom.
- Edwin A. Peterson, Jr. ("Ed"), of 14 Bog Brook Road, Lincoln, NH 03251 d/b/a Speed Bear Repair and Custom, Tenant who is presently leasing land and building located at 435 US Route 3, Lincoln, NH 03251 (Tax Map 105, Lot 021) from Jennifer Jones Goodbout and Jennifer Jones Goodbout.
- Shawn Peterson, brother and employee of Speed Bear Repair and Custom.
- Ryan Peterson, brother and employee of Speed Bear Repair and Custom.
- David Yager, principal in DLNR Family Limited Partnership of 57 Flanagan Drive, Framingham, MA 01701 and owner of 1.06 acres located at 10 Hemlock Drive (Map 121, Lot 007). Abutter to Map 125, Lot 006 (16 Hemlock Drive – 0.61 acres) presently owned by Dana M. Rosencranz and Rosencranz & Associates of One Center Plaza Suite 2000, Boston, MA 02108 to become as combined 1.67 acres.

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

Chair Pat Romprey called the meeting to order. Taylor Beaudin and Norman Belanger were excused.

II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:

- January 22, 2014

Motion to approve the January 22, 2013 minutes as written.
Motion: Strickon.
Second: Hettinger.

Motion carried (4-0).

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

No continuing business.

IV. NEW BUSINESS

A. DLNR Family Limited Partnership (David Yeager) of 57 Flanagan Drive, Framingham, MA 01701 proposed a Voluntary Lot Merger of property owned by DLNR Family Limited Partnership – Map 121, Lot 007 (10 Hemlock Drive – 1.06 acres) and Map 125, Lot 006 (16 Hemlock Drive – 0.61 acres) presently owned by Dana M. Rosencranz and Rosencranz & Associates of One Center Plaza Suite 2000, Boston, MA 02108 to become as combined 1.67 acres.

As David Yager had not arrived yet, Bont presented his request. Yager has not purchased the land yet so the book and page number for the second lot on the Voluntary Lot Merger form is not correct. However, Yager has signed a purchase and sale agreement for a property. Yager wanted to have Planning Board approval for the merger before he actually purchased the property. The book and page number will change to reflect the book and page number of his deed when he purchases the lot. Yager's house is located on Map 121, Lot 007. The property boundary line 123.95' used to go straight back. He purchased and got a subdivision approval to buy the back portion of the lot described as 16 Hemlock Drive (Map 125, Lot 6) from the neighbor, Dana M. Rosencranz and Rosencranz & Associates. Now Yager has an opportunity to buy the rest of that lot so he will then own the whole lot of Map 125, Lot 6. He is acquiring the front of Lot 6. He currently owns Lot 7 and what used to be the rear portion of Lot 6.

David Yager arrived. He has a Purchase and Sale agreement. He is buying the rest of Lot 6. For whatever reason, the seller would only sell him ½ of the lot at a time. For a Voluntary Lot Merger he is not required by statute to notify those abutters. The lot he is buying is raw land; there are no buildings on the lot. The land will be subject to whatever covenants and restrictions that exist in that subdivision that apply to that area. Yager has informed the The Cypress Real Estate Investment Trust about it and they are fine with it.

Romprey asked Bont for her recommendation. Bont recommended that the Planning Board approve the Voluntary Lot Merger. As soon as Yager buys the property and records the deed we will have the Book and Page number and we can record the Lot Merger. Yager informed the board that they will close on Friday.

Motion to approve Voluntary Lot Merger of Map 125, Lot 006 (16 Hemlock Drive – 0.61 acres) with Map 121, Lot 007 (10 Hemlock Drive – 1.06 acres) for a combined lot of 1.67 acres.
Motion: Strickon.
Second: Spanos.
Motion carried (4-0).

B. Letter from Lincoln's Congressional Delegation, including US Senator Jeanne Shaheen, US Senator Kelly Ayotte, and Ann McLane Kuster, Member of Congress to Paul F. Ford, Acting Regional Administrator, FEMA Region 1, 99 High Street, Boston, MA 02110, dated February 11, 2014.

Town Manager/Planner Burbank, bought to the attention of the Planning Board a letter dated February 11, 2014, to Paul F. Ford, Acting Regional Administrator for FEMA Region 1. Burbank has been working with all three of our congressional representatives on trying to address the unsatisfactory FEMA floodplain mapping situation and the reason why Lincoln was excluded from the 2009 DFIRM (Digital Flood Insurance Rate Map compiled by Federal Emergency Management Agency). Our Congressional Delegation was looking into it. This letter is their response. Our entire Congressional Delegation's signatures are on the letter. enquiring as to why Lincoln was excluded. They are asking FEMA to respond. Each of our two US Senators and our US Representatives signed this letter. According to Congressional Delegates, this type of document usually spurs action. Hopefully, this letter will refocus the agency so that Lincoln will be mapped like the rest of the state. The result would be that Lincoln Planning Board will at least have current maps to help make decisions with.

Strickon asked how much mapping effort it would take. Burbank understand that the mapping is already done, however it is just a matter of doing what needs to be done to release it. Burbank does not know what their process is.

Romprey discussed the possibility of the town's stopping development in the Flood Plain along this side of the Pemigewasset River with the Board of Selectmen. He is not sure how much Lincoln should be permitting at this point because the town does not know what NH DES changes FEMA will make. Romprey asked the Board of Selectmen. The Board of Selectmen will put the question before town counsel to see what they could or should do. Robinson added that the Board of Selectmen would feel much more comfortable making a decision after they have input from the attorney.

Burbank and Bont do not think that a moratorium on building in the Flood Plain areas will work for Lincoln. The legal process to achieve that is a tough hill to climb. The town's primary concern is what the new 100 Year Flood Elevation and 500 Year Flood Elevation levels will be.

Burbank opined that now that NH DES is calling the diversionary levee a "dam" is a "game changer." Burbank informed the Planning Board that the Board of Selectmen has asked him to send a letter off to NH DES Commissioner Burak so we can sit down with him one on one to work this out. Hettinger reminded the Planning Board that the integrity of the new data for the maps is critical because of the magnitude of the problems with the initial mapping along this corridor.

C. Conceptual Plan for an Expansion and Change of Land Use at Speed Bear Repair and Customs Business located at 435 US Route 4 (Map 105, Lot 021)

Property Owners:
Jason Goodbout d/b/a
JJJG Real Estate Rentals, LLC
PO Box 352
North Woodstock, NH 03262

Tenant/Business Owner:
Edwin Peterson, Jr., d/b/a Speed Bear Repair
13 Bog Brook Road
Lincoln, NH 03251

Background:

In the summer of 2013, the property owners and the tenant/business owner received a letter from the town asking them to cease and desist practices that exceeded the limits of their Site Plan Review approval. The conditions of their 2008 Site Plan Review Approval dated August 14, 2008, include paragraph 8:

> *"8. The entire property will be kept clean and orderly and all waste materials will be removed from the site as soon as possible. No waste materials will be accumulated into the following season. Specifically, snowmobile boxes will be removed at the end of the season."*

These conditions still apply when a business changes hands. At this time Speed Bear Repair is storing a number of unregistered vehicles, including a bus, trailers, a motor home, as well as scrap metal, wood products and ATVs in violation of Lincoln Land Use Plan Ordinance. In the original Site Plan Review Approval, the property owner (and former business owner) had permission for display of ten automobiles in front of the building only. The property owner did not have permission to store unregistered vehicles or scrap metal or wood products or ATVs in the back or the side of the building or to run a towing business out of the property. The restricted approval still applied to the property.

A couple of weeks ago, the owners and tenant/business owners came into the town offices to speak with the Town Manager and the Planning and Zoning Administrator about how they could add some of these additional uses to their property. They were advised to seek site plan review approval from the Planning Board.

Presentation:

Today the owners and the tenant/business owner have come for a conceptual with a proposal to make the business legal and address the issues of a possible junk yard.

Peterson, Jr., the business owner, suggested that certain Planning Board members had a conflict of interest. Selectmen's Representative to the Planning Board, O.J. Robinson, stated that no Planning Board members step down from the Planning Board for conceptual ideas. The business owner was told that he is operating outside of what he was originally approved for. Since he is not approved to operate as a towing service, multiple complaints have come in from community members.

Peterson, Jr., the business owner, stated that he was told he was "scrapping" out of the business. Peterson, Jr., said that he is not doing that. According to Peterson, Jr., he also was told that since he was renting property that was previously an auto repair shop, he did not need to get further permission for land use. Peterson, Jr., also noted that he got a permit for the business to do State Inspections on the site, but the State has recently revoked this.

Town Manager Burbank stated that this is a conceptual presentation for an expanded use of the property. He also noted that the property is currently not in compliance with Lincoln Town Zoning regulations.

Chairman Romprey suggested getting the original lease and looking at what it states concerning use of the land at this property. The business owner was cited because he has excessive cars on the property and this is not in compliance with the agreement for the land use.

The business owner stated that he wishes to expand the fencing in the back of his business, wants to use the property for towing, and will keep all parts for vehicles inside the establishment. Town Manager Burbank suggested that the business owner really think about how he will control the towing part of the business with concerns to excessive cars being kept in the back of the property. Chairman Romprey suggested that the business owner review the original approval for the use of the property before he comes back in for a conceptual presentation.

Burbank noted that Junk Yard Ordinances are State Laws and they are only allowed on land in the General Use (G.U.) Zone by Special Exception from the ZBA. Jason Goodbout, the property owner, and Peterson, Jr., the business owner, stated that they are not interested in operating a junk yard at his facility.

Strickon suggested the applicants bring in a more specific drawing of the land and its intended use when the business owner comes back to present again. Town Manager Burbank also suggested the business owner consider posting hours of operation for the business and strictly adhering to them. The Board was in agreement that the business owner needs to come back with more details for a conceptual presentation to the board.

D. Review of Chapter 5, Unit 5 Concerning Transportation

Changes were made to this chapter. Rt. 118 was removed from the chart in this chapter.

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.

VIII. ADJOURNMENT

Motion to Adjourn.
Motion: Spanos.
Second: Hettinger.
Motion carries unanimously by all members present (4-0)

The meeting was adjourned by at 7:16 pm.

Respectfully submitted,

Carole Bont, Planning and Zoning Administrator

Dated: April 30, 2014

R. Patrick Romprey, Chairman