APPROVED

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, DECEMBER 9, 2015 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

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

Guests:

- **Karen Fitzgerald** – Landscape Architect - FitzDesign Inc., 1222 Bennington Road, Francestown, NH 03043-3014
- **Dennis Ducharme** - RRP, President of Inn Seasons Resorts, 212 Mid Tech Drive, West Yarmouth, MA 02673 and resident of Lincoln, 33 Brookline Road.
- **Mark LaClair** – Winemaker and owner at Seven Birches Winery, 1775 Benton Road, North Haverhill, NH 03774
- **Roy Whitaker** – Owner of Lincoln Sign Company. 166 Pollard Road, Lincoln NH 03251 and resident of Lincoln.
- **Thomas Tremblay** – Owner of Coldwell Banker Linwood Real Estate, 189 Main Street, Lincoln, NH 03251.

I. **CALL TO ORDER** by the Chairman of Planning Board; announcement of excused absences, if any, and seating of alternates(s), if necessary.

The meeting was called to order at 6:04 PM.

Callum Grant was seated.

II. **CONSIDERATION** of meeting minutes from:
- November 11, 2015

Motion to approve the minutes of November 11, 2015 with 2 minor grammatical changes.
Motion: OJ Robinson Second: John Hettinger
All in Favor: (4-0)
Paula Strickon abstained from the vote.

III. NEW BUSINESS

1. **Master Plan Update 2015:** Karen Fitzgerald of FitzDesign to work on and review drafts of Master Plan Chapters. **This is a work session. There will be no public input.**

Karen Fitzgerald explained how a digital drop box works; she wanted to be sure that Planning Board (PB) members felt comfortable with using a drop box to download drafts of the Master Plan chapters, then copying files from the drop box and downloading the chapters onto their personal computers without deleting or editing the original file. Fitzgerald explained that when PB members do edits they should rename the copy they edit to include their name or initials and then upload the renamed and edited chapter back into the drop box. PB members should put their first name or initials in the name of the document they edit so that the original is not changed. This way PB members will not be inadvertently editing each other's edits. The purpose of doing the edits digitally is to try and save paper (i.e., trees) however, if anyone is more comfortable editing paper copies, Bont offered to make paper copies.

Chair Spanos asked if there were any changes to the draft copy received at the last meeting.

Fitzgerald said she has been working on a number of the chapters at the same time; however, she was unable to finish those draft chapters without talking to the PB first to get their direction on some issues that need attention.

Fitzgerald said that the over the last few days she and Bont have been working on the projections for potential development. Concurrently, the water engineer, David Edson from Hoyle, Tanner & Associates, Inc. is working on updating the Town's April 2008 Hoyle Tanner, & Associates, Inc. Town of Lincoln Water System Hydraulic Evaluation and he asked Fitzgerald for her development projections to be put into the Master Plan Update so that he could incorporate those projections into his water usage projections. Fitzgerald is concerned because that normal methodology used to do population projections do not tell the whole story of Lincoln. Currently Lincoln has a fulltime resident population of only 1,662 people. However, most of the people who are in Lincoln now and using most of the municipal water and sewer are not reflected in that number.

Fitzgerald said that she and Bont went through the property tax records. Any property that has a zero value for buildings meant that particular lot had no building on it and, therefore, has the potential to be developed or to be built upon. She and Bont have not had a chance to go through the list yet to filter out possible properties that may not be available to be built on; however, they did not include any Town, State or Federal property on that list, versus property in private ownership.

They used a spreadsheet of lots in Lincoln created by Finance Director/Assessing Clerk Helen Jones using the Business Management Systems, Inc. (BMSI) municipal property tax software. They also used a copy of the 2015 tax maps created by Cartographic Associates, Inc. (CAI) and outlined the parcels on the maps where potential building could occur. They did this to try to get a handle on what the potential for development is over the next ten years.

After that exercise Fitzgerald found two hundred ninety-three (293) lots that could have development on them. Some of these lots may not be buildable or developable for some reason, but the PB members' need to go through the maps to help determine which of these lots are not developable. Fitzgerald expects that the expected number of developable lots is about two hundred fifty (250) that are along the east side of US Interstate I-93 and along NH Route 112 and of those two hundred fifty (250) lots, ninety-three (93) lots are in South Peak. There are clusters of lots that have real potential for development and Fitzgerald believes that the PB should focus on those clusters of lots when thinking about the Master Plan Update and the location of future development.

Fitzgerald then asked, given all of that data, the question is, how does the number of developable lots jive with the utilities and municipal services that Lincoln has to offer those lots?

Hettinger asked about the figure of ninety-three (93) lots at South Peak and how that number was derived.

Bont said that was the number of lots that have been subdivided to date, drawn on the tax maps, and still have no buildings on them.

Hettinger said that the South Peak development ("South Peak"), currently owned by CRVI South Peak TRS, Inc., has PB approval for one thousand (1,000) homes.

Fitzgerald said that although there is the potential for more lots, there are ninety-three (93) subdivided lots already on record without a building on them; someone could come in tomorrow and obtain a Land Use Permit to build a house on them and they would need water and sewer services right away.

Hettinger confirmed that the ninety-three (93) lots have already been subdivided; however he is concerned that there could be a much larger number of lots ready to come on line to use water and sewer services. Although there is a lot of land associated with the South Peak development that is not yet subdivided, the land has already has been approved for development of one thousand (1,000) lots – a certain number of lots.

Fitzgerald said that the Master Plan only looks ten (10) years out. She is not sure if that piece of land that is not yet subdivided should be included in the potential future development listed in the Master Plan.

Town Manager/Town Planner Burbank said that in his opinion the PB needs to discuss that issue now. Right now lots in South Peak are being actively marketed. What does the PB think will happen in the next ten (10) years if the right developer comes in? Will there be a push to put in another two hundred to three hundred (200-300) more lots of the one thousand (1,000) potential lots that were approved initially over the next 10 years? Does that affect what the PB is trying to do with the Master Plan Update?

Hettinger said that in order to ascertain that information they would have to talk to the developers themselves. Chair Spanos said that is what the PB members providing Fitzgerald with the stakeholders list was supposed to accomplish. Fitzgerald said that she called everyone on the list leaving messages on machines or with people and in the end she could only find two (2) people who were willing to speak with her about their future plans: Rick Kelley, President and General Manager of Loon Mountain Recreation Corp. and the Lin-Wood Public School superintendent.

Town Manager/Town Planner Burbank said because only two people have responded to Fitzgerald's stakeholder outreach effort, perhaps we need to ask the PB members what they anticipate that our local businesses intend to do within the next ten years. Members of the PB have been here a long time so perhaps they know what kind of expansion we should expect over the next ten years.

Chair Spanos said that when the developers first proposed the project (South Peak) across the East Branch Pemigewasset River, the developers figured the South Peak project would be built out in eight to ten (8-10) years and that did not happen. With another developer, that same thing could happen again.

Fitzgerald said that at this time the Town of Lincoln does not have a good handle on whether the Town water and sewer systems can handle the volume of water and sewer the Town will have to be able to handle should all of the lots approved to date be developed within the next ten years. Realistically, is the municipal water and sewer system designed to handle what has already been approved? If not, the PB needs to address that issue in the Master Plan Update. Fitzgerald said that the PB does not have to solve the problem, however, the Master Plan Update does have to say something like, "...[W]e understand water and sewer are an issue for the town and it is going to continue to be an issue for the next ten (10) years."

Town Manager/Town Planner Burbank said the PB should start with the preliminary findings Fitzgerald and Bont made using the tax maps and the tax billing information. Meanwhile, Hoyle Tanner & Associates, Inc. ("Hoyle Tanner") is moving as fast as they can to update our water system study. However, Hoyle Tanner cannot go any further unless they have some projections about development. Bont said that Hoyle Tanner is waiting for Fitzgerald and Bont to give them the projections. Consequently, right now it is a waiting game because both Karen Fitzgerald and David Edson are waiting for Bont and the PB to tell them with some degree of certainty where and to what extent we can anticipate the already approved buildout to be.

Town Manager/Town Planner Burbank told David Edson if one thousand (1,000) lots were approved over at South Peak, we should assume one thousand (1,000) homes can be built within the next ten years, or possibly a hotel with one thousand (1,000) units. If we project that one thousand (1,000) homes will get built, then the engineers at Hoyle Tanner can estimate what is the average daily use for those homes would be. He does not know how else to do it. Once they have those numbers, the engineers will look at the potential peak flow of water that would be needed to service those homes. Then the engineers can determine whether or not the Town's municipal water system can produce that much water. We are

looking for that vital information because that is what we need in order to make the water study as well as the Master Plan projections work. We have to know how much development you think will take place during the next ten years.

Chair Spanos asked how many Land Use Permits are given out for new homes in a year.

Hettinger asked if we could write a letter to:

- Attorney Raymond D'Amante for New Jefferson Development, LLC about future plans for the Forest Ridge Development,
- Ed Wendler of CRVI South Peak TRS, Inc. ("Cypress at South Peak") about future plans for the South Peak Development,
- Dennis Ducharme about future plans for the Inn Seasons Resort at South Mountain and RiverWalk,
- Alex Ray at the Common Man who had originally planned to erect a motel next to the Common Man Restaurant.

Those are the primary developers at this time. Tell them that we are trying to do a water study and we need an estimated build out for Lincoln over the next ten years. Ask them what they envision over the next ten to fifteen (10-15) years for expansion. That could be the best information the Town will be able to get for development projections for the Master Plan Update. Hettinger said that members of the PB do not have any idea what the developers are thinking; the developers may not want to do anything.

Bont asked if the PB wanted her to count the already approved one thousand (1,000) lots for the South Peak Development.

Hettinger asked if that was what Cypress at South Peak wants to do. How would Cypress at South Peak market lots at South Peak Development?

Town Manager/Town Planner Burbank said that the most rational approach would be to assume that one thousand (1,000) units will be built within the next ten years at South Peak Development. That number of dwelling units or lots has been approved already, even though not all of the lots have been subdivided out yet. He does not believe that the PB should or is going to approve any more than those one thousand (1,000) units at South Peak Development.

Hettinger said that it is just a matter of time before the Town receives an application to subdivide the first two hundred (200) units and then the next two hundred (200) units.

Town Manager/Town Planner Burbank asked if this whole process (i.e., Water Study and Master Plan Update) should reflect the approved buildout to date, rather than an estimate of how many dwelling units the PB might approve over the next ten (10) years. The Town, in preparing for total buildout, at a minimum should plan on those approved lots. Although using those numbers will generate the kind of numbers that will scare most residents currently living here, the potential for one thousand (1,000) dwelling units at South Peak Development is real.

Strickon asked if there was any way to put these numbers in with potential buildout dependent upon the availability of water.

Town Manager/Town Planner Burbank said that the supply of water has been here since the beginning of time.

Strickon said, say a developer wants to put a total of one thousand (1,000) dwelling units in at South Peak Development. The Town would say, "Well, we can't give them water. I'm sorry, you'll just have to go to a private company and buy bottled water. This is what we would like to do but are limited by the fact that there might be water issues."

Fitzgerald asked if the PB wants to put in the Master Plan Update, based on the number of lots already approved, once we permit a certain number of dwelling units the Town will need to put bring a new water system online to support further units. The anticipated future expenditure for a new water system should then go into the Capital Improvement Plan.

Fire Chief Beard asked if there was any trending data.

Fitzgerald said that the US Census/NH OEP puts out trending data twice a year. The data shows that in the Town of Lincoln, 85 permits for multi-family homes were issued in 2014. She asked if those permits were all for new multi-family homes.

Bont said that "multi-family" counts would include hotels as well as single family residences. The 85 dwelling units are primarily the condominium units in Phase II of the InnSeasons Resort at South Mountain and the units in the RiverWalk. An employee from the US Census Bureau called her to ask her about the number and she explained what the dwelling units were. The State of NH's Office of Energy and Planning (NH OEP) asks for the same data. The US Census/NH OEP then decided how to categorize the condominium/hotel units for their reports.

Fitzgerald said that in 2014 eighty-five (85) multi-family dwelling units were added to Lincoln's housing stock and six (6) single family for a total of ninety-one (91) new dwelling units.

Fire Chief Beard asked if that estimate took into account the economy at the time.

Fitzgerald said that she thought this was actual data. Fire Chief Beard asked if the data went back further.

Bont said that if you tear a house down and put up a new house up in its place, the US Census/NH OEP does not count it. They do not count additions or outbuildings of any kind. They are looking for an increase or decrease in the total number of dwelling units.

Town Manager/Town Planner Burbank said that the PB should consider the fact that the Town of Lincoln can produce about between 1.5 million gallons of water per day through the

treatment plant, pumping out of the East Branch Pemigewasset River and Loon Pond. The town can produce an additional three hundred thousand (300,000) gallons per day from the Cold Springs Wells. The Town can produce a total of 1.8 million gallons per day. If the Town could put one more cell in that would bring us to two million (2,000,000) gallons of "manufactured water". That would be the maximum number of gallons of water the Town of Lincoln can produce. That is all of the water the Town is permitted to take from the East Branch Pemigewasset River and Loon Pond. Given the number of dwelling units that have been approved to date, coming up against that limit is within sight. The usage is not in sight, but the maximum number of gallons the Town of Lincoln is able to take to make potable water is in sight. If there is a building surge over on US Route 3, for example, if they decided to develop the former Campers World, or the Campers World property was to become something other than vacant land, then the Town of Lincoln, with today's usage and its ability to take and make potable water, would be in trouble.

Town Manager/Town Planner Burbank said he was told that the original thinking was that a second treatment plant should be scheduled for the main branch of the Pemigewasset River to produce five hundred thousand (500,000) gallons per day. The second water treatment plant was the subject of discussions in the past, but it was only discussed conceptually. With a second water treatment plant they can see the town being able to manufacture between two and two and a half million (2,000,000-2,500,000) gallons per day.

Town Manager/Town Planner Burbank said that several days or weekends per year the town manufactures and its clients use between one million and one million one hundred thousand (1,000,000 – 1,100,000) gallons per day. That is without RiverWalk, Inn Seasons, The Landing, South Peak or Forest Ridge being completed to the extent of their current PB Site Plan Review and Subdivision approvals. This level of water use does not happen every day of the year, but the water system does reach very high capacities several times during the year. Town Manager/Town Planner Burbank thought that in planning for the next ten (10) years the PB should take that into account.

If housing takes off or if someone decides to put a hotel up on the other side of the river as well building out the currently approved dwelling units, the Town may be stretched beyond its current limit to manufacture potable water.

Chair Spanos asked how many dwelling units the current surplus capacity will service.

Town Manager/Town Planner Burbank said that number has not been calculated, but the April 2008 Hoyle Tanner, & Associates, Inc. Town of Lincoln Water System Hydraulic Evaluation took that into consideration. In the current survey Hoyle Tanner is clearly identifying the private water systems. They are looking at what the full extent of the Town's actual water system is and what private water systems that the Town supplies water to which is much larger. For this ten (10) year update, you almost have to go with the design of Forest Ridge, Riverwalk, South Peak, The Landing and base the Master Plan on that. Town Manager/Town Planner Burbank said that the trending is there but not necessarily accurate without taking these larger developments into consideration.

Fitzgerald does not believe that the available US Census/NH OEP trending is useful because the numbers in 2014 were high and every other year before that were very low.

Robinson suggested Fitzgerald and Bont take the big chunks like South Peak Development and Forest Ridge Development and look at what the PB has conceptually permitted. Those are the two largest developments in Town. Robinson felt that at South Peak Development with the approval of one thousand (1,000+) units, a big chunk of those proposed dwelling units were going to be hotel units. However, since then the successor developers have gone more toward constructing single family homes. We do not know what they are going to build in the next 10 years, but if you take the number of roughly one thousand (1,000) units that was permitted and base it on that. The number one thousand (1,000) is just an estimate. If they build fewer units but the units are bigger - 6 bathroom homes – but use the number as a base.

> Note: In 1996, the Planning Board approved the Forest Ridge Master Plan (draft Master Plan is dated October 1995, but the final master plan is missing from all files & was never recorded – it was supposed to be in the appendix that was not recorded.) for a total maximum number of four hundred ninety-eight (498) units. According to Horizons Engineering, supposedly two hundred seventy three (273) units have already been developed. According to Horizons Engineering, two hundred twenty-five (225) units remained undeveloped prior to Subdivision/Site Plan Review approval for "The Pines at Forest Ridge". With "The Pines at Forest Ridge" the PB approved twenty-four (24) units (12 duplexes) most of which have been granted Land Use Permits. That leaves a maximum of two hundred twenty-one (221) units remaining approved in concept, but not subdivided or developed yet. We have not verified those numbers yet.

Robinson thinks that the owners of Indian Head Resort (Spanos) are more likely to develop their land than the owners of former Campers World Campground (Clark). That should give Fitzgerald some idea of what is happening at the other end of town.

Robinson said the PB talked about "The Landing". Developer Schorr Berman and his ex-partner (d/b/a Saber Mountain Partners, LLC) built most of the roads in "The Landing", but they did not finish. They presented a conceptualized plan to the PB and Fitzgerald could use that as a base. Robinson suggested that Fitzgerald assume that all lots are going to get built on within the next ten (10) years. Maybe they won't be built on within ten (10) years, but at least use that as a base. Robinson said that the Fitzgerald and Bont could go through each of these developments and look at the conceptualized plans of what was brought to the PB, but not necessarily approved and use that as a basis. The only property Robinson is thinking of, but the PB would not have a conceptual plan for is the Indian Head Resort.

Fitzgerald said that the lots identified in North Lincoln are large open pieces of land.

Town Manager/Town Planner Burbank said that he heard that someone at the Indian Head Resort may have been considering creating a large RV park at one point, but he was not sure if it was still being considered or how an RV Park would affect water and sewage.

Fitzgerald said that the impact of single family homes is different from multi-family dwellings because you do not know if the developers are talking about building units with two (2) bathrooms or six (6) bathrooms which is a huge difference. A multi-family dwelling may be a condo with two (2) bedrooms and one (1) or two (2) baths versus a single family home with six (6) bedrooms and six (6) bathrooms.

Town Manager/Town Planner Burbank said that he looked at the few permits of new homes that actually have been constructed on Hemlock Drive in South Peak Development. When the property was subdivided, the engineers at Horizons Engineering based their calculations on homes that were supposed to be in the range of two thousand five hundred (2,500) to three thousand (3,000) square foot. In fact, most of those houses that were built have about seven thousand (7,000) square feet and up. The last home permitted up there has six (6) full baths and two (2) or three (3) hot tubs. Town Manager/Town Planner Burbank wanted to make the PB aware that the trend in Lincoln is leaning towards very large nice homes with extra features that involve above average water usage. The increase in the size of the homes and added water features in the high end homes, change what the Town anticipated for a pattern of water usage when the PB approved the development.

Chair Spanos said that with the price of energy down people tend to put their savings into building a larger home.

Robinson said that he did not want to see this discussion get bogged down because of these numbers. Robinson said that the PB does not know what is going to be built, but we do have a general scope of conceptual plans and we have that in writing. Robinson believes we should use the numbers of dwelling units that the PB has already approved and use those numbers for creating our Master Plan Update. Robinson was concerned that this task would delay the Master Plan Update. The PB is hoping to go to town meeting with an idea of what we need for a water tower or new water treatment facility.

Fitzgerald said that was a good idea for the Master Plan but was not sure what numbers to give to Hoyle Tanner. Town Manager/Town Planner Burbank said that Fitzgerald could take the approved one thousand (1,000) units and then the average occupancy per unit. He thought there might be some national statistics for the average occupancy per unit.

Robinson said that in the original plan for the South Peak Development the developer had proposed and the PB had approved *X* number of hotel rooms, *X* number of single family units and *X* number of condo units. Fitzgerald should use what was conceptually approved. Fitzgerald said that if we use that number and then multiply that number by a "gallons per day" rate, she and David Edson could put a number on the Town's water needs.

Hettinger said there were numbers on the earlier April 2008 Hoyle Tanner, & Associates, Inc. Town of Lincoln Water System Hydraulic Evaluation. Fitzgerald said that in the April 2008 Hoyle Tanner, & Associates, Inc. Town of Lincoln Water System Hydraulic Evaluation, Hoyle Tanner was using 150 gallons per day for a single family unit.

Hettinger said that you have to watch out for is that the gallons per day does not equate to the gallons per minute. It works out to a very low number for the gallons per minute basis so you also must figure it in at the full rate. Town Manager/Town Planner Burbank said that we also have to take into consideration projected fire flows on the water main should be five hundred (500) gallons per minute.

Robinson said that for the Master Plan Update reasoning, figure out the number of units and divide by an average. The engineers can figure out what the fire flows should be and what a household uses for water.

Town Manager/Town Planner Burbank said that if we take a large vacant lot of three hundred (300) acres, subdivide it into 15,000 square foot lots we can determine what the absolute maximum projection could be. Town Manager/Town Planner Burbank asked the PB whether we should we project increases in the number of dwelling units based on that reasoning. [E.g., 300 Ac X 43,560 sq.ft./Ac = 13,068,000 sq. ft. /15,000 sq. ft. per lot = 871.2 lots]

Robinson said, "No", because that particular piece of land may have unbuildable areas. We are looking at what the reasonable expectation for development in the next 10 years is going to be. Someone could go in tomorrow and develop a plan and bring it to the Town next month. But that has not happened and Robinson does not think it is reasonable to think it would happen.

Owners of the Indian Head Resort, on the other hand, brought numerous conceptual ideas to the Town over the years. Back in the 1980's the Indian Head Resort presented a conceptual for a golf course. Robinson thought that the likelihood of Indian Head Resort being developed was higher than 50%.

Fitzgerald said that anything that happens over there on US Route 3 where Indian Head Resort is located, the Town will need to find another source for additional water.

Town Manager/Town Planner Burbank said that it could be if we were at maximum capacity on this side of the main branch of the Pemigewasset River. What the Town is doing right now is working. The Town can cross feed and the small tank located at Indian Head is taking care of that demand. However, if a major development came in on the north side of Lincoln, it would tax that water system. Hoyle Tanner is looking into the possibility of making north Lincoln along US Route 3 its own pressure zone. If there was a sudden interest in developing on US Route 3, it would create a challenge for the Town, depending upon density, usage and the overall plan.

Chair Spanos said that in another scenario, one person could start the development and then development could take off with many others also presenting development proposals.

Town Manager/Town Planner Burbank said that North Lincoln is the next place to go to find developable land if the developer wants to stay within Lincoln.

Fitzgerald asked if the PB wanted to encourage development in that location. Town Manager/Town Planner Burbank said that the PB has been talking about doing some rezoning to encourage workforce housing. If the right person came along and presented a plan for a major workforce housing development, Burbank felt that the PB should have a plan or contingency if that should happen.

Fitzgerald said that this development was key to the Land Use Plan Chapter and underlying the other chapters. With this direction Fitzgerald will be able to update a few more chapters and get them to the PB for review.

Town Manager/Town Planner Burbank wanted to say kudos publicly to Karen Fitzgerald for all her work and the data that she has pulled together for the Master Plan Update. Fitzgerald said that the data that she has been able to find on the internet has been invaluable.

Fitzgerald mentioned the land use map that she put up on the wall in the meeting room was something that the PB might want to look at. The next session will be about handling the soil areas. Chair Spanos said he was not in favor of really developing any land use regulation based on soils.

Bont said that the next Master Plan meeting will be in January of 2016. Bont also mentioned that the next PB meeting is on a Tuesday night, December 22, 2015. Robinson asked if Fitzgerald could wait to come back until the 4th Wednesday in January to give the PB a chance to review the chapters she will be sending them.

Town Manager/Town Planner Burbank asked Fitzgerald if she envisioned the Master Plan Update being done in time for this Town Meeting. Fitzgerald said that the PB certifies the Master Plan and did not think it would be done by the end of January. Fitzgerald said that the Master Plan Update will not be complete by the end of January.

Robinson asked if the Master Plan approval needed to go to town meeting. Fitzgerald said that the PB approves the Master Plan; the Master Plan Update does not have to go to Town Meeting to be adopted.

January 27, 2016 is the next proposed PB meeting to work on the Master Plan.

6:40 PM Fitzgerald thanked the Planning Board and left the meeting.

2. **Conceptual:** David Dixon of PO Box 1331, Lincoln, NH 03251-1331 owns property at 4 & 6 Liberty Road with two buildings on it: one building is a single family home and the other building is a rental manufactured home – rented sometimes seasonally, sometimes full time. (Map 107 Lot 069). He proposes removing the manufactured home, but wants to retain the square footage and the water & sewer hookup to rebuild a second building on the site at a later date. Almost the entire building to be removed is in the 100 Year Flood Elevation & portions of the building are within the Shoreland Protection District.

Bont said that David Dixon was emailed about the meeting time and date, but was not here.

Motion to skip this conceptual (in hopes that David Dixon will arrive later).
Motion: John Hettinger Second: OJ Robinson
All in Favor: (5-0)

David Dixon did not attend.

3. **Conceptual:** Dennis M. Ducharme RRP, President of Inn Seasons Resorts, 212 Mid Tech Drive, West Yarmouth, MA 02673, for RiverWalk at Loon Mountain, LLC, PO Box 69, Lincoln, NH 03251 wants to lease space in the lower level retail section of RiverWalk to Seven Birches Winery. (RiverWalk is located at 22 South Mountain Drive – Tax Map 118, Lot 044.) Mark LaClair from Seven Birches Winery proposes setting up his winery in the RiverWalk Hotel – manufacturing wine with a "tasting room". What does LeClair need to get started? Does he need Site Plan Review approval for a winery, the tasting room? Does he need Site Plan Review approval for a tasting room? Is a "tasting room" the same as a "restaurant" for the purposes of zoning? What does Ducharme have planned for the bottom of RiverWalk? How about the proposed restaurant? How many seats? Is everything related the "retail space" already approved or is Site Plan Review approval needed?

Dennis Ducharme said that the RiverWalk Resort is coming along well and he hopes to be opened in May. As the building is going up, there has been interest in the retail space located on the first floor of the first Phase.

Ducharme explained that initially RiverWalk was planned for three (3) phases. Phase I is going up now. Phase II will be in the next couple of years. Phase III is a small 24 unit wing off the left hand side. The 1st floor of Phase I will have retail space that Ducharme would like to lease to a restaurateur. Mark LaClair approached Dennis Ducharme about the idea of putting Seven Birches Winery in the center of town in RiverWalk in the first Phase. Keeping in mind that when RiverWalk Phase II is built, the retail space that is being built in Phase I will be moved to Phase II.

Ducharme said that a restauranteur in town has also expressed interest in locating in Phase I of the first floor. The restauranteur understands that he will have to move his restaurant into Phase II and the same would be with the Winery. The Winery would also have to move to Phase II.

Ducharme said that in the space left after the restaurant and the Winery and the retail stores move out, will be eight (8) condominium units which will be put in that space on the first floor. The building was designed that way with the post and beams on the first floor squared off for the 8 units to be installed later. Phase I will end up with 79 units and about 2/3rds of the first floor of RiverWalk Phase I is going to be retail space.

Ducharme said that Mark LaClair will be the first retail business going in. LaClair will lease the two end units on the right hand side (west side) of the building. The restaurant going in

will be owned by a separate operator with about 120 seats in the restaurant and he will come before the PB. There was going to be a small retail store at the opposite side of the lobby, but now that will actually be a sales center. There is another space on the first floor near the lobby for a spa. The spa is not even in the planning stages yet. The center of the building is a lobby, front desk and some office administration space. The back center of the building is going to be the owners' lounge. The owners' lounge is the only space that is staying in Phase I when Phase II is built.

Ducharme said LaClair needs approval from the Town of Lincoln first in order to go before the State of NH because LeClair has a small production winery with a room for wine tasting. Ducharme asked if the PB had questions about the conceptual idea of what is being done with the building.

Chair Spanos asked if the condominium units that will be going into the space on the first floor of Phase I once Phase II is completed were part of the initial approval. Ducharme said they were. Ducharme said that the initial approval was for one hundred seventy (170) condominium units. Ducharme believes that that number of units has been reduced by two (2) and may be at one hundred sixty-eight (168) units now because there was one design on the sixth (6) floor that, as they were building, they discovered that they did not like it so they decided to combine what was a studio with a two (2) bedroom unit.

Ducharme said the parking lots are already installed and seventy percent (70%) of the parking spaces are already built. There is an "offshoot" in the back parking lot and another in the parking lot of the land that he leases from Paul Bartlett (Lincoln Center North, LLC) that is yet to be built. There is a recorded easement on land owned by Jean's Playhouse (NCCA North Country) with a right to use their parking lot if he needs to. Most of the parking that will be required for the building is there now. That is the overall concept.

Ducharme asked if the PB had any questions for LaClair regarding the production winery or the wine tasting room.

Hettinger asked about the size of the fermenters. If the Seven Birches Winery were to get a bad batch in a fermenter of sufficient size and it is discharged to the sewage treatment plant it could result in an overload to the plant's biological oxygen demand. LaClair said that the largest fermenter he has right now is one thousand (1,000) liters which is about two hundred sixty (260) gallons. LaClair said that the worst case scenario is if he lost one of the one thousand (1,000) liter fermenters. The waste is one hundred percent (100%) organic material that would be going into the sewer, but LaClair thought that the likelihood of that happening was very low.

Town Manager/Town Planner Burbank said that after hearing an explanation from LaClair, he understands that the waste from a winery cannot be compared to the waste from a brewery because it is made using a totally different process. Chair Spanos said that making wine was basically just crushing the grapes. LaClair said that there is no water used in the manufacture of the wine. Any water used is just for sanitation and would be the equivalent of a car wash. In terms of sewerage, there is no material going into the sewer other than rinsed off grey

water from production. Any solid material is discarded or composted.

Hettinger asked what he would do with the composted material. LaClair said he would be opened to ideas, but if he could compost here in Lincoln he would like to do that but he would prefer to have it go to a local farmer.

Town Manager/Town Planner Burbank asked LaClair to explain to the PB about the amount of solid material that he would be producing: a bag full at a time, not a truck full.

LaClair said that he has been making wine for five (5) years and is aware of the material that is used and discarded. They order two and a half to three tons (2.5-3T) of grapes twice in a year. They order grapes twice a year because there are two harvests in a year, one in the Northern Hemisphere and one in the Southern Hemisphere. They import grapes from the West Coast in the fall, usually from California. In the spring they import grapes from Argentina or Chili in South America. The grapes come through a distributor and arrive in crates. That one and a half tons (1.5T) or two tons (2T) of grapes gets crushed and added to the fermenters. The wine is created by fermenting the grapes. Part way through the process the grapes are pumped out of the tanks and into wine presses. He presses the grapes with the seeds and skins for red wines. The resulting dry grape solids that are left can be put into a six (6) gallon bucket. It is remarkable how little waste there is because the grapes are 80 percent liquid.

LaClair said he does not produce a lot of fruit wines. If he does, the fruit comes from local farms so there is not much discarded at the end. The waste that is discarded is all organic and it goes on the compost pile and is fed to the pigs. There is very little discarded and there is no water is added to the wine. There is nothing going down the drain into the sewer system, other than gray water from rinsing off tanks during the processing. Anything that would go down the drain into the sewer system is organic and less caustic than what could result from other sources.

Chair Spanos asked if he would make only two batches of wine per year. LaClair said that he has wine now that is bottled and ready to go. It takes about a year to make the wine. The wine sits in tanks for a long period of time. The wine goes through a process called "racking" where he takes good wine out of the tanks after it settles for a while and puts the good wine into a new tank.

Chair Spanos said that if LaClair process the grapes this year, he would not be opened until this time next year. LaClair confirmed that it takes a year to process the grapes. However, LaClair said that he has wine now that is already bottled and ready to be sold because he is currently in business in North Haverhill. LaClair said that he has wine that is ready to be moved and for sale on the day that they open. There is also a small amount of wholesale distribution as part of a business, but he is changing his business to rely more on retail traffic from the RiverWalk Resort and from resort guests. The Resort demand will probably displace all of his wholesale business. LaClair said that he does not make enough to do both. Right now he makes about one thousand (1,000) cases of wine a year.

Ducharme said that the proposed space that LaClair would be leasing is two rooms that are each about thirty feet by thirty feet (30'X30'). One room would be the production room. The other room will have a counter, wine tasting and bottles on display.

Strickon asked if food would be served. LaClair said that generally at a wine tasting you will get pretzels or crackers or some type of chip that will cleanse your pallet. Strickon asked if cheese would be served. LaClair said not at the present time.

Ducharme said that he also planning to put in a restaurant that will seat about one hundred twenty (120) people between the bar, the restaurant tables and the outside deck at certain times of the year. There are two (2) people who have signed letters of understanding with Ducharme to start their plan of what they would like to do in their leased space. The restaurant manager hired a design company to design the space he is leasing. Ducharme said that when he spoke with Bont and Town Manager/Town Planner Burbank about this they suggested that Ducharme come before the PB to present this conceptual. Ducharme then asked the PB what they needed from him to move forward with these plans.

Town Manager/Town Planner Burbank said that Ducharme said that the restaurant that is going to move eventually to the location of its original design. Burbank asked how the design of the kitchen and ventilation is all going to be moved. He suggested that perhaps Fire Chief Beard should have some input.

Bont asked whether Ducharme needed to come back to the PB for Site Plan Review because it is a change of use of the space from condo units to restaurant-like/retail space. Chair Spanos said that Ducharme could come back all at once for all three uses and that way they would have a better handle on what the space was going to be used for.

Bont said that giving abutter notice for this particular development (RiverWalk Resort) is not as labor intensive as others because RiverWalk property does not have as many abutters as other developments.

Town Manager/Town Planner Burbank said that there is already Site Plan Review approval to build the building, but this is an interior change. Chair Spanos asked whether when the PB approved the Site Plan was the restaurant on the plan.

Ducharme said that a restaurant was on the approved plan, but the restaurant was located in Phase II. Ducharme said that when the plan was approved the questions were about how many seats will be in the restaurant and is there adequate parking. The entire project was designed for these businesses but because they are building this building now, they would like to have some common area space or commercial space in Phase I that later will move to Phase II. The retail space will never get larger than what was originally planned.

Robinson said that the project was approved for X number of units, restaurant space and retail space. Robinson felt that moving spaces from one building to another, as long as in the end the same number of units, the amount of retail space it should be okay.

Bont asked if all of the Phases were approved [back in 2004] or was only the first Phase approved. Ducharme said that all the phases and the extensions have been approved. Robinson was not sure.

Town Manager/Town Planner Burbank felt that if all of the phases had been approved, it was unnecessary to go through another entire Site Plan Review approval process before the PB for this particular project. Bont said that the PB may need to do an update and felt that there should still be notices sent to abutters.

Chair Spanos said that in a Site Plan Review, the whole site is reviewed, so an abutter could theoretically bring up something that had already been sorted out and decided upon.

Robinson said that in the original plans that were granted, Site Plan Review approval included a restaurant. The proposal Ducharme is presenting tonight is to take the restaurant where the restaurant is located in one space in the design and move it to another space in the design with the intent at some point to move the restaurant space back to where it was originally planned. The approval is for a restaurant on the first floor with a specific number of square feet. As long as Ducharme meets the requirements for what has been approved already and does not make the space for the restaurant any larger, there should not be a problem. If he relocates the same square footage that was approved earlier, there should not be an issue.

Ducharme said that the footprint of the building is not any bigger and, if anything, the space the restaurant will use in Phase I is smaller.

Hettinger asked if the proposed space for Seven Birches Winery at RiverWalk would be the same amount of space that Seven Birches Winery currently uses at Windy Ridge Orchard. LaClair said that it was about the same size.

Robinson said that the only problem would be if Ducharme came back and put a restaurant in Phase II and did not remove the restaurant in Phase I. That change would trigger a new Site Plan Review.

Chair Spanos asked, theoretically, what would happen if Ducharme put a restaurant in Phase II and kept the restaurant in Phase I. Robinson said that would be a change of use and an expansion of use.

Ducharme said that economically he is looking forward to the eight (8) additional condominium units in Phase I. The building has been designed to have eight (8) units on the first floor. The beams in the building fall right in the center walls. Right now there is a beam in the center of the restaurant that is not working for the restaurant's ventilation system. They are trying to figure a way around it. Ducharme said that the design to accommodate the condominium units causes a ventilation issue; the restaurant people have had the ventilation company in that designed the ventilation in their current restaurant to design around the beams. It is a very sophisticated ventilation system.

Fire Chief Beard said that there is a fair distance from where the restaurant space is located and where the restaurant's ventilation system will exhaust. The ventilation system is all going to change when the restaurant is relocated. The ventilation system that Black Mountain Burger is installing now will probably be put up for sale and a totally new system put in when the relocation happens. Ducharme said that he heard the cost for the ventilation system is about $60,000.

Chair Spanos asked if anyone has other questions.

Town Manager/Town Planner Burbank said that we will need revised drawings for the proposed modification. The technical issues can be discussed then. Burbank asked if Ducharme and the winery or the restaurant need to come back before the PB for anything.

Bont asked if these modifications were going to be included in the third party review. Town Manager/Town Planner Burbank said they were. Robinson said he was good with the administrative and third party reviewer reviewing the "as build" drawings.

Bont asked if anyone had spoken engineer Ray Korber (KV Partners – whose services the Town uses to do some third party reviews) about these changes.

Town Manager/Town Planner Burbank said that Ducharme's engineers for RiverWalk (Hoyle, Tanner & Associates) will review the changes and that Ray Korber will be the third party reviewer.

Ducharme told LaClair that the winery plan will be incorporated into the building plans and the third party reviewer will review the building plans; Ducharme will then apply for a Land Use Permit as part of the approved building.

LaClair said that he would need a letter from the Town stating that the Town is okay with his having a winery in that building so that he can apply for a state liquor license.

Town Manager/Town Planner Burbank said that because the Town does not have a "Building Permit" system (because the Town did not adopt RSA 155-A and hire a building inspector to enforce the State Building Code) and instead issues "Land Use Authorization Permits" (Land Use Permits), the Town Manager/Planner would have to issue a letter for LaClair from the Town Manager/Town Planner's office stating the request for a winery has been reviewed and approved by the PB and there were no issues other than being subject to the third party's review.

LaClair asked what was required for the permit of assembly. (No answer.)

Ducharme asked about the proposed restaurant; what requirements would need to be met for a restaurant?

Town Manager/Town Planner Burbank said that the restaurant would need the same thing as the winery; Ducharme would need a letter from the Town Manager/Town Planner stating the

request for a restaurant at that location had been reviewed and approved by the PB and there were no issues other than being subject to third party's review.

Fire Chief Beard said that the restaurant will need a liquor license too. Town Manager/Town Planner Burbank said that both businesses would require a liquor license. A letter from the Town Manager/Town Planner would be required for the State Liquor Commissioner. Bont asked if LaClair has a sample letter. LaClair said that he would try to find the letter from North Haverhill and send a copy to Town Manager/Town Planner Burbank.

Town Manager/Town Planner Burbank confirmed with Ducharme that the plans for both the Winery and the Restaurant will be combined in the main RiverWalk plans. Ducharme said that there would be two different sets of plans because there is a restaurant company designing the restaurant and LaClair will do his own plans.

Town Manager/Town Planner Burbank asked what the timing was for the winery. LaClair said that the State Liquor Commission is not the fastest moving agency but it would take him about a month to receive the required State approvals. LaClair noted that there are also federal requirements he needs to meet because he is an alcohol manufacturer. He has already filed for that approval. The State licensing hinges on the Town's approval for the winery to exist in the Town and having a Permit of Assembly.

7:11 PM LaClair and Ducharme thanked the Planning Board and left the meeting.

4. **Conceptual - Planned Unit Developments (PUD) – Change in Configuration of Units:**

   a. **R-INQ 2015-23 Map 123, Lot 023 Black for Cote**. Danielle Black from Coolidge Falls Homeowner's Association inquired for property owned by Jeffrey J. & Michelle R. Cote (39 Flume Road, Map 123, Lot 051). Carl & Linda Erickson, the previous owners of a Planned Unit Development (PUD) for a triplex voluntarily merged the "lots" and built a single family home on the lot instead if a triplex that the lot was originally approved for. Can the new owner unmerge the lots? If not, can he subdivide the lot so he can put it back to a triplex? If so, what process should he follow? The owners want to expand the building to house his classic cars. There is confusion about the size of the PUD. Does the entire development need to come back for SPR/Subdivision approval or just the PUD owner?

Danielle Black was not present at the meeting to present this matter on behalf of the Homeowners' Association. Thomas Tremblay, President of Coldwell Bank LinWood Real Estate did instead.

Tom Tremblay said that when Bont wrote the item for the agenda there was a miscommunication and a misunderstanding between the homeowner's association and the owners. Tremblay said that the owners did not know what they owned because it had been miscommunicated to them. They own a triplex PUD in Coolidge Falls which is fifty feet by one hundred feet (50'x100'). The rules in Coolidge Falls

allow owners to build up to zero feet (0') from the lot line. The owners at the time chose to build a single family home and merged the three PUD lots into one PUD lot.

Chair Spanos confirmed that a PUD lot was a building envelope. Bont confirmed that Coolidge Falls lots are Planned Unit Development lots or PUDs.

Tremblay said that although the owners merged the three PUD envelopes into one, they still own the entire triplex-sized envelope. The owners, through the homeowner's association, came to the Town originally saying they wanted to "unmerge" the lots because they wanted to add a garage to the house. They do not have to do anything to "unmerge" the PUDS because they own the land within the triplex-sized PUD. The only reason they would have to "unmerge" the land is if they wanted to build another single family residential house on that extra piece of land that they own, however, they are not planning to do that, it is only going to be a garage. Tremblay said that there may be living space above the garage but that living space will be part of their home and within the PUD envelope. .Tremblay did not think that the PB has to do anything to do with this matter. It is really up to the homeowner's association at this point.

Bont said that the property owners will still have to get a Land Use Permit from the Town to build. They are not going to put in another dwelling unit.

Town Manager/Town Planner Burbank asked the PB if the owners expand the new garage to a living area above, would that change anything. Burbank added that this owner is into restoring and collecting automobiles. He was thinking about how future owners might utilize that space.

Bont said that not only can the owner build within his envelop, but since it is a garage it can be partially located on the common land according to the homeowners association regulations. Tremblay confirmed that the owners are allowed to put two hundred square feet (200 sq. ft.) on common land, but they have already done that with the house and probably will not be permitted to do that again.

Tanner said that the part that was currently expanded looked like a garage and asked if he was building onto the garage or the house. Town Manager/Town Planner Burbank and Tremblay confirmed that the plan is to build a second additional garage.

Tanner asked if that would widen the driveway. Town Manager/Town Planner Burbank said that was a Homeowners' Association requirement and that the association would have to address the concern about the width of the driveway.

b. **R-INQ 2015-24 Map 123, Lots 005&006 Tremblay for Raisanen**. Thomas Tremblay, President of Coldwell Bank LinWood Real Estate, listed a Planned Unit Development (PUD) lot for sale in the Coolidge Falls Homeowner's Association. The prospective buyers of a Planned Unit Development (PUD) lot owned by Suzanne Raisanen, PO Box 748, Nashua, NH 03061-0748, created for a

duplex want to build two single family homes on the PUD instead of a duplex. (14A & 14B Highview Road, Tax Map 123, Lots 005 & 006) If the Homeowner's Association approves the change, do they need Site Plan Review Approval or Subdivision Approval or both to get permission from the Town to do this? Does the entire development need to come back for SPR/Subdivision approval or just the PUD owner?

Tremblay said that this is a duplex lot defined as a lot with a duplex on it and in a duplex the units are attached. Prospective buyers asked if the buildings have to be attached. Tremblay said that this may be a question for the homeowner's association and not the Town. Tremblay thought that Fire Chief Beard may have some input on this because of fire safety. Typically the footprint for a home in Coolidge Falls is thirty (30) feet wide. If they build two houses, that is sixty (60) feet. That gives us twenty five (25) feet maximum between the two houses. Tremblay asked if twenty five (25) feet was okay.

Chair Spanos said that the Land Use Plan Ordinance (LUPO) requires twenty-two thousand five hundred (22,500) square feet of land for a duplex, but for two single family homes thirty thousand (30,000) square feet is required per home.

Bont said that there is a discount in the Land Use Ordinance to encourage duplexes, requiring less square footage to support them. The allowed density for this development was greater because it provided for a number of duplexes rather than single family homes. To allow the single family homes would be like giving the development a free lot without land to support it – something they would not have been allowed to do when they created the development.

Chair Spanos asked if the Coolidge Falls Master Plan document has this lot listed as a duplex. Tremblay said, "Yes, it does." Chair Spanos said that if they allow these owners to substitute two single family homes for a duplex, then every other owner of a duplex lot would have to be allowed to make that change.

Tremblay said that the Homeowners' Association has the right to change things. They can move lots, change the orientation of a lot and they can consolidate lots. Homeowners cannot. Tremblay said that even on these mergers, the land is conveyed to the association, the association does the merger or movement of the lots and then the association conveys the lot back to the owner. It does not affect anyone's ownership rights. In this particular case it does not infringe upon any abutters because there is a zero foot (0') setback from the lot line or within the envelop.

Town Manager/Town Planner Burbank said that he could not quote the State Fire Code's requirements regarding building separation. Fire Chief Beard said that he would have to look that up. Trying to put a ladder between two buildings with a twenty five foot (25') separation might be more difficult. Tremblay said that he measured the distance from the house next door and there are thirty feet (30') between the two buildings. Town Manager/Town Planner Burbank said that in the State Fire Code thirty feet (30') does pop up as a standard, but it could be up to the

authority having jurisdiction which would be the PB's call. There was a brief discussion about the distance between buildings and the State Fire Code. Fire Chief Beard said he would look up the regulation.

Town Manager/Town Planner Burbank asked if conceptually covenants trumped town regulations in an association. Chair Spanos said that allowing the owners to change from a duplex to two single family homes affects density.

Town Manager/Town Planner Burbank said that although the Town does not allow building right on the edge of the property line because the Town LUPO has minimum setbacks, within the Coolidge Falls Homeowners' Association covenants the property owners are allowed to build right to the edge of the envelop.

Robinson said that there is a difference because there is a setback between envelops on what was approved. Robinson and Tremblay discussed the space between buildings and how far apart the buildings must be within the same envelope while looking at maps.

Robinson said that what the Homeowners' Association approved or disapproved is not the PB's issue. If the Town approves it and the Homeowners' Association say no, it is not the PB's jurisdiction to talk to the Homeowners' Association.

Bont said that she does not give Land Use Permits for buildings located in Homeowners' Associations until they submit a written approval from the Homeowners' Association.

Town Manager/Town Planner Burbank said that is there a density issue from a town standpoint.

Bont said another way to look at this problem is that this development is done. It is not like this development will be allowed to add any more units. The common area is the area set aside to balance off for not having to allow 15,000 square feet per unit, it is the PUD approach and even if you allow the two single family homes on the duplex PUD, you will only end up with the two units on the PUD anyway.

Robinson asked if this was the last empty PUD on the property. Bont said that there are a few more that have not been developed yet, but in terms of density, the number of allowable units will stay the same whether they are allowed to have the two buildings attached or not. Bont felt that in this particular development the Town's primary interest would be safety.

Chair Spanos is concerned about using that reasoning in this case and then having to apply the same reasoning to other parts of town. For example, take a lot in town with a duplex on it. Say the lot was twenty-five thousand (25,000) square feet and the owners want to bulldoze the one duplex to replace it with two single family homes on the same lot and then the PB would say no.

Town Manager/Town Planner Burbank said that he did not think that would happen because the lot with the duplex on it located in town would not have the PUD designation that was developed with common land to balance out the density.

Fire Chief Beard said that from a fire safety standpoint he would rather see the houses separated because the parting wall is 5/8 inch sheet rock with all wood in between.

Chair Spanos asked if Town Manager/Town Planner Burbank was comfortable with this discussion. Town Manager/Town Planner Burbank said that if there is no issue let's not create one. However, Fire Chief Beard should take a look at this issue from a fire fighting stand point.

Tremblay said that he discussed with the prospective buyer that no decks would be allowed on the side of the home that faces the second home on the lot.

There was a brief discussion about the distance between the two homes and if there would be enough room for firefighting. Fire Chief Beard is still going to look into the regulations for home distances and any state regulations that may apply.

7:28 PM Tom Tremblay thanked the Planning Board and left the meeting.

c. **Conceptual - "Gates":** Gates on private development roads are proposed for two different developments. There is no guidance in the Land Use Plan Ordinance with the only reference to "Gates" being in the Driveway Regulations. What is the process? Do they need to come for Site Plan Review?
   i. Schorr Berman d/b/a Saber Mountain Partners, LLC – "The Landing at Loon Mountain, LLC"
   ii. Ramshorn – Map 126, Lots 021, 022, & 023 (Rampasture Lane, Rams Horn Drive, Blue Ox Lane)

Bont said although the applicants are not coming in to discuss gates, they have both asked about gating their communities. Bont said this was more of a "heads up" conceptual. In both cases fire safety issues were raised and copies of the parties' e-mails were given to Fire Chief Beard. Bont felt that based on discussing the matter with Beard, it seems that gates create a significant safety problem for providing fire, ambulance and police services. The Land Use Plan Ordinance (LUPO) does not address gates. Gates are addressed briefly in the driveway regulations.

Strickon said that a great deal of time was spent discussing this last year and at the time the general consensus was to do away with gates.

Chair Spanos said that historically the town has not wanted gated communities.

Town Manager/Town Planner Burbank said that if that is what the PB wants, it should be stated clearly in the LUPO to prohibit gates on main access or public access roads.

The driveway regulations talk about gates on private driveways. People can put a gate at the end of their private driveways.

Chair Spanos said that prohibiting gated communities should not stop people from having a gated house.

Town Manager/Town Planner Burbank said that from a public safety standpoint the South Peak gates are problematic.

Chair Spanos asked if gates were in the approval for South Peak Development owned by CRVI South Peak TRS, Inc. Town Manager/Town Planner Burbank said that the South Peak Development was approved long before he started working in Lincoln. He did not know if gates were in the approval.

Hettinger said that at one time the developers of South Peak Development intended to put a gate at the entrance to the Cooper Memorial Bridge because at one time there was not going to be any public parking allowed at South Peak. Fire Chief Beard thought that gating the whole development did not happen because of the construction of the Pemi Base Camp.

Fire Chief Beard said that his fire trucks can only get through the current gate in one direction with a clicker. Coming from the opposite direction, the firemen must get out of the fire truck, punch the code in, get back in the fire truck and wait for the gate to open. Coming in from the Loon side, they need to get out of the truck. If they decide to go in through the back way to get to the target property because the Loon Bridge is busy with an event at Loon, they would then have to get out of the fire truck, punch a code, get back in the truck and wait for the gates to open.

Hettinger said that gates such as the one that Schorr Berman of Saber Mountain Partners, LLC, wants to put in at The Landing at Loon Mountain would block a popular walking trail. Hettinger did not think it is right to block access to these natural areas.

Bont asked if the PB wanted to remove the references to gates from the driveway regulations. Chair Spanos said that it could say "gated communities are not allowed without a variance", or something like that. Town Manager/Town Planner Burbank said that they have to consciously come in to the ZBA and get a variance.

There was further discussion about gates and what other towns do that restrict or permit gated communities. The discussion focused on safety and access to natural resources. It was a general consensus that all PB members were against gates in the Town of Lincoln. The PB then discussed changing both the Driveway Regulations and the Land Use Plan Ordinance to reflect no gates allowed.

Bont said that the PB would need to decide that tonight because it would have to be posted by January 10th to make it to Town Meeting in March. Chair Spanos said that something would need to be ready for the PB meeting on December 22nd.

Grant asked that if someone created a community with communal access and all people within that community wanted the community to be protected by a gate it would not be allowed. Town Manager/Town Planner Burbank said that according to this discussion they would not be able to. Grant asked about Homeowners' Association. Town Manager/Town Planner Burbank still said that the Town could not.

Robinson said that the PB could restrict all gates in town other than to a single family residence. If it is one driveway with one house, a gate is permitted. If it is a driveway with two (2) or more houses gates are prohibited.

Robinson questioned that even if everyone on the road wants a gate the Town will not allow gates. Chair Spanos said yes, the problem is that as soon as you put a gate up with these roads there is not good fire protection.

The PB talked about safety of gated communities and Emergency 9-1-1 (E-9-1-1) issues for response vehicles. They also discussed other difficulties that arise with gated communities such as delivery carriers like UPS and FedEx and how they deal with gated communities. Someone said that delivery vehicles do not have the same urgency as a fire truck, ambulance or a police car.

Fire Chief Beard said that in addition to the Fire Department, the Town Water Department also has to stop at the gate and punch in a code. Beard felt that if there was a major incident with the water system and access was required for an emergency such a shutting valves because of a water main break, and it was a totally gated community and that gate malfunctions or the driver does not know the code, the driver would have to drive through the gate. Chief Beard agreed there were a lot of "what if's" but it could happen.

Grant asked if the Homeowners' Association members all agreed that they want a gate in their community, why are they not entitled to a gate.

Bont said that Lincoln is in a difficult spot because "by law" the Town is not supposed to allow any building unless the houses have direct access to a class V or better road. Bont said that you cannot gate a class V or better road.

Chair Spanos asked if that was a state statute. Bont said it was NH RSA 674:41. Bont said that in her opinion, by allowing people to develop on private roads that are not built to town specifications the PB has exposed the Town to potential liability associated with that.

Grant said that what he meant was the members of the gated community would expose its members to liability if that gated community chose to have a gate, however, that was their business.

Bont said that these gated communities do not have their own private police department, fire department or ambulance services. These are services municipalities are required to provide and that the members of gated communities expect the Town to provide. The Town can allow property owners to build a home on a private road because the Town either requires them to:

a) Build all their subdivision roads to meet Town specifications, or
b) The properties have to have direct access to a class V or better road. (see RSA 674:41)

Bont felt that because the Town is not doing either one, the Town has exposure to potential liability. Lincoln is not the only town that has made this choice, but most other towns probably did not permit developers to build over 1,000 condominiums on private roads that are too narrow for safe passage by a fire truck. Bont thought that adding gates to this scenario was asking for trouble.

Tanner said that you can add to the problem the fact that the Village of Loon Development refuses to abide by the E-9-1-1 standards. They have buildings whose addresses do not match up with any 911 standards. Bont said that the Village of Loon is refusing to follow through with the 911 numbering system. They do not want those numbers. They want to use the numbers that were created by the developer when he designed the plan for Village of Loon.

Chair Spanos said that the units at Village of Loon are all numbered.

Grant and Bont said the units are not all numbered. The units that are numbered are not numbered using the standard State E-9-1-1 system of numbering. The Homeowners' Association there refuses to do so. Town Manager/Town Planner Burbank said that NH Bureau of Emergency Communications E-911 in Concord (with the Town) assigns the house and unit numbers and that the Village at Loon refuses to use those numbers.

Grant (who drives an ambulance) agreed that the Village at Loon is a nightmare to find the correct address you are being sent to for an emergency.

Chair Spanos said that the Village at Loon is using old numbers.

Grant said that the Village at Loon is using a mish-mash collection of the two numbering systems – old numbers from the developer's plan and a few new numbers from the E-9-1-1 system – so the ambulance drivers can never find the exact location.

Fire Chief Beard said that when the fire department receives a call to go to the Village at Loon they are given explicit directions instead of an address, "your second right,

your first left". Beard said that the Fire Department once responded to an alarm activation at the Village at Loon. They drove the fire truck around the Village at Loon several times before a police officer finally received improved directions from Dispatch while looking at a map, and using those directions he got the Fire Department close enough to find the alarm occurrence.

Grant said that he has had to go back to the front desk at the Village of Loon and get specific directions for the Linwood Ambulance Service to answer an E-9-1-1 call. Grant said that you cannot identify the buildings up there from the numbers and streets.

Town Manager/Town Planner Burbank questions the whole E-9-1-1 system, asking why it is up to the local authority and not the Attorney General to enforce the E-9-1-1 system. Having an E-9-1-1 address is a State law; it is not a local regulation. Burbank does not understand why the Attorney General does not come down on these places and make them come into compliance with the E-9-1-1 standards. Burbank said that we do not have any local authority because there is no available penalty to use as an means of enforcement.

Fire Chief Beard said that on a busy ski weekend it is sometimes difficult to get the rigs (fire trucks) turned around on these roads. If you do not know where you are going and do not get to the right spot on the first try, you could get stuck.

Fire Chief Beard and Town Manager/Town Planner Burbank discussed who they would contact to try and get the E-9-1-1 addresses enforced. Town Manager/Town Planner Burbank asked if the Village at Loon was the only development or property that was creating a problem. Bont said that Coolidge Falls Development was the only development with this problem that she was aware of. Robinson said that the Town should start by talking to the Coolidge Falls Development and work from there. Town Manager/Town Planner Burbank said that maybe the three Chiefs, Police, Fire and Linwood Ambulance Service (EMS) should meet with Coolidge Falls Development to show their concerns.

There was a brief discussion about the difficulty in finding specific condominiums in the Village at Loon. The Emergency Medical Service (EMS) people have the Village of Loon maps in their vehicles to help guide them and they still have problems.

7:48 pm Strickon left the meeting.

Chair Spanos polled the members of the PB and the consensus was "no gates allowed" except for single family homes. Bont is going to write something for the ordinance to be reviewed at the PB meeting in January. "No gated ways other than a single family residence." Town Manage Burbank said that a "way" is an established term and he thought that term might be useful.

Chair Spanos said gates that are already up are grandfathered. We did not have any restrictions against them.

d. Discussion re: Proposed Changes to Stormwater Management Ordinance

Bont said that Horizons Engineering engineer Stephen LaFrance told her that he should not have to have to create a Stormwater Management Plan for any single family residences on lots located in any development he has performed the engineering for. Bont asked engineer Ray Korber (KV Partners, LLC) about this. Korber said that LaFrance may have received an Alteration of Terrain (AoT) permit from NH Department of Environmental Services (DES), but he did no specific planning associated with any of the lots for drainage; it was only an overall plan. There was no consideration for any impact that the development of one lot would have on other adjacent lots or lots located further downhill. Korber said that a lot of the issues he would like to have seen in the overall plans for the overall development itself are not there. Korber suggested changes to the Stormwater Management Ordinance and drafted the proposed language shown on the second page. What Korber did is make changes so that making the decision to waive the requirement would be left up to the Town Planner. For example if it was a completely flat lot with no runoff or drainage issues and the Town Planner knew it, the Town Planner could say that a Stormwater Management Plan was not required without requiring the applicant to come to the PB for a waiver.

Chair Spanos said that the same guy would argue that he was grandfathered and should not have to apply for this waiver for a Stormwater Management Plan. Robinson said that grandfathered refers to a use, not a building.

Town Manager/Town Planner Burbank said that the land LaFrance is referring to is currently raw acreage. Just because the lot is subdivided and the entire project has an Alteration of Terrain (AoT) permit, (which is a very cursory look at the entire project) the AoT is not definitive at all as to whether a Stormwater Management Plan is needed. Burbank thought that the Stormwater Management Ordinance would come into play at South Peak Development owned by CRVI South Peak TRS, LLC, because some of the lots have between fifteen percent (15%) and even twenty to twenty-five percent (20%-25%) slopes. The slope is shown on a map created by the US Forest Service. We also just saw the State maps to be included in the Master Plan Update showing that the soils up there on are around Loon Mountain lots, are unstable soils. It is "landslide" soil. Burbank said that if the developers are clearing arguably between fifteen thousand to twenty thousand (15,000 – 20,000) square feet per lot, they are opening up a lot of steep terrain where the soils are unstable. If there is no Stormwater Management Plans developed, that means the developers are not taking Stormwater Pollution Prevention Plan (SWPPP) precautions, erosion precautions, fencing and all the things that should be done on unstable land. This is a big deal. Burbank said that downhill silt issues have come up at many Selectmen's meetings.

Robinson asked what LaFrance's argument was that the Stormwater Management Ordinance does not apply to him. Bont said that LaFrance's argument was that he had already taken care of drainage when he designed and prepared the AoT for the

development. The Town should not add to the costs for the developer or the individual lot purchaser by requiring a Stormwater Management Plan.

Robinson said that even if LaFrance designed for drainage accurately, LaFrance designed a development with drainage and other engineering based on the assumption that the lots would be supporting two thousand five hundred (2,500) square feet as an average square foot per house. Instead, the property owners are building an average of a six thousand (6,000) square foot house. Robinson asked for confirmation that his assertion was correct. Bont agreed. Chair Spanos said that he will make the same argument no matter what.

Town Manager/Town Planner Burbank gave an example of Mike and Gina Donovan's lot at "The Landing at Loon" developed by Schorr Berman d/b/a Saber Mountain Partners, LLC. The Donovan lot is very steep. In order to build on the lot, the Donovans would have to clear about seventy percent (70%) of the lot. That would require a lot of erosion control. Burbank said that other than the newly adopted Stormwater Management Ordinance, the Town has nothing that would enable the Town to ask the owner, "How are you keeping that water on your property?" With an individual SWPPP we would have that answer.

Robinson said that we can force them to submit a Stormwater Management Plan whether it meets the SWPPP rules or not.

Bont said that in response to her inquiry, engineer Ray Korber drafted language giving the Town Planner the option to waive the requirement for a Stormwater Management Plan. Town Manager/Town Planner Burbank said that he does not think that the Town Planner should have that responsibility.

Chair Spanos said that he did not see why the Stormwater Management Plan should be changed taking the authority to grant a waiver away from the PB and giving it to the Town Planner in easy cases. Spanos thought the Stormwater Management Ordinance was fine the way it was written.

Robinson said that if the suggested language is more precise, okay, but it should not be waived by the Town Planner; it should be waived by the PB. Robinson did not see a need to change the ordinance.

Town Manager/Town Planner Burbank said that he does not like to keep picking on the Landing, but the lots make a good example for this purpose. Burbank continued, saying that whoever is building anything in the upper portion of The Landing at Loon Mountain, should be looking carefully at every individual lot. How much is being cleared? What are they doing to prevent runoff from impacting the neighbors? How are they keeping the water on that lot?

Robinson said without talking again about The Landing at Loon Mountain, the houses uphill and behind Tanner's house on Mansion Hill have caused these exact problems. The Stormwater Management Ordinance should have been in place years ago.

Chair Spanos said that requiring a Stormwater Management Plan means adding another one thousand five hundred dollar ($1,500) expense for everyone who wants to build a house. Town Manager/Town Planner Burbank said that people who live near and below you are being negatively impacted by what is being done on your land. Burbank agreed that you should be able to do what you want on your land, but not if it negatively affects your neighbors.

Chair Spanos said that if someone builds a house on School Street they will not create a runoff problem. Why should they need to submit a request for a waiver? Town Manager/Town Planner Burbank said that they would not have to request a waiver because they would not be disturbing more than fifteen thousand (15,000) square feet in order to build their house.

Chair Spanos asked if the PB needed something from an applicant that would describe the topography or slope of the land.

Town Manager/Town Planner Burbank said that, in theory, it would be good for an applicant to be able to come in with the application and Bont could walk into the Town Manager's office and say that although the proposed house will be disturbing more than fifteen thousand (15,000) square feet, the house will be built on School Street so there are no runoff issues. Chair Spanos said that then you are back to the Town Planner waiving the Stormwater Management Plan requirement. It is not that he cannot make a close call decision if that is what the PB wants their Planner to do, however, he could see the PB and others second-guessing his decisions. Town Manager/Town Planner Burbank said that he was not comfortable making a close call decision about whether runoff might be an issue or not.

Bont said that when the applications for homes on these steep slopes and unstable soils come in, almost none of the plans are signed architectural plans drawn by licensed architects. The plans are created by "home designers" who are not required to be licensed. There is no professional's license at risk should the plan turn out to be a poor design.

Hettinger said that what you are talking about doing is not an easy problem to solve.

Fire Chief Beard asked if there should be a trigger to consult the Master Plan because there are maps in the Master Plan showing the unstable soils.

Town Manager/Town Planner Burbank said that we could expand the third party reviewer concept to require a third party review of a single family home or duplex. The cost of having the Town's engineer to take a look at applications for every single family home or duplex would be high though.

Bont suggested leaving the Stormwater Management Ordinance as it is because the Stormwater Management Plan requirement can still be waived by the majority vote of the PB after a properly noticed meeting.

Town Manager/Town Planner Burbank said that the only decision that the Planning Department would make is after taking a look at the Land Use Permit Application and because we know where they are building, we know what the topography is there, and we know that they intend to disturb more than 15,000 square feet or more than 50% of the lot, we would tell the applicant that they need come in to the PB and get their blessing on a Storm Water Pollution Prevention Plan (SWPPP).

Bont said that if we feel they do not need one, otherwise they have to come in. We the applicant feels they do not need a SWPPP and the Planning Department agrees, practically or logistically speaking, the Planning Department asks the applicant to come to a PB meeting to receive a waiver.

Robinson said that will make granting a waiver of the requirement for a Stormwater Management Plan a PB decision.

Bont said that takes the responsibility away from her and the Town Planner and puts it on the PB. Town Manager/Town Planner Burbank said that from a community standpoint it is what we were hired to do.

Robinson said the request for a waiver needs to come before the PB. Robinson said that the Stormwater Management Ordinance was only enacted eight (8) months ago and we should not over react over the hypothetical. Robinson said that as he reads the Stormwater Management Ordinance, LaFrance does need to come before the PB to ask for a waiver. Bont said that the wording should remain the same.

Robinson said that if a developer or his engineer feels he does not need a Stormwater Management Plan for a particular lot, he can come before the PB, present his case for a waiver and get a decision.

The consensus of all PB members was to leave the wording "as is" in the Stormwater Management Ordinance.

e. Discussion re: Proposed Changes to Sign Ordinance portion of Land Use Plan Ordinance

Bont told the PB that this is a heads up. She passed out a summary of the matter prepared by the NH Municipal Association and attached to these minutes.

In June of 2015, the US Supreme Court in the case ***Reed vs the Town of Gilbert, Arizona*** ruled for an Arizona church in a dispute over a town's sign law in a decision that "three justices said could threaten municipal sign regulations across the country."

The church sued the Town of Gilbert for treating religious groups more severely than others in violation of the First Amendment's guarantee of religious freedoms. The plaintiffs were Pastor Clyde Reed and Good News Community Church, a small church located in Gilbert, Arizona that did not have its own church building. The church met in different locations throughout the community. Every week the church used small, temporary signs to invite and direct the community to its services. The Town of Gilbert's sign code imposed strict limits on the size, location, number, and duration of the church's signs. It does not impose the same restrictions on political, ideological, and homeowners' association signs.

Court's Holding: The provisions of a municipality's sign code that impose more stringent restrictions on signs directing the public to the meeting of a non-profit group than on signs conveying other messages are content-based regulations of speech that cannot survive the strict scrutiny test for Constitutionality.

Bont thought that the PB should wait and see what other towns are going to do to address the issues raised in this court case. Town Manager/Town Planner Burbank agreed that we should just wait until an issue arises. Bont said that between now and next year we may see how other towns have fixed their ordinances to be in compliance with the court case then we will follow suit.

Chair Spanos asked if there is anything that jumps out at you that something is way out of whack yet. Bont said that the Supreme Court wants sign ordinances to be content neutral. Bont said that our ordinance is not content neutral, however, the direction from the Supreme Court is not totally clear. Although it was a unanimous decision, it was not a unanimous opinion – lots of views about how sign ordinances should work.

Bont recommends the PB wait and let the NH Municipal Association (NHMA) and other towns sort it out first and then we can address the issues raised in the court case at the next Town Meeting cycle.

CHANGE OF USE AND EXPANSION OF USE

Robinson said that the last meeting discussed the changes in the Land Use Ordinance going back to the Hobo Railroad about including an expansion or change for use for preexisting uses that predate Lincoln's adoption of its Site Plan Review Regulations.

Bont said that she put proposed language in the minutes on page 27 of the November 11th minutes.

This change in the Site Plan Review Regulations does not need to go to town meeting. Robinson asked to put it on the agenda for the January 13, 2016 meeting.

f. Discussion re: Proposed Changes to Zoning District Map for Land Use Plan Ordinance

8:10 PM Robinson called Pat Romprey and put him on speaker phone.

Romprey said he wants to change the zoning district designation on his two lots from General Use (GU) to Village Center (VC). There is a reason for that. He currently has a potential buyer that would like to change the lots from General Use (GU) District over to the Village Center (VC) District.

Robinson asked what could be shared about the planned use of the property without breaching any confidentiality agreements. Romprey said that he is looking for a conceptual approval then then he would have a PB public hearing before it goes on the town warrant.

Chair Spanos said that whatever was built or proposed to be built in the future would have to go through Site Plan Review and go through the PB process. Romprey said that all he is looking for is a conceptual approval to agree to a public hearing and then he would push to get his petitioned article on the town warrant.

Chair Spanos asked what needed to be done to apply for a public hearing.

Bont said that first he submits a petition to the Board of Selectmen. Then the Board of Selectmen refers the petition to the PB. The PB then has to hold a public hearing on proposed changes to the Land Use Plan Ordinance. Then the PB has to vote to recommend or not recommend the warrant article. The petitioned warrant article can get on the annual town meeting warrant one of two ways: it can either go on the warrant by petition or the on the warrant because the PB decides to put it on themselves.

Romprey said that he would prefer to have the PB put it on the warrant. Romprey said that he would be willing to go through a public hearing for that.

Bont said that the petition for a zoning amendment deadline is today. Bont explained that if Romprey put his request on a petition then the PB can still decide to vote and sponsor it as their own warrant article. Bont asked Romprey, in case the PB decides that they do not want to recommend his warrant article, does he still want the petition on the warrant? Romprey said, "Yes". Bont said that in that case, Romprey would need to get the petition in by midnight tonight anyway. Romprey asked if today was the last day. Town Manager/Town Planner Burbank said that Romprey had until midnight. Bont said that they could deliver it to the Police Department dispatcher.

Romprey said, "Okay", but that his preferred route would be to get conceptual approval from the PB and send it through the PB to face a public hearing. Romprey said he would rather it appear as a PB article as opposed to the Selectmen's Office. Bont said that it can be if the PB votes to do that. Town Manager/Town Planner Burbank said that did not need to be done tonight.

Chair Spanos said that we can schedule it on the agenda.

Romprey said that this same situation exists in several places in town and right in front of his lots is one of them. Romprey said that he does not see this as much of an issue but it was up to the PB.

Robinson said what the process for zoning changes is, noting that tonight was only a conceptual.

Town Manager/Town Planner Burbank said that the latest zoning change that just went through was Billy Conn's change to General Use. The rationale there was that it made sense because the lots were in the General Use District originally and they were adjacent to other General Use properties. Romprey's proposal may be a little different, but the precedent has been set where a request for a zoning district change has gone to town meeting and properties have been moved in and out of certain zoning districts. Romprey said that this will not be setting a precedent by any means.

Chair Spanos asked if some of the abutting properties were zoned the same way. Robinson said that the front property along NH Route 112 is zoned Village Center.

Robinson asked about the procedure saying does the PB voted on approving it and then have a public hearing.

Romprey said that what you are voting on tonight is the conceptual and then he would proceed to have a public hearing.

Robinson confirmed the order of procedure. 1. Vote on the conceptual. 2. Schedule a public hearing.

Bont said that she did not think the PB could make a decision on whether or not to sponsor the zoning change until after holding a public hearing.

Chair Spanos said that we would make a decision to schedule a public hearing.

Town Manager/Town Planner Burbank said that the record will reflect that you are either okay with this conceptual idea or you are not okay with this conceptual idea.

Romprey said that what he is asking is a conceptual approval to change the zoning district designation of his two lots from General Use (GU) District to the Village Center (VC) District. If the PB agrees, Romprey will file for a public hearing with the PB and if at that time it is approved at the public hearing then file a warrant through the PB warrant articles as approved or recommended by the PB.

Town Manager/Town Planner Burbank reiterated that Romprey was asking that the minutes of this meeting to reflect whether or not the PB approves or disapproves of your conceptual plan to change the zoning district of your two lots from General Use (GU) over to Village Center (VC).

Romprey said that if the PB says "yes", it is going to give Romprey permission to bring the zoning change to a public hearing.

Robinson said that the PB would take the official vote to recommend or not recommend after the public hearing. So tonight we vote conceptually to agree that we want to hear it at a public hearing. Robinson said that if then the PB votes no, it will not go on the warrant. Bont said that it still goes on the warrant, but not with the PBs recommendation.

Robinson clarified saying that if there is no petition and after the public hearing the PB does not want it and votes "no", then there is no means to get it on the town warrant. Town Manager/Town Planner Burbank said that was correct, he has to have both.

Chair Spanos said that Robinson meant if there was no petition.

Romprey said that his preference was to go through the PB because it was a cleaner process. Robinson agrees but just wants to be sure that everyone understands the process so that does not turn into a debate. If the PB brings this to public hearing and votes "no" it will be too late to submit a petition to go forward. If that petition comes in before midnight it is on the warrant no matter what the PB does.

Romprey agreed. It will not appear on the warrant twice. If the PB approves it, it can then be placed on the warrant as a PB article.

Robinson said if he submits a petition and the PB approves it, it does not appear twice on the warrant.

Chair Spanos asked Romprey if he was asking the PB to schedule a hearing on this zoning change. Romprey said he is asking for conceptual approval so that a public hearing can be scheduled.

PB members took a minute to look at the zoning map and discussed which lots would be affected by the vote. Hettinger said he was concerned about the impact on abutters. Robinson said that the PB is only agreeing to move it forward so that we can have a public hearing, discuss it and learn more about what is being requested.

Town Manager/Town Planner Burbank said that Romprey's point is well taken, this is not a precedent-setting. Requests for zoning changes have been made in the past. Chair Spanos said that others have asked to have zoning changes placed on the warrant and we have done it.

Robinson said that Romprey's land is currently zoned as General Use (GU) so right now it could be developed for commercial purposes. It is not in Rural Residential (RR) like the further back lots on Pollard Road. It is in General Use (GU) which means it is commercially zoned. This change to the Village Center zone would allow for a greater density. It would be different if it was in Rural Residential (RR) and we were changing it to a commercial zone like General Use (GU) or Village Center (VC). What Romprey is asking to change is the density of commercial development on flat land.

Motion that Planning Board agreed conceptually to move forward with a public hearing on a request to change the zoning district for two lots from General Use (GU) to Village Center (VC) District:
Motion: OJ Robinson Second: Callum Grant
All in favor: (5-0)

January 13, 2015 will be the date for the public hearing.

Bont said Romprey needs to bring the petition in today in order to meet the statutory deadline for petitions to amend the zoning ordinance. Robinson said the petition must be in by midnight. Romprey said that it will be at the Police Station by midnight. Romprey thanked the PB.

8:26 PM Romprey left the meeting telephonically.

Bont said that the last day for the first public hearing is January 18th. Robinson said that we can schedule the public hearing for January 13th. Town Manager/Town Planner Burbank thought notifying abutters could be a substantial abutters list.

Robinson said the PB should hold a public hearing for the following at the same time.

1. Gates prohibited in Land Use Plan Ordinance;
2. Fix language for expansion and change of use in Site Plan Review to include preexisting use language
3. Zoning district change for two lots.

Robinson asked if Bont could prepare just one ad for all three proposed changes to save money.

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

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 PB will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

VI. ADJOURNMENT

Motion to Adjourn at 8:32 PM.
Motion: John Hettinger Second: Callum Grant
All in favor: (4-0)

Respectfully Submitted,

Wendy Tanner
Planning and Zoning Recorder
Dated: December 9, 2015

James Spanos, Chairman