APPROVED

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, APRIL 9, 2014 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

Present: Chair R. Patrick Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, Selectmen's Representative, Paula Strickon, and Taylor Beaudin (alternate).
Members Excused: Norman Belanger (alternate), and OJ Robinson, Selectmen's Representative.
Members Absent: None.
Staff Present: Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank, Nikki Donahue (minute taker in training)
Town Attorney Present: Attorney Peter Malia of Hastings & Malia Law Office, PA, 376 Main Street, PO Box 290, Fryeburg, ME 04037-0290
Guests:

- Paul J. Beaudin, II, resident of 2 Louis Lane, Town of Lincoln's Solid Waste Manager & Chair of Zoning Board of Adjustment.
- R. Schorr Berman, President of Harris, Bretall, Sullivan & Smith, LLC, and Developer/Builder/Property Manager for Saber Mountain Partners at 155 Main Street, PO Box 820, Lincoln, NH 03251
- Paul T. Carolan, CHA, General Manager of Village of Loon Mountain (VOLM), The Village of Loon Mountain, c/o Vacation Resorts International, PO Box 399, Hyannis, MA 02601-0399. Village of Loon Mountain is an abutter.
- John Chamberlain, Realtor from Coldwell Banker Linwood Real Estate, and property owner of lot on White Birch Lane (Map 114, Lot 050), PO Box 1001, Lincoln, NH 03251
- Joseph P. Chenard, resident at 11 Liberty Road, Lincoln, NH 03251-9724
- Natalie Culgin, abutter and owner of 7 Sarsaparilla Court, (Map 124, Lot 022), from 4 Parmanter Road, Framingham, MA 01701
- Brent Drouin, Owner/Broker of Century 21 Mountainside Realty, 49 Main Street, Lincoln, NH 03251
- Peter Dyroff, abutter and home owner of (Tax Map 124, Lot 024) 10 Sarsparilla Court) - Principal, Managing Partner of The Jarmac Group, Taunton, MA
- Peter Eisenhauer, abutter and home owner (Tax Map 124, Lot 034 – 34 Westwood Drive) from PO Box 1193, Lincoln, NH 03251-1193
- Cecile Eisenhauer, abutter and home owner (Tax Map 124, Lot 034 – 34 Westwood Drive) from PO Box 1193, Lincoln, NH 03251
- Karyn P. Forbes, Attorney from Shaheen & Gordon, 107 Storrs Street, Concord, NH 03302, representing abutter, Rossana Nigrosh whose property is owned by
- Charles "Chip" Fredette, PM, Vital Site Services, Inc., Site Acquisition and Contracts Management working for Verizon Wireless as a contractor. He looks for real estate for Verizon so that Verizon can meet its coverage needs.
- Bonnie D. Ham, Planning Board member for the Town of Woodstock, New Hampshire
- Rick Kelley, President and General Manager of Loon Mountain Recreation Corp., leasing from CPL Loon Mountain LLC, formerly known as CNL Income Loon Mountain, LLC

& one of signatories on application for Cellco Partnership d/b/a Verizon Wireless to put up a telecommunications cell tower.

- Herbert Lahout, Applicant for conceptual, 64 Sunset Hill Road, Sugar Hill Road, owner of 31 and 33 Main Street (Map 112, Lots 027 & 028)
- Steve Loynd, Real Estate Broker/Owner, Alpine Lakes Real Estate, Inc., 7 Linwood Plaza, PO Box 1135, Lincoln, NH 03251-1135
- Roland Mattison, Director of Coolidge Homeowners Association
- Gale M. Michaud, abutter and home owner (Tax Map 124, Lot 032 – 51 Westwood Drive) from 84 Branch Street, Scituate, MA 02066
- Kenneth A. Michaud, abutter and home owner (Tax map 124, Lot 032 – 51 Westwood Drive) from 84 Branch Street, Scituate, MA 02066
- Doris (Dorie) Mollica, abutter and home owner of 29A Flume Road (Tax Map 123, Lot 046), PO Box 757, Lincoln, NH 03251
- Robert (Bob) Mollica, abutter and home owner of 29A Flume Road (Tax Map 123, Lot 046), PO Box 757, Lincoln, NH 03251
- Rossana Nigrosh, abutter who seasonally(?) resides at 24 Governor's Lane, Map 124, Lot 028, owned by Kevin M. Sargis, Trustee of Hunter Realty Trust, 44 Old Princeton Road, Fitchburg, MA 01420. Sargis also owns abutting lot M124, Lot 027 on Governor's Lane.
- Douglas Smith, abutter and President of Westwood Homeowners Association and homeowner in Westwood, PO Box 941, Lincoln, NH 03251
- Keith Vellante, Senior Radio Frequency Engineer for C Squared Systems, LLC, a third party radio engineering firm working as a Verizon Wireless Consultant for Verizon Wireless on the proposed site
- John F. Weaver, Attorney for McLane, Graf, Raulerson & Middleton, PA, 900 Elm Street, PO Box 326, Manchester, NH 03105-0326, representing Applicant Cellco Partnership d/b/a Verizon Wireless
- Darin Whipperman, Reporter for newspaper The Littleton Courier, 33 Main Street, PO Box 230, Littleton, NH 03561-0230.

(There may have been others present who did not sign in on the sign-up sheet.)

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

Chair Pat Romprey called the meeting to order. Norman Belanger was excused as he had a family matter to tend to. OJ Robinson was running late due to picking up a business client at the airport. (Later we learned that the airplane was late and OJ Robinson was unable to attend at all.)

II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:

- February 12, 2014 (if completed)
- February 26, 2014 (if completed)
- March 26, 2014 (if completed)

The Board passed over the minutes. The minutes will be considered at the next meeting.

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

No continuing business.

IV. NEW BUSINESS

A. 6:00 pm. Conceptual for Site Plan Review for a Change in Use as it impacts parking

1. Variation, in part, of Application (SPR & SUB #2014-01)

Property: 31 Main Street (Tax Map 112, Lot 027) & 33 Main Street (Map 112, Lot 028) (now 31 Main Street, Tax Map 112, Lot 027).

Proposal: Presently Tax Map 112, Lot 027 is 0.07 acres and Tax Map 112, Lot 028 is 0.10 acres. Both lots are owned by Herbert J. Lahout of 64 Sunset Hill Road, Sugar Hill, NH 03586 and were merged per Planning Board approval on March 26, 2014. Applicant Herbert J. Lahout received approval to demolish the former restaurant known as Bill and Bob's Famous Roast Beef (702 sq. ft.) located on Tax Map 112, Lot 27 (31 Main Street) and portions of the former office/retail Pinestead Quilt building (289 sq. ft.) located on Tax Map 112, Lot 28 (33 Main Street) and then put a 990 square foot addition onto the back of the Pinestead Quilt building for combined commercial uses as restaurant space, office space and retail space. The footprint of the building with the addition will be equivalent to the footprint of the two pre-existing buildings. Both lots are owned by Herbert J. Lahout of 64 Sunset Hill Road, Sugar Hill, NH 03586. Both lots are located in the Village Center (VC) Zone. The applicant's surveyor and engineer is Kellogg Surveying & Mapping, Inc. Lahout now has a potential restaurant tenant and Lahout would like to explore the possibility of combined on-site and off-site parking.

At the last meeting Lahout was trying to get three potential uses: retail, office and restaurant. The parking requirements for a restaurant were quite different than for office and retail space. The Planning Board approved the office and retail uses with the available parking spaces. He was advised to come back if he wanted to put in a restaurant.

Lahout informed the Planning Board that after the board had approved his Site Plan Review Plan for a combination of retail and office space at the last meeting, he now has a potential tenant who wants to rent the building for a 96 seat restaurant. Lahout reconfigured the parking plan as the Planning Board had suggested at the last meeting. He still wants to record the other plan with the approval for retail and office space approved last week.

Lahout presented a conceptual plan reconfigured for a restaurant. He reduced the size of the building and moved the dumpster. The conceptual plan removes Bill and Bob's Beef House and a little piece he cut out for the parking as well as the parts of the Quiltstead Building that he was going to remove anyway.

According to Lahout, his brothers have agreed to let his restaurant tenant use their back parking in the evening behind their nearby establishments. According to Lahout, there is a "humongous lot in back of their three stores: Burton Store, Life is Good Store and Northface Store". Generally his brothers' customers do not park back there. They usually park on the street in front

of the stores. According to Lahout, no one parks back there. Lahout thought there were approximately 10 spaces back there.

According to Lahout his tenant is looking to put in 96 seats. According to "restaurant people", commercial space is not marketable as a restaurant unless the restaurant has between 90 and 100 seats. If we divide 100 by 4 seats per table, he will need 25 parking spaces. If we divide 96 seats by 4 he will need 24 parking spaces. There is a lot of street side parking in front of the restaurant area, but he did not want to put those spaces into the mix after the discussion last week.

According to his plan, Lahout can fit 13 spaces on his lot. If he has another 10 spaces from his brothers, he would like to count a couple of parking spots out front on the street to make up his 24-25 required parking spaces.

Lahout pointed out that in the past, the planning board talked about parking and decided they did not want the town to evolve into a big parking lot. That is the reason why the two restaurants across the street from the town offices were approved on a case by case basis to include the municipal parking lots across the street to serve as their business parking.

Burbank informed the board that today he went outside and physically counted all of the municipal parking spots. He showed the Planning Board a list.

- *At town hall we have a total of 45 parking spots.*
  - *15 parking spaces in the upper parking lot with one handicapped accessible lot.*
    - *6 parking spots are used in the upper level by staff & the town car*
    - *7 parking spaces are left for the public & townhall customers*
  - *4 parking spaces in front of the police station.*
  - *26 parking spaces in the bottom parking lot at town hall, of which, the police department uses 13.*
    - *7 parking spaces are used by the emergency vehicles full-time – 5 cruisers and 2 emergency vehicles.*
    - *6 other spaces are used by the police department for mostly staff parking.*
    - *13 are left for the public and police department customers to use*

Burbank also pulled the agreement from 1997 for the Village Shops parking.

- *At the Village Shops we have a total of 21 parking spots*
  - *3 of the lots are covered with snow and ice during the winter time so in the wintertime we lose approximately 3 spaces out of 21 spaces.*
- *Behind Flapjacks we have a total of 10 potential parking spots*
  - *2 of those spots are not being used due to snow. In the wintertime there are 8 parking spots available there.*
  - *At least 2 private parties have been parking their cars all day and night in this area.*

Burbank asked the Planning Board how many times they wanted to count those same parking spots as they approve businesses along Main Street. He encouraged the Planning Board to

consider parking going forward. Burbank suggested that maybe we could count a percentage of the municipal parking available. For example, in Herb Lahout's case, he needs 24 parking spaces to support 96 seats. Perhaps the Planning Board would consider picking a certain percentage (for example 5%) that they could give a business to count for on street parking. [Thinking that through: 5% of 24 would be 1 space. 10% of 24 would be 2 spaces. 5% of 25 spaces would be 1.25 spaces. 10% of 25 would be 2.5 spaces.] If they gave him 10% then the number of off street parking spaces he would require would drop by 2.

Burbank suggested that the Planning Board think about spreading out the use of the available municipal parking. Obviously, it is on the westbound side of Route 112 business that we are talking about. As the town changes and we add restaurants to that side of the street, we know that diners will only walk so far to a restaurant. Diners are not going to park out in front of the Town offices (146 Main Street) to walk to Herb Lahout's restaurant down where the Pinestead Quilt building is. (Map 112, Lot 027 & Lot 028 – 31 & 33 Main Street).

Burbank suggested that Lincoln cannot keep doing what they did with Flapjacks, the Thai Restaurant and Bella Funks. When Flapjacks is hopping there is no room for townhall staff to park or townhall customers to park. On Saturday morning when breakfast is being served across the street at Flapjacks, you cannot park to do town business. It is all Flapjacks parking.

Lahout made additional comments.

1. *The Pinestead Quilt Building used to be an Italian Restaurant called "The Italian Moose" and Bill and Bob's Famous Roast Beef was also in operation. These two properties (newly merged) have a long history of being the location of restaurants.*
2. *As the businesses on the Main Street slowly grow, like Alpine Adventures, is the Planning Board going to require them to revisit their parking?*
3. *There are going to be peak periods about 8 or 10 times per year when traffic is horrible. The town could have a gazillion parking spots, but that would decimate the look of the downtown. It is almost healthy when a town has occasional peak periods when it is bumper to bumper traffic, but the town would not want to plan around those 8-10 times per year. Do you need to plan to avoid that problem or it is okay as long as traffic is not a problem the majority of the time?*
4. *Right now the balance is still in favor with traffic moving on Main Street.*

Romprey reiterated that Lahout just needs 10 more parking spaces and he has got them behind his brothers' places. Romprey believes that Lahout has enough parking spaces already between his lot and his brothers' lot.

Hettinger reminded Lahout that if his renter does not have enough spaces for the renter's customers then the renter is not going to do well with his business. The renter will presume that he is renting enough space from you for parking his customers. Are there assigned spaces for your business versus his? Hettinger suggested that Lahout make sure that there are signs directing people to park behind his brothers' businesses.

- *Romprey is willing to cut Lahout some kind of slack as far as one or two spaces go on the parking.*

- *Hettinger was okay with the concept as long as Lahout had written agreement with his brothers for the parking behind their stores.*
- *Strickon is okay with the concept.*
- *Bont asked Lahout how many cars Lahout could fit behind his brothers' stores. Lahout responded that the parking lot was "huge" because there are three buildings in front.*
- *Burbank suggested that when Lahout comes in for the Site Plan Review he should have a plan that shows how many cars he is going to put in the lot behind his brothers' stores. He suggested Lahout have his brothers designate something for parking after certain hours in the day for parking for his restaurant tenant.*
- *Spanos asked if the restaurant only going to be open only at night when the three stores are going to be closed? Lahout answered, "Hmmmm."*

Recommendations:

1. *Bring a plan showing the number of spaces on site and behind his brothers' businesses.*
2. *Include a written draft agreement with his brothers for parking.*
3. *Include information about what the hours of the restaurant will be that will require parking from his brothers.*
4. *Include in the draft agreement with his brothers signage designating hours for parking with certain hours in the evening for parking for his restaurant tenant*
5. *Include draft clear signage directing people to park behind his brother's businesses*

B. 6:00 pm. Site Plan Review for a Proposed Telecommunications Facility Under Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities

1. Application (SPR 2014-02)

Property: Tax Map 126, Lot 20, (60 Loon Mountain Road)

Proposal: John F. Weaver Esq. of Mclane, Graf, Raulerson & Middleton, PA, of 900 Elm Street, Manchester, NH 03101 on behalf of his client, Cellco Partnership d/b/a Verizon Wireless ("VzW") of 400 Friberg Parkway, Westborough, MA 01581, filed an Application for Planning Board Site Plan Review Approval for a Proposed Telecommunications Facility Under Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities. VzW is proposing to construct a 100 foot monopole within a 40'X40' fenced-in compound located to the southwest of the Governor's Lodge at Loon Mountain Ski Resort, at the end of Governor's Lane at 60 Loon Mountain Road (Tax Map 126 Lot 020). The monopole will host 12 panel antennas with a centerline height of 97'. The monopole will be supported by a 12'X26' equipment shelter with an internal diesel generator located within the compound. The structures will be in the General Use (G.U.) District. The property is owned by CLP Loon Mountain, LLC (formerly known as CNL Income Loon Mountain, LLC), 60 Loon Mountain Road, Lincoln, NH 03251. Loon Mountain Recreation Corp. operates Loon Mountain Recreation Area at the base.

Peter Malia introduced himself as the town attorney. He pointed out that for the next case the Planning Board did not have a quorum. John Hettinger is going to step down because he is an abutter. Taylor Beaudin is going to step down because he is currently working for Loon Mountain. Therefore the Planning Board is left with three members because OJ Robinson could not make it tonight. Unfortunately we are not going to be able to go forward on this application tonight. He spoke with Attorney John Weaver, the attorney for the Applicant. Attorney Karyn Forbes was present representing one of the abutters. The attorneys all agreed that it would not be appropriate to go forward tonight with three members. Malia recommended that the Planning

Board reschedule the next hearing to a date and time certain. In addition, Attorney John Weaver would like to schedule a balloon test so that the Applicant can float a balloon and interested abutters and member of the public can see how high the tower will be in its proposed location. The meeting was rescheduled for April 30th at 6:00 pm.

Attorney Weaver explained that the engineers normally like to do balloon tests on a weekend so people are home and available to see it while it is flying. They generally stick with a date of Saturday with a rain date of Sunday. He proposed April 26th or April 27th as the rain date. The Verizon contractor was concerned about whether the weather would cooperate and did not know that they would have results back in time for the meeting on April 30th.

An abutter expressed his concern that a lot of homeowners who have second homes impacted by the proposal came to the meeting from out of state. They may not be able to make it up here for the next meeting. It takes them two days to come up here. Paul Beaudin suggested that the Planning Board treat this meeting as a conceptual. Attorney Malia explained that the major problem is that one of the four planning board members who need to hear and decide this case was not present. Legally this issue can even be called to order without a quorum.

Many people had traveled long distances to attend the meeting. They had a lot of questions about the proposed cell tower. Attorney John Weaver thought that his presentation, accompanied by the two engineers could answer their questions: Where would the tower be located? Why does Loon Mountain need a tower? Why did they choose that particular location? What would the coverage be? What other locations did they consider? Did they consider colocation with other towers? The Planning Board members, based on cautionary advice from Town Counsel, agreed to let the Applicant give an informational presentation about the proposed telecommunications tower, but the audience was initially restricted to hearing the presentation and could not ask questions because absent members of the Planning Board would need to be able to hear the debate and digest it and make an informed decision. No minutes. No submissions by the applicant. No questions from the audience.

The presentation commenced. At 6:44 pm abutters started asking questions. Romprey stated that they could not ask questions. Attorney Karyn Forbes objected. She represents one of the abutters directly impacted by the whole situation. The proposal is 150 feet from their property. Her clients have a significant interest and they are objecting to it. She asked if the Planning Board members were going to be asking questions. Attorney Forbes was concerned about the Planning Board members being present for the questions and comments of the public. The members of the Planning Board who were present "can't unhear it." Attorney Forbes was concerned that the Board would need a record. Her clients want a clear record. They do not want the record mixed up with other information. Her objection was that Board members were currently sitting and hearing the presentation.

To avoid an appealable issue and to avoid a conflict down the line Romprey suggested that members of the Planning Board (and staff) leave and allow the presentation to continue with questions being asked and answered outside of the hearing of member of the Planning Board.

At 6:45 pm, the Planning Board left the meeting to allow the public to ask questions of the applicant. All members of the Planning Board as well as staff left the room and waited outside in the hallway. The presentation proceeded without the Planning Board or its staff being present. This matter was continued to April 30, 2014, at 6:00 pm. A balloon test will be scheduled for Saturday, April 26, 2014, with a rain/wind date of Sunday, April 27, 2014. The purpose of the balloon test is to allow the public and abutters to observe what the proposed height of the tower would be at the proposed location.

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

No public input before members of the Planning Board.

VIII. ADJOURNMENT

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

The meeting was adjourned by 7:15 pm.

Respectfully submitted,

Carole Bont, Planning and Zoning
Administrator

Dated: April 30, 2014

R. Patrick Romprey, Chairman