



P L A N N I N G & Z O N I N G
D E P A R T M E N T

PLANNING BOARD REVISED AGENDA

PLANNING BOARD PUBLIC HEARING WORK SESSION & PUBLIC MEETING

Wednesday, April 13, 2016 – 6:00 PM

Lincoln Town Hall, 148 Main Street, Lincoln NH 03785-0025

- I. CALL TO ORDER** by the Chairman of Planning Board (PB); announcement of excused absences, if any, and seating of alternates(s), if necessary.
- II. CONSIDERATION** of meeting minutes from:
- March 23, 2016
- III. CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).
- A. 6:00 PM – Planning Board Consultation re: how to apply Stormwater Management Ordinance to an individual lot & how to process request for waiver for 11 Hemlock Drive (Map 121, Lot 004) (0.44 Acres) owned by Brian L. & Jane C. Crowley, Trustees, 155 Cliff Road, Wellesley Hill, MA 02481. Should the Planning Board authorize the Town Manager/Planner to grant these conditional waivers and process these with the assistance of the Town Engineer paid for with moneys placed in escrow from the applicant?**
1. William J. Cargill, Cargill Construction Co., 396 New Hampshire 49, Campton, NH 03223
- B. 6:00 PM – Planning Board Consultation re: whether to and how to apply Stormwater Management Ordinance to a Planned Unit Development Lot (PUD) in the Little Coolidge Hamlet of the Coolidge Falls Development at 69 Westview Road (2 Blueberry Road R/W?) Map 124, Lot 015 owned by Supreme Mortgage Company, LLC, c/o Louis PO Box 5365, Manchester, NH 03108. Technically, the Stormwater Management Ordinance would apply to all PUDs because the building can cover more than 100% of the land within the PUD envelope. Drainage is on Common Lands.**
1. Domenico Gallinelli, 240 Newton Street, Waltham, MA 02453-8621
- III. NEW BUSINESS**
- A. 6:00 PM – The Board of Selectmen is seeking comments from the Planning Board about a proposal to sell town property known as Tax Map 116, Lot 043.1 on Kanc Rec Road (currently leased to Alex Ray for the use as a parking lot for his business known as “The Common Man Restaurant”). Having adopted RSA 41:14-a, the Board of Selectmen has the authority to acquire or sell land, buildings, or both, provided, however, they shall first submit any such proposed acquisition or sale to the planning board for review and recommendation.**
- B. 6:00 PM – Discuss how to calculate dwelling units for large developments with multiple phases and amendments. WORK SESSION – no public comments.**
- V. PUBLIC PARTICIPATION AND OTHER BUSINESS: Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.**
- VI. ADJOURNMENT**

RSA 31:3 authorizes towns to purchase or sell real estate. It means that a town meeting vote is required in order for the Town to acquire or sell real estate. However, the town meeting can delegate the authority to acquire and sell real estate to the governing body under certain circumstances. RSA 41:14-a requires a warrant article vote by Town Meeting to delegate this authority to the governing board. The Town Meeting delegated this authority to the Board of Selectmen many years ago.

Section 41:14-a

41:14-a Acquisition or Sale of Land, Buildings, or Both. –

I. If adopted in accordance with RSA 41:14-c, the selectmen shall have the authority to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to the sale of and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

Source. 1994, 197:3. 1997, 38:1. 2001, 187:2. 2005, 80:1. 2007, 221:2. 2008, 109:1, eff. July 27, 2008.

KNOWING THE TERRITORY 2015, PAGE 29

CHAPTER 3 NH TOWN GOVERNMENT

I. FORMS OF GOVERNMENT

A. TOWN MEETING-SELECT BOARD

1. 'TOWN' MEANS TOWN MEETING

Statutes that grant "towns" or the "legislative body" authority to take action require a vote of the town meeting. There are many such statutes. RSA 31:3, for example, authorizes towns to purchase or sell real estate. It means that a town meeting vote is required in order for the Town to acquire or sell real estate. However, the town meeting can delegate the authority to acquire and sell real estate to the governing body under certain circumstances. RSA 41:14-a requires a warrant article vote by Town Meeting to delegate this authority to the governing board. There are many similar statutes authorizing the town meeting to delegate a particular power to the governing body.

The term "legislative body" is the town meeting. The term "governing body" is the board of selectmen.