

Town of Lincoln Planning Board – Meeting Minutes  
April 13, 2011 – 6:00 pm

**Present:** Chairman Pat Romprey, Clerk Jim Spanos, John Hettinger, Peter Moore, Deanne Chrystal, Tom Adams, Charlie Cook, Chester Kahn,

**Staff Present:** Planning & Zoning Administrator Michele Alexander, Planning & Zoning Administrator Matt Henry, Town Manager Peter Joseph

**Excused Absences:** None

**Others Present:** Andrew Nadeau, Pat Bahr, David Dixon, Stephen Jones

**I. CALL TO ORDER** by Chairman Pat Romprey at **6:05PM**;

Chairman Pat Romprey called the meeting to order. Matt Henry introduced Michele Alexander who will be replacing him part-time during his absence. She holds her Masters Degree in Public Administration and is currently a City Planner & Sustainability Coordinator for Dover, New Hampshire. Matt Henry said that she has land use knowledge and the Planning Board should take advantage of her qualifications and experience. Michele will be filling in 20-30 hours per week and splitting her time between Dover and Lincoln working in Lincoln on Wednesday and Thursday generally. Chairman Romprey introduced the Planning Board to Michele.

**II. CONSIDERATION** of Draft Meeting Minutes for 03/16/11.

**MOTION: Jim Spanos made a motion to approve the minutes of 3/16/2011. John Hettinger seconded the motion. The motion carried unanimously (5-0-0):**

**III. CONSIDERATION** of Draft Meeting Minutes for 03/23/11

The Planning Board decided to continue consideration of the March 23, 2011 minutes until the next Planning Board meeting as there was a question regarding the wording of a section. Chairman Pat Romprey asked Matt Henry to check the tapes for accuracy on the section prior to adopting the minutes.

**III. ELECTIONS** of Chairman, Vice-Chairman, and Clerk.

Jim Spanos nominated Pat Romprey for Chairman. Chairman Romprey accepted. **The board unanimously approved the nomination (5-0-0).**

John Hettinger nominated Jim Spanos for Vice Chairman. Jim Spanos accepted. **The board unanimously approved the nomination (5-0-0)**

Chairman Romprey nominated John Hettinger for Clerk. John Hettinger accepted. **The board unanimously approved the nomination (5-0-0)**

**IV. CONCEPTUAL REVIEW** for a subdivision for Pemi River Cabins – MDR South Peak

Andy Nadeau of Horizons Engineering began by explaining the concept of his proposal. He said that there was a previously approved subdivision and Site Plan that was reviewed and approved at an earlier planning board meeting in 2007. MDR South Peak's proposal is to re-subdivide the land for single-family homes, rather than the multi-family prior approval. Andy Nadeau reminded the Planning Board that he had recently come to the Planning Board and merged the five "Riverside Terrace" buildings and subdivided those parcels in order to change ownership.

Andy Nadeau said that he has applied for an amendment to the Alteration of Terrain (hereafter “AOT”) permit for the State of New Hampshire. Mr. Nadeau said that the overall density will actually decrease so the subdivision will have less of an impact than the previous approval.

Andy Nadeau said that there will be small changes to the infrastructure. A portion of the previously approved infrastructure has been installed already for the first five buildings. The AOT amendment involves a slight change to the utility services.

John Hettinger asked if they were still using the forced main. Pat Bahr said that the pump station was replaced last summer so they are no longer using the forced main.

Andy Nadeau said that the project would be included under the “cluster development” section of the Land Use Plan Ordinance. The Master Plan agreement approved by the Planning Board in 2005 stated buildings must meet setbacks. Andy Nadeau said that this proposal would meet setback requirements. Pat Bahr said that though it is a less dense development, she expects to make up the density elsewhere on future developments.

Chester Kahn asked if this would increase the impervious surface area. Andy Nadeau said that they are unable to increase the impervious surface area beyond what is authorized in the AOT permit. If they were to increase impervious surface area beyond what was previously approved under the old AOT permit, they would have to apply for a brand new AOT permit rather than simply amend the existing one.

Matt Henry said that there is a “gray area” regarding whether this project would require Site Plan Review. Peter Joseph and Matt Henry had discussed it with town attorney Peter Malia prior to the planning board meeting and Mr. Malia said that it does not appear to require Site Plan Review since the subdivision is now single-family homes. Matt Henry said that past practice has gone both ways, where the Planning Board has reviewed Site Plans for single-family homes for some projects or have simply done a Major Subdivision for others. From Matt’s experience, regular Subdivisions for single-family homes have not required Site Plan Review because the reviews have been for the land itself and Subdivision review includes utilities, runoff, etc. Matt Henry read the Planned Phased Development (hereafter “PPD”) section of the Land Use Plan Ordinance (hereafter “LUPO”) which states:

*“Applications and plans for final approval of each phase shall include all of the information required by the Lincoln Subdivision & Site Plan Review Regulations. Each phase of the project must conform to the approved Master Plan and Development agreement and does not need to conform to District area requirements.”*

Matt Henry said that if this proposal was not a PPD, than Site Plan Review would certainly not be required. Peter Malia read the aforementioned text in the LUPO to mean if a development is required under the regulations, it must be looked at for each phase. Therefore, it is the staff recommendation to require complete Major Subdivision Review, but not Site Plan Review since MDR South Peak would simply be selling the individual lots afterward and does not know exactly what will be built on them.

The Planning Board decided that though the plan is indeed a “grey area,” it would not require Site Plan Review at this time.

Matt Henry informed the applicant that they would be on the agenda for May 11, 2011. Pat Bahr asked why they would be unable to be placed on the agenda for April 27, 2011. . Matt Henry said the newspaper advertisement in *the Courier* pushes the deadline back farther than what is statutorily required. Matt Henry said that though a newspaper ad is not required by New Hampshire statute or Site Plan Review regulations, he recommends sticking with past practice and not waiving the time requirements..

**V. CONSIDERATION of a Voluntary Lot Merger Submitted by David Dixon**

**Proposal:** The applicant seeks to merge a lot recently sold to him by the State of New Hampshire

**Planning Board:** Acceptance of the completed VLM application

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**Public Hearing:** Not Required

**MOTION: Jim Spanos made a motion to accept the application as complete. John Hettinger seconded the motion. The motion carried unanimously (5-0-0).**

David Dixon explained that he wishes to merge a recently purchased piece of land into his lot. Mr. Dixon purchased a portion of a right of way from the State of New Hampshire and simply wishes to add it to his main lot. The previous tax map showed that he owned that piece of land when he actually did not. David Dixon said that there are some septic lines on the property which the town has an easement. Chairman Romprey said that the approval would be subject to any existing easements on the property.

**MOTION: John Hettinger made a motion approve the Voluntary Lot Merger. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0).**

**VI. CONSIDERATION** of an application for Site Plan Review submitted by Marchand/Jones Architects on behalf of Price Chopper for the construction of a new receiving area on Tax Map 113 Lot 002.

**Proposal:** The applicant seeks to construct a new receiving area along with associated improvements at Tax Map 106 Lot 004.

**Planning Board:** Acceptance of the completed Site Plan Review Application.

**Public Hearing:** Approve or Disapprove the Completed Site Plan Review Application.

Matt Henry explained the waivers that being requested (see attached application). The Planning Board discussed with the applicant the travel space and turning radius of tractor trailers for backing into the loading dock. Applicant noted access off of Route 112 will remain the same, and there will be 70+ feet of pavement for turning radius.

Pat Romprey asked the Planning Board if there were any issues with the waivers and the Planning Board stated no.

**MOTION: Pat Romprey made a motion approve the following waivers. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0):**

**#5: Name and Address of the licensed surveyor**

**#8: Existing and Proposed Topography at 2 foot contour intervals**

**#17: Location of all existing and proposed deed restrictions, covenants etc.**

**#18: Surveyed property lines, showing their deflection angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters.**

*Public Hearing Opened*

*No One Spoke*

*Public Hearing Closed*

Board discussed plans for the site with applicant, including location of the water line and trash compactor. Applicant noted gas lines will be moved. Pat Romprey asked if any water or sewer will be added. Applicant's response was no.

**MOTION: John Hettinger made a motion to approve the application conditional upon landlord approval and subject to any easement, covenants or restrictions. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0):**

**VII. CONTINUING & OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

**A. Historic/Heritage District**

Staff presented research on options of a Historic District and a Neighborhood Heritage Commission. Several property owners from the neighborhood with mill era homes had approached the board to investigate options for protecting the historical character of the neighborhood. Board noted if a property owner wanted to build a contemporary home among the mill era homes, the current zoning of Village Residential provides no recourse to the Planning Board to deny based upon style of home. Staff presented Neighborhood Heritage Commission as less restrictive than a historic district, and not requiring a separate board or committee. Staff also suggested Form-Based code as an option. Planning Board discussed pros and cons of the options, and decided further research was needed. Most members agreed a Historic District seems too restrictive to property owners. Pat Romprey suggested holding a public hearing and the Planning Board agreed on this suggestion as the step to take after further research on the options was complete. Chester Kahn expressed that levels of architectural control should be researched. Deanne Chrystal requested more data on the effect to the real estate value, and expressed concern over controls over property owner rights. Chester Kahn suggested a survey of current property owners. Staff will continue research on the options and obtain more data, and a public forum will be scheduled at a later date. Chester Kahn suggested a facilitator be hired for the public forum if funding were available.

**B. Bylaw Change - Stating the Role of Alternates**

Pat Romprey noted past practice has been to allow alternates to sit at the table and participate, and now state law requires By-Laws outlining the participation of alternates. Staff noted the role of alternates needs to be specifically stipulated and presented proposed By-Laws.

**Motion: Pat Romprey made a motion to approve the By-Law regarding alternates with grammatical corrections. Jim Spanos seconded the motion. The motion carried unanimously (5-0-0):**

**VIII. REVIEW AND COMMENT** on the MATRIX REPORTS and OPEN FILES pertaining to:

- A. Building Permit Applications
- B. Land Use Subdivision and Site Plan Applications/Approvals
- C. Sign Permit Applications
- D. ZBA Applications

No Board comments.

**IX. PUBLIC INPUT** on Specific Issues

Deanne Chrystal asked if there is a permit needed for demolition. Staff replied yes.

Staff asked if the recently submitted Alpine Adventures building application will need to be reviewed by the Board and require a public hearing. The Planning Board agreed that a conceptual review is necessary. Staff will notify applicant.

**X. ADJOURNMENT:**

**The meeting was adjourned by the Chair at 8:27 pm.**

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Dated: April 28, 2011

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Pat Romprey, Chairman