

Town of Lincoln Planning Board – Meeting Minutes
May 25, 2011 – 6:00 pm

Present: Chairman Pat Romprey, Clerk Jim Spanos, John Hettinger, Peter Moore, Deanne Chrystal, Charlie Cook (Alternate), and Chester Kahn, Ivan Saitow (Alternate)

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

Excused Absences: Tom Adams

Others Present: Pat Bahr, Mike Duffy, Terrence Faherty

I. CALL TO ORDER by Chairman Pat Romprey at **6:02 PM**

Chairman Pat Romprey called the meeting to order.

Chair welcomed Alternate Ivan Saitow to the Board.

II. CONSIDERATION of Draft Meeting Minutes for 5/11/11

J.Hettinger noted previously mentioned changes had been made.

J. Spanos recused himself from voting on the minutes, as he was not present for much of the meeting in question.

MOTION: J.Hettinger made a motion to approve the minutes of 5/11/2011 with changes. D. Chrystal seconded the motion. The motion carried unanimously (5-0-0).

OLD BUSINESS

III. CONSIDERATION of an accepted application for a Major Subdivision submitted by Horizons Engineering on behalf of MDR South Peak for the Pemi Cabins Subdivision on Tax Map 118 Lot 039.

Proposal: The applicant seeks to subdivide 36 lots for single-family homes on Tax Map 118 Lot 039.

Planning Board: review of the completed Major Subdivision Application.

Public Hearing: Approve or Disapprove the Major Subdivision Application.

C.Kahn recused himself.

P.Joseph explained that the engineering concerns had been resolved, and presented the H.E. Bergeron peer review letter dated May 23, 2011 indicating all issues had been addressed.

The Board reviewed the application and the letter from H.E Bergeron.

P.Moore asked how the home elevation issue had been satisfied. Mike Duffy, of Horizons Engineering, representing the applicant, explained that as each house is built a structural engineer will determine the home elevation.

The Board reviewed the subdivision plan.

P. Moore read the prepared staff recommendations for conditions of approval into the record, with discussed amendments noted for the record:

Staff recommends the following as an administrative condition precedent, to be met before signature and recording of the plat for the subdivision:

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1. The applicant agrees to provide payment directly to H.E Bergeron Engineers for all cost for peer review associated with this application.

Staff recommends the following as administrative conditions subsequent, to be met prior to issuance of a Building Permit:

1. The applicant agrees to adhere to the Town's Flood Plain District Regulations for any portion of the project which does, in fact, fall within the 100 year flood plain. Planning Board approval of the subdivision of land does not imply approval that the conceptual single-family homes indicated on the plans have met the Town's Flood Plain District Regulations. The applicant agrees to provide the Planning Board with a stamped plan from a licensed structural engineer that indicates that the proposed construction of any building located within the flood plain boundaries has been designed in accordance with the Town's Flood Plain District Regulations.
2. The applicant understands that building in a flood plain carries with it certain risks, costs, and liabilities, which are greater than building in a non flood plain area. The applicant agrees to assume those risks, costs and liabilities.
3. The applicant shall pay the current fees for new buildings in place at the time of building permit application.
4. The applicant shall obtain all applicable State and Federal permits and plan approvals and provide copies to the Town of Lincoln.
5. The applicant will honor applicable agreements contained within the Planning Board approved South Peak Resort Master Plan.
6. For each phase of the subdivision the applicant shall (i) complete water and sewer infrastructure and road construction (paved base course) to the satisfaction of the Town Manager, or (ii) supply a performance guarantee in the form of an irrevocable letter of credit in the amount of 100% of the cost of construction of water/sewer infrastructure and road improvements, as to be determined by the Town of Lincoln (the "surety"), prior to the sale of any lot within that phase. The three phases referred to in this condition of approval are recognized by the Town of Lincoln and MDR South Peak as follows:
Bonding Phase I – No surety need be posted for the completed water and sewer infrastructure and road construction serving Lots PR-1 though PR-8, Lot PR-35 and Lot PR-36 (from the east entrance of South Peak Road through ST 11+50).
Bonding Phase II - Lots PR-9 through PR-27 shall not be sold until the water and sewer infrastructure and road construction have been completed from ST 11+50 through ST 35+00 or the surety for any uncompleted portions of that work is in place.
Bonding Phase III - Lots PR-28 though PR-34 shall not be sold until the water and sewer infrastructure and road construction have been completed for the entire cul-de-sac (currently unnamed) access road or the surety for any uncompleted portions of that work is in place.
Applicant shall determine sequence in which Phases II and III will be completed.
7. The applicant accepts full responsibility for maintenance of roadways and infrastructure located on the subdivision property, in perpetuity.

For the record, P.Joseph noted Phases are Bonding Phases and not to be construed as Subdivision Phases.

P.Romprey asked the applicant if the land next to the river is part of the Pemi River Subdivision. P.Bahr, representing the applicant clarified that the homes will be sold as single-family lots without formal rights to the MDR land Tax Map 118 Lot 039.

J.Hettinger asked about the trail easement. P.Bahr explained that MDR has provided informal public access to the trail through signage, however they did not want Pemi River Subdivision owners to be responsible for the trail and they wanted to protect those property owners land from any arising issues from trail users, therefore no formal agreement has been made to date to grant an easement to the Town.

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P.Joseph concurred that property owners purchasing homes next to the trail would want to be protected and suggested that in the future a revocable easement might be considered by MDR, which would guarantee public access while protecting homeowners.

P.Romprey noted that it is an important thing for the town that MDR provides public access to the trail.

MOTION: P.Moore made a motion to approve the application with staff conditions as written in the record. J.Hettinger seconded the motion. The motion carried unanimously (5-0-0).

NEW BUSINESS

IV. CONSIDERATION of an application for a Voluntary Lot Merger submitted by Terence Faherty

Proposal: The applicant seeks to merge Tax Map 121 Lots 030 and 031.

Planning Board: Acceptance and review of the completed Voluntary Lot Merger.

Public Hearing: Approve or Disapprove the Voluntary Lot Merger.

P.Romprey recused himself. I.Saitow sat.

Terence Faherty, applicant, presented application to the Board. He explained one of the lots has a home, the other is vacant and the two lots have a shared driveway. He plans to keep the properties and would like to merge the two lots.

J.Spanos advised the applicant that if the lots were merged he would need to go through the subdivision process if at a later the date the applicant wanted to sell just one lot. The applicant noted he understood and had considered this implication.

MOTION: J.Hettinger made a motion to approve the application. D.Chrystal seconded the motion. The motion carried unanimously (5-0-0).

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

A. Planning Board Volunteer for School Board's Industrial Arts Building

Chester Kahn volunteered and was approved by the Board.

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

Staff clarified several application details.

IX. PUBLIC INPUT on Specific Issues

P.Romprey asked staff if there had been any public comment on the trash compactor at Forest Ridge. Staff indicated there have been no issues raised by the public. P.Romprey suggested staff visit the site.

J.Hettinger remarked that there are trash containers in the Town with no pads underneath. D.Chrystal noted this could pose hazmat issues if dumping of toxics occurred. C.Kahn noted there had been manure on Town sidewalks yesterday.

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X. ADJOURNMENT:

MOTION: J.Hettinger made a motion to adjourn the meeting. D.Chrystal seconded the motion. The motion carried unanimously (6-0-0).

The meeting was adjourned by the Chair at 6:40 pm.

Dated: May 26, 2011

Pat Romprey, Chairman