

**LINCOLN PLANNING BOARD  
REGULAR MEETING MINUTES  
WEDNESDAY, JULY 25, 2018 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

**Present:** Chairman Jim Spanos, Vice Chair Joseph Chenard, Member Patrick Romprey (via teleconference), Member Mark Ehrman who arrived around 6:10 PM), Selectmen's Representative O.J. Robinson, Alternate Norm Belanger (who left at 7:30 PM), Alternate Stephen Noseworthy

**Members Excused:** Alternate Callum Grant

**Members Absent:** None

**Staff Present:** Town Planner Carole Bont, Town Manager Butch Burbank, Fire Chief/Forest Fire Warden/Code Enforcement Officer/Health Officer. **Ronald R. (Ron) Beard** – *(sat in the audience)*

**Staff Excused:** Ellyn Franklin, Recorder

**Town Consultants:** **Town Attorney**, Peter J. Malia, Jr., Esq., Hastings Malia Law Office, PA, 376 Main Street, PO Box 290, Fryeburg, ME 04037-0290; **Town Engineer**, Raymond H. Korber P. E., KV Partners LLC, PO Box 7721, Gilford, NH 03247-7721 – *(sat at the table)*

**Guests:**

- **Susanne (Susan) A. Chenard**, resident, 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069).
- **Dennis M. Ducharme** – President, RRP, RiverWalk at Loon Mountain, LLC, 33 Brookline Road, PO Box 636, Lincoln, NH 03251-0636.
- **Gardner Kellogg, Surveyor**, Kellogg Surveying & Mapping, 254 Manns Hill Road, Littleton, NH 03561, Surveyor for Applicant Dipak Patel and Surveyor for Robert J. Drew & Lisa A. Drew represented by agent Thomas Tremblay.
- **Marilyn Kimball** – abutter to property owned by Robert J. Drew & Lisa A. Drew, co-owner with George J. Kimball of 7 Hampton Road, Lexington, MA 02421-8038 of 84 Beechnut Drive, (Map 131, Lot 002).
- **Jayne S. Ludwig**, resident, 12 Pleasant Street, Lincoln, NH 03251 (Map 113, Lot 092) and Selectman for the Town of Lincoln.
- **Kevin McNamara** of 1595 Easton Valley Rd, Franconia NH 03580-5414 – real estate agent of RE/MAX in the Mountains, 264 Main Street, Suite 2, PO Box 175, Lincoln, NH 03251-0175, owner of 264 Main Street #2 (Map 117, Lot 120000-01-00015), and co-owner with Karen McNamara of 264 Main Street #3 (Map 117, Lot 120000-01-00003). and **authorized agent for Victor Del Regno, Trustee**, Trustee of Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412 which is the owner of two adjacent properties on Main Street: (1) Main Street (Lot 3) #LO (Map 112 Lot 002) and (2) Main Street (Lot 2) #LO (Map 114, Lot 003) the proposed location for Hampton Inn proposal.
- **Myles Moran**, resident, 11 O'Brien Avenue (Map 117, Lot 024) owned by Mary J. Levitsky, 11 O'Brien Avenue, PO Box 184, Lincoln, NH 03251-0184, Principal/Broker for Moosilauke Realty, 104 Main Street, North Woodstock, NH 03262. Also, Alternate member of the Zoning Board of Adjustment.

- **Dipak Patel**, 104 Princeton Avenue, Waltham, MA 02451, Applicant and potential purchaser for two adjacent properties on Main Street: (1) Main Street (Lot 3) #LO (Map 112 Lot 002) and (2) Main Street (Lot 2) #LO (Map 114, Lot 003) owned by Victor Del Regno, Trustee, Trustee of Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412.
- **Jesse Patel, d/b/a JKP Properties, LLC**, PO Box 115, Lincoln, NH 03251 owner of 85 Main Street (Map 113, Lot 074) (Mobile Gas Station & Convenience Store), and d/b/a K&H Properties, LLC owner of 11-23 Pollard Road (Map 117, Lot 104) (Kancamagus Motor Lodge), and Main Street #Garage (Map 117, Lot 118).
- **Jay Scambio, President and General Manager Loon Mountain Recreation Corporation, General Manager for Boyne Resorts, General Manager for CLP Loon Mountain, LLC & resident at 20 Pollard Pines Drive, Lincoln, NH 03251.**
- **Nicholas Sceggell, P.E., Project Manager, DuBois & King, Inc. (Fluet Engineering Associates)**, 831 Union Avenue, Laconia, NH 03246, engineer for Dipak Patel.
- **Delia M. Sullivan**, resident of 13 Coolidge Street, PO Box 665, Lincoln, NH 03251, and co-trustee owner of property at 13 Coolidge Street (Tax Map 117, Lot 133001-00-0000) owned by:
  - Kevin J. Sullivan Trustee of the Kevin J. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251; and
  - Delia M. Sullivan Trustee of the Delia M. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251;and principal of Sully & Sons Holdings, LLC, PO Box 665, Lincoln, NH 03251-0665. that owns 21 Arthur Salem Way (Map 109, Lot 020). Also, member of the Zoning Board of Adjustment.
- **Thomas Tremblay** – resident of 19 Louann Lane (Map 117, Lot 017). 19 Louann Lane & L/O Pollard Road (Map 117, Lot 016) are both owned by Thomas Tremblay, Trustee of the Thomas P. Tremblay Revocable Trust, PO Box 235, Lincoln, NH 03251-0235. Tremblay is President and business owner of Coldwell Banker Linwood Real Estate of Lincoln, 189 Main Street, Lincoln, NH 03251, **authorized agent for Robert J. Drew & Lisa A. Drew** for subdivision.
- **Justin Wash**, co-owner with Serena Wash of The Notch Hostel, 324 Lost River Road, North Woodstock, NH, and d/b/a Notch Properties LLC, 324 Lost River Road, North Woodstock, NH 03262, owner of 121 Main Street (Map 113, Lot 094).

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

*Callum Grant was excused. Steve Noseworthy was appointed to sit in for Mark Ehrman until Mark Ehrman arrived.*

**II. CONSIDERATION of meeting minutes from:**

**Motion to pass over the minutes from June 13, 2018 and May 23, 2018 until later in the meeting:**

**Motion: Robinson**

**Second: Chenard All in favor: (5-0) Motion carries.**

- June 13, 2018

Line 174-175 – “Conn is protesting the town’s ability to have vehicular access to his lot.”

**Motion to approve the minutes from June 13, 2018 with changes: Chenard**

**Second: Noseworthy Motion carries: 3-0**

(Spanos, Noseworthy, and Chenard were the only voters.)

- May 23, 2018 (needed a quorum of those present - Spanos, Noseworthy & Robinson - to approve)

**Motion to approve the minutes from May 23, 2018 as presented: Robinson**

**Second: Noseworthy Motion carries: 3-0**

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

Chair Spanos asked each individual member of the Planning Board if they had any objections to Patrick Romprey participating by phone. There were no objections. Patrick Romprey was included in the meeting by teleconference.

### **IV. NEW BUSINESS:**

#### **A. 6:00 PM. Subdivision/Lot Line Adjustment – Robert H. Drew & Lisa A. Drew**

##### **1. SUB 2018-01 M126 L012 Drew – BLA**

**2. Applicant & Agent:** Thomas Tremblay, PO Box 700, Lincoln, NH 03251-0700.

**3. Property Owners:** Robert H. Drew & Lisa A. Drew, One Warwick Circle, Andover, MA 01810

**4. Surveyor:** Gardner Kellogg, Kellogg Surveying & Mapping, Inc., 254 Mann’s Hill Road, Littleton, NH 03561

**5. Property:** (both lots are in the Mountain Residential (MR) District):

a. 85 Beechnut Drive (Map 126, Lot 011) and;

b. 7 Brookway Street (Map 126, Lot 012).

**6. Proposed Project:** The property owners of the two adjacent lots are proposing a minor subdivision (lot line adjustment) between their two adjacent lots. The applicants propose to transfer a total of 0.01 acres from 7 Brookway Street (Map 126, Lot 012) to 85 Beechnut Drive (Map 126, Lot 011) which would change the size of the Lot 011 from 0.69 acres to 0.70 acres. The size of lot 012 would stay the same. No new lots are being created. No additional streets, utilities or public improvements will be required.

**Presentation:**

Thomas Tremblay, Applicant and Agent for property owners Robert H. Drew & Lisa A. Drew, said that the owners proposed an addition to their deck, which was going to encroach into the twenty-five-foot (25') setback area for the Mountain Residential (MR) District. Initially, they were going to need a variance to put on the addition onto their deck, however, Mr. and Mrs. Drew own two adjacent properties. So, they came up with the idea for this simple lot line adjustment to be able to build the deck extension and still allow for that twenty-five-foot (25') setback area. They did maintain their focus on the other property as well. There are no additions planned for the adjacent lot, but with the reciprocal exchange of land there is still plenty of room on the second property for additions as well.

Chair Spanos asked where the additional 0.1 acres is coming from with the adjustment to Lot 012. Somehow even though the two lots exchanged what appeared to be an equal amount of land, they ended up with an additional 0.1 acres altogether. Planner Bont said that although the Town had a certain amount of acreage attributed to the lots on the tax maps, the new survey came up with a slightly different number.

Thomas Tremblay said that approximately 0.1 acres will be exchanged from one lot to the other.

Chair Spanos confirmed with Planner Bont that the application was complete and all the abutters have been notified.

**Motion to accept the application as complete: Ehrman**

**Second: Romprey All in favor: 5-0 Motion carries.**

**Motion to open public comment: Robinson**

**Second: Romprey All in favor: 5-0 Motion carries.**

*No public comments were made.*

**Motion to close public comment: Ehrman**

**Second: Romprey All in favor: 5-0 Motion carries.**

Planner Bont said that Attorney Malia brought a statute to her attention and one of the advisable tips for the Planning Boards in the Planning Board Handbook from NH OEP/OSI was to require the Applicants prepare a Warranty Deed to convey the land for the two lots. Just because the Planning Board makes the decision to approve a Lot Line Adjustment (subdivision) the Planning Board decision by itself does not make it happen. The transfer of land between the two lots has to be reflected in recorded deeds. The Grantor (owner of the donating lot) has to deed the 0.1. acres over to the Grantee (owner of the receiving lot). Planner Bont said she would put this requirement into the notice of decision.

**Motion to accept waivers for the following requirements:**

1. **Site Survey Map: 4 copies of maps at a scale not smaller than 1 inch to 100 feet which should have the following information:**

- E. **Important natural features (from natural resource inventory)**

1. **Wetlands as defined by (HIS map, hydric soils, wetlands overlay zone, etc.)**
    2. **Building and setback lines to include setbacks from wetlands**
    3. **Land to be dedicated for public use**

- J. **Topographic contours and watercourses, both seasonal and year-round**

- K. Wells/municipal water sources within 150 yards of site
  - L. Soils
  - M. Town Consulting Engineering Reimbursement Fee
3. Additional Subdivision Information, either shown on plan or provided separately:
- C. Preliminary Drainage Plan
  - D. Easements
  - E. Future subdivision proposals (on same site)
  - G. Soils and groundwater test pits
  - H. Proposed open space
  - I. Percolation test locations and data
  - J. Approvals and comment (Federal, State and Local)
  - K. Preliminary road-cross sections and preliminary road profiles
  - M. Proposed streets/roads with: Locations, Names and Right-of-way widths
  - N. Water mains and other utilities (preliminary)
  - O. EIS and/or Environment Assessment to be required
  - P. Overlays or special investigative studies to be required
4. 3 Paper copies and one mylar, no smaller than 24" X 36"
- E. Natural features in the vicinity of the affected land
  - K. Statement of responsibility and liability for streets/roads and their maintenance (see 5.02(b)(4))
  - L. Estimate of costs of required improvements and statement concerning bond or other security (see 5.02(b)(4))
  - M. WSPCC Subdivision Approval
  - O. Legal documents for homeowners' association or other arrangements for property and utility management
  - P. Legal documents for homeowners' association or other arrangements for property and utility management

because those are not relevant to an adjustment: Robinson

Second: Ehrman All in favor: 5-0 Motion carries.

Motion to grant the lot line adjustment with the one condition for the deed: Ehrman

Second: Romprey All in favor: 5-0 Motion carries.



**B. 6:00 PM. Site Plan Review – Dipak Patel d/b/a Hampton Inn**

1. **SPR 2018-05 M112 L002 & L003 – Del Regno+Patel**
2. **Applicant:** Dipak Patel, 1567 White Mountain Highway, PO Box 3299, North Conway, NH 03860-3299.
3. **Applicant's Engineer:** Nicholas J. Sceggell, P.E., DuBois & King, Inc., 831 Union Avenue, Laconia, NH 03246
4. **Applicant's Surveyor:** Gardner Kellogg, Kellogg Surveying & Mapping, Inc., 254 Mann's Hill Road, Littleton, NH 03561
5. **Property Owner of Both Lots:** Victor R. Del Regno, Trustee of Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412
6. **Agent for Property Owner:** Kevin McNamara, Real Estate Agent for Re/Max in the Mountains, 264 Main Street, Suite 2 PO Box 175, Lincoln, NH 03251.
7. **Properties:** (both lots are in the Village Center (VC) District):
  - a. Main Street (Lot 3) #LO (**Map 112, Lot 002**) and;
  - b. Main Street (Lot 2) #LO (**Map 112, Lot 003**)
8. **Proposed Project:** Applicant who has a purchase and sale agreement with the property owner of two adjacent lots is proposing requesting **Site Plan Review** approval for a change of use to change the use of two adjacent properties in the same ownership (i.e., two existing vacant lots with three rental billboards) and to make site improvements to include a new 4-story 93-room Hampton Inn & Suites, paved parking for hotel & a separate 15,000 square foot lot, five new stormwater infiltration systems and connections to municipal water, municipal sewer & electric. The proposed project will also require a boundary line adjustment or subdivision.

**Presentation:**

Nicholas Sceggell, P.E., Project Manager, DuBois & King, Inc. (Fluet Engineering Associates) is the engineer for Dipak Patel who wants to build a Hampton Inn. Engineer Sceggell did the presentation. Dipak Patel, is the potential purchaser of two adjacent properties on Main Street: (1) Main Street [Lot 3] #LO [Map 112 Lot 002] and (2) Main Street [Lot 2] #LO [Map 114, Lot 003] owned by Victor Del Regno, Trustee, Trustee of Toreign III Realty.

Engineer Sceggell's Site Plan Review application is for a ninety-three (93) room hotel within the Village Center (VC) District (Map 012, Lots 002 and 003). This project will also have a lot line revision, but that will be a separate application. The existing lot line dissects the project site whereas the new line will create two lots: one lot for the hotel (referred to as the "hotel lot") and another fifteen thousand square foot (15,000 sf) lot for future developments (referred to as the "small lot"). Engineer Sceggell said the Site Plan Review Application submitted does not really address this small lot – anything regarding the small lot would come before the Planning Board on a separate application.

Engineer Sceggell said the Bank of New Hampshire is the abutter on the northeast side and Rite-Aid is the abutter on the southwest side. (Bank of New Hampshire is located on 76 Main Street

(Map 112 Lot 001) property owned by BJB Properties of NH, 156 Greeley Street, Hudson, NH 03051. (Rite Aid is located 50 Main Street, (Map 112, Lot 004) property owned by BR 801 Real Estate Investment LLC c/o Rite Aid – Real Estate #4156, PO Box 3165, Harrisburg, PA 17105-3165.) There is an existing easement/entrance onto the hotel lot right before the Bank of New Hampshire. Patel plans to utilize that pre-existing entrance into the Bank of New Hampshire as one of the entrances to the hotel site. Patel has a second entrance on an existing curb cut with the New Hampshire Department of Transportation (NHDOT) on the state highway. Engineer Sceggell said they have sent an application into NHDOT for a driveway permit application, so they will be looking for approval from NHDOT for driveway access.

Engineer Sceggell said they have water and sewer utilities that will go to the hotel. They are looking at an eight-inch (8") water line that has been reduced to six inches (6") for fire service, and then a separate domestic service outside the building. They have an eight-inch (8") sewer service that will connect to an existing manhole on the property. There is an existing town-owned sewer that runs inside an easement along the frontage of the property. They are maintaining the existing manhole as part of the project. The plan shows a sign outside of the sewer, and they would plan to move that sign slightly onto the property.

In terms of drainage, they have one foundation drain around the building, which would discharge into the catch basin on Main Street. They are dealing with drainage onsite through infiltration. For infiltration testing, they did a twenty-four (24) hour soak and then a series of infiltration tests at each of the test pits to determine the rate for infiltration. They used that in their design, which is a chamber type system that uses underground storage and then infiltration through a stone envelope into the natural soil. What they found during the test pit was that it is a very cobbly deposit, so it is well draining. They have designed the site so that they have basically no run-off leaving the site under proposed development conditions, which is a decrease in the amount of runoff leaving the site under existing conditions.

Ehrman asked what the date of testing was. Engineer Sceggell replied he did not have that date. Ehrman asked what the height of the water table was when they performed their tests, and Engineer Sceggell replied they never observed the water table, because to observe the water table you look at the soil where the water has been over an extended period of time. They saw no evidence at all at the site.

Engineer Sceggell said they will do infiltration on site to address drainage, and he can go through an elevation view of the building.

Engineer Sceggell said for fuel, they have onsite, liquid buried propane tanks. The propane tanks will be buried on the north and east side of the building. The hotel is a four-story building which meets the height restriction of thirty-five feet (35') as they understand it. They have met all the parking requirements for the hotel and they have an area for screened dumpsters along the rear of the site. There is also a small gazebo on site and a patio area.

#### **Lack of Completeness of the Application:**

Spanos asked if the application is complete. Planner Bont replied that the applicant has provided the documents that are on the checklist, however, there are matters on the documents that she has questions about and numbers that appear to be missing from the plan. There are certain minimal measurements missing from those plans and documents and, therefore, Planner Bont considers the application to be incomplete.

**Lot Coverage:**

Planner Bont said her first concern is the lot coverage. Is the 15,000 square foot lot, which she referred to as the “small lot” or “little lot,” included while calculating the coverage for the other lot, called the “big lot” or “hotel lot”?

Engineer Sceggell replied that on the general plan, there is a note near the lot coverage that says, “hotel lot only.” It gives an existing impervious area and existing impervious coverage. It then gives a proposed impervious area and a proposed impervious coverage number and states what the requirement is for that zone. (See G-1.) These plans may have some updates from the set Engineer Sceggell sent to Planner Bont (and Planner Bont sent to the Planning Board members). Engineer Sceggell said the lot coverage he has is sixty-two thousand six hundred forty-four square feet (62,644 sf) and seventy-two and seven tenths percent (72.7%) of the total lot. Engineer Sceggell said, he could give Planner Bont the separate lot coverage for “the little lot” as well.

**Setback Areas:**

Planner Bont also had questions about the structures within the setback area, for instance the gazebo. If the gazebo building is less than one hundred fifty square feet (150 sf) then the Town does not have to treat the gazebo as a primary building for setback purposes, but rather can treat the gazebo as an accessory building with lesser setback requirements. A primary building cannot be inside the fifteen-foot (15') rear setback area, but an accessory building can be as close as five feet (5') to the rear boundary line. The problem is she cannot tell on the plan how big the gazebo is.

Planner Bont pointed out the other structure in the setback area is the storm water infiltration grid, in the side setback area of the small lot. (See Plan C-3). Engineer Sceggell said the grid in the side setback area is supposedly very deep within the ground.

Members of the Planning Board said they would consider how they treated similar situations they have had elsewhere in Town, such as the window wells underground. Spanos and Robinson said they did not have issue with the grid because it is underground.

Planner Bont said her next concern is that the setbacks areas are not designated on the plans. For example, there should be a setback area behind and beside the “little lot”. The setbacks should go all the way around each proposed lot both the “hotel lot” and the inside of the little lot. (See Plan C-2.) Planner Bont highlighted the setback area in pink on the plan. The setback area in the Village Center (VC) District should be five feet (5') along the front and ten feet (10') along the sides where the “hotel lot” abuts the “little lot”. There should be a ten-foot (10') side setback along the inside of the “little lot” and fifteen-foot (15') setback along the rear of the “little lot”. The setbacks should be shown for both lots because the Applicant is recreating the configuration of the two lots.

Engineer Sceggell said that is not a problem for them as far as what they have presented.

**Parking Spaces:**

Planner Bont said the next issue was a lack of parking spaces. After she counted and numbered the spaces, she came up with eighty-seven (87) spaces on the “hotel lot” and twelve (12) spaces on the “little lot”. The Hampton Inn will need ninety-three (93) parking spaces on site if he has ninety-three (93) rooms.

Chenard said they will also need employee parking spaces. Ehrman agreed. Planner Bont said that the Land Use Plan Ordinance states a hotel only needs one space per room.



**Legal Advice:**

Attorney Malia said that the threshold issue is a completeness issue with the application.

**Parking Spaces:**

Engineer Sceggell said the parking spaces will be shared between the two (2) lots. There is more than enough parking shown on the plan, but not all the spaces for the hotel will be on the “hotel lot”; some parking spaces will be on the “little lot”. Chenard asked what would happen if another applicant builds on the “little lot”. Engineer Sceggell said there will be a legal agreement between the owners of the two (2) lots to share parking.

Engineer Sceggell said the intent is to have a subdivision plan that shows lot line revisions and easements.

**Planning Board Comments:**

Rompney said that he has spent a fair amount of time reviewing these submissions and he agrees this application is not ready to be accepted. He agreed with the comments Planner Bont has made thus far. He has two (2) issues to present:

- (1) **Traffic.** NH Route 112/Main Street is a very congested area. He suggests that the Planning Board require the applicant to do a traffic study overseen by a third party or the Town Engineer.

**Fire Department Access:**

Ehrman asked Romprey a question concerning the passage at the rear of the building. It is his understanding that the passage around the rear of the building is shown as a fire access and that it is also a twenty foot (20') wide right-of-way. Ehrman said he does not understand how that right-of-way will work in winter as the abutters use the area of the right-of-way for snow storage. Romprey agreed.

**Easement:**

Rompney said that he has a question about the easement as well – is it a pass or repass easement?

**Parking Spaces:**

Robinson asked for confirmation of Planner Bont's parking space count. Planner Bont pointed out her count on the plan (i.e., eighty-seven [87] spaces on the “hotel lot” and twelve [12] spaces on the “little lot”) and where the plan indicates that the dimensions of most of the lots is nineteen feet by nine feet (19'x9').

**Retaining Wall:**

Planner Bont said she would like to see more information on plans for the retaining wall, specifically, what are its dimensions?

Engineer Sceggell said the wall would start at the grading elevations for the bottom of the building out by the parking lot. More or less, the retaining wall is sloped so the wall comes back to zero feet (0') high on the east end of the wall. On the west end of the wall the elevation height at the top of the wall is eight hundred one and five tenths feet (801.50') above sea level and at the bottom of the wall is seven hundred ninety-five and forty-nine hundredths of a foot (795.49') above sea level. Engineer Sceggell said would be willing to add additional spot elevations to the Site Plan Review plan.

**Building Height:**

Town Manager Burbank said that the Planning Board must discuss the thinking and process the applicant and his engineers used to calculate the elevations they used to get to the thirty-five-foot (35') foot to the primary eave on the uphill side of the building height requirement. Chair Spanos asked Engineer Sceggell to explain how he came to the elevations for the building height.

Engineer Sceggell said because this building is a flat roof building, it does not really have a primary eave, so he used the roof elevation, or the height of the roof you would stand on. He has thirty-four feet eleven inches (34'11") based on an elevation of eight hundred one and five tenths feet (801.5') above sea level at that top of the retaining wall. On the high side of the building, the distance from the ground to the primary eave, or in this case the flat top roof, needs to be thirty-five feet (35'). There is nothing in the ordinance about having to measure from the undisturbed grade, so they essentially built up the grade to meet the height requirements. From Engineer Sceggell's understanding, the height requirement is based on the finished product.

**Fire Department Access:**

Romprey asked if the Fire Department would be able to drive a fire truck around all four sides of the building. Engineer Sceggell said they would be able to do so around three (3) sides, more or less. They would not be able to drive right up to the fourth side, but they could get to it.

Chenard asked Chief Beard what the extended reach on the T-1 Tower/Ladder fire truck was? Fire Chief Beard replied that the reach was ninety-five feet (95') feet. Fire Chief Beard added that the Fire Department would not be able to get on the roof.

**ZBA Denied Application for a Variance to Build Higher Than Thirty-five Feet to the Primary Eave on the Uphill Side**

Romprey said that Engineer Sceggell did build on a downslope and he built up the top part of that slope, but he also got a waiver from the ZBA to do so. One of the criteria we should use that it must be accessible by fire truck.

Planner Bont corrected Romprey and said the ZBA did ***not*** grant a variance, rather the ZBA recently ***denied*** the Applicant's request for a variance to build higher than thirty-five feet (35') to the primary eave on the uphill side of the building. The Applicant did not ask either the ZBA or the Planning Board for a waiver to allow him to build on top of a downslope to meet the maximum height requirement.

**Fire Department Access to the Roof:**

Fire Chief Beard said the Fire Department will be able to access the floors, but the roofs on the proposed four-story building will be a challenge, even on the backside.

**Can Infiltration System Proposed Support Weight of Fire Trucks?**

Fire Chief Beard said another concern he has is that there is nothing in the plans about how much vehicle weight the Stonetech stormwater infiltration system can support.

Engineer Sceggell said Stonetech stormwater infiltration system are rated for a standard H-20 loading. Fire Chief Beard said his T1 Tower/Ladder fire truck weighs eighty thousand pounds (80,000 lbs.). When Fire Chief Beard sets the truck up on the four outriggers, he is putting that much weight on four (4) pads that are twelve inches by fourteen inches (12"x14") each that support the four (4) outriggers; that is a lot of ground pressure. Fire Chief Beard said he reached

out to Stonetech (the manufacturer of the stormwater infiltration system) and gave them information about the vehicle weights. The representative called back and asked for more information on the size of the pads.

### **Legal Advice:**

Chair Spanos asked the Planning Board members and Town Attorney Malia if the Planning Board should decide about whether the Applicant has met the height requirement.

Attorney Malia said the application is still pending as “incomplete”, so the Planning Board can wait to make that decision until after the Board determines that it has a complete application. The Planning Board should compile a list so Engineer Sceggell can leave the meeting tonight with a clear list on how to make his application complete.

### **Traffic Study:**

Chenard said that going back to the traffic study, the Planning Board should keep in mind that the NH DOT has considered making NH Route 112/Main Street into a four-lane highway and removing the municipal parking along Main Street.

Rompney said that he thinks performing a traffic study should be included in the requirements for the application before it is called “complete”.

### **Possible Overdevelopment of the Lot:**

Ehrman said that a lot of the issues the Planning Board sees on this application “have to do with squeezing the last pound of fertilizer into a five-pound bag”, meaning, overdevelopment. Overdevelopment shows up mostly in the “little lot” – the 15,000-foot lot, which deprives the project of adequate parking, room for snow storage, and this fantasy of a rear fire truck passage. If we are not careful and if we continue just looking at one rule at a time, we will end up letting someone create an unsafe structure.

Ehrman said the proposed hotel does not fit into the Town or add anything positive to the Town. I think the developer would be advised, in my opinion, to use his land more effectively to create a more lasting and generous building, that is more adapted to this Town and creating something of more value for everybody, including him.

### **Snow Storage:**

Planner Bont said that the snow storage is another concern, particularly because that for the two adjacent lots, the snow storage is right where that back-access roadway would be. The two abutters eventually remove some of that snow, but it is not a priority for them. However, failing to show areas for snow storage on the Site Plan Review Plan may or may not be a completeness issue.

### **Engineering Advice:**

#### **1. Sewer:**

Town Engineer Korber said that the applicant is tying into an existing sewer line, so the capacity of that sewer line would be something to consider.

#### **2. Potable Water:**

Town Engineer Korber said another consideration is what the potable water demand will be and the Planning Board might want to consider that demand.

**3. Water for Fire Suppression:**

Town Engineer Korber said the Planning Board should also consider fire protection issues. The town has ability to perform a fire flow analysis, but that will be a system wide analysis. The Planning Board may want to require the applicant to perform a more specific analysis to just that building – “Site Specific Fire Flow Analysis”.

**4. Drainage:**

Town Engineer Korber said as far as drainage goes, when the Town did the West Street project, the NH DOT was going to require the Town to actually study the entire NH Route 112/Main Street corridor for the drainage before the Town could tie in. The foundation drain, as far as my review of the plan goes, is tied into that catch basin. He does not think that NH DOT would allow that.

Chair Spanos asked Engineer Sceggell if he intended for the water from the roof drains to go into that NH DOT catch basin as well. Engineer Sceggell said no, they would tie into the stonework system. Engineer Sceggell said:

“The foundation drain is probably a belt and suspenders on this site. We could easily tie into the infiltration system. We wouldn’t anticipate significant impact from that foundation drain. I think the easiest thing to do would be just tie into that infiltration system.”

**Fire Flow Analysis:**

Fire Chief Beard said that the applicant did do a fire flow analysis on just one fire hydrant. Town Manager Burbank said that when Fire Chief Beard receives the building dimensions then he can calculate the hose allowance necessary for fighting fires and let the applicant know how many gallons per minute. The big issue is the Town does not know if the Town has adequate water storage for this kind of depletion.

**Calculation of Maximum Building Height:**

Town Manager Burbank brought up again the discussion about the maximum height requirement of thirty-five feet (35’) to the primary eave on the uphill side. Town Manager Burbank said that this is as flat a lot as you will get in the town of Lincoln and they are manufacturing height on it. Engineer Sceggell said he looked to see what the Town allowed with other hotel developments. Town Manager Burbank said that InnSeasons at South Mountain was unique in that the InnSeasons (Dennis Ducharme) lot had topography issues. He also received a variance form the ZBA. Planner Bont said that case had some other factors come into play, like addressing the brownfields.

Ehrman said we have enough complexity here that it would be unfair to the applicants to make a separate motion for every issue. I think we should try to get it as complete as possible, but perhaps Planner Bont or Ron Beard could go through the minutes and compile a list of requirements for the applicant.

Ehrman said he disliked how the applicant and his engineers were calculating the height, “but it is a statutory issue”. I think the whole concept of denominating a statutory height regulation such as this doesn’t make any sense, especially in a town geographically situated such as ours. The whole broader issue is, should we consider allowing over development in a focal point of our



Town? It is not on the best interest of our Town, and he does not think the proposed hotel as presented is in the best interest of the hotel developer either.

Rompney agreed that Planner Bont should compile a list for the applicant.

**Legal Advice:**

Attorney Malia said the applicant should leave tonight knowing if his application is complete or incomplete.

**Maximum Building Height:**

Rompney said as far as maximum allowable building height, this proposal is a whole different ball game. This maximum height limitation was originally brought into play because of the slope of the mountains. The maximum height requirement as written was not really designed for commercial use, but for housing on the side of the mountain. How do you deal with that – on a case by case business?

Robinson said when looking at the ordinance, the ordinance is not really precise on determining height. How far can you build up to make it work? Robinson said that in his opinion, looking at the spirit of the ordinance, it addresses the primary eave. The difference between the primary eave and the peak is a large amount of feet. Looking at the spirit of the law, in Robinson's opinion, he would say the upslope is questionable, but he thinks that is also offset by the fact that there is not height above what we are calling the "primary eave" on this building. I would be comfortable accepting this project "as is".

*Chair Spanos recessed the meeting at 7:37 PM.*

*Chair Spanos reconvened the meeting at 7:45 PM.*

**Fire Truck Access – Turning Radius:**

Robinson asked Fire Chief Beard if in calculating the parking area, did he figure out whether the biggest firetruck could pull into the front entrance, actually turn right and then turn left around the building and then turn left again around the back of the building if there are cars in all of those spaces as shown on the plan? Can the ladder firetruck physically do that – taking those left-hand corners without hitting cars and without backing up sixteen times?

Engineer Sceggell said his engineering firm has not done an engineering analysis of the turning radiuses for this site for the fire trucks. Fire Chief Beard offered to give Engineer Sceggell some specifications for the fire trucks so Engineer Sceggell could do that analysis:

Tower-1: Ladder Truck (largest vehicle):

- Tower-1 is forty-seven and a half feet (47 ½') long;
- The ladder truck has a fourteen and one-half foot (14 ½') rear swing from the center of the rear axle to the very back of the truck;
- The ladder truck weighs 80,000 pounds\*;
- The distance between the center line of the front axle and the rear axle he thinks is about eighteen feet eleven inches (18'11") call it nineteen feet (19');

Engine-1: Second Largest Fire Truck

- Engine-1 is thirty-six feet (36') long;
- The wheelbase of the front axle to the rear axle is probably about ten inches (10") longer but that truck does turn tighter than the ladder truck; it has a different chassis.

- Engine -1 is 59,740 pounds\*;  
Engine -2: Third Largest Fire Truck
- Engine -2 weighs 30,540 pounds\*;  
R-4: Rescue Vehicle
- R-4 weighs 24,680 pounds\*.

*\*All vehicles were weighed with all tools and equipment and E-1, E-2 water tanks were full. The only variable will be how many personnel are responding to a call. Vehicles are all weighed by K-1.*

Fire Chief Beard offered to send Engineer Sceggell all of that information.

Chair Spanos said the Planning Board needed the following items to consider the application “complete.”

1. Updated set of plans;
2. Plans need to include:
  - a. Complete building dimensions;
  - b. Number of parking spaces and parking spaces need to be numbered;
  - c. Size of Parking Spaces: Accurate representation of the dimensions of the parking spaces. If the parking spaces are all 9’X19’, make that clear on the plan. If there are any parking spaces that are not that size, point them out, such as the handicapped parking spaces for single vehicle combined with a van handicapped parking space.
  - d. If the handicapped parking spaces meet ADA requirements indicate so right on the plan.
    - i. Dimensions (all dimensions are minimums): Accessible parking spaces are eight (8) feet wide; van-accessible spaces are eleven (11) feet wide. Access aisles for either type of space are five (5) feet wide.
    - ii. ADA: The minimum number of accessible parking spaces required depends on the total number of parking spaces in the lot, as seen in the table below. Furthermore, one of every six accessible parking spaces, or fraction of six, must be “van-accessible.” For example: A parking lot with 400 total spaces needs eight accessible spaces, and two of those eight spaces must be van-accessible. Number of parking spaces in parking lot: If 101-150 minimum total number of accessible parking spaces required = 5; minimum number of van accessible parking spaces = 1
  - e. More information about the proposed retaining wall – cross section showing height over the length of the two (2) walls;
  - f. Percentage of Lot Coverage on both lots shown on the plan;
  - g. Front, Side and Rear Setbacks on both lots;
  - h. Snow Storage: Show information about provisions for snow storage;
  - i. Fire Department Information re:
    - i. driving fire trucks over the infiltration system;

- ii. Information on turning radiuses for driving the fire trucks through the parking lot with a full complement of vehicles in the parking spaces;
- iii. Information on setting up the ladder fire truck on the four outriggers and the pressure the outriggers will put on the infrastructure, including the shift in weight when you use the ladder;
- j. Information on plan showing the “foundation drains” going into the proposed infiltration system and not into the State NH Route 112/Main Street drainage catch basin.

**Discussion re: Fire Department Concerns:**

Fire Chief Beard said that when the Fire Department first sets up the ladder truck (Tower 1) and puts out the four outriggers on the pads, in a perfect world the weight is well-balanced between the four (4) pads. However, to calculate what the pressure on each of the four pads is when the Tower truck is in operation, you have to take the weight of the actual ladder and add the one thousand-pound (1,000 lb.) capacity of the basket and calculate the ladder with basket going ninety degrees (90°) off to the side.

Fire Chief Beard said that he could get Engineer Sceggell the information about the supplies and the ladder and said that Engineer Sceggell would have to calculate out the impact of a full extension of the ladder with a one thousand-pound (1,000 lb.) load would have on the two outriggers facing the building to determine how much weight would be applied to the ground pressure. Basically, he would be calculating a sixty-five percent (65%) transfer of weight from one side of the truck to the other when the ladder with basket is fully extended. The eighty thousand pounds (80,000 lbs.) includes the ladder, but does not include the potential load on the ladder.

Engineer Sceggell said that he would have to take eighty-one thousand pounds (81,000 lbs.) (including the one thousand pounds [1,000 lbs.] for a potential load) and add sixty-five percent (65%) to the side of the truck the ladder was extended on and then add a full 1,000 pounds on that same side.

Engineer Sceggell verified with Fire Chief Beard that there were four (4) outriggers with two (2) outriggers on each side. The two (2) outriggers on the side of the building would have add sixty-five percent (65%) of the truck weight plus the full weight of the load on the ladder.

Town Manager Burbank said he used to be a Fire Chief (as well as Police Chief) before he was a Town Manager. Town Manager Burbank told Engineer Sceggell that he is going to be up to over fifteen thousand pounds (15,000 lbs.) per pad. That is a lot of weight. If Engineer Sceggell does not have enough ground coverage over the drainage systems the outriggers of the fire truck are going to poke right through the drainage system. Please address that issue.

Engineer Sceggell admitted that the weight of the fire trucks on the drainage systems was not in the forefront of his design when he was preparing the drainage systems for the plans.

Fire Chief Beard said to Engineer Sceggell that he thinks he is limited with the DC 780 drainage system. There is a maximum allowable coverage over the pipe. Up to a certain coverage you are only allowed thirty-two thousand pounds (32,000 lbs.) per square foot. The deeper he can get the system the less likely the weight of the fire trucks will crush the drainage system. Of course, the system only works well up to a certain depth depending on depth the system has been engineered

for. Engineer Sceggell said he did not think there was a “fine line”, however, he did say that the deeper he puts the drainage system the less effective the drainage system is.

Engineer Sceggell said there is pretty consistent soil pretty deep in there so it is not going to change the infiltration. There is only a certain depth you can go before HDP is not structurally sound. There is a line where the depth of the drainage system becomes too shallow or too deep. The drainage system has to be installed somewhere in between.

Fire Chief Beard told Engineer Sceggell to reach out to him to ask for whatever information he might need from the Town and offered his card.

#### **Discussion re: Incomplete Building Dimensions**

Engineer Sceggell asked what the Town meant when they said they did not have complete dimensions for the building. Fire Chief Beard said that on the plans Engineer Sceggell showed two hundred fifty feet (250') for overall length. Then for the width of the building the plan only shows to the narrowest part of the building. It does not include the pool building. It does not include the vestibule. The Town needs the measurements for the building in both directions.

#### **Discussion re: ADA Handicapped Parking Spaces**

Joe Chenard asked to point out on the map about the ADA. Your ADA parking spaces show the vans driving in with the disembarkation to the right. It shows the disembarkation on the right for one vehicle. The problem arises when two vehicles go in. The first vehicle goes in and disembarks then the second vehicle cannot disembark on his right. Chenard recommended that he make the disembarkation area wider.

Engineer Sceggell said the ADA does not require every ADA handicapped accessible parking space to have a “drive aisle” next to it. The ADA regulations allow for a shared accessible aisle between two ADA spaces. Joe Chenard said that the reason he brings this subject up is because his brother-in-law is a quadriplegic. Engineer Sceggell said he thinks they have met the ADA requirements in terms of the number of spaces and the configuration of spaces to meet the ADA requirements.

#### **List of Additional Outstanding Items:**

Chair Spanos said we will go through the list and vote on each item on the list. We need:

1. Need a Traffic Study;
2. Access Easement from the Bank of New Hampshire to access their parking lot.
3. Access Easement from the Rite Aid property to access their parking lot.
4. Need more information to determine whether or not the applicant needs a pond to have enough water to support fire suppression in case of a fire?
5. Soil Capacity Study;
6. Fire Flow Analysis;
7. Parking Easement: If you are going to use parking spaces on the Little Lot to support the structure on the Hotel Lot you are going to need an easement to do so.
8. Changing Foundation Drain to go into the on-Site Infiltration System instead of going out to the State catch basin in the State drainage system on NH Route 112/Main Street.



Engineer Sceggell said that whether they put the drainage of the foundation drains into the State drainage system is a matter for NH DOT to address. Chair Spanos said that the Town has received information from the NH DOT that they are not going to allow that.

Town Manager Burbank said that the Town was going to make a minimal increase in the amount of water into the State drainage system when the Town was doing its project updating West Street. The State said they would not allow it until after the Town did an analysis of the State drainage system along Main Street, so the Town decided to just keep all of the water associated with the West Street improvement project on West Street.

Engineer Sceggell said they do not want to increase the flow from the foundation drains going into that drainage system. Chair Spanos asked Robinson if he wanted to “take that off” the list. Robinson agreed.

#### **9. Snow Storage and/or Snow Removal provision**

**Discussion:** Ehrman expressed his concern that the plan was not realistic as a four-season plan for access to all perimeters of the building, especially from the perspective of fire trucks. Depicting the turning radius on the plan does not address the issue of whether the plan works for the fire trucks. He does not believe that the rear twenty-four-foot (24') corridor with the “little wiggle” is really going to be accessible at all in the wintertime. In the front there is a restriction caused by the portico. He does not believe the fire trucks are going to clear the portico. He does not know what the provision is for the right of way on the side of the property. He has seen generic plans for hotels like this before that look workable on paper, but then there is a fire during the first week of February and the fire trucks cannot get good access to the fire, particularly with cars parked there. It is not just the fire trucks that need access. He wants to know how this plan will work during all four seasons in Lincoln, NH which is where this building is going to be. In winter how are you going to get the fire truck to all points along the perimeter of the building where it is needed?

Chenard expressed his concerns about how the trucks are going to get out of there all four sides are plugged up. Ehrman jokingly said, getting the fire trucks in is our concerns, getting the fire truck out “that is [Fire Chief] Ron’s problem”. Joe Chenard said he is concerned about the fire trucks being able to get out of there without a hammerhead. If the trucks don’t have exits where the trucks can come out there are no plans for hammerheads in order to turn the trucks around.

Ehrman said he also concerned about having adequate room on the lot for other types of access unrelated to the fire trucks. For example, how are supplies going to be delivered? He thinks the Planning Board needs a plan that shows how this building can be protected and how the people in it can be protected.

Chair Spanos asked Ehrman if he wanted to reword the request by saying, “We need information for emergency vehicle access in all seasons.” Ehrman said these requests are all consequences of the scale of the building in relation to the scale of the lot.

Chair Spanos went through the list of items needed for a “complete” application:

1. Information for emergency vehicle access in all seasons
2. Number of Parking Spaces and the Sizes;
3. Percentage of Lot Coverage of both lots;

4. Setbacks showing on both lots;
5. Information Showing that the Fire Department can set up its fire trucks on the outriggers over the top of the infiltration drainage system, if need be;
6. Snow Storage/Snow Removal;

Town Manager Burbank said, would the Planning Board want to make it “snow storage or snow removal”? Chair Spanos said yes. They might decide to truck the snow away. Town Manager Burbank said he did not know if the Planning Board would want to make that an option. Some communities require snow storage on site. Other communities require business to truck the snow away.

Engineer Sceggell said the Applicant would probably want to have enough storage on site for a typical storm. He is prepared to show the Planning Board where he would store snow on the site.

Chair Spanos said the Planning Board needs a motion saying:

**Motion: The Planning Board needs an updated plan showing and providing details on:**

1. Retaining Walls;
2. Information on Emergency Vehicle Access;
3. Building Dimensions;
4. Number of Parking spaces and their sizes;
5. Percentage of Lot Coverage for both lots;
6. Setbacks shown on both lots;
7. Information for the Fire Department showing they can set up the fire trucks on top of the infiltration system;
8. Provision for Snow Storage/Snow Removal;

**Motion: Robinson. Second: Ehrman.**  
**All in favor. (5-0). Motion carries.**

*(Steve Noseworthy was seated for this motion as the telephone connection with Pat Romprey was lost earlier. Alternate Noseworthy voted.)*

Chair Spanos asked someone to make a motion.

**Motion: In addition, the Planning Board needs the following:**

1. Access Easement Shown on the Plan and worked out between property owners for lots where the Bank of New Hampshire is situated and where Rite Aid is situated;

**Discussion:** Robinson asked: Does the Planning Board need that information for completeness or could it be a condition of approval?

Attorney Peter Malia said it could be a condition of approval. He does not know if the Planning Board necessarily needs written signed easements for completeness. It is up to the Planning Board. Chair Spanos said he did not have a problem with waiting for approval (versus completeness).

Robinson said he thought it would be more practical to wait for approval. What if they get through the Site Plan Review process and the Planning Board moves the location of the proposed easement? Then they would have to go back and get a different easement. It does not make sense. Everyone agreed to wait until the Site Plan Review process before asking for the access easement.

Chair Spanos asked how the Planning Board members felt about requiring a traffic study. Chenard said the Planning Board definitely needs one. Robinson, Noseworthy and Ehrman agreed.

**Motion: The Planning Board requires a traffic study to be submitted as part of the Application.**

**Motion: Robinson. Second: Chenard.**

**Discussion:** Robinson asked Town Engineer Ray Korber if they should include language that the traffic study should be approved or reviewed by NH DOT. Town Engineer Korber said that he did not know that the NH DOT would even agree to review such a traffic study; they may or may not. Town Engineer Korber does not think the Planning Board can require that a traffic study be approved by NH DOT. Town Attorney Malia agreed. Town Engineer Korber said that if the Planning Board puts a traffic study in front of the staff at NH DOT that NH DOT might not review it. Chair Spanos suggested that the motion be changed to say:

The Planning Board requires a traffic study to be submitted as part of the Application that is acceptable to the Town Engineer. Town Engineer Korber suggested that the Planning Board word it:

**Motion: The Planning Board requires a traffic study for this NH Route 112/Main Street corridor to be submitted as part of the application.**

**Discussion:** Town Engineer Korber said the traffic study will get reviewed by the Town Engineer (KV Partners, LLC). They will make comments on it. It will go back and forth between the applicant's expert and the Town Engineer a few times. Just like in the past.

Chenard asked if anyone remembered when the Town did the last traffic study for the Town. We could probably just do an update to that one section. Town Engineer Korber suggested that the Planning Board should let the Applicant decide how he wants to go about getting the data that he needs. The Applicant will hire a traffic expert and the traffic expert will figure that out.

**Motion: That a traffic study be submitted with the application.**

**Motion: Ehrman. Second: Robinson**

**All in favor. (5-0). Motion carries.**

Chair Spanos asked about a sewer capacity study and asked members of the Planning Board what they wanted to do about that.

**Motion: That a sewer capacity study be submitted with the application.**

**Discussion:** Chenard asked if they could make the motion for both water and sewer. Chair Spanos said the Town has plenty of water for the rooms, what the Town lacks is storage capacity for water for fire suppression.

Town Engineer Korber said that with regards to the sewer, he has a vague memory that there was a sewer study done as part of the South Peak Development application in this corridor. He could be wrong about that. He thinks the sewer capacity study was part of the South Peak Development application back in 2009 or so. He is assuming that a sewer capacity study was required back then as part of their Site Plan Review application planning approval process. If that is the case, there is precedent for doing a sewer capacity analysis on that sewer line. Town Engineer Korber recommended that the Planning Board require such an analysis.

Engineer Sceggell requested a copy of that study. He assumes that the South Peak Development Study looked at sewer capacity along the NH Route 112 corridor, including potential load from the subject lot so that he can compare the load that they assigned the subject lots compared to what the Applicant is proposing. They did not know what was going on their lot obviously so they did not include that information, however, presumably they assumed a certain potential load from these two lots. He would want to get an idea of what that might be and that would save them some time and expense in terms of how much effort that would have to go into the study.

Fire Chief Ron Beard said he thinks that 2006 is that date of the South Peak Resort decision. He asked whether that was during the Centex approval. Town Manager Burbank said that he thought the sewer capacity study from 2006 would be a little outdated. The sewer has changed quite a bit since then. Town Engineer Ray Korber said it would still be helpful as a starting point to use the 2006 sewer capacity study as background information.

**Motion: That a sewer capacity study be submitted with the application.**

**Motion: Robinson. Second: Ehrman**

**All in favor. (5-0). Motion carries.**

Chair Spanos asked about a fire flow analysis and asked members of the Planning Board what they wanted to do about that.

**Motion: That a fire flow analysis be submitted with the application.**

**Discussion:** Chair Spanos asked for input from Fire Chief Beard. Fire Chief Beard and Town Engineer Korber said that the Town needs fire flow analysis that was site specific, not a system-wide analysis. Fire Chief Beard asked Town Engineer Korber if the applicant was going to wait until the Town completes its upcoming analysis which will not be in draft form until the end of August. Town Engineer Korber said that the applicant's engineers can develop their own model if they like, but they probably won't. Chair Spanos asked Town Engineer if he meant that the applicant's engineers were going to develop their own town wide model. Town Engineer Korber said no, they would probably be using the Town's model and efforts after the fire flow model has been updated (which is expected at the end of August) and applying that information to their site.

Chair Spanos asked if that meant the applicant did not need to do anything about doing a fire flow analysis. Engineer Sceggell said, no, the Town needs to know what the load would be from the applicant's site. Town Engineer Korber agreed. Engineer Sceggell said the Town needs to know what the available fire flow capability down at the site would be based on the analysis. Town Manager Burbank said the Town needs to know what the total fire flow needs for that entire building and site will be. The Planning Board will need data and information from the applicant's engineers.

Town Engineer Korber said that in order to do that Site-Specific analysis the Applicant's engineers also will need data from the Town which include the data that Fire Chief Beard and the water department will collect with the Engineering firm hired by the Town to do that. Town Engineer Korber said that the Town's hired engineering firm will take the site-specific data from the Applicant's engineers and then run the Town's model and see how it works out.

Engineer Sceggell said a Fire Protection Engineer might put together a sprinkler system design based on that information. Based on the analysis he would say we need this type of flow at this pressure and the Applicant's Engineer would give that information to the Town and the Town



would say, looking at our overall system model in that spot we can either meet that demand or we cannot meet that demand.

Town Engineer Korber said he would perform a “peer review” of the information the applicant’s engineers would provide. For instance, the Town would take that information from the applicant and stick it into the computer model. Engineer Sceggell agreed and said “we do it all of the time.”

**Motion: That a Site-Specific fire flow analysis be submitted with the application.**

**Motion: Robinson. Second: Chenard.**

**All in favor. (5-0). Motion carries.**

**Motion to continue the hearing to a date specific – Wednesday, August 22, 2018.**

**Motion: Chenard. Second: Ehrman.**

**All in favor. (5-0). Motion carries.**

#### **Legal Advice:**

Attorney Malia wants to make sure the applicant receives access to an unbiased Board, considering that there have been a couple comments about the parcel being over-developed, specifically by Mark Ehrman. Ehrman said he knows the difference between his opinion and the ordinance and he will act accordingly.

Attorney Malia said he was reading the Planning Board of NH put out by the Office of Energy & Planning, and it discussed the whole concept of completeness review, in general. This process would help the Board avoid the awkward situation of notifying abutters of a submission and then rejecting it for incompleteness. The Board could set aside some time each month to review submissions for completeness. You might be better off reviewing for completeness first, and then scheduling it for a public hearing.

#### **V. RECONSIDERATION of meeting minutes from:**

- **June 13, 2018**

- **May 23, 2018**

A. **June 13, 2018**

Line 174-175 – “Conn is protesting the town’s ability to have vehicular access to his lot.”

**Motion to approve the minutes from June 13, 2018 with changes: Chenard**

**Second: Noseworthy Motion carries: 3-0**

(Spanos, Noseworthy, and Chenard were the only voters.)

B. **May 23, 2018 (needs a quorum of those present - Spanos, Noseworthy & Robinson - to approve)**

**Motion to approve the minutes from May 23, 2018 as presented: Robinson**

**Second: Noseworthy Motion carries: 3-0**

#### **VI. FURTHER DISCUSSION RE: APPLICATION.**

##### **Building Height:**

Chenard brought up the height issue again and asked if this hotel application is in the “downtown district”. Planner Bont said the lots are in the Village Center (VC) District. Chenard said that according to the pertaining ordinance, the Planning Board can waive items to make the ordinance

more or less stringent on a case by case basis, so we could probably waive the height issue in this case.

Spanos said he believes that the footnote 6 in the Dimensional Chart of the Land Use Plan Ordinance only pertains to the items on the Dimensional Chart (i.e., density related items). Planner Bont read the ordinance, “Dimensional requirements in the village center may be waived by the Planning Board, so long as they meet all other zoning requirements.” The dimensional requirements include minimum lot size, front setback, side setback, rear setback, and percentage of lot coverage. Maximum Height is not a “dimension” listed on the Dimensional Chart. The Planning Board’s authority to waive is in footnote 6 on the dimensional chart.

**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.**

*No public participation.*

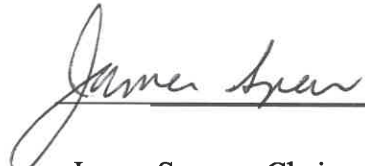
## **VI. ADJOURNMENT**

**Motion to adjourn at 8:25 pm:** Robinson   **Second:** Noseworthy   **All in favor:** 4-0  
**Motion carries.**

Respectfully submitted,

*Ellyn Franklin*  
Recorder

Date Approved: August 22, 2018

  
James Spanos, Chairman