

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 26, 2018 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative O.J. Robinson, Alternate Stephen Noseworthy

Members Excused: Member Patrick Romprey, Member Mark Ehrman, Alternate Norm Belanger, Alternate Callum Grant

Members Absent: None

Staff Present: Town Planner Carole Bont

Staff Excused: Ellyn Franklin, Recorder

Guests:

- **Jayne S. Ludwig**, resident, 12 Pleasant Street, Lincoln, NH 03251 (Map 113, Lot 092) and Selectman for the Town of Lincoln.
- **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).

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

Members Patrick Romprey and Mark Ehrman, as well as Alternates Norm Belanger and Callum Grant were excused.

II. CONSIDERATION of meeting minutes from:

- **August 22, 2018**

Motion to approve the minutes as presented: Robinson

Second: Noseworthy

The Board voted in favor with Vice Chair Chenard abstaining (3-0)

Motion carries.

- **September 15, 2018**

Motion to approve the minutes as presented: Robinson

Second: Chenard

The Board voted in favor with Alternate Noseworthy abstaining (3-0).

Motion carries.

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

A. NH 2021-2030 Ten Year Plan, Transportation Improvement Projects

1. This plan is for required feedback from local officials to reaffirm support for programmed NH Department of Transportation (DOT) projects and/or to nominate new projects for the State's "Ten Year Plan." The plan does not contain anything pertaining to the Town of Lincoln, however, does the Planning Board want to suggest anything in Lincoln to go on the plan?

The Board discussed the plan, but had nothing to add and no objections.

IV. NEW BUSINESS:

- A. **Discussion re: Creating a Workforce Housing Overlay: Discuss whether to create a workforce housing overlay district that provides incentives** (like increased density) for the creation of "workforce housing" in any particular district to be voted on at the annual Town Meeting in 2019).

Planner Bont reported that she did some research and there are many ways to create workforce housing. In concept, you could modify the overlay related to setbacks, required minimum lot size percentage of lot coverage, and other aspects that have an impact on the density. She asked whether the Planning Board is interested in just workforce housing, or also providing small units/apartments that are being offered at the market price, but not specifically labeled "workforce housing".

What is Workforce Housing?

According to the New Hampshire Workforce Housing Law, RSA 674:58-61, (with emphasis added):

"Workforce housing" means **housing which is intended for sale** and which is affordable to a household with an income of no more than **100 percent of the median income for a 4- person household** for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

"Workforce housing" also means **rental housing** which is affordable to a household with an income of no more than **60 percent of the median income for a 3-person household** for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing. *(Emphasis added. See attached RSAs.)*

Vice Chair Chenard suggested one concept for workforce housing which would involve having the Town secure a parcel of land and build workforce housing on it. The Town would control the land but not own the land. The lots would be sold through a Board. The building would be up to code, clean and presentable. When the property owners go to sell their unit, they would not be allowed to sell it at market value – they must sell the unit for what they paid for it.

Vice Chair Chenard also suggested that in condos built for town employees the Town would give the developer a discount for increased density. These condos would be made to be rented inexpensively, and the Planning Board would allow more units than the zoning ordinance calls for,

so they would provide a spot for community members to stay. A lot of the jobs in this town are seasonal and having workforce housing might encourage people to work in Lincoln year-round.

Chair Spanos said that many jobs in the community are changing and some seasonal jobs are becoming year-round.

Robinson clarified that “workforce housing” does not need to be “subsidized housing”. His personal preference would be to find ways to enable private developers to provide workforce housing for people in the workforce, by creating more flexibility in the Town’s zoning ordinance. Robinson said that using Town land is not the only or even the most preferred solution for workforce housing. Adding a few extra condo units to a building is a helpful suggestion when the additional condo units are created for the purpose of providing workforce housing. Robinson said that the Town cannot get around the State housing laws that do not allow the landlord to require the tenant to work in the Town of Lincoln, NH.

Robinson said we should remember that our town employees are not only the seasonal and part time workers who work in the Town of Lincoln. There are many other workers who have full time jobs in Lincoln and cannot afford to live in town, such as police officers or teachers. Robinson used the former director of the Chamber of Commerce as an example of someone who worked in Town and was unable to find an affordable residence in Lincoln during the course of the eight (8) years she was working in Lincoln and looking for housing in Lincoln.

Chair Spanos said that these types of workers may just not be able to afford a house “up to their standards” in Lincoln. Those people could surely afford to buy a condo or a mill house, but if they were looking for a larger family home they would not be able to afford one in Lincoln.

Vice Chair Chenard said that affordable or workforce housing programs through the State require certain things when developers build and re-sell homes. The purpose of those requirements is to keep buyers of those units who then turn around to sell those same homes for profit, from benefitting from the state’s initial low rates.

Robinson explained that our current zoning ordinance impedes the goals of developers who want to build apartment buildings and promotes the goals of developers who develop second homes or hotels. Robinson suggested the Planning Board get rid of the fifteen thousand square foot (15,000 sf) minimum lot size requirement for a residential unit in the General Use (GU) District, the Rural Residential (RR) District or the Small Business District (SBD), provided that the residential unit created is a primary residence, or a year-round/long term rental (greater than six months). The developer or property owner should not be able to turn the extra unit into a hotel room, short-term rental unit or second home.

The Planning Board agreed to look at Vice Chair Chenard’s proposal for workforce housing from seven to eight (7-8) years ago in the Planning Board minutes.

Planner Bont explained to the Planning Board that there are only two (2) narrow strips of land the Town has available for development: (1) one strip runs along either side of US Route 3 [starting at the Lincoln-Woodstock Town Line and running along US Route 3 to the northernmost part of Indian Head resort, Greenside Inn, and the Parker’s Motel]; and (2) the other strip runs along NH Route 112 [starting from the Lincoln-Woodstock Town Line on the west and stopping at the White Mountain National Forest at the end of “The Landing at Loon Mountain Resort” on the south end of Route 112 and at the end of Clearbrook Resort on the far east]. Most of the available developable land has been either developed or approved for specific development. The location

of these various resort developments is best illustrated on the Town's "Water Map" prepared by Hoyle & Tanner, which Planner Bont distributed and explained.

Vice Chair Chenard said the Town should regulate the zoning in a certain area so that if developers wanted to include more units in that area, they would be allowed to have more density, as long as the units were meant for workforce housing. Member Robinson suggested that we do this not for the whole town, but a large area. We would need to identify the areas where they could build.

Robinson asked what if we didn't regulate by density, just got rid of the minimum for a residential unit and make it the same as hotel as far requirements, setbacks, etc.?

Planner Bont said that for state purposes, multi-family housing is considered 5 units in one building or more. In Lincoln's ordinance, multi-family housing is anything bigger than a duplex. We do have a decreased density for duplexes, but what if we treated the multi-family housing as a commercial use rather than residential?

Vice Chair Chenard said maybe we can ask the North Country Council to compile a packet of information for us to show us what our options are. He suggested we gather information and guidance from as many sources as possible so we are well educated, such as the Office of Strategic Planning.

The Board decided to look into inviting someone from the North Country Council in before the Board to discuss the whole issue. Planner Bont said she would reach out and attempt to schedule someone for the October 24 meeting.

Motion to open public comment: Robinson

Second: Chenard

All in favor (4-0).

Public comment opened.

Susan Chenard said there is nowhere nearby where people who work in Lincoln can afford to live. Susan Chenard said she and many others are looking to hire full time help. She asked Robinson for clarification on the requirement for people to live in one place for 6 months in order to make it workforce housing. Robinson replied that this would be a deed restriction, which is easier to enforce than a zoning restriction.

Jayne Ludwig asked what the RSA was that Robinson was referring to. Robinson replied that the Workforce Housing Statute was in RSA 674:58-61. It states that the town is mandated to have "reasonable and realistic opportunities for the development of workforce housing." She said that she "agrees businesses have the right to workforce housing". However, Ludwig is coming from a different perspective as she does not run a business. Her concern is with the Planning Board's suggestion that they would recommend putting such an overlay onto the Village Center (VC) District or the Village Residential (VR) District. People in the Village Residential (VR) District where she lives already are affected by vehicle noise on their roads, so she is very leery of any decisions that might depreciate the value of homes in the Village Residential (VR) District. The Planning Board has an obligation to protect the full-time residents of this town.

The Board discussed US Route 3 as a possible location for workforce housing.

Motion to close public comment: Robinson

Second: Chenard

Motion carries (4-0)

Public comment is closed.

- B. Discussion re: Creating a definition of “Boarding House.”** (Currently there is no definition of “boarding house” in the Land Use Plan Ordinance, however there is a section that provides limits on boarding houses.)

Selectman Robinson asked if it is even legal for the Town to enforce Article V “General Regulations”, Section J “Limit on Boarding Houses” of the Land Use Plan Ordinance that limits boarding houses based on the number of people unrelated by blood or marriage living in a house. The Board thought it was not legally enforceable. After some discussion, the Planning Board decided to put an article on the warrant for the 2019 Annual Town Meeting to remove the section of the Land Use Plan Ordinance that they believe is not enforceable.

Chair Spanos asked the Planning Board members if they thought they should simply remove the entire Section J “Limit on Boarding Houses” in the ordinance that limits boarding houses.

Planner Bont pointed out paragraph 2 which says:

This section shall not apply to hotels, motels, motor inns, condominiums, or other facilities furnishing temporary or seasonal accommodations for a 6-month period or less, for transient persons whose primary residence is elsewhere.

Planner Bont said the Town currently has year-round residents living in what the Town would consider a motel or hotel room or “temporary or seasonal accommodations for a 6-month period or less.” They do not have signed leases. They pay rent on a weekly basis. However, those people have been living in the same room in the same motel/hotel for years. Are those buildings considered motels or boarding houses?

There was some discussion about different types of units and what the definition of a boarding house would require. Planner Bont pointed out the examples of definitions of “Boarding House” she received from Town Attorney Malia’s office from different New Hampshire towns and read them aloud to the Planning Board.

Planner Bont suggested that the Planning Board consider classifying a “Boarding House” as a separate “Business Use” on the “Land Use Schedule” for “Business Uses” [see page 30 – Article VI. District and District Regulations, Section B. District Regulations, Paragraph 2 Land Use Schedule, Chart of Business Uses] instead of as a separate “Residential Use” on the Chart of “Land Use Schedule” for “Residential Uses” and if warranted, restrict the location of boarding houses to certain zoning districts or make them allowable in certain zoning districts by the Planning Board with a conditional use permit. Currently, a “Boarding House” is not listed as separate use under either “Residential Uses” or “Business Uses”. The closest type of housing would be “Multi-Family Housing” that is listed under the Land Use Chart as a “Residential Use”. Multi-Family Housing is not allowed in the Small Business (SBD), the Village Residential (VR) District, the General (GR) Residential District and Rural Residential (RR) District.) Perhaps the Planning Board should

review whether boarding houses or multi-family housing should be allowed in some of those zoning districts.

Robinson said he thought that was good idea, as Planner Bont's suggested language would limit boarding houses to certain zones, and the current Section J "Limit on Boarding Houses" states explicitly it does not apply to hotels or motels. Robinson said he agreed with Chair Spanos that the Town of Windham had a good base definition for "boarding house", but he would like to remove the clause that states "meals may be regularly served." Robinson asked the Planning Board members if they would like to raise the number of persons living in one house unrelated by blood or marriage from four (4) people to twelve (12). The Board will classify the new definition of a boarding house as a "commercial use," and they will follow the Section J "Limit on Boarding Houses" that Planner Bont drafted (page 2 of packet).

The Planning Board will still keep the existing prohibitions as is for the Multi-Family Housing: Mountain Residential (MR) District, Rural Residential (RR) District, Village Residential (VR) District, and General Residential (GR) District. Anyone looking to start a Boarding House would still need to come before the Planning Board for Site Plan Review approval.

~~"Boarding or Rooming House": A building or premises, other than a hotel, inn, motel, or Bed and Breakfast, where rooms are let which are used primarily for sleeping and toiletry, and where meals may be regularly served by pre-arrangement in a common dining area for compensation; for not more than four (4) persons (not including the property owner and their immediate family) provided that the house is also occupied as an owner-occupied private residence; not open to transient guests; in contradistinction to hotels and restaurants, which are open to transients. (Windham, New Hampshire)~~

Change Section J. to read as follows:

Section J. LIMIT ON BOARDING HOUSES.

1. Boarding Houses shall be prohibited in the Village Residential (VR), General Residential (GR), Rural Residential (RR) and Mountain Residential (MR) districts.
2. This section shall not apply to hotels, motels, motor inns, condominiums, or other facilities furnishing temporary or seasonal accommodations for a 6-month period or less, for transient persons whose primary residence is elsewhere.
3. Boarding Houses that became established before the enactment of this section may be continued as non-conforming uses under Article III, unless and until such use is abandoned under Section C(1) of Article III, but the number of such persons inhabiting a non-conforming Boarding House shall not be increased without a special exception under paragraph 4 below.
4. The Zoning Board of Adjustment may grant a special exception, applying the standards of Article VIII, which waives either the restrictions contained in paragraph 1 or paragraph 2 above. The Board shall state specifically what alternative restrictions will apply to the property."

Motion to open public comment: Robinson

Second: Chenard

All in favor (4-0).

Public comment open.

Ludwig asked for clarification about the proposed change. Robinson repeated that boarding houses would not be allowed in the General Residential (GR), Village Residential (VR), Mountain Residential (MR), or Rural Residential (RR) Districts.

Motion to close public comment: Robinson

Second: Noseworthy

All in favor (4-0).

Public comment closed.

C. Discussion re: Employee Parking. Whether to change the Land Use Plan Ordinance to include the requirement for businesses to create parking spaces for employees in addition to customers.

1. Although the general provision of the ordinance requires the applicant to provide “adequate off-street parking facilities (municipal parking facilities excluded) for employees as well as customers” and off-street loading facilities shall be provided whenever a new use is established or any existing use is enlarged.
2. The LUPO goes on to provide specifically for parking spaces only for employees of industrial uses and auto service stations instead of all uses.

Vice Chair Chenard said that hotels and motels are commercial entities, so they should have one space for each three hundred square feet (300 sf) of commercial public space. He said the Planning Board cannot amend the Land Use Plan Ordinance to address the number of parking spaces because it will have to be adopted by the annual Town Meeting, and even though the proposed change can be enforced from the time the proposed zoning change is posted, the number of parking spaces cannot be applied retroactively with the hotel coming in.

Vice Chair Chenard asked his wife, Susan Chenard who works at the Loon Reservation Service about the parking. Loon Reservation Service handles the rentals for many of the Condominium Associations and Home Owners Associations, including but not limited to Clearbrook Resort, Coolidge Falls Resort, Forest Ridge Resort, Lincoln Station Resort, Loon Mountain Resort, Mansion Hill Resort, Mountain View, Riverfront Resort, South Peak Resort, The Links Resort, and The Village of Loon Resort. He asked Susan Chenard to speak to any complaints Loon Reservation Service has received about rental guest parking. Susan Chenard replied that generally the associations limit each condo rental guest to no more than two (2) parking spots per condominium unit. Ninety percent (90%) of the guests will come with one (1) car per bedroom. *[Note: Numbers of bedrooms in a unit can range between one (1) bedroom and four (4) bedrooms or more.]*

Vice Chair Chenard believes that there should be two (2) spaces per condo instead of one (1). Planner Bont said that those units already are required to provide two (2) spaces per unit. She read the following portions of the Land Use Plan Ordinance:

- Residential (including dwellings, timeshare units, or quarter share units or similar types of occupancy as determined by the Planning Board) – two (2) spaces for each residential unit.
- Hotel, Motel, Tourist Accommodation, Lodging Unit requires one (1) space for each unit.

- Timeshare units - one and twenty-five hundredths (1.25) spaces per unit.

Chair Spanos said that the question is does the Planning Board want to change these requirements pertaining to the hotel/motel section?

The Board decided to add to “Article V General Regulations, Section A. Parking and Off-Street Loading”, a Paragraph L. which will state:

L. “In addition to the above requirements, for every ten (10) spaces, an additional space will be required for employee parking.”

- D. Set a date to review Implementation Plan for Master Plan once per year and propose possible changes.**

The Board chose October 24, 2018.

- E. Set a date to review Capital Improvement Plan for 2019-2024.**

The Board chose November 14, 2018.

- F. ADVICE/CONCEPTUAL – Virtual Reality Arcade with a food both selling Frozen Yogurt in the Village Center (VC) District or General Use (GU) District along NH Route 112/Main Street. Would the Frozen Yogurt be characterized as a Restaurant or retail? How would the Planning Board characterize the business of a virtual reality arcade? (No definition really fits.)**

- 1. Gaming Facility** – Means any facility which is authorized, licensed, regulated, or otherwise allowed by the laws and regulations of the State of New Hampshire to offer the wagering of cash, vouchers, tokens or other prizes through the use of slot machines, electronic/video gaming machines, casino-style table games, card games, non-charitable bingo, horse and dog track betting (to include video/simulcast/off-track betting), or any other games of chance. This definition is not intended to include charitable bingo and games of chance as allowed by NH RSA 287-D and 287-E. This definition is not intended to include the sale of lotto tickets, scratch tickets and similar games of chance which are authorized to be sold in general retail establishments by the laws and regulations of the State of New Hampshire.
- 2. Tourist Attraction** – Any business which provides recreation or entertainment to tourists, but does not provide lodging, food, or retail sales as its primary source of revenue. Tourist attractions may include golf courses, miniature golf courses, natural attractions, outdoor shows, train rides, theme parks, ski areas, riding stables, etc.
- 3. Retail, Consumer Service or Other Business Non-Industrial Use Other than Above Which Does Not Qualify as a Home Business** – Would this be a better choice?

The Planning Board decided both of the proposed projects together with the frozen yogurt stand being clearly secondary to the virtual reality arcade should be treated as “***Retail, Consumer Service, or Other Business Non-Industrial Use other than above which does not qualify as a Home Business***” space. While there would be some seating associated with food service, but the main focus would be the arcade.

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.

None.

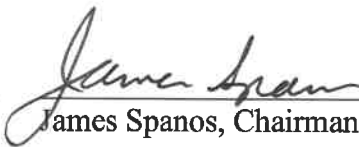
VI. ADJOURNMENT

Motion to adjourn at 7:48 pm: Robinson **Second:** Chenard **All in favor:** 4-0
Motion carries.

Respectfully submitted,

Ellyn Franklin
Recorder

10/10/18
Date Approved:


James Spanos, Chairman

