

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 11, 2014 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

APPROVED

Present: Chairman Pat Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, Selectmen's Representative O.J. Robinson, Paula Strickon, Norman Belanger (alternate), Callum Grant (alternate)

Members Excused: Taylor Beaudin (alternate)

Members Absent: None

Staff Present: Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank, Nikki Donahue (recorder)

Guests:

- Lincoln Fire Chief Ron Beard
- Claire F. Duris, registered agent for Duris Enterprises, LLC of 67 Kidder Street, Manchester, NH 03101
- Daniel F. Duris of 65 Banjo Drive, Thornton, NH 03285 d/b/a Gypsy Café on property owned by Duris Enterprises, LLC of 67 Kidder Street, Manchester, NH 03101
- Alex Ray, d/b/a The Common Man Restaurant and principal involved with owner of property described as "L/O Main Street" (Map 117, Lot 103) owned by Alex Ray North LLC, PO Box 581, Ashland, NH 03217, and property owned by Alexander L. Ray, Trustee, of Alexander L. Ray Revocable Trust, PO Box 581, Ashland, NH 03217, located at 10 Pollard Road, (Map 117, Lot 102).
- Terry Ross of 35 Pollard Road, (Map 117, Lot 106) on property owned by her son, Alex E. Atwood, PO Box 233, Lincoln, NH 0325
- Woman with Alex Ray

I. CALL TO ORDER: by Chairman Pat Romprey called the meeting to order at 6:00 P.M.

II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:

- February 26, 2014 (if completed)
- May 28th, 2014

Motion to Approve the Minutes from May 28, 2014, as Amended.

Motion: John Hettinger. **Second:** Jim Spanos **Abstained:** O.J. Robinson

Motion carried (3-0).

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

No continuing business.

IV. NEW BUSINESS**A. 6:00 pm. Conceptual**

- 1. Daniel F. Duris of 65 Banjo Drive, Thornton, NH 03285 d/b/a Gypsy Café on property owned by Duris Enterprises, LLC of 67 Kidder Street, Manchester, NH 03101 – to make changes and possibly add seating to the Gypsy Café Restaurant at 117 Main Street, (Tax Map 113 Lot 079) in the Village Center (V.C.) District.**

Paula Strickon was recused for this hearing.

Daniel Duris stated that he wishes to close in the area by the stairs so that kitchen equipment can be consolidated. He stated that he is willing to work with the Planning Board on this issue because his insurance company is pushing him to make the expansion and change. Chairman Romprey questioned if the addition will require additional seating or parking. Duris stated that it will not. Town Manager Burbank stated that the Planning Board should consider notifying the Zoning Board on this matter due to the issue of the set back. The building takes up almost the entire lot. Chairman Romprey stated that he agrees with this idea. Chairman Romprey asked Fire Chief Ron Beard for his comments on the issue. Chief Beard stated that he feels this expansion with changes to the kitchen needs to happen in order for the restaurant to become compliant. Duris stated that this is a “life safety issue” and that is why the insurance company is pushing for the change to be made. Town Manager Burbank stated that after paperwork is filled out, this issue will get sent to the Zoning Board and try to be passed as soon as possible.

Town Manager Burbank suggested that a contractor should formally draw up a set of plans because the building is set so close to the property boundary lines and within the setback areas of the lot. Duris stated that he does not want this addition to affect his parking space at all. Duris said that the “Part B” of his expansion plan would enclose what is now an outside seating area that he uses for serving some people in the summer. It would also add some privacy from neighbors. Right now he has to let a staff members go during the winter months because they cannot serve people outside there in winter. This way he would be able to keep the employee on staff year round. Town Manager Burbank stated that if any tables were to be added, then the plans would have to show the parking that is available. Since other businesses on Main Street are expanding, the Planning Board is requiring applicants so show parking that will be used. Duris stated that he will not be adding any tables to the restaurant; he will actually be losing a few seats so parking is not an issue. Chairman Romprey told Duris that he should get all the paperwork filled out for both “part A” and “part B” so he can get approved and then continue with the project.

- B. 6:00 pm. Complaint of Terry Ross who lives at 35 Pollard Road, (Map 117, Lot 106) on property owned by Alex E. Atwood, PO Box 233, Lincoln, NH 03251, about property described as “L/O Main Street” (Map 117, Lot 103) owned by Alex Ray North LLC, PO Box 581, Ashland, NH 03217, and property owned by Alexander L. Ray, Trustee, of Alexander L. Ray Revocable Trust, PO Box 581, Ashland, NH 03217, located at 10 Pollard Road, (Map 117, Lot 102).**

Property: Tax Map 117, Lot 103 (L/O Main Street) (General Use District)
Tax Map 117, Lot 102 (10 Pollard Road) (General Use District)

Complaint: The owner of the Common Man Restaurant located at 10 Pollard Road (Map 117, Lot 102) has been parking cars for the Common Man Restaurant on the land without buildings on Main Street Map 117, Lot 103) without Site Plan Approval for an expansion of use or change of use on the lot next to the Restaurant.

Terry Ross wanted to talk about the change of use for the Common Man lot that was never addressed by the Planning Board. She stated that she has written letters of concern and also spoken to the Town Manager and was told to come express her concerns tonight. She stated that the original approval for use for “Lot 103” never mentioned that a parking lot would go on the land. She also stated that the lot is a large piece of land that was split into two smaller lots. Ross is concerned because a small sales trailer with four cars had been on the lot in previous years without permission. She also stated that no curb cuts were ever formally allowed as well as egress onto Forest Ridge Road. Ross also stated that the water and dirt from the parking lot washes off and onto her property. She hopes that the drainage issue will get fixed soon. She is concerned why the lot use was never approved in the first place.

Chairman Romprey shared the Planning Board Minutes from November 9th, 2011, regarding the parking lot expansion. Carole Bont read these meeting minutes during the meeting. The Meeting Minutes referenced a letter submitted by Alex Ray that requested to use the lot during the winter months. The minutes are from a Planning Board meeting for a conceptual review and the issue never went any further.

Terry Ross stated that she feels the entrance onto Pollard Road from the lot is dangerous. A curb cut was never allowed there. She also stated that she is really concerned about the water run off because it goes onto Pollard Road and has caused many problems. Vice-Chairman Spanos questioned who owned Forest Ridge Road. Carole Bont stated that Green Acre Woodlands owns the road; it is not a public town road.

Alex Ray stated each abutter owns to the thread of the road. He also stated that the previous owner of Forest Ridge Road created the curb cut. He did not create the curb cut. He also stated that this curb cut access is actually where Pollard Road used to run. Terry Ross stated that she did not feel that this is really the old Pollard Road. Chairman Romprey stated that the two issues here are a traffic issue and a drainage issue. Town Manager Burbank stated that approval was never given for the lot use and that the drainage issues need to be addressed. He also said that the Town has issues with the drainage as well.

Chairman Romprey stated that during an old 2008 hotel plan, the safety of the road access in question was also discussed. Alex Ray suggested that the parking lot use be terminated until it can be fixed correctly. He stated that he would come up with a new plan for the lot use, since he really only needs to use it during the busy winter months. He stated that he would have to do a walk-through of the parking lot to look at the drainage issue, as he is not sure how to fix the problem.

Town Manager Burbank suggested that Alex Ray walk through the parking lot with his engineer in order to fix the problem, since Pollard Road is going through a series of repairs later this summer. Ross stated that she still feels the lot access is very dangerous. Chairman Romprey said that since the lot will not be in use, Alex Ray will have it blocked off. Town Manager Burbank suggested that formal plans be made to address these two issues. He said that a letter will be drafted so a formal paper trail will be stated to address these two issues. Chairman Romprey suggested that the Town Crew will take a look at the parking lot safety issues and as soon as paperwork is submitted, the issues will be resolved.

V. OTHER BUSINESS

A. Sign Ordinance

Paula Strickon stated that she has some concerns about multiple businesses signs around town. She stated that if there is a sign ordinance, then it needs to be followed. Carole Bont stated that she and Police Chief Ted Smith have spoken to some of the businesses that Paula Strickon has listed as a concern. Chairman Romprey stated that he would be fine with Paula Strickon going to speak to these businesses. Town Manager Burbank suggested that maybe this was not the best way to deal with the problem. Selectman Robinson stated that he is concerned if a member of the Planning Board should be the one to go speak to these businesses.

Chairman Romprey stated that if one business is going to be talked to, then all should. Norman Belanger suggested that copies of the ordinance be given to the businesses, so they get a reminder of it. Chairman Romprey suggested putting out a public notice of the ordinance and that a period of time will be given before prosecutors are violated. Chairman Romprey suggested that the Board of Selectman put this issue on their agenda for next Mondays meeting. Selectman Robinson stated that he has no problem addressing the businesses who are repeat offenders.

Ron Beard suggested that the board contact all businesses with signs and that they could form a committee to help police themselves. Carole Bont stated that it is often assumed that these business owners are local, however many are not. Callum Grant suggested sending letters to these businesses from the town attorney. Town Manager Burbank said that the town attorney gets involved in the second step of the process. He suggested that letters be sent from the Planning Board to these businesses. The Board was in agreement with this action.

B. February 26th, 2014 Meeting Minutes

The Board discussed what to do about the February 26th, 2014 meeting minutes, since the recording got erased before formal minutes were written. The Board suggested that Carole Bont just use notes from members and herself to draft a paragraph about what happened at the meeting; which was a Planning Board work session concerning transportation.

Callum Grant was formally welcomed to the Planning Board.

C. East Spur Road Land Sale

Selectman Robinson shared with the Planning Board the details of the land sale that is pending on East Spur Road. Chairman Romprey stated that it would be great to sell this land. Chairman Romprey also stated that the sale of the land would have no negative impacts, only positive and that it could not be sold to anyone else. He stated that he is in favor of the sale of this land because it would then be put back on the tax rolls. Selectman Robinson proposed that this presentation count as the formal presentation to the Planning Board. Chairman Romprey polled the board to see who was in favor or against the land sale.

All members of the Planning Board were in favor of the land sale.

VIII. ADJOURNMENT

Motion to Adjourn.

Motion: Jim Spanos

Second: Paula Strickon

Motion carries unanimously by all members present

The meeting was adjourned by 7:02 pm.

Respectfully submitted,

Nikki Donahue, Planning and Zoning
Minute Taker

Dated: June 11th, 2014


R. Patrick Romprey, Chairman