

**LINCOLN PLANNING BOARD**  
**REGULAR MEETING MINUTES**  
**WEDNESDAY, DECEMBER 10, 2014– 6:00PM**  
**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

**Present:** Chair R. Patrick Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, OJ Robinson, Selectmen's Representative, Callum Grant (Alternate)

**Members Excused:** Paula Strickon, Taylor Beaudin (Alternate), Norman Belanger (Alternate)

**Members Absent:** (none)

**Staff Present:** Planning and Zoning Administrator Carole Bont, Town Manager/Town Planner Alfred "Butch" Burbank, Wendy Tanner (recorder)

**Guests:**

- Paul J. Beaudin II, Manager of Lincoln-Woodstock Solid Waste Facility, Chair of the Zoning Board of Adjustment and resident of 2 Louis Lane, Lincoln, 03251

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

*Chair Romprey called the meeting to order at 6:00PM.*

- II. CONSIDERATION** of meeting minutes from:

- November 25, 2014

**Motion to accept the minutes from November 25, 2014**

**Motion:** OJ Robinson      **Second:** Jim Spanos

**All in Favor:** (3-0)

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

- A. 6:00 PM - CAPITAL IMPROVEMENT PLAN (CIP) FOR 2015-2020 – Review of Proposed Changes to CIP & Public Hearing To Adopt the 2015-2020 Capital Improvements Program.** The CIP Committee will present proposed changes to the CIP per the last public hearing on November 25, 2014, and then receive public input and consider the updated 2015-2020 Capital Improvements Program (CIP) for adoption.

OJ Robinson explained the changes that the CIP Committee made in their last meeting. Robinson explained that they separated all the line items that had a total estimated cost of under \$15,000. Robinson went over each line item in the CIP explaining how each item was handled. Robinson stated that the committee was putting items in the list that were below \$15,000 because the entire project was over \$15,000. Robinson gave a hypothetical example of flooring a town building being over \$20,000 total, but to only carpet the office area was \$8,000, and tiling the

hallway was \$4,000 but there is still other parts of the floor that need to be done, so although each phase of the flooring does not meet the CIP criteria, the entire project is over \$15,000.

Chair Romprey asked if that counted for any project that were over \$15,000 that covered a 2 or 3 year period.

Robinson explained another example of the Kanc Recreation Area they took line number 81 (“Kanc Rec. Infrastructure {Dug Outs, Bull Wheel Bld’g, etc}”) and changed it to “Kanc Rec. Building Infrastructure”. Then they took the “Dug Out”, “Snow Making Building” and “Bull Wheel Building” and put them all into that line item. That got rid of line item 23 and line 40 and relabeled line 81 as “Kanc Rec. Building Infrastructure”. Robinson went on to explain that the same changes were made to the “Town Building Carpet” line item changing it to “Town Building Infrastructure” which would also include the heating system, the AC unit, windows and all other parts of the infrastructure of the Town Buildings which is now line 42C.

Spanos asked what the \$8,000 balance was under line 42C.

Robinson explained that to maintain the Town Building Infrastructure would be an ongoing item, so the \$8,000 would be used as required by each phase of an ongoing project to maintain the town building. Robinson explained that “Painting the Town Hall” was included in line item 42C as well as “Painting the Railing for the Town Hall”.

Robinson explained that number 11 was renamed from “Highway Garage Roof Replacement” to “Highway Garage Infrastructure”. “Vinyl Side DPW Building” was added to line 11.

Robinson explained that the CIP Committee combined these line items in order to have the cost of maintaining the entire building instead of individual accounts for each component of the building like just the carpeting or just the windows.

Chair Romprey asked what “Highway Garage Infrastructure” would include. Would the CIP have something that would give an explanation?

Robinson stated that they have their “next steps” target.

Robinson continued the explanation moving on to category III. For the category “Planning and Engineering” they placed a target of \$25,000 which is the anticipated expenditures over the next 3 to 5 years.

Chair Romprey asked what item 16D (Main Street Utilities Relocation {Burial Feasibility}) covered.

Robinson explained that there was no money allocated to this item, however the line item was left on the CIP for future generations to consider. This estimated cost is the cost of an engineering study (from several years ago) to put the utilities underground on Main Street. Questions were raised about whether this item should be left on the list, even as a reminder to revisit in the future.

Hettinger explained that the CIP is used as a check list by department managers. Some line items were left in with no money allocated to remind the department managers these items need to be looked at occasionally.

Spanos asked where the estimated cost of \$80,600 came from on for “Main Street Utilities Relocation”.

Hettinger stated the estimate was for an engineering study. The estimate is old and should probably be updated.

Robinson stated that there was no initiative to update the estimate at this time because there is no reason to reactivate this project at this time.

Robinson went on to say that nothing was changed in the Police Department (Section 4) or Fire Department (Section 5).

Robinson continued with Public Works (Section 6). Item number 3 was renamed to say “Pumps, Controls, Valves and Monitors”, rather than breaking it down into individual components to say “Control Valve at the Cold Springs Well” or “Rebuild the Cold Springs Well Pump” or “New Stream and Current Monitor”. Instead although each of these items individually come in under the \$15,000 CIP limit, as an overall project or consolidated piece of infrastructure they are well above the \$15,000 CIP limit. Robinson explained further that there are no funds allocated for the next several years on this project.

Robinson said that number 8 was removed (“Upgrade Cold Springs Well Control”). Under “Miscellaneous Repairs”, B and D were removed and added to line 3 “Pumps Controls, Valves, Monitors”. The line item to “Paint the Loon Booster Station” was removed and placed in the operating budget as well as “Paint the River Intake Generator Building”. These changes removed everything under \$15,000 from the Public Works CIP.

Robinson went on to “Sewer Rehabilitation”. Robinson said that the Sewer Sludge Study was put into the operating budget. A new line item #8 was created called “Sewer Maintenance Repair & Replacement” with nothing appropriated this year. This line item includes “Variably Frequency Drive Intake”, “Flow Meter”, “PH Meter”, “Chemical Pumps”, “Monitors” and “Illustration”.

Robinson explained under Public Works we have budgeted to replace the Bad Boy Mower which is only a \$6,000 project. The CIP Committee’s initial thought was to remove it from the CIP and put it in the operating budget, however, Helen Jones (Finance Manager) reminded them that the purchase of the Bad Boy Mower was originally scheduled to be done this year in 2014. The Board of Selectmen chose not to purchase the mower because the mower did not need to be replaced yet, however the funds are still there to replace the mower in 2015, if needed. After the mower is replaced, probably next year, the mower will be eliminated from CIP.

Chair Romprey asked if a provision could be put in for to see if the “Bad Boy Mower” could be analyzed to see if they could get another year or two out of it.

Robinson explained that a vote had been taken at the Board of Selectmen in a meeting, Monday, December 1, 2014 that any non emergency expenditure from any Capital Reserve Fund would come to the Selectmen ahead of time so that we are not only looking at whatever trade-in value might be, but also what we are spending the money on, why we need it, why we need it now and what bids are available are all examined.

Chair Romprey said that, “In other words, you are not going to replace something just because it was budgeted for.”

Robinson stated yes, that is it exactly and the Bad Boy Mower is a perfect example of that.

Robinson moved on to “D. Roads and Streets” saying “Sidewalk Maintenance” is ongoing and will stay in the CIP as well as “Crack Filling” and “Overlay”. All the crack sealing and overlay is under one project on the CIP. Most of the streets cost more than \$15,000 to do crack sealing or overlay. Robinson explained that there are a few smaller streets that are under \$15,000, but that they would stay in CIP to keep the entire project in one place.

Robinson stated that under Section 8 “Solid Waste”, the item “Painting the Solid Waste Building” was put into the operating budget.

Robinson said that under A. “Parks” “Maintenance Repair and Replacement” they took the “Ball Field Aerator” and the “Dug Outs” and “Concession Stand” out of CIP and put them in the Recreation Department’s operating budget.

Robinson said that under B. “Ski Slope”, they took the three “Snow Guns” as individual line items and put them all in as one line item (number 13). They removed line 77, “Replace Snow Machine” and moved it to the operating budget. They took the “Caterpillar Diesel Tow Engine” and changed the cost to \$15,000 making it more realistic and now the line meets the threshold of \$15,000 for CIP. Then they moved “Replacing the Rope Tow”, “Replacing the Snow Making Pump” and “Repair/Replace the Lighting” out of the CIP and put them into the operating budget. Then they put all the items that were related to the Recreation Buildings into line 81 (“Kanc Rec. Infrastructure”).

Robinson said that they combined the smaller items under C. “Community Center” and put all of the items into “Community Center Infrastructure”.

Robinson said that they did the same thing with the Library. The smaller maintenance items were combined and renamed “Library Building Infrastructure”.

Robinson stated that was the end of the changes made to the CIP. Robinson then went on to explain that although technically not part of the CIP, they wanted to show the Bond payment for the River Intake Structure as part of the total impact. They changed the total to \$57,400 per year to accurately reflect the payment.

**Motion to open public hearing****Motion: John Hettinger     Second: Jim Spanos****All in favor: (3-0)**

Paul Beaudin stated that in Section 2 “Property and Building Maintenance”, Line 42 “Town Building Infrastructure” the CIP did say “Town Building Carpet”.

Paul Beaudin said that line 81 under Section 2 “Property and Building Maintenance” states there is \$4,000 budgeted for that. Paul believes that the description for item 81 is incorrect.

Hettinger stated that they tried to get all the changes that Paul Beaudin requested at the last meeting in quickly and may have made a few errors rolling items together.

There was a brief discussion among Board members on the description.

OJ recommended that the description be changed.

Paul Beaudin said that in line 42 the description should also be changed.

Town Manager Burbank felt that “ongoing” was better terminology.

Paul Beaudin said that on page 23 Section 6 “Department of Public Works”, he added up the total estimated cost and did not come up with the same figures. Beaudin does not see that any changes were made to the Public Works CIP. Beaudin asked Robinson about the items that were put into the operating budget - items A and B under Maintenance, “Paint Loon Brook Booster Station” and “Paint River Intake Generator Building”. Beaudin said that the dollars are still in CIP.

After some discussion on, page 23 Section 6 “Department of Public Works”, under “Miscellaneous Maintenance”, items A and C were taken out of the CIP and moved to the operating budget. Items B and D were moved into item 3D and renamed “Pumps, Controls, Valves and Monitors”. It appears that some of the figures did not move correctly with the items. The figures will be checked.

Beaudin said that under B. “Sewer Rehabilitation” number 59, “Sludge Study” is still there and Robinson had stated earlier that it was put into the operating budget. “Sludge Study” is also listed on page 17 with an amount and should be removed.

Robinson said that it would be removed.

Beaudin asked about page 26 under “Ski Slope”, WV gun, where the \$643 balance came from because there were no prior funds for that item.

Robinson stated that there was \$634 left that was allocated for a snow machine from the last time they purchased a snow machine. They had to do something with those funds, so they were allocated towards the WV Gun.

Beaudin stated that he appreciates that the Planning Board listened to some of his comments about the maintenance versus what goes in CIP, but he thinks that there are still too many items identified as maintenance in the CIP. Beaudin said that he does not think that anything that is maintenance can be identified in CIP under the current definition of CIP. Beaudin feels that by putting all this stuff in maintenance you are pushing out your cost to do maintenance. For example, "If your replacing a pump and it is a \$12,000 item and you are putting away \$3,000 a year for four years, at the end of that 4 years, it is going to cost you more than \$12,000 to do it because the pump is going to cost you more money and the value of your dollar is going to be less. So by putting maintenance items in CIP and grouping them into one general specific group, you will end up spending more money than you would if you would buy and purchase the things you need when you need them."

Robinson stated that he did not understand that. Robinson said, "If we need a pump in 2017 and it costs \$40,000 in 2017, whether we save \$10,000 a year for 4 years and spend \$40,000 or wait until we get there and spend \$40,000 we are still spending \$40,000."

Beaudin stated another example, "Say you are going to replace two pumps at the water treatment plant, (Replace Finish Water Pumps VFD's), there is \$25,800 to do it. If you did these projects as a regular operations and took these funds and purchased one of these pumps as an operating budget, it would be purchased in today's dollars. You are not pushing it off 5 years and the pump gets replaced."

Robinson asked Beaudin if last week he said that they shouldn't be buying items just because they were in the CIP and that you should wait until the item was needed.

Beaudin said that yes he did say that, but he felt there were many items on the CIP list that needed to be replaced right now, but because of CIP you can't do it all at once. Beaudin said you can't budget all that money all at once to replace all these items, so you only budget \$3,000 or \$4,000 per item.

Chair Romprey said that the way this works is there is a planned life expectancy for trucks, back hoes or whatever, and you budget a year short typically of that planned life expectancy. If something happens in the interim, ok it happens in the interim.

Beaudin said the Board is missing his point. Beaudin said that the Board is talking about something that is above a \$15,000 item. Beaudin is talking about things that are \$15,000 and below which there are still a lot of them in the CIP. Beaudin said if you take a look at page 23 under Pumps, Controls, Valves and Monitors, you changed it from \$12,000 to the \$40,000 range because you consolidated smaller items from the old list and put them all into this item. Beaudin feels that if you were going to appropriate a certain amount of money for that item, you could have bought one or two of those items from an operating budget.

Chair Romprey stated that the bottom line of this is that the CIP Committee, Board of Selectmen and the Planning Board elected not to do it that way.

Beaudin said that is exactly what was not happy about last time, and is not happy about it this time.

Chair Romprey said “Point taken.”

Beaudin said that is probably all it is ever going to be is “point taken”.

Chair Romprey stated that there have been significant changes to the CIP since the last meeting, many of which were Paul Beaudin’s suggestions.

Beaudin said that the Planning Board members may think that there were many changes, but if they look at the bottom line, there was only \$19,500 that changed in appropriations. Beaudin said that was 1.5%, that was all that changed. Beaudin said that they are still appropriating over \$100,000 more this year in the CIP than last year.

Robinson asked if you take the money out of CIP and spend it in the operating budget, what was the difference.

Beaudin said that as a taxpayer you are increasing his taxes by spending a lot more money in the CIP and he does not think you need to spend that kind of money on the CIP and the reason is that he feels there are still too many maintenance items that should not be in the CIP.

Robinson asked if the funds were moved to the operating budget, how that would lower his taxes.

Beaudin said because he does not think that extra \$100,000 would be in there. Beaudin does not think all these items need to be appropriated right now.

Chair Romprey said he can see where Beaudin is coming from but dollar for dollar whether you spend it on item A or item B it is still going to be the same thing. And by advertising this over a 5 or 6 year period the impact is considerably less.

Beaudin said no it is not. Beaudin said, “In a regular operating budget if you knew how the town runs their operating budget, there is usually, probably not this year because of the legal aspect of it, there is usually a lot of surplus, and you can do a lot of things with that surplus to alleviate some of these problems along with that money that you would use for regular maintenance.”

Robinson said that you can do that with the CIP too.

Beaudin said that it is not going to be approved if you do not need it. Beaudin thinks the town is appropriating a lot of money that it does not need.

Chair Romprey said that the committee has decided to do it this way for now and they have made some changes. Beaudin interrupted that he agreed they have made some changes but still thinks that the town should look at the maintenance aspect of the CIP and should look at addressing it, whether it be through a different department and all the maintenance items get done under administrative and stick with the CIP. Beaudin does not feel that the Town uses CIP the way it is written. Beaudin said that a project or purchase that is greater than or equal to \$15,000 should be in the CIP and anything less than \$15,000 should be in the operating budget. Beaudin said that consolidating items under \$15,000 to keep them in the CIP is not the way it should be done.

Chair Romprey said that if you are talking about a \$3,000 item he agrees, but if you are talking about \$3,000 over 7 years he does not agree.

Beaudin said that in a maintenance budget in any company they do not put maintenance items in a CIP budget; they use an operating budget for maintenance.

Chair Romprey stated that he had worked for a company that budgeted their CIP the same way the town does.

Hettinger said he also worked for a large company that budgeted the same way. Hettinger said they would budget their maintenance the year before and that money was set aside for maintenance and the only reason you separated a capital item was because in a corporation you can amortize capital equipment.

Town Manager Burbank said that from a management standpoint, you are talking philosophically, this is the CIP argument across this land. Burbank said that from experience, the way Beaudin wants to do it, can be done, but you will see incredible spikes and valleys in an operating budget because you come in and argue against repairing a pump and the world get to comment on it so it is put off. Or, all the moons align and we have 4 furnaces and an engine in something goes all in one year and the tax rate spikes. Burbank said that he believes that CIP can help alleviate that spike. Burbank thinks this is the best argument for CIP, and spreading it out from a management standpoint, makes for less peaks and valleys in the budget. Yes, there was a \$100,000 increase this year because of the way things are going. As a citizen you can look at the CIP and see the things that the town is starting to set money aside for.

Hettinger said that you have all these things laid out and you call your department manager in and they efficiently go through this list and you either add new jobs or you subtract them. If you now have to go back and forth between the operating budget versus the capital budget, it decreases your efficiency of that department manager's time.

Beaudin said that your department heads should come in and justify why they need what they need. One department head may be up on year because he has pumps and compressors in his budget, but the next year he will not need pumps and compressors so that money goes over to the next department head because he may need to buy a stairway for a building. Those are the tradeoffs. Are you going to have peaks and valleys? "I'll bet they are not going to be as much as you think they are."

Town Manager Burbank said that for those of us who have been around a long time and managed budgets, you will create department heads that hide funds in their budget. If you historically go back and look at budgets, a clever department head will hide a lot of money. So you have to try and figure out where the money is. This form of CIP budgeting is transparent. This is as transparent as you can get, in his opinion. It literally spells out estimates and where we are set in money.

Chair Romprey said, "I totally respect your (Beaudin's) point of view on this. I'm not saying that nothing else will change down the road, but we are certainly not going to change anything else this year. We are just not going to do it. I understand where you are coming from; I hope that you understand where I'm coming from. That being said, I think we are doing it the right way, you disagree."

Beaudin said "Oh well. I wish we had an elected Board. Then if we do not like what you are doing we could say, we do not like your view, but we cannot do that. I guess, 'Oh well', has to do for now."

**Motion to close public hearing**

**Motion: OJ Robinson      Second: Jim Spanos**

**All in Favor: (3-0)**

Robinson they were changing item 42 to read "Town Building Infrastructure" with a price of "ongoing". We are eliminating item 59, "Sludge Study". We are changing item 81, "Kanc Rec. Infrastructure" and changing the price to "ongoing". In Department of Public Works, "Water Rehabilitation" we are eliminating A. and B.

Hettinger said that deleting those does not change any money for 2015.

Callum stated that if you take out those two items it still does not add up.

Hettinger said that the estimates will be more in error than the numbers down at the bottom. Hettinger felt it was a good comment, but to remember that most of the numbers are estimates.

**Motion to accept the CIP with the changes noted**

**Motion: Jim Spanos      Second: Pat Romprey**

**All in Favor: (3-0)**

**IV. NEW BUSINESS**

- A. 6:00 PM - PROPOSED CHANGES TO THE LAND USE PLAN ORDINANCE AND/OR SITE PLAN REVIEW REGULATIONS - Work Session on proposed changes to the Land Use Plan Ordinance and/or Site Plan Review Regulations. Work Session** – This part of the meeting is a "work session" therefore there will be no public participation in the discussion. A public hearing is to be held on any proposed changes to the Land Use Plan Ordinance in January of 2015. Public notice

of the date and time will be published and posted at that time. Public Participation will occur at that time.

Bont stated that there are items from the Land Use Plan Ordinance that need to be addressed. The first sheet is a list that Wendy Tanner put together using minutes from previous meetings. She looked for areas where the Ordinance itself was questioned. The second sheet is one that

### **Flood Plain**

It was decided not to address this until a new FEMA data is available for Lincoln.

Town Manager Burbank said that he has had updates from FEMA and the last exchange was that the mapping would be done by the fall or early winter of 2015.

### **Site Plan Review Approval**

Bont stated this is that the site plan review approval is valid for 2 years and not 1 year. Bont asked that the Ordinance be changed to reflect that 2 year approval.

Chair Romprey asked if it was a legislative change and if we would have to adopt that change.

Robinson asked if it was an Ordinance change.

Bont said it was a site plan review of regulations so we would have to have a public hearing.

Chair Romprey asked if we were in agreement that we needed to change that.

Bont said yes.

### **Curbing**

If curbing is in the Ordinance, it needs to be taken out.

### **Parking Spaces**

Chair Romprey said that we should change the Ordinance for parking space size to 170 sq. feet. There was a discussion on how much space for maneuvering should be required. Romprey said to ask Ray Korber if 19 feet is a good number.

Callum said they use 21 feet. There is a range from 19 to 21 feet for maneuvering.

Robinson asked if less room was required if it was angled parking.

Chair Romprey said yes.

Robinson stated that at the Whales Tale Water Park the spaces were all angled. The maneuvering space for angled parking will need to be less.

Town Manager Burbank said that you could encourage angled parking with developers.

Bont stated we are meeting again next week.

Robinson said that 170 square feet per space is agreed on by all members. Then there should be a number for 90 degree parking and a number for angled parking.

Bont said we need to be specific about angles.

Robinson said that the space behind the vehicle needs to be less because you are not backing straight up.

Chair Romprey said that 170 square feet is what we will agree on.

Town Manager Burbank said that he would check with Ray Korber.

**Dimensional Chart on page 28 of the Land Use Ordinance.**

Bont said that the Dimensional Chart figures need to be fixed. It use to say refer to the BOCA (Building Officials and Code Administrators) code. This is the 10 feet with the single asterisk. *BOCA code the latest revision for fire protection shall require development for structures being constructed within 30 feet of another structure.* Bont said that it was taken out because we never adopted the RSA to enforce the building code. Either take off the asterisk or put the BOCA code back in.

Chair Romprey said that the BOCA code should not be put back.

Spanos said that we should take off the asterisk.

Town Manager Burbank said that the BOCA code no longer exists; it is the IBC (International Building Code) now.

Chair Romprey said then we should take off the asterisk.

Bont said that for rear setbacks and side setbacks in the Village Residential (V.R.) the distance will be 10 feet. The single asterisk under Village Residential.

Bont also inquired about the adequacy of the Percent of Lot Coverage as set forth in the Dimensional Chart on Page 28 of the Land Use Plan Ordinance. Chair Romprey asked Bont to look at the Mountain Residential where it says 50%. According to Romprey we have been using the 50% maximum lot coverage religiously.

Jim Spanos said that applies to non-residential uses only. Spanos asked if the town would allow non-residential uses in the Mountain Residential zone.

Bont said if the proposed use of the lot was residential, except for the setbacks a property owner

could cover the entire lot.

Robinson said that maximum lot coverage requirement would have to be looked at. The mansions that are being built on the mountain now appear to cover 80 to 90 percent of the lot outside of the setbacks.

Chair Romprey said that part of the drainage problems is caused by the small lot sizes that they have been allowed to create. Most of the small lots are then covered with impermeable surfaces like the house and the paved driveway area.

Town Manager Burbank said that the house being built on 2 Hay Hill Road covers 80 percent of the lot.

Spanos asked if that included the 25 foot setback.

Town Manager Burbank said yes.

Robinson said that if we eliminate the setbacks the new home and paved driveway would occupy about 90 percent of the buildable area. The house and paved areas are impermeable. Robinson said that all that water diverted by the house and paved areas is now going off their lot onto either someone else's lot or the roads. We have seen how much problem that creates. It is not fair to the neighbors and not fair to the roads. You cannot cover a lot 100 percent.

Town Manager Burbank said that we need to come up with a percentage of the buildable lot excluding setbacks.

Chair Romprey said that all these lots set at 15,000 square feet are all over.

Robinson said that then the property owners are going to have to be creative about what they build. They can't build from this corner to that corner. They will have to leave room for proper drainage. And if they can't fit their 6 million dollar mansion in, they are going to have to buy a second lot.

Chair Romprey suggested the Board put some more money in the legal contingency.

Hettinger said in the five (5) lots just approved along the East Branch of the Pemigewasset River the house is right out to the setbacks.

Robinson said we do not have the power to stop that if the proposed building meets our criteria. What we need to do is change the lot coverage percentage. A lot of people will like the change because it means water will not be running off everyone's land onto their neighbors' land, the road and down their driveways. Robinson thinks we need to get rid of the "applies to non-residential only". If we are serious about water and drainage, it applies to anything that is being built. Mountain Residential at 50% is low. The maximum lot coverage can't be 50% but it can't be 90% either.

Town Manager Burbank said that if someone is willing to put up a million dollar home and he needs a full acre to put the house it, he is going to pay for a lot no matter what.

Chair Romprey said that the problem is that all these developers who come in already have an approved lot of 15,000 square feet. The coverage they are using now was available under our Land Use Plan Ordinance. Those lots were created with that Ordinance in place. What do you think is going to happen if we say we are going to go back and say you can only build half the house on these lots now?

Robinson said that at some point you have to make the change. Maybe the existing lots can be grandfathered, but that doesn't mean that for the 300 acres at Forest Ridge and the 500 acres over here that we have to stay with this formula forever and ever.

Chair Romprey said we need to make a change in site management, not building size.

Robinson asked Romprey to explain.

Chair Romprey said that you have to make the person building the house mitigate runoff from the site.

Town Manager Burbank said that there was no room for them to do anything.

Robinson said that we would have to set a limit on size rather than runoff so that they can manage their runoff with a pool under their 20,000 square foot house.

Chair Romprey said that way we are not going to get into a legal battle. We have every right to require people to mitigate runoff. We are not restricting the lot, we are not devaluing the lot and they have to comply.

Town Manager Burbank said that we could make that as a condition of already approved subdivisions as well. Then going forward the 500 acres undeveloped at Forest Ridge could come under a whole new set of regulations.

Chair Romprey said that was the way to deal with it. We can restrict the runoff, but if you deal with the house you will wind up in legal battles, but we can restrict the runoff.

Robinson asked where in the Ordinance you would restrict runoff.

Chair Romprey thought that restriction was already in place. Romprey asked Bont if the point was to get rid of the asterisks.

Bont stated there was one asterisk that did not refer to anything. It is under Village Residential under rear and side setbacks next to the 10'.

Chair Romprey asked if everyone was in agreement.

Hettinger explained it appears in three places, also under General Residential side setback.

Bont said I don't know where the drainage is.

Chair Romprey said that was under site plan review. Romprey continued that under site plan review we have the right to require specific drainage.

The Board had a brief discussion about the asterisks and what each of them meant. It was determined that asterisks were too difficult to understand and they should be changed to numbers to match the previous charts in the Ordinance.

Chair Romprey asked if everyone was in agreement on the asterisks. All were in agreement.

### **Co-location of cell towers**

Bont explained that there are no restrictions on the size of the building at a telecommunication tower. If the sentence is deleted, it would be up to the Board.

Town Manager Burbank stated that when this was written initially, they did not need a restriction, but now they are putting in mega towers and need more strict requirements.

Chair Romprey asked the Board what was a good size for a limit.

Bont said that they had an escape hatch that allowed them to not have to go to the ZBA.

Robinson said that he would rather put in reasonable limits and if they have to go above that make them go to the ZBA. First of all, 200 square feet of parking is not reasonable if we require 170 square feet for parking and then 19 feet more for maneuvering.

Town Manager Burbank said that you are talking about 340 sq. ft.

Robinson said that with two spaces and maneuverability you are talking about 900 square feet.

Bont asked if we want to give them two (2) parking spaces per building. Bont asked what happens if they come to maintain the tower in big trucks.

Town Manager Burbank said that we do not have to tell them what they can or cannot fit on the lot, once they have permission to build on the lot.

Chair Romprey brought the conversation back to the square feet / size of the building.

Callum said that a 15' x 20' building is 300 square feet.

Chair Romprey said that 300 square feet sounded reasonable. Chair Romprey then said that the changes will be 300 square feet for the building and 340 square feet for parking.

Robinson said that parking should be around 600 square feet. Robinson said that the only way you could park at the cell tower would be to pull straight in and back straight out.

Town Manager Burbank said that the contractors building the tower go to the town and read the regulations and then they go to the land owner to purchase or lease the correct amount of land for their building and parking. So to Robinsons point, the 600 would tell them they need a lot X by X in order to fit to the town regulations.

Chair Romprey said that they are getting that, they are getting 640 square feet. Chair Romprey said that was all Verizon required.

Bont said that Verizon had 312 for the building and two parking spaces.

Town Manager Burbank said that Verizon received the space that they needed and they were happy they have parking spaces.

Spanos said that we should make the parking 500 square feet.

Chair Romprey said, "Do what you will."

Robinson said he would second the 500 square feet. It allows more flexibility.

Town Manager Burbank said, 300 for the building and 500 for parking.

Chair Romprey said he would go along with it but wanted to make a point. This was on the slope at Loon Mountain, 300 for the building and 500 for parking.

Robinson said that it was "not to exceed", if they can squeeze it in within 170 square feet, all the better.

Chair Romprey said that if you give them 800 square feet they are going to take every inch of it.

Robinson said that they do not have to make their parking 500 square feet, the regulations will say "not to exceed 500 square feet" for parking.

Bont confirmed the changes to 300 square foot building and 500 square foot parking.

Chair Romprey asked if we had to do anything with number 4.

Bont asked if the last sentence in number 3 could be eliminated.

- *Any other structure or larger parking area is permitted only as allowed by otherwise applicable provisions of this ordinance.*

Chair Romprey and Robinson both agreed that it could be eliminated.

Bont directed the board to page 53 and the comment "we do not want the town to be a pin

cushion”.

- *c. Towers over 100 feet in height shall not be located within one-quarter mile of any existing tower that is over 100 feet in height.*

Bont asked if that should remain in the Ordinance.

Chair Romprey asked what the initial controversy was about regarding the number of towers in town.

Bont said that the statement was put in because you could physically have 4 cell towers in 1 linear mile.

Chair Romprey asked why a. was marked on the page.

Bont explained that there have been questions if 125% is the correct amount for a fall zone.

Town Manager Burbank said that he would be happy with 125%. You have ski lifts and some places have a percentage of fall zone 150%.

Bont asked if within the fall zone that meant just buildings. Bont asked if they were only concerned with structures, because at one time the fall zone was right on the beginner slope.

Chair Romprey asked what you would do about a 100 foot tower that was located on top of a building. There would be no fall zone at all. Chair Romprey felt that 125% was a good number.

Town Manager Burbank said that the standard today is to try to control the fall zones because they do catch fire, they will burn and if they do catch fire they will fall.

Chair Romprey said that if one of those comes down fall zone would not be the only issue.

Chair Romprey said that he would like to see the ¼ mile enlarged.

Hettinger said that the 100 foot height is pretty high and that you could see it above the trees fairly easily.

Spanos said that we were only dealing with towers over 100 feet.

Chair Romprey asked, “Do we want to stretch that to ½ mile.”

Bont said that the maximum for 100 feet, but then is says that any height limit can be increased or decreased by the Planning Board.

Town Manager Burbank said that this is intended that if you get a real hotspot with a good signal and you get 4 or 5 companies coming in, you could have towers sitting 200 yards apart, and Burbank believes that towns can control that. There is not much towns can do, but they can tell

how far apart towers must be. Burbank said he would like to see towers no closer than 5 miles apart.

Town Manager Burbank said that we should check with towns to the south and see if the distance between towers has ever been mitigated.

Chair Romprey said that there are 3 towers near Loon Mountain that are all within a mile of one another.

Robinson stated that they are not all over 100 feet. Only one of them is over 100 feet.

The Planning Board and the Town Manager discussed distances between towers and what seemed reasonable. No decisions were made.

### **Retaining Walls**

Bont gave an overview of the paperwork for retaining walls.

Chair Romprey said that we can't get an engineer sign off on rock retaining walls because they do not want to accept the liability. They will draw the plans for the retaining walls, but they will not sign off on them.

Town Manager Burbank said that the engineers will sign their plan with a detail of the way the wall should be built. We could get the engineers to sign off on the wall if the owner would pay the engineer to be on-site to watch the wall being built, however people will not pay for an engineer's time to watch them build it. Conversely the engineers are saying that they designed the wall correctly right, but they cannot guarantee that it was built correctly.

Spanos asked if the engineer specs were followed to the letter, would the wall be safe in an earthquake.

Town Manager Burbank said that they would not because there is no way to lock them in. The best you can get out of a rock wall, any engineer will tell you that it must be locked in and the rocks here are round so they move and they roll.

Hettinger said that up at Loon Mountain for the Highland Games they had a rock wall that was created by a guy with a diamond bit saw. He cut each stone to fit on the one below.

Chair Romprey said that Attorney Peter Malia's letter makes reference to chapter 18 of the International Building Code. By stating we want engineered structured walls, we can also cite this code as part of it.

Town Manager Burbank said our Ordinance should cite the IBC (International Building Code) and they will have to go to the Building Code and the code tells them exactly how the retaining walls should be built.

Chair Romprey said that the main concern is walls that are 4 feet and over.

Robinson asked if the IBC defines a 4 foot wall.

Town Manager Burbank said that anything under a 4 foot wall is not defined as a structure, but the 18 inch footing is part of the wall. It does not take much of a wall before it is defined as a structure and a structure falls under the State Building Code (IBC code).

Robinson said to look at Attorney Peter Malia's email. If we adopt into our land use plan that the construction of all retaining walls shall comply with Chapter 18 of the IBC as well as any additional State Building Code requirements which may be set forth on the approved plans.

Chair Romprey thought that we should add the words "a structured engineered wall overseen by the engineer".

Robinson asked what Chapter 18 of the IBC Code said.

Chair Romprey said Chapter 18 of the IBC Code does not go that far.

Robinson asked if the retaining wall is a 4 foot wall does it have to be an engineered structural wall or does it just have to comply with Chapter 18.

Chair Romprey said that if it is over 4 feet tall it does have to be engineered.

Town Manager Burbank said that the IBC code just talks about a wall but it has to be constructed 2:1, with a 2:1 setback.

Robinson said that what we are looking for is something beyond that.

Chair Romprey said there are three houses on Loon Mountain that have engineered tiered structured walls.

Robinson asked if any of the three walls would meet IBC rules.

Town Manager Burbank said that the walls would exceed it. One of the things that the town cannot control is that there are compaction requirements and our local contractors are not familiar with these rules.

Chair Romprey said that this way we would make an engineer responsible.

Hettinger asked if we should have a statement that says the wall was built by a registered engineer.

Town Manager Burbank said that going forward we cannot do anything about the walls that are already here. There are big ramifications when they are built incorrectly. One of the problems is that there are no requirements in our ordinance.

Chair Romprey, this way we make an engineer responsible for it.

Spanos asked about the rock walls that exceed the code. What if the walls are good enough structurally engineered walls?

Chair Romprey said engineered walls must be either concrete or tiered. They go up at a 13 degree increment. They are stepped and tied back into the bank.

Town Manager Burbank said you cannot do it right with round boulders.

Spanos said that the material would need to be brought in from off site.

Town Manager Burbank said that engineered walls would be either decorative bricks or blocks that are tiered.

Callum asked about the walls along the Kanc Rec. Road.

Town Manager Burbank said that engineers will go there, stand and watch their design built and they will make sure it is built according to their plans.

Chair Romprey said that no engineer in the world will sign off on a round rock wall. He would like to see that eventually everything done on these houses will be signed off by someone that has a license at risk.

Robinson asked where this would go in the Land Use Plan Ordinance.

Bont said that on page 19 there is a construction site requirement.

**Section F. CONSTRUCTION SITE REQUIREMENTS.**

1. All construction sites shall be kept in a clean and safe condition with all hazardous areas adequately closed off to the public when work is completed for the day.
2. All demolition and scrap materials shall be removed from the site in a timely manner.
3. Hours for exterior construction or interior construction causing excessive noise shall be from 7:00 am to 7:00 pm.

Town Manager Burbank asked if there was a rock wall section in the Land Use Plan Ordinance.

Bont said no.

Chair Romprey asked the members of the Planning Board if they philosophically agreed with adding a section on rock retaining walls. If they did, they could delay making a final decision tonight, but get with the State Fire Marshal's Office for wording on that section that is general enough to get the point across covering the IBC code currently in effect and we could say something if there were a change in the State Building Code it would change our document by default.

In an earlier handout, Attorney Peter Malia suggested including in every land use permit that involves that construction of a retaining wall an incorporation by reference (as a condition of approval) the requirements of Chapter 18 of the International Building Code dealing with retaining walls. The construction of all retaining walls shall comply with the State of New Hampshire Building Code (currently Chapter 18 of the International Building Code) and its successor Building Code as well as any additional requirements which may be set forth on the approved plans. (See IC-P-2009-000019.)

Chair Romprey asked if everyone was in agreement with what he was proposing.

Spanos said that we should reference that the contractor and the owner are responsible for inspection of the wall, not the Town of Lincoln.

Grant said it would be good to see people start to follow the rules.

Robinson said he would like to see language that said they must comply with Chapter 18 and that the plans for the retaining walls be engineer designed and approved. If you want to reference this whole thing we could, or if you just want to keep it simple.

Town Manager Burbank said that we want an engineer approval on the “as built” not the design or plan. Most of the time they are designed right. If you look at Horizon’s plan for the wall, their “typical” is the way it should be done. It was just not built that way.

Bont said that the engineer who recently examined the town’s files had told her that the retaining wall plans was just for “the typical” and they should submitted a “construction plan” instead.

Hettinger said that whoever engineers or looks at that retaining wall should also look at what is upstream of the retaining wall.

Chair Romprey said we need to look at our drainage mitigation issues too.

Robinson said that if an engineer is going to look at and design and approve a wall wouldn’t he look upstream as part of his job, or would he be required to.

Spanos said that the engineer who designs the retaining wall is going to sign something certifying that is built according to the State Building Code and then he is going to be on the hook for it.

Chair Romprey said that we have one paragraph in our Ordinance that pertains to drainage and it should say a little more.

Robinson said that under Section C. “Landscaping and Site Plan Requirements” on page 17 of the Site Plan Review Regulations there are paragraphs 1 thru 8. Robinson thinks there should be a paragraph 9 that specifically reads “Retaining Walls”. And it should say, “The construction of retaining walls should comply with Chapter 18 of the IBC as well as any additional requirements set forth by the State of New Hampshire’s Building Code. Furthermore, retaining walls in excess

of four feet must be designed and approved by a licensed engineer.”

Callum asked if that was not already covered by the fact that we already submit our reviews to a 3<sup>rd</sup> party engineer or State Fire Marshal’s Office.

Chair Romprey said that the problem is that no one is coming out to oversee the building aspect of the job.

Bont said that 3<sup>rd</sup> party review and the State Fire Marshall’s review of building applies to just what is defined as commercial property. It does not apply to duplexes or single family homes.

Chair Romprey said that we may need to stipulate that rock walls will no longer be allowed over 4 feet high.

Butch said that engineers will say that they have been hired to produce plans and the plans are done. What they are going to say is I am not being paid to come out and visually watch the wall being built. What we want is the engineer to certify the final product. Yes you are going to design it, but we are going to force the owner, developer, to provide a stamped “as built”.

Bont said she had never seen an “as built” anything here. There might be some, but she has not seen any.

Town Manager Burbank said that you won’t see as built plans because the town was not requiring it.

Robinson said that all retaining walls must be designed and approved and that “as built” plans drafted by a certified engineer should be filed with the town. Robinson said we should add that right after the sentence that Attorney Peter Malia wrote about complying with Chapter 18 and add a section number 9 of the Site Plan Review Regulations.

Bont and Robinson talked about where the paragraph would be added to the Site Plan Review Regulations.

Robinson said the first sentence will come from Peter Malia’s email. The second sentence will say that all walls must be designed and approved “as built” by a licensed engineer.

### **Water run off (Drainage)**

Robinson read Page 18 item 7. Drainage.

Bont said that the only requirements for drainage come from Site Plan Review Regulations and Subdivision Regulations, but the average application for a land use permit to build a single family home does not address drainage in any way.

Robinson said that we do not need to change those regulations. We need to incorporate those requirements into the Land Use Plan Ordinance.

Spanos asked if it should be added to the Sub-division section.

Robinson said no, because subdivision does not always design the lots because they do not know what is going to be built on the lot.

Chair Romprey said to make it a requirement of the building permit.

Town Manager Burbank said that we do not have a building permit.

Bont said it was a Land Use Plan Permit.

Robinson asked where in the Land Use Plan Ordinance we would make the change.

Town Manager Burbank said that for instance, the lot being cleared on White Birch is two lots and they are clearing all of it. We do not know the size of the house that will be built on the lot or even which lot they intend to build the house on.

Bont said that on page 19 of the Land Use Plan Ordinance, under Construction Site Requirements might work.

Spanos said that if people go with a smaller house they could have drainage.

Hettinger said that drainage was an extremely difficult subject and very hard to calculate.

Town Manager Burbank said that whenever you cover the ground with asphalt or shingles, water cannot sink in. That is our issue here in town, mostly in the steeper terrain where water runs downhill.

Chair Romprey said that eventually there is going to be much larger drainage issues and the runoff is going to be phenomenal.

Town Manager Burbank said that if you look at Hay Hill Road where the newest house was just built, that house takes up the entire lot.

Robinson said that we should control the drainage, not the lot coverage.

Town Manager Burbank stated that by Ordinance if you could legally prohibit the burying of stumps that would be an awesome thing. Chair Romprey said that it has a negative impact downstream which allows us to prohibit the burying of stumps.

Bont quoted section c. Noxious Uses

Chair Romprey said burying stumps would come under that because of the tannic acid it creates.

Robinson said we could add a section 2 and call it “Stump Burial”. Robinson then asked if we

want to regulate the size of stump you can bury.

Chair Romprey said no.

Spanos then asked that if he took 1 tree down in his back yard he would not be allowed to bury the stump.

Callum thought that you would be putting a huge expense on someone that wants to clear their lot.

Chair Romprey said that they would put them in a pile for 6 months and then burn them.

Chair Romprey said that if you are burying the stumps upstream from someone and affecting their land, he was not sure what the correct answer is.

Bont it is also going to affect the person who is building their house on the lot. The person on White Birch is clearing the lot because she wants to create big gardens and if the stumps are buried, eventually nothing is going to grow there.

Chair Romprey said if you want to tell someone that they need to keep a certain number of trees on their lot, fine, but I don't think we should allow the wholesale burying of stumps on house lots.

Spanos said that if someone wants to cut a tree down and bury the stump, he should be able to.

Chair Romprey said that in reality most people grind them, but he does understand where Callum is coming from too. But if someone is building uphill and burying 2 acres worth of stumps, the tannic acid from those decaying stumps later becomes a toxic issue for people whose property is located downhill from those stumps.

Callum said that at Clark's Trading Post they cut down 2 acres to put in a parking lot.

Chair Romprey said that when he does a project they don't bury the stumps, they burn them.

Town Manager Burbank said that this is a serious topic and something that we probably should not decide tonight. We should research this and ensure we are talking about the law not allowing stump dumps.

Callum said that you make a blanket law it may not work for everyone.

Robinson said maybe we say stump burial is not allowed on any lot less than 5 acres in size.

Callum added and not within 50 or 75 feet of your boundary.

Town Manager Burbank said that Forest Ridge hauled their stumps away.

Chair Romprey said that no smart developer is going to bury stumps. If they are trying to sell the land, it is not a very good selling point.

Callum said that is correct, you are compromising your land by burying stumps on your own land.

Robinson said that he did not want to put the burden of hiring an engineer on the average homeowner, however we cannot allow the drainage to impact your neighbors. If you are on a sloped lot, you are probably going to have to hire an engineer. If you are at Clarks Trading Post and you have 100 acres you might not need an engineer to deal with the drainage because you have so much land.

Spanos said that if the neighbor comes up to you and says you are dumping water on my lot, and you will say to your neighbor “prove it”.

Chair Romprey said there are statutes that prohibit you from negatively impacting your neighbor with runoff.

Robinson said that we should put it as part of our Land Use Permit as a question we can ask “where is your water flow design.”

Robinson said the owner would say “we don’t have one but we are Clark’s Trading Post and we have 500 acres around us”, and we would say “ok, you don’t need one.” But, if the owner says I have a half acre lot and I’m on a hillside and there is a runoff problem then it would apply.

Robinson said that under Section c. could we put down provision 1 is already External Lighting we can add number 2 as Stumps, prohibited from being buried on lots unless they are over 5 acres in size and a minimum of 200 feet from the property boundary.

Spanos said that 2 acres was a better size.

Bont said she understand that it takes 20 years for the land to recover.

Chair Romprey said that if you bury stumps 30 feet down and dig them up 20 years later there will still be tannic acid.

#### **Letter from Peter Govoni**

Town Manager Burbank said he received a letter from Peter Govoni saying that he would also like his property zoning district changed back from the General Residential District to the General Use District.

Romprey polled the board and they are all in agreement to change the zoning on Peter Govoni’s property.

#### **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.

## VI. ADJOURNMENT

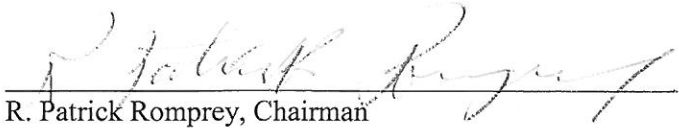
### Motion to Adjourn at 8:00PM

Motion: Jim Spanos                      Second: OJ Robinson

Respectfully submitted,

Wendy Tanner, Planning Assistant

Dated: December 10, 2014

  
R. Patrick Romprey, Chairman