

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, DECEMBER 17, 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:

- 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 5:30 PM.

- II. **CONSIDERATION** of meeting minutes from:
 - December 10, 2014

Motion to accept the minutes from December 10, 2014 as submitted.

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

All in Favor (3-0):

III. NEW BUSINESS

- A. **5:30 PM – MASTER PLAN UPDATE - Work Session** – Exploratory interview with Karen Fitzgerald, President of FitzDesign, Inc. & Jeffery Taylor of Jeffrey H. Taylor & Associates, Inc. of Concord, NH about possibility of assisting Lincoln with Master Plan update. This part of the meeting is a "work session" therefore there will be no public participation in the discussion.

Postponed because of bad weather.

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

Bridge at Loon Mountain

Town Manager Burbank made the announcement that the Town of Lincoln has signed a contract to have a bridge built. We will see coring and pile driving the first or second week in January. They have blackout dates and are coordinating with Loon to not disrupt business at the Mountain.

Town Manager Burbank asked when the tower was going to start. Bont said as soon as the Town gives them a permit. Chair Romprey asked what the holdup was. Bont said that they just got their Mylar and it was just registered with Grafton County so that the permit can be done.

Town Manager Burbank said that he spoke to Darin Whipperman from the Littleton Courier, who was asking about the Town of Lincoln CIP (Capital Improvement Plan). Town Manager Burbank explained the basic theory of the towns CIP, that it was planning for the future, 5 to 6 years out and it is constantly reviewed to ensure projects are on target. Chair Romprey asked if Bont could send Whipperman the minutes to the December 17, 2014 Planning Board meeting where we spoke in great detail about the CIP. Town Manager Burbank asked Bont to send them out as soon as possible.

Letter from Peter Govoni

Bont showed a letter to the Planning Board received from Peter Govoni. Govoni is requesting that 3 lots are changed to General Use, originally they had 2 lots that they wanted changed. The Planning Board looked at maps of the lots.

Town Manager Burbank stated that the Planning Board would have to agree to go forth and the land owner's alternative would be to get 25 signatures on a petition.

Bont said that there was someone that came into the Town Hall today to state their objection of what is happening on Connector Road. He said he was living across from a new junkyard by the Donahue's.

Chair Romprey said that Donahue's has nothing to do with the Govoni and Conn lots.

Bont stated that there were people that would object to changing these lots.

Chair Romprey asked what basis people would object on. Donahue is in the Industrial Park.

Bont said the complaint was about Conn's garage and other things on the property.

Chair Romprey said that Conn was entitled to build a garage.

Bont agreed but wanted to make the Planning Board aware that there is at least one person that is not happy with the changes on Connector Road.

Robinson said that if lots 7, 14 and 15 were previously General Use and delineated on the map as General Residential but there is no record of them actually being voted on to be changed to General Residential. Robinson said that putting them back into General Use is just reversing an administrative error that we have no record of ever voting on to do, so putting it back to the way the voters originally had the lots is correcting an administrative error. "To include lot 8 is a totally different thing. If we are going to do that it should be a separate warrant article."

Town Manager Burbank asked that if it was an administrative error, does the change still need to be addressed at a Town Meeting.

Chair Romprey said that the last time some lots were changed without the owner's knowledge, they were told they had to go to either the ZBA (Zoning Board of Appeals) or to the Town Meeting.

Robinson said that the easiest way to deal with it is to go to Town Meeting and have it officially voted back in so there is a proper record of the change.

Chair Romprey said that even if the error happened here it is up to the land owner to make it right.

Robinson said it was not up to the landowner, the Planning Board put it on the ballot and it was voted in and it was resolved without spending money on lawyers. If we do that again, the issue gets resolved. If they vote no, the landowners then have a right to file an appeal and say that it was done illegally the first time and now we spend money on lawyers. But if we vote it in we avoid the legal cost.

Chair Romprey said he could not agree to support that top lot (8).

Robinson agreed, he also would not support lot 8.

The letter from Peter Govoni was written to the Town Board of Selectmen and the Planning Board. Town Manager Burbank said that on behalf of the Planning Board we need a formal response to the Govoni's.

Chair Romprey said that we can agree to support lot 7, 13 and 14 but not agree to support lot 8.

Spanos asked if the Planning Board should include information for Govoni as to what would need to be done to put lot 8 on the warrant article.

Chair Romprey said it needed to be researched.

Town Manager Burbank said that Bont would write a letter from the Planning Board to the Govoni's explaining lots 7 and 14 would be on the warrant article for the March Town Meeting.

Chair Romprey said that the Govoni's will have to petition for the change to lot 8.

Chair Romprey then asked Bont to explain the complaint against Donohue in the Industrial Park.

Bont said that a neighbor came in to complain that it looks like a junkyard in there.

Town Manager Burbank said that Donahue has a log splitter and a couple of pickup trucks.

Chair Romprey said that there were rules about what can and can't be done in that industrial park.

Spanos said that those lots are not covered by that.

Chair Romprey said that there were covenants on the lots in the Industrial Park.

Spanos said that these two lots were transferred outside of that covenant. The town owned every other lot so they only signed off on those covenants.

Bont said that he came in to get information and he will probably send a letter of complaint.

Town Manager Burbank said that you can see the pickups and the log splitter.

Bont said that the complainant doesn't mind Burndy.

B. 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.

Signs and Sign Permits

Bont showed a new Sign Permit Application to the Planning Board. There is a paragraph at the end of the application that reads “Only 4 signs per business”. The Planning Board discussed the sign Ordinance.

Bont explained that it could be a good idea to let businesses know upfront that there is a limit in the Ordinance stating only 4 signs per business.

Spanos asked if it meant 4 wall signs or 4 signs total.

Bont stated that it was 4 signs total and that they are defined in the Ordinance. Bont stated an example, “a business could have a wall sign, a projecting sign, a free standing sign, but 4 signs total”.

Spanos asked about the General Use zone where you could have 2 free standing signs.

Bont explained that 2 free standing signs would be half of the total of the allowed signs, unless you have frontage in excess of 450 feet.

Chair Romprey used an example of Whale's Tale where you have a water park, a restaurant and you have 600 feet frontage, how many signs are they allowed?

Robinson said that would be a candidate for the "Integrated Sign Plan" (found on page 76 of the Ordinance).

Bont stated that there was a color copy of the marked up sign Ordinance submitted by Robinson.

Spanos said that it reads "4 signs for any one business at any one location, except where the 'linear road frontage rule' applies to Free Standing signs" (on page 63 of the Ordinance).

Free Standing Signs Standards

- b) If a business is in the General Use (GU) Zone and has a minimum of 450 feet of linear road frontage on a single road it will qualify for an additional Free Standing sign and for each additional continuous 450 feet will qualify for another Free Standing Sign. For example, a business that has 900 feet on linear road frontage may have a total of three (3) Free Standing Signs. These Free Standing Signs must advertise the parent company only and do not apply to any ancillary business as defined under Article VI-B,D,1("Ancillary Business").*

Robinson asked for confirmation that if a business qualifies under the 'linear road frontage' rule, each extra free standing sign would be in addition to the 4 allowed.

Bont and Spanos said yes, that would allow more than 4 signs.

Inflatable Signs

Robinson said that there are several businesses that would like to use inflatable signs. Dunkin Donuts was one company that would like to use inflatable signs. The question was do we want to leave inflatable signs as prohibited. Some people thought that the Dunkin Donuts inflatable coffee cup was fine, other people objected. Robinson put it in the possible changes to get another vote from the planning board.

Town Manager Burbank asked about the inflatable coffee cup at Dunkin Donuts and if it was there for a week or two weeks, is that ok. If it was out for the entire ski season, would that be ok.

Bont said that now they have Christmas inflatables but Dunkin Donuts put theirs inside.

Town Manager Burbank said that Dunkin Donuts has specials and you might see the signs or inflatables there for a week or a month at a time. Right now inflatables are illegal, you can't have them.

Chair Romprey asked if anyone on the planning board was offended by the inflatable signs. Several members answered, no, they were not offended.

Bont said that both Strickon and McTeague were both offended by the inflatable signs.

Town Manager Burbank said that tethered balloons were also listed on the same line in the Ordinance as prohibited. Town Manager Burbank added that tethered balloons were more offensive to him than inflatable signs. Chair Romprey agreed.

Robinson said that he would be in favor of putting inflatables under temporary signs. Under temporary signs, you would not be able to have them up for extended periods of time.

Bont explained that the temporary signage is listed under section IV-C Temporary Land Uses in the Land Use Ordinance.

Town Manager Burbank said that Dunkin Donuts would have a sale and that would be a special event to them. Town Manager Burbank said that we could use the wording in the temporary land uses section on signs and put a paragraph under permitted signs labeled temporary signs.

Chair Romprey asked if the planning board agreed with adding the temporary signs paragraph.

Robinson said that first check the paragraph he would like to modify on page 65 listing banners and Robinson would like to add feather signs. This section under d has a 120 day limit. Robinson added that he thought that 120 days was too long for inflatables, but suggested another paragraph f be added to the banner/feather sign section saying that inflatables could be up no more than 14 days.

Spanos asked that it be 30 days for businesses that have a one month special.

Town Manager Burbank clarified 30 days an inflatable could be up with a permit.

Bont stated an example of Dunkin Donuts may have a special in March and another in May, another in July. Bont asked if each month would require a permit. Bont also asked if it would be a special event fee or a sign permit fee.

Chair Romprey said that it should be a special event permit fee.

Robinson said that if McDonalds marks their hamburgers down to \$1 would not be a special event.

Chair Romprey agreed.

Town Manager Burbank agreed and saying that event fees could add up to much for temporary signage.

Bont did not think it should be put under special events at all. Bont thought there should be a section called "temporary signs".

Robinson polled the Planning Board asking if a banner was different than a feather sign and

different than an inflatable sign.

Chair Romprey said that to him banners, feather signs and inflatables were all temporary for a specific number of days (like the Brew Fest).

Robinson thought that inflatables should be listed as a type of sign because banners, feather flags and inflatables may all have a different number of days they can be up.

Town Manager Burbank said that feather signs are used a lot by Texas Toast. They put up three huge feather signs.

Chair Romprey said that feathers and banners would be for a specific short term event or short term promotion.

Bont said that it makes sense to put inflatables in the same section. There could be an f (under banner, feather signs and inflatables) that the owner could not display the sign for a specified number of days.

Chair Romprey said that the inflatable would have 30 days and this one has duration event, so you may have a conflict in the amount of time.

Spanos said that temporary signs are not included in the 4 sign rule.

Chair Romprey asked if the inflatable would fall under the Sign Ordinance or does it fall under a separate category.

Robinson said that the planning board should write another section for “temporary signs” and put a paragraph for each one under that section.

Bont said that they should be done as numbers.

Town Manager Burbank said that I think for right now what we need to do is agree on what we want, make notes and then see where we want to put it.

Chair Romprey said that right now the planning board should agree on what they want, make notes and then put it in a section that makes sense and look at it on paper.

Robinson said that page 64, #10, Sign Classification and Standards and (on page 76) #11 could be Temporary Signs. Under that would be banners and feather signs and b. inflatables. Inflatables would be permitted for 30 days. On banner or feather signs the words ‘attached to or suspended by one or more staffs’ would be added.

Chair Romprey asked if it should also read specifically for short term events.

Robinson stated that the banners should be revised to read ‘for the term of the event’.

Chair Romprey said that it should say for the ‘specific event’.

Town Manager Burbank added ‘for the duration of the permitted event’.

Bont asked about the advertising beforehand saying that in the special events section there they can put up their signs before the event.

Chair Romprey stated that was part of the event. Town Manager Burbank added that would be part of the duration of the permitted event.

Robinson asked how it would be classified if it was not an event. Robinson made an example of Texas Toast running a chili special, and asked if he can put up the banner for 7 days.

Town Manager Burbank said that if he has a special every week, does he pay 10 dollars each time he has an event?

Chair Romprey said yes, he will pay \$10 each time he has a sale.

Town Manager Burbank asked if that was the intention of the planning board.

Robinson said that it was not our intention to take money from our business, the intent was to regulate the sign Ordinance.

Bont stated that it would be a difficult thing to track, the amount of time each temporary sign was posted.

Town Manager Burbank said that the Town of Conway spent two years trying to track feather signs, found it was not possible and then outlawed them all together. Town Manager Burbank did not think that would be the case here, we only see a few feather signs now.

Bont said that they have increased in numbers this year.

Chair Romprey said that ‘only for the duration of the special event’ needs to be in the description.

Town Manager Burbank asked if it should be ‘during the duration of the permanent event’.

Robinson quoted the description of a banner

An imprinted sign made of fabric, cloth or other flexible material that might be suspended by one or more staffs or attached to the side of a building or railing serving as an invitation to do business, announcement or advertisement.

Robinson thought the end of the last line should be changed to ‘for the specific purpose of advertising a special event’.

Town Manager Burbank thought that would cover it saying ‘If you have a chili special for a

week, the special is over, the sign comes down’.

Bont said we are talking about this as temporary signs.

Chair Romprey did not want to over legislate people, but did not want to see 500 new signs go up either.

Bont asked for clarification saying that this will all be listed under ‘temporary signs’ on page 76. A is banner and feather B is inflatable and we are going to take that whole thing and move it from page 65 to number 11 on page 76 or wherever number 11 falls once the items are moved.

Robinson then said that under description add the words ‘attached to or’ and where it now reads ‘serving as an invitation to do business, announcement or advertising’, it should say ‘for the specific purpose of advertising a special event’.

Robinson said that d) should be changed to ‘the banner / feather sign can be displayed for the duration of the permitted event’.

Robinson then said that inflatables which was under prohibited signs should be listed as b) under temporary signs and defined as ‘an inflatable sign is an inflatable structure with advertising on it. Inflatable signs are temporary signs permitted for up to a 30 day period.’

Bont said that after the 30 days, they will come in again and get another permit for another 30 days.

Spanos said that we should set a time limit to one temporary sign per season.

Town Manager Burbank said that would allow no more than 4 times per year.

Robinson said that if it was a summer business they may do 4 all in the summer. Robinson said that it should be 1 per season because then they could not have an inflatable out for the entire summer, only 1 month of the summer. Robinson said an example of the Whales Tale, imagine if they put a big inflatable whale out for 4 months.

Robinson said that 1 temporary sign per season and that the point would be that it would not be 4 months in a row that way.

Bont said, mud season, black fly season...etc.

Town Manager Burbank said it should be winter, spring, summer and fall. Bont concurred.

Non-Conforming Signs

Robinson went on to page 63, Non-Conforming Signs.

b. Non-conforming signs are allowed to remain even though these signs are not in compliance with this Ordinance. These signs may be maintained and continue to exist as long as they are not structurally altered or there is no change of business use.

Chair Romprey said that you may rebuild what is there if it is damaged. Chair Romprey went on to say that the grandfather clause is what this pertains to.

Bont said that Napa Auto Parts kept the same non-conforming sign that was too high and internally lit.

Robinson thought that this paragraph should be replaced with;

The regulations in this Ordinance will apply to all signage in the Town of Lincoln, regardless of the construction date of the sign. All signs must meet the requirements of this Ordinance, or seek a special exception, by November 1, 2015. The ZBA can authorize a permanent special exception, or an extended deadline for compliance, taking into consideration the size, age, location, and condition of the sign, as well as the nature of the violation.

Robinson said that this will specifically allow the ZBA (Zoning Board of Appeals) to make an exception.

Town Manager Burbank stated an example of Joe Lahout with the gondola hanging outside. Lahout was able to show paperwork that the gondola has been hanging before the sign Ordinance went into effect.

Robinson said that c and d should be eliminated under non-conforming signs and that paragraph b should be changed to the above paragraph.

The Planning Board had a short discussion on whether non-conforming signs should be eliminated altogether within the town.

Spanos said that the reality is that businesses cover their expenses in a six month period and that it would be a great cost to some businesses to have to change their signs.

Chair Romprey said that the ZBA could grant an extended deadline for compliance. Chair Romprey asked if it would have to go to the ZBA.

Robinson said that if someone wanted to get rid of or extend the deadline, they would have to go to the ZBA.

Bont said that the ZBA already has a role for special exception, there is no variance for a sign. If you want something that is not allowed on a sign you get a special exception from the ZBA.

Chair Romprey said that we should try it and worst case scenario we change it.

Robinson said that if we start making Indian Head, the Whale's Tale Water Park, Clark's Trading Post, Loon Mountain all take down perfectly good signs, there will be an uproar and this will be

eliminated. Robinson felt that this was a chance to make some changes assuming the ZBA will be reasonable and that is a chance we should take.

Robinson said that as a selectman and an enforcer of these rules, that if things were not being done fairly, Robinson would not enforce some of these rules because we know we are going to change them again in another few months.

It was then agreed that non-conforming signs would have until 2017 to be in compliance. All members agreed, but it was noted that Spanos reluctantly agreed.

General Provisions – Number of Signs

Robinson went on to explain that under ‘number of signs’, it says that banners, portable signs and flags are not counted as part of the quantity of signs allowed.

Robinson said that since banners and flags are both temporary that was ok, but a portable sign should be included as part of the sign count.

Bont said that there are exempt and non-exempt flags.

Robinson said that the flag that says “Open”, “sale”, “buy stuff here”, are advertising.

Bont said that excluded from the sign count are directional signs and informational signs

Robinson said that portable signs should be removed from the paragraph and count in the number of signs per business.

Quality & Materials (page 63)

Robinson would like to change the title to “Quality of Materials”. Robinson wants to add the following paragraph to this section:

Signs must be constructed of good quality materials with good quality workmanship. The Town has the right to not approve, or demand removal of, signs that are not appealing, professional-looking, or poorly maintained. Hand-written/decorated signs are allowed but need be to appealing and aesthetic. The Planning Board has the authority to approve or disapprove of sign design and construction based on quality and appeal.

Robinson said that in the meeting back in September they wanted more control over the quality of the signs in the town. Robinson said that if someone comes in for a permit with a hand-written sign and a marker, the Planning Board would be able to approve or disapprove that sign.

The other Planning Board members agreed with Robinson’s suggestion.

Directional Signs

Robinson said that on page 66 ii. Standards section a), he would like to add the words “and attractions” directly after resort property.

Town Manager Burbank asked what the reason was for this change.

Robinson said that at the Whales Tale they have multiple signs designating where cars park versus where busses should park. To make the sign visible to the busses, they needed to make the signs larger than the 3 square foot limit. Adding attractions to the standard would allow directional signs be larger in the parking lots at attractions.

Chair Romprey agreed with this change.

Town Manager Burbank said that if you take the resort piece out and say that directional signs in all zones may be free standing or wall signs, it would eliminate the restriction.

Spanos said that the way it reads today it appears to prohibit and that was not the intent.

Bont said that there were several businesses that wanted all their signs to be huge directional signs and we made them change them.

Robinson asked if in a) can “except resort property” be taken out. Robinson then asked if under e) “attractions” could be added which would give attractions up to 32 square feet.

Members of the Planning Board agreed.

Electronic Message Board

Robinson then asked if on page 67 under Electronic Message Board signs would like to change it to “letter and numbers”. Robinson then added a paragraph about LED signs.

LED signs are allowed for static displays only. The sign display may change periodically, but not in a way to simulate any movement or display multiple messages. The intent is to allow gas prices or movie titles or similar information to be displayed and changed on an occasional basis.

Members of the Planning Board agreed.

Informational Signs

Robinson also added “attractions” to the informational sign paragraph on page 69..
Except

Town Manager Burbank asked if there was a definition for “attractions”.

Bont stated that it was defined in the Ordinance as “tourist attraction”.

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.

There was a short discussion about Informational signs and zoning.

The decision was made to add “attractions” to paragraph b), at the end of the paragraph making it read:

a) Informational Signs in all Zones may be Free Standing or Wall Signs, bear no advertising and must be located with a maximum height of six (6) feet above grade, except resort properties and tourist attractions.

Spanos said that on b) take out the ending word “Informational” because it did not make sense.

Internally Illuminated Sign

Robinson said that illuminated signs are not currently allowed in the Village Center Zone. There was a discussion about the number of currently internally illuminated signs in the Village Center Zone. The Planning Board discussed that the current signs are not offensive. The Planning Board said that if you were a traveler and looking for something, the internally lit signs are helpful.

Bont thought that a) should be changed to include the Village Center Zone and d) should be eliminated.

Robinson asked if the zones should be eliminated. There was then a short discussion about illuminated signs and how they would affect residential areas.

Bont said that several businesses wanted their signs to be 40 feet high. Robinson said that he was fine with the height restrictions that are currently in the Ordinance but that illuminated signs should be allowed.

Off Premise Signs

Robinson requested the Planning Board make the following changes.

Standards: Businesses that are located such that an onsite sign would not be visible from main roads are allowed an off-premise sign by special exception with the ZBA determining the lack of visibility.

Tourist attractions are allowed one off-premise sign by special exception.

Otherwise, all off Premises Signs are prohibited, except by special exception as provided in Article VIII of this Ordinance.

The Planning Board agreed with the changes to Off Premise Signs.

Portable Signs

Robinson said that he would like to see c) under Standards changed to read:

Portable signs must be placed in a location that does not obstruct traffic, pedestrians, or visibility. The sign must be located in a place that is close enough to the driveway or front door of the business so as to make sense and not interfere with other businesses. The Planning Board will determine the appropriateness of the approved location.

Town Manager Burbank said that “driveway or front door” should be changed to “main entrance to the business”.

Bont said that when someone comes in for a sandwich board sign, it is always going to come before the planning board.

There was a discussion about Sandwich Sign among the Planning Board and if the Planning Board really needed to approve each sign.

Robinson said that if it was a clear application for a sign it would only take 2 minutes per sign for the Planning Board, and if it was not clear and took longer, then it was a sign that the Planning Board should be looking at more closely.

Robinson then said that if someone came in with an application for a portable sign, they would have to wait up to 2 weeks for the next Planning Board Meeting, and that they could be put in under “Other Business” on the agenda.

The Planning Board agreed.

Window Sign or Lettering

Robinson said that his next change was on page 76, Window Sign or Lettering he would like to add the following paragraph:

***Ancillary signs:** Ancillary signs are signs that are not intended to advertise the business or in any way attract the attention of pedestrians and vehicles. These signs may be visible from the roadways and sidewalks, but would not be easily readable while passing by. Examples would be drive-through menus, signs that identify doorways, buildings, entrances, prohibitions, directories, or other pertinent information to pedestrians and vehicles that are already on the premises of the business.*

There was a discussion about ancillary signs and agreed that this was a necessary paragraph.

Wall Lettering / Wall Signs

Bont said that on page 74 with Wall Lettering / Wall Signs there is an issue with the percentage of wall that the sign could cover. Section b)

b) The area on which the lettering or graphics are placed may not exceed twenty percent (20%) of the wall area of the business or business wall it is attached to, as defined herein and must not exceed a maximum of three hundred (300) square feet.

There was a long discussion on Wall Signs or painted on signs and how much of the wall they should be allowed to cover. Currently 300 square feet was very large.

Many of the businesses in town are putting signs on their walls and covering the entire wall and the Planning Board felt it was not a good look for the town. Bont said that the problem is the percentage of the wall area. It was unclear how to come up with a percentage of the wall area if windows and doors were present on the wall.

There was discussion about businesses that are only on the bottom floor of a building, however they put their wall signs on the entire side of a building going up over the second floor. Discussion continued about how much of the wall a sign should be able to take up.

The Planning Board said that the length of the wall by the height of the building would be considered the wall size. A 300 square foot sign was too big for the town.

Chair Romprey suggested to reduce the size to 10% of the wall not to exceed 150 square feet maximum.

The Planning Board agreed and said that this size limit should also be changed on the Wall Sign Also under Wall Signs section a).

Robinson said that this gets very convoluted under Wall Signs, page 75, section b).

Chair Romprey and Town Manager Burbank both thought the entire paragraph should be removed because it was too convoluted.

Bont asked for clarification on the change to b).

Robinson said that everything after the word “exceed” would be removed and replaced with “75 square feet”.

There was a discussion about wall signs and businesses that paint multiple sides of their buildings with signs. The Planning Board went on to discuss Wall Sign standards and it was decided that c) would be removed.

Window Signs

Robinson said that currently window signs do not require permits.

There was a discussion about Window Signs. The Planning Board did not want to make changes because of one offender that would affect the entire town. Window Signs will not have any changes.

Chair Romprey wanted to reiterate to the Planning Board that Ancillary Signs will not require permit. The Planning Board agreed.

Integrated Sign Plan

Robinson asked about the integrated sign plan and if any businesses uses it.

Bont said that Jean's Playhouse is using the integrated sign plan and it was granted by the Planning Board.

Chair Romprey asked if everyone was ok with the current changes requested. All were in favor. Chair Romprey then asked if the Planning Board needed to vote on these changes. It was determined that the Planning Board wanted to see these changes in written form before a vote.

Bont said she would need to post a notice in the paper addressing these changes. The posting would only need to have the essence of the requested changes.

Robinson asked if a public hearing was required.

Bont said it was.

Forest Ridge

Chair Romprey stated that the Pines at Forest Ridge has changed hands. Forest ridge development had a 5 foot error. Forest Ridge contractors are aware that they will be asked to come back in for another review. The Town engineers have been working with the contractor to discuss these errors. The changes are drastic enough that another Site Plan Review may be required.

Chair Romprey said that 5 feet on an invert is a major error.

Robinson asked if the buildings were going up 5 feet higher.

Chair Romprey said that it was caught

Town Manager Burbank said that at least two of the buildings have been changed on elevation and moved from the original plans submitted to the town.

Chair Romprey said that there are problems with the sewer lines on elevations, the lot lines on elevation and there are questions on some of the grades are higher on a walk-out cellar. Chair Romprey said there were many things that need to be cleared up and the towns consulting engineer (Ray Korber) is working on it.

Town Manager Burbank said that Ray Korber is working with Rick Elliot and Horizons Engineering, Inc. because it may have changed the Alteration of Terrain Permit.

Chair Romprey said that will have to come back and explain these changes.

Town Manager Burbank is recommending that the Planning Board to have the contractor come back in for Site Plan Review.

Bont said that Ray Korber suggested that they come in first for an interim hearing.

Chair Romprey said that they talked about that and it was decided to go directly to Site Plan Review.

Robinson asked if they wanted to come in for a hearing. Robinson said that he did not understand because they could come in here tomorrow and tell us that they wanted to make a new application and make changes.

Chair Romprey said that the differences and discrepancies on the plan are too vast not to bring them back in for a review.

Robinson stated an example if the contractors had not made any mistakes and everything was done perfectly, couldn't they come in and make changes to the plans they already submitted.

Chair Romprey said that they would still have to come back in for review of the new plans.

Spanos said that it is more than just an "as built", there are substantial changes.

Town Manager Burbank said that it is a substantial change that this board saw. Town Manager Burbank said that even if there is an interim meeting, Ray Korber is going to recommend that the Town of Lincoln bring these folks back in for a full blown Site Plan Review. Ray Korber is getting the details and in his experience, that much of a change requires a new review. Town Manager Burbank went on to say that you could have the interim meeting and either follow our recommendation or not, or you can have a meeting and listen to Rick Elliot and his folks, explain to you their version of what went on and try to talk you out of coming in for a Site Plan Review.

Chair Romprey is under the opinion that this should not be dragged through two or three meeting, but instead it should go directly to Site Plan Review.

Bont said that one issue is she would need to get a notice out to 300 abutters before the meeting.

Town Manager Burbank said that the quickest we can get them in for a meeting would be the end of January. Town Manager Burbank said that if we go to a Site Plan Review and there are that many unexplained changes, the Planning Board would have to tell them to stop work. Town Manager Burbank said that right now he has sent a letter of deficiency telling them they are deficient in their plans and that if they proceed, they are proceeding under their own peril. It is a

letter of deficiency. It lays out all the things that have been identified as wrong. It is not a cease and desist. Today they are continuing to put foundations in the ground, they want to get 4 building started. Both Rick Elliot and David Yager have been notified. We had a similar case at RiverWalk and we gave them a 4 week head start and they fully understood that if the concrete was wrong and someone came in and said that they had to move it, it would have to happen.

Chair Romprey said that the subcontractor had caught the error and identified and corrected as they went, but the “as built” and the plans or Mylar that was submitted are totally inaccurate. They have also not identified sewer line depth or water line depth.

Spanos said that it would be better if it is corrected now than 50 years from now when someone comes in and looks at the plans and sees that the drawings do not match the buildings.

Town Manager Burbank said that they are under a letter of deficiency, and they are continuing at their own risk. And the original presenters of the Pines at Forest Ridge have decided for business reasons they sold the property back to the general contractor Rick Elliot.

Chair Romprey said that the bottom line is that a pre notification hearing is not going to solve any problems. Chair Romprey said that is why he is asking the Planning Board if they support what he is suggesting to go directly to Site Plan Review.

Robinson said he does support Chair Romprey but was not familiar enough with the process to bring someone back in for Site Plan Review. Robinson asked if it was the Planning Board’s roll to tell the contractor that they have to come back in, or is it the contractors roll to tell the Planning Board that they are not going to build what they originally submitted.

Town Manager Burbank said that the Planning Board could say that they are still good and give them permission to continue.

Chair Romprey said that it was his opinion that they need to come back in for a full Site Plan Review.

Robinson said that if we let them build something that we didn’t approve there could be repercussions with the other homeowners.

Town Manager Burbank said that the Planning Board could do anything they want with this development. They could let them continue, they could stop them from building.

Robinson said no, that would open us up to liability. That was agreed by all Planning Board members.

Town Manager Burbank said that if there was an interim hearing, Ray Korber will come to that hearing and the contractor will be paying for him, and they will present their case and you will be able to ask Ray Korber questions.

Bont said that would happen without notice to all the abutters.

Robinson said he would put the interim hearing and the full blown hearing back on the developers. If the contractor wants to go through the step of an interim hearing and then go to the full blown hearing, they are pushing this out into February.

Chair Romprey said that the interim hearing will gain nothing because the information is now being transferred between Ray Korber, Town Manager Burbank and the contractors as we speak.

Spanos said that an interim hearing would be redundant.

Robinson asked if they insist on an interim hearing.

Town Manager Burbank said that Ray Korber is having conversations with Rick Elliot now, so you are right, we are not going to solve anything having an interim hearing. Town Manager Burbank said that he could almost tell you that after we hear Ray Korber talk and see what is going on at the site, you will say "Come back for a full blown hearing".

Spanos said that the interim hearing is a chance for the developer to plead their case.

Town Manager Burbank agreed and said that they are not even passionate about that.

Spanos asked what it was going to cost the developer to have this hearing.

Bont said that it would be approximately 300 notices at \$7.23 per notice and \$120 for a newspaper notice. About \$2,289.00 just in notices.

Town Manager Burbank said that because of the issues with the downstream recipient of drainage, Town Manager Burbank told Rick Elliot and David Yager that the Town is under a microscope on this one. The Town and the developer need to do this by the numbers.

Chair Romprey said that when they come back in we will be able to revisit the downstream issue.

Town Manager Burbank said that we will go right to Site Plan Review and it will not be soon, the end of January is the quickest we can get them back in here.

Spanos asked if they are still working at their own risk.

Town Manager Burbank said that he did not give them permission to continue, he told them that if they proceed, they are doing so at their own peril.

Motion to bring developer of The Pines at Forest Ridge back in for Site Plan Review.

Motion: OJ Robinson

Second: Jim Spanos

All in favor: (3-0)

Bont asked who would notify them.

Town Manager Burbank said he would do it in the form of an email telling them that by vote of the Planning Board they would need to come back in for Site Plan Review.

Drainage

Bont handed out copies of drainage Ordinances from Moultonborough and Exeter.

Town Manager Burbank said that the Town of Moultonborough had similar issues with drainage because of the lake. Moultonborough handled the issue with an Ordinance rather than planning and zoning regulations. Moultonborough has adopted a Storm Water Management Ordinance and that it is pass muster and done the Town of Moultonborough well and it is one place you can go to for storm water management. Ray Korber said that the Town of Lincoln would not be able to go back and apply this Ordinance to anything that was already built.

Chair Romprey said that sub-divisions are approved, but individual houses are not.

Town Manager Burbank said that Ray Korber was not sure that individual houses applied.

Robinson said that South Mountain, Forest Ridge or whatever, you could not apply it to something in the past, but as they develop each pod, it would apply.

Chair Romprey said that it would be too late to go back, but if the Town of Lincoln could show negative impact, they would be able to bring the issue up.

Town Manager Burbank stated that Ray Korber said that in any of the developments, (The Landing, Forest Ridge, etc.) as part of their Master Plan, there had to have been runoff calculations done. Lot coverage would have been part of that calculation. Engineers make assumptions that 25% of the lots would be covered. They develop there drainage with the assumption of 25% coverage and once the developer sells that lot to a private owner we do not have anything in place to go after the individual home owner and so the quandary is how to do that. When they come in for a Land Use Permit, what we should be saying is, on that lot, you cannot build that house because it covers too much of the lot.

Chair Romprey said that is assuming the calculations were correct to begin with and they may not have been.

Town Manager Burbank said that we are so far behind that we cannot catch up. Thing were forgotten or not controlled.

Bont said that the principal of the thing is one paragraph. "Unless the Board grants an exception the post-development surface water run-off rate should be equal to the pre-development run-off rate."

Town Manager Burbank said that is the key to everything. Determine the pre development run-off rate and the post-development run-off rate cannot be any higher than that.

Chair Romprey asked which of the two, Moultonborough or Exeter would be preferred.

Bont said that she did not want to get into more than we could handle right now. Exeter employees told Bont that there were all kinds of moving parts to this and that was what they had and sent her the report.

Chair Romprey said that the Moultonborough one was quite simple.

Robinson suggested that the Planning Board take the two examples home to read before there is any voting done.

Chair Romprey asked if it would have to be pre-printed in the paper.

Bont said no, that she would only have to put in the essence of what was going to change. Robinson asked if Chair Romprey's preference was to do a whole new Ordinance

Chair Romprey said he would put this in as a separate Ordinance and avoid changing anything else.

Robinson said that everything with storm water is in this Ordinance.

Chair Romprey said that we have to have the ability to go back to the original calculations to see the run off rate.

Town Manager Burbank said that whether it's a single home builder or a developer to prove to the Planning Board what the pre-construction run-off rate is and the post-construction run-off rate will be.

Chair Romprey said that if a builder has approval for 25% coverage and he is building 80% coverage, there is a problem.

Town Manager Burbank said that all the engineers will design for 25% coverage so that they can have smaller lots and get more houses, when in reality no one is covering only 25% of the lot.

Spanos said if you have 15,000 square feet, 30% is a big house.

Town Manager Burbank said that some of the houses are at 80% here in town.

Rock Walls

Town Manager Burbank said that engineered walls are a goal. This is a huge change in the Town of Lincoln. We need to get language in our Ordinance or site plan regulations. We need to have a "typical" on how the wall should be built. Currently we have no licensed engineering sign off on the final constructed product. The contractor/developer will not pay for an engineer to be there and watch the wall built. There is a "typical" to build round rock walls, but it is very expensive and when a wall is built, proper dirt, compaction tests and screening that need to be

done. Most developers want sheer walls so it does not eat up land. Engineers are going to pace themselves and if the contractor wants them there every day, and watch every rock put in and doing compaction tests. Town Manager Burbank said, "That's my opinion."

Bont asked that on the permit it would have the engineering sign off as one of the requirements.

Chair Romprey said that was correct.

Town Manager Burbank said they would have to have a stamped set of plans, "as built" that would have an engineering stamp on them.

Robinson asked if the "as built" plan was for the rock wall or for the whole structure.

Town Manager Burbank said you could do whatever you wanted.

Town Manager Burbank said that right now the electricians are signing off and the plumber are signing off, and the contractor is signing off.

Robinson said that the sign off on any retaining wall.

Town Manager Burbank said that retaining wall that meets the IBC (International Building Code) chapter 18 definition.

Section 1806, Retaining Walls

1806.1 General. Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

Town Manager Burbank continued that a retaining wall is defined as being over 4 feet high no matter what it is made of. Town Manager Burbank said that they would talk with Peter Malia to discuss where to put the new requirements.

Complete Trails Notification

Robinson said that the new snow mobile trail is going between Whale's Tale and Woodward's on the Whale's Tale end. It will go behind the maintenance shed and down over the bank and cross on a bridge on Whale's Tale property and then over onto DOT (Department of Transportation) land and then follow the old railroad grade and along Hanson Brook and back onto the current trail. Robinson said that this letter was for informational purposes only and did not require the Town to do anything.

Chair Romprey asked to recap, the steps from this meeting.

- Changes to the Sign Ordinance will be posted in the Littleton Courier.
- New Storm Water Maintenance / Drainage Ordinance will be studied by the Planning Board for review at the next meeting.

- Add Engineering sign off on Retaining Walls.

Bont said Engineering Sign-off was not a change in the Ordinance.

Robinson said that the Ordinance should be changed listing that requirement.

Town Manager Burbank said that if the Ordinance was changed it would have to go to Town Meeting for a vote.

Robinson said that it would be part of the Town Meeting along with the Sign changes, Drainage changes and the Retaining wall changes. Robinson said that the Storm Water Maintenance would be a new Ordinance, Sign would be changing the existing Ordinance and Retaining Walls would be an additional paragraph to the Land Use Ordinance.

Bont asked if it was decided where the Retaining Wall paragraph would go.

Town Manager Burbank said that it is to be determined.

Spanos said there are a couple of places in the Ordinance that references drainage that we may need to delete.

Bont said that the hearing would be January 7, 2015.

There was a general discussion about zones and if there should be multiple General Use zones. The feeling was that one General Use zone was enough. No other decisions were made.

- 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

Meeting was adjourned at 7:50 PM

Motion: OJ Robinson Second: Jim Spanos

All in Favor: (3-0)

Respectfully submitted,

Wendy Tanner, Planning and Zoning
Recorder

Dated: December 17, 2014


R. Patrick Romprey, Chairman