

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 14, 2017 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Jim Spanos, OJ Robinson - Selectmen's Representative, John Hettinger, Paula Strickon, Norman Belanger (alternate), Ron Beard (alternate & Fire Chief)

Members Excused: Vice-Chairman R. Patrick Romprey, Callum Grant (alternate)

Members Absent: None

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

Staff Excused: None.

Guests:

Plummer Hill Road Voluntary Lot Merger & Minor Subdivision

Applicant and Agents:

- **Stephen B. Tower, Surveyor/Agent for Applicant**, of Sabourn & Tower Surveying and Septic Design, PLLC, 70 Lost River Rd, North Woodstock, NH 03262.
- **Roy Sabourn**, surveyor for applicant, of Sabourn & Tower Surveying and Septic Design, PLLC, 70 Lost River Rd, North Woodstock, NH 03262.
- **Jan Wolowski**, 1A Ricci Drive, North Providence, RI 02911-2417 principal of applicant, "12 Plummer Hill Drive SPE, LLC", 461 Main Street Suite 3, Franconia, NH 03580 that owns subject property 12 Plummer Hill Drive, Lincoln, NH 03251 (Map 114, Lot 069 & 070). Also, d/b/a Loon Reservation Service, 264 Main Street U#12, PO Box 785, Lincoln, NH 03251-0785; Nonresident property co-owner with Grazyna Wolowski of:
 - 22 Maple Street (Map 118, Lot 071)
 - 19 School Street (Map 113, Lot 101)
 - 36 Lodge Road #A212 (Map 117, Lot 121000-0A-00212)
 - 153 Pollard Road Unit #12 (Map 114, Lot 019000-02000020)
 - 5 White Oak Lane B-6 (Map 115, Lot 004000-0B-00014).
- **Susanne A. Chenard**, resident of Lincoln, 11 Liberty Road, Lincoln, NH 03251, Resort & Second Home Property Specialist, employee of Jan Wolowski d/b/a Loon Reservation Service, 264 Main Street Suite 12, PO Box 785, Lincoln, NH 03251-0785.

Residents and Abutters:

- **Gloria Tardif**, resident of Lincoln and abutter at 140 Pollard Road (Map 114, Lot 071), PO Box 396, Lincoln, NH 03251-0396
- **John B. Hanks**, owner and abutter at 146 Pollard Road (Map 114, Lot 067), 220 West Main Street, Littleton, NH 03561
- **Suzanne S. Hanks**, owner and abutter at 146 Pollard Road (Map 114, Lot 067), 220 West Main Street, Littleton, NH 03561
- **Susan Clark**, resident of Lincoln and abutter at 11 Plummer Hill Drive (Map 114, Lot 068), 11 Plummer Hill Drive, PO Box 21, Lincoln, NH 03251

- **Roger C. Harrington**, resident of Lincoln and owner with Sarah A. Harrington of 131 & 133 Pollard Road (Map 114, Lot 003), PO Box 386, Lincoln, NH 03251-0386

Hermann Pfeuti d/b/a Aloto Gelato Site Plan Review Request for Change of Use for Unit owned by Kevin & Karen McNamara

Applicant and Agents:

- **Kevin G. McNamara, Agent for Applicant Hermann Pfeuti**, nonresident, of 1595 Easton Valley Rd, Franconia NH 03580-5414, realtor/owner of RE/MAX in the Mountains 264 Main Street, Suite 2, PO Box 175, Lincoln, NH 03251, owner of Pemi Valley Development, and co-owner of subject business condominium at 264 Main Street, Building 1, Unit #3, with Karen McNamara, PO Box 175, Lincoln, NH 03251-0175 (Tax Map 117, Lot 120-000-01-00003).

Residents and Abutters:

- **Jan M. Wolowski**, 1A Ricci Drive, North Providence, RI 02911-2417, nonresident owner of Loon Reservation Service, at 264 Main Street U#12, PO Box 785, Lincoln, NH 03251-0785.

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

Chairman Spanos called the meeting to order at 6:00 pm.

Vice Chair Pat Romprey and Alternate Callum Grant were excused.

Ron Beard was seated.

- II. CONSIDERATION** of meeting minutes from:

- May 10, 2017

Motion approve the minutes of May 10, 2017 as written.

Motion: John Hettinger Second: Paula Strickon All in favor: 3-0

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

- IV. NEW BUSINESS:**

- A. Plummer Hill Drive SPE LLC – Voluntary Lot Merger & Subdivision of Two Lots into Three Lots**

1. **Application for a Voluntary Lot Merger of Tax Map 114, Lot 069 & Lot 070** – Applicant Stephen Tower, Surveyor, of Sabourn & Tower, Surveying & Septic Design, PLLC, 1022 Daniel Webster Highway, North Woodstock, NH 03262, is Agent for Property Owner, Plummer Hill Drive SE, LLC, (Principal: Jan Wolowski), PO Box 1012, Lincoln, NH 03251-1012. Plummer Hill Drive SE, LLC owns Tax Map 114, Lots 069 and 070 and land under Plummer Hill Drive subject to a right-of-way, previously thought to be part of Map 114, Lot 070. Applicant proposes to merge these lots. The lots are in the Rural Residential (RR) District.

2. **Application for Minor Subdivision of combined Lot (Tax Map 114, Lot 069 & Lot 070) into 3 Lots** – After 2 lots described as Map 114, Lots 069 and 070 are combined, then applicant proposes to subdivide combined lot into 3 separate lots:
- a) 0.37 acres (a portion of which is subject to a life estate where LaBrecque manufactured home is located) (14 Plummer Hill Drive);
 - b) 0.37 acres – a vacant lot; and
 - c) 0.61 acres – a lot with an older home, land associated with the Plummer Hill Drive roadway, and the garage across the roadway from the older home (12 Plummer Hill Drive).

A portion of Map 114, Lot 070 is subject to an unrecorded Life Estate for the benefit of Catherine B. LaBrecque who lives in a manufactured home owned by David J. LaBrecque at 14 Plummer Hill Drive. The Life Estate interest is also subject to a Settlement Agreement with the prior owner of Map 114, Lots 069 and 070. Applicant signed an agreement with Catherine B. LaBrecque and David J. LaBrecque to reconfigure the Life Estate area in order to permit the applicant to subdivide the premises, adding additional land area to the life estate area at the rear, while eliminating a triangular area in the front to permit construction of a driveway for newly created vacant Lot 2. The proposal is that the boundaries of the area of the Life Estate of LaBrecque will be consistent with the lot as approved by the Planning Board.

3. Map 114, Lots 069 and 070 are in the Rural Residential (RR) District. The applicant's surveyor is Sabourn & Tower Surveying and Septic Design, PLLC. Two new lots are being created. Waivers associated with the private roadway Plummer Hill Drive have been requested. The lots are in the Rural Residential (RR) District.

Presentation:

Stephen B. Tower, Surveyor/Agent for Applicant, introduced himself and his partner Ray Sabourn, surveyors of Sabourn & Tower Surveying and Septic Design, speaking on behalf of Jan Wolowski, Principal for Property Owner, Plummer Hill Drive SE, LLC. They passed out large paper copies of the proposed subdivision to members of the board.

Tower said that his client, Wolowski, purchased two adjacent parcels up on Plummer Hill Drive (Map 114, Lots 069 & 070). Wolowski would like to merge the two lots and then re-subdivide the merged lots into three lots (Map 114, Lots 70, 70.1 and 70.2). (See attached Exhibit A Map.).

Tower was before the Planning Board on behalf of Wolowski in February of 22, 2017 for a conceptual. Most members of the Planning Board were at the meeting. He and Wolowski have returned with a final proposal that is very similar to the conceptual plan that was passed out at that meeting.

As part of the application Tower submitted and read aloud the "Waiver Request Letter" he submitted as part of the application for subdivision approval. (See attached Exhibit B letter from Sabourn & Tower to Lincoln Planning Board dated May 23, 2017.)

Tower said the subject properties are served by Plummer Hill Drive. The relevant information about Plummer Hill Drive is as follows:

1. Plummer Hill Drive is currently a privately owned and maintained gravel roadway that varies in width between ten feet (10') to twelve feet (12') to perhaps seventeen feet (17') wide in one spot.
2. There are currently four (4) residences that derive exclusive access from Plummer Hill Drive. Plummer Hill Drive is also used somewhat by Gloria Tardif (a fifth residence) as her driveway loops around her house from Pollard Road onto Plummer Hill Drive.
3. The culvert that crosses the brook underneath Plummer Hill Drive needs to be replaced.
4. The sewer line the serves three (3) of the residences is broken in the vicinity of the culvert crossing and needs to be repaired or replaced.
5. There is no adequate place to turn a fire truck around at the end of Plummer Hill Drive in its existing condition.
6. Initially, it was not clear who owned the roadway as the roadway was not part of Wolowski's or Hanks' or Tardif's deeded property.

Since the conceptual Tower and Sabourn have done the following:

1. Survey was completed and a three (3) lot subdivision has been developed.
2. Research was performed and Wolowski has a recorded deed for the first part of Plummer Hill Drive from the heirs of Martin A. Brown, Jr.
3. Wolowski has applied for and received a permit from the NH Wetlands Bureau to change out the existing culvert for a new one. Wolowski contractors will accomplish the sewer repairs at the same time as they replace the culvert. Wolowski will pay for these improvements.
4. Fire Chief Ron Beard reviewed the situation with Wolowski's agents for the purpose of determining an adequate roadway width for fire control access. Provision has been made for a turn-around at the end of the road that can accommodate the fire trucks as illustrated on the proposed subdivision plan.
5. An on-site meeting was conducted with all abutters Hanks, Tardif and Clark to address concerns.
6. Wolowski reached an agreement with his Catherine B. LaBrecque to reconfigure her life estate area to encompass the whole of proposed Lot 1.

Waivers Requested:

Based on the factors listed above, Tower requested relief in the form of waivers from the Lincoln Subdivision Regulations Section 5.06.5 items a, c, e, and f, and Section 5.06.6 item b as follows:

1. **Section 5.06.5 a:** Item a requires a fifty-foot (50') right-of-way which is impossible to accomplish due to existing property ownerships and existing structures. On the map submitted they have illustrated the existing thirty foot (30') wide right-of-way for the front portion of the Drive. They are proposing a twenty-four foot (24') wide right-of-way for the upper portion of Plummer Hill Drive.

2. **Section 5.06.5 c:** Item c requires pavement for all new roadways. Whereas the proposal would only add one (1) new residence, paving would add great expense for Wolowski and is probably not reasonable or necessary. Fire Chief Beard indicated he thought the proposed fourteen foot (14') wide gravel drive would be adequate for the Town's fire apparatus and access in general, and agreed the proposed gravel widening would greatly enhance the existing roadway which is currently between ten feet (10') and twelve feet (12') wide.
3. **Section 5.06.5 f:** Item f requires the contractor to provide the Planning Board with a letter stating that the road was constructed to town roadway standards. Due to requested waivers from those standards the contractor could not make that claim.
4. **Section 5.06.6 b:** Item b of Section 5.06.6 requires a cul-de-sac or "T" type turn-around at the end of the road. The proposal uses a "Y" type turn-around instead as that is a better choice for this particular site.

Road Maintenance Agreement: Tower said there was one (1) more thing that happened since they drafted the letter. Wolowski had his attorney draft a proposed road maintenance agreement. (See attached Exhibit C Road Maintenance Agreement.)

Reconfigure and Subdivide into Three (3) Lots: The configuration of the proposed subdivision is very similar to what was proposed at the Planning Board meeting at which they presented their Conceptual. Tower proposes three (3) lots.

1. Lot 1 has the LaBrecque mobile home on it. Catherine B. LaBrecque has a life estate on Wolowski's property. She has signed an agreement with Wolowski to change the dimensions of the land that is subject to her life estate so that land that is subject to her life estate will become the same as dimensions of Lot 1. The area of the new configuration is slightly larger than the area associated with her original life estate.
2. Lot 2 is a vacant lot. There is nothing on it. Wolowski is hoping to build a new home up there eventually.
3. Lot 3 has the old Plummer house and the old Plummer garage on it.
4. The gray shaded area is the proposed twenty-four foot (24') wide joint use right-of-way area that will serve these three (3) new lots. The turn-around is a "Y" shape. The theory is that there will be a turnaround area for the fire trucks. Hopefully, the fire trucks do not need to come up here, but if they do the trucks can back up in here and then get out. Right now, there are some trees in there. The trees will be taken out and grouted and taken care of.

Further Work on Plummer Hill Drive:

1. Wolowski is looking to replace the culvert that is rotted and in disrepair.

Planning Board Questions:

1. Widen Right of Way or Travel Surface?

Strickon asked Tower if they were proposing to widen the right-of-way. She did not think the roadway was thirty feet (30') wide. Tower said no. Tower pointed out where the existing thirty foot (30') right-of-way was located. There was some confusion about whether the travel surface was the same as the right-of-way. Tower explained that the

width of the right-of-way was already thirty feet (30') wide and Wolowski was not proposing to change the width of the right-of-way. Strickon complained about the poor condition of Plummer Hill Drive. Tower said that as part of the project Wolowski is proposing to widen the travel surface of the roadway within the existing thirty-foot (30') right-of-way. Wolowski also intends to re-gravel the roadway surface and smooth it out.

Tower explained that the existing roadway is the dashed lines on the map. The width of the travel surface of Plummer Hill Drive is not consistent throughout the length of the roadway. In some places, the travel surface is wider and in some places, it is narrower. The width of the road varies. Down where Plummer Hill Drive intersects with Pollard Road near the Hanks house the travel surface is wider.

2. Who are the Parties to the Road Maintenance Agreement?

Chair Spanos asked Tower who the parties to the Road Maintenance Agreement are. Tower said that once the subdivision occurs, the Road Maintenance Agreement says that Wolowski still owns all of the lots. So right now, and the way it will always be is that the owners of Lots 1, 2 and 3 will be responsible for the maintenance of the road. So, John B. Hanks (146 Pollard Road (Map 114, Lot 067) and Gloria Tardif (140 Pollard Road Map 114, Lot 071) who are abutters at the bottom of Plummer Hill Drive will not pay anything. The responsibility for maintenance of Plummer Hill Drive is all on the owners of Lots 1, 2 and 3. This subdivision is their subdivision. Hanks and Tardif and their lots were there before. No one is going to ask them or force them to pay anything. Tower said that if and when Wolowski sells off a lot, the people who buy the lot will have to sign this agreement.

3. What Should the Road Specifications be for Plummer Hill Road?

Material: Hettinger asked what the Plummer Hill Drive would be built of. Tower said "Gravel." Hettinger said, "Just gravel?"

Ongoing Maintenance: Hettinger asked Tower if Plummer Hill Drive would be kept up in sufficient shape that a fire truck would not be inhibited from getting up there to the back of the subdivision to put out a fire. Tower said it was going to be up to Wolowski to make sure that the road was maintained. It is a private road.

Assurances re: Maintenance: Hettinger asked Tower, "What assurance do we have that it is going to be maintained?" Tower said that was a good question. No answer was given. Town Manager/Planner Burbank asked Tower, is it going to be gravel roadway forever? Hettinger said Plummer Hill Drive is going to have to be leveled out every once in a while. Tower said he would hope so.

Who Will Do The Work: Wolowski said that Rex Caulder of Caulder Construction LLC, 5 Macaul Drive, North Woodstock, NH 03262 is going to be the contractor who will do the improvements for him. Wolowski said that Rex Caulder is reliable and will be doing the project. Caulder Construction LLC will be putting in the materials. Wolowski said Caulder has already started. For example, Caulder cut some trees. Caulder is only waiting for the Planning Board to let Wolowski go ahead. Wolowski said that Caulder is replacing the culvert, the water line and the sewer line. Wolowski said Caulder does not want to bring his machines to dig twice and incur additional costs for everyone.

Culvert Specifications: Hettinger asked Wolowski, and Tower about the design of the culvert and whether the culvert was designed to support the Tower 1 fire truck. Tower said yes. Town Manager/Planner Burbank said the culvert was a good-sized culvert. The culvert is a forty-two inch (42") culvert. Tower said the culvert crossing was designed by Horizons Engineering.

Maintain Whole or Part of Road: Chair Spanos asked whether the road maintenance was going to cover the entire Plummer Hill Drive. Tower said yes, the whole stretch of the roadway.

Start of Road Repairs: Strickon asked when the road repair project was supposed to begin. Wolowski said that "Rex Caulder says the best time to do the work on the bridge/culvert is when the stream will diminish when the rain stops." Usually the water is lower in August or September. Wolowski said to the Planning Board to give him permission to start and then he can push Rex Caulder to go ahead and do it quick.

Interim Repairs: Strickon asked Wolowski, if Rex Caulder could just come down with a pick up full of gravel or dirt and fill up those ruts in the road.

Tower said to Wolowski, I think what the Planning Board is asking you is who is going to make sure that the roadway stays smooth? Are you going to have Rex Caulder come to Plummer Hill Road with a backhoe once a year to keep it smooth so Plummer Hill Road does not get really bad again? Wolowski said, there is no question. Do you remember 22 Maple Street? I wonder if you remember the poor condition of the property at 22 Maple Street? It is completely finished. You are questioning something that I will definitely do.

4. Reason for Narrowing Right of Way?

Town Manager/Planner Burbank asked what is the reason for narrowing the right of way? Is it to allow enough footage for this new lot? Tower said "No." The reason he narrowed up the right-of-way is because he did not want the right of way and travel surface to be that close to John B. Hank's house. They also took into consideration the pre-existing location of Susan Clark's lot and manufactured home on 11 Plummer Hill Drive (Map 114, Lot 068). The surveyors only had so much room to work with.

Chair Spanos asked to open the public comment session.

Motion to open the public comment session.

Motion: John Hettinger

Second: OJ Robinson All in favor: 4-0

Abutter John B. Hanks had the following comments/questions:

Required Width of the Travel Surface:

Hanks and his wife own a little trailer on the northwest corner of the intersection between Pollard Road and Plummer Hill Drive at 146 Pollard Road (Map 114, Lot 067). What is the minimum width for a road that they need for a fire truck to get up the road? Is the fire chief here to answer that question? Then I will explain why I asked that question.

Fire Chief Beard said he had discussed this matter with Stephen Tower and Roy Sabourn of Sabourn & Tower. Between them they had decided that the Fire Department would need a minimum width of fourteen feet (14'). Fire Chief Beard said the Fire Department is just going to drive the trucks in. They are not going to do a tanker shuttle with bringing the trucks in and out.

The overall length of Plummer Hill Drive is under five hundred feet (500'). If Plummer Hill Drive was over five hundred feet (500') then the codes kick in and Wolowski would need to meet the minimum requirements. With that being said, the minimum road width is fourteen feet (14') for entrancing and exiting and being able to turn the long trucks in there.

Town Manager/Planner Burbank said with a true fire emergency, if one fire truck blocks the driveway then that is it; the width of the driveway does not really matter. Fire Chief Beard agreed. Once the first fire truck comes in and the firemen lay out the fire truck's hose, then the first fire truck is there (i.e., cannot be moved) until the end of the fire. People are not going to be able to come and go past that fire truck anyway. However, if Plummer Hill Drive was over five hundred feet (500') long, then the Town Fire Department would have treat it like a road and apply the codes.

Chair Spanos asked Fire Chief Beard for clarification. Chair Spanos asked, if the driveway is such a long driveway would the Fire Department consider the driveway like a road? Yes. The Plummer Hill Driveway is a pretty long driveway. If the driveway is long enough Plummer Hill Drive would be considered a road.

Hanks said he has nothing against what his neighbor Wolowski wants to do, however, he would just ask that Wolowski keep the width of the right of way and travel surface as narrow as they can down near his trailer because Hanks has a garage near the right of way and if they widen the travel surface or move the roadway closer to his garage he is afraid he will not be able to park next to his garage. If he backs his truck out of his garage his truck is going to be right in the roadway. Hank showed the members of the Planning Board where the garage is in relation to the right-of-way and travel surface. Hanks submitted one (1) photo of his garage, his truck, his fence the edge of the thirty foot (30') right-of-way at the lower end of Plummer Hill Drive and the edge of the roadway he is concerned about. (See attached Exhibit D photo of garage.) he wants them to keep the roadway from his garage. The upper end of Plummer Hill Drive is where the proposed 24' wide joint use access area is located.

Moving the Location of the Roadway or Right of Way:

Hettinger asked Tower and Wolowski if they were contemplating moving the road. "You are really not moving the roadway, right?" The thirty foot (30') right-of-way is getting wiped out in the upper section of Plummer Hill Drive where it is going to be replaced by a twenty-four foot (24') right of way. The location of the lower right of way is staying the same at thirty feet (30').

Town Manager/Planner Burbank and Hanks discussed the location of the water and sewer hookup that travels for a short distance within the Hanks lot. Burbank said "It taps here [on Hanks property?] but it captures it quick but then it is in the right-of-way after a short distance and that is a good thing."

Tower said, "What Mr. Hanks is trying to say is that he does not have a lot of room between his garage and the existing road and he is right. He doesn't." Tower pointed out the chain link fence on the map. He said to Hanks, "Right now it is on the inside, touching your fence. It is going to go two to three feet (2-3') over. The new road is going to be centered on the culvert within the right-of-way."

Hanks said he was confused about the location and width of the right of way versus the width of the travel way. Hank said he measured the distance between the culvert to his chain link fence. Hanks said he has slightly over twenty feet (20') from the culvert to where the fence is.

Tower tried to alleviate the confusion and said he was trying to help Mr. Hanks. The proposed new road has been moved over closer towards Tardif's property. Tower said they were trying to give Hanks as much room as they could for Hanks' car. Tower said the road was going to be fourteen feet (14') wide, meaning the road was going to be narrower than where Hanks measured the road surface as seventeen feet (17') wide.

Bont explained that the right-of-way or easement is supposed to be wider than the actual travel surface of the road because part of any road construction project includes things like the ditching and swales associated with drainage along the roads. The right-of-way allows the road builder enough room to do the rest of what is required for building a road. Roads and rights-of-way are not the same.

Tower explained to Hanks that the bolder lines on the plan are going to be the new edge of the road. The boldest lines are the property boundary lines. The lighter dashed lines show the location of the existing road. If Hanks walks out to the edge of the beginning of his chain link fence – that is about where the new road is going to be. The road is going to creep over a little bit. It is going to go over two feet (2') or three feet (3'). Hanks said that being able to park his car outside his garage is one of his primary concerns. Tower agreed that Hanks did not have much room there.

Hanks said he also had questions about the water lines; is the project going to affect anything with the water lines on or near Hanks property? Tower said the plan right now is to redo "everything" from the top of the hill down to the culvert and just past the culvert. They do not intend to rip up everything way below the culvert down to Pollard Road unless they have to. At this time, nothing is going to happen in Hanks' yard.

Town Manager/Planner Burbank said, "The Town is only responsible for water and sewer lines from the water or sewer main in the street on Pollard Road down to the curb stop which in this location is on Hanks' property. From that point on along Plummer Hill Drive, if that line busts, it would be the legal responsibility of all of the folks who receive water and sewer services from that line, i.e., the Hanks, Susan Clark, Gloria Tardif, Catherine B. LaBrecque and Wolowski. The costs would be split among the users off that line. There is a little piece that is going to be shared by four people, not three (and perhaps the person with the Life Estate). The way the Town Rules and regulations read right now, if the water or sewer lines break while Wolowski's contractor, Caulder Construction LLC is working on the road then Wolowski is legally responsible for fixing them. Town Manager/Planner Burbank wanted everyone who is reading the record to know that is what would happen.

Hanks asked if the road on Mrs. Tardif's property was going to stay where it is right now. Tower said, "No." The existing road as shown on the plan as a dotted line is going away. Mrs. Tardif's lilac bushes are shown on the plan; the hope is to save her lilac bushes. The last lilac bush may have to go, however, maybe they can move the last lilac bush and replant it elsewhere. The rest of the lilac bushes can probably be saved. That is another reason why Tower & Sabourn did not want to make the travel surface of the road any wider than fourteen feet (14'). They did not want to destroy Mrs. Tardif's trees or bushes. Town Manager/Planner Burbank said, "That is a tough spot. That is a good plan."

Bont asked Tower if they, as surveyors, intended to mark the location of the roadway so that when Caulder Construction, LLC, puts the road in Caulder Construction, LLC, know exactly where to put the roadway in. Tower said, "If Rex needs us to do so we will." According to

Tower, Rex Caulder asked Tower about that sometime before the hearing and Tower said, "We'll see what happens." Bont recommended to the Planning Board that they make marking the location of the new roadway a condition of approval. Chair Spanos said, "We will have to see what it says on the Site Plan." Town Manager/Planner Burbank said, "It is threading the needle and I think I would recommend that the Planning Board make that a condition of approval. That way the location of the roadway has to be marked on the ground. I think for everybody's sake, if the location of the roadway is marked you will know that the roadway has been located where you said it is going to be." Tower said marking the location of the new roadway was an easy thing to do and it would not take long.

Hanks said his big concern was that he did not want to park in front of his garage and have someone come down the hill and run into his truck and the insurance company will not cover it. Hanks said he just wants to get along with all of the neighbors and he thinks they can all work together. He just did not want the new roadway to come all of the way out to where the stake for the thirty foot (30') right-of-way was.

Hanks said that once the roadway is put in he wants to put the chain link fence back in again. Tower said that Hanks would have to talk with Wolowski about that.

Hettinger said, "Where that culvert goes across the brook, do you have a wetlands permit for that?"

Tower explained that the dot-dot-dash bottom line is the edge of the brook; that is the water. The dash-dash-dash middle line is the five-foot (5') contour line. The dot-dash-dot-dash top line is the top of the brook bank. So, when you are walking along that line, that is where you would fall into the brook if you stepped over the line.

Hettinger said that Tower had the road going over the culvert so that is why he was asking about the wetlands permit.

Tower said they have a NH DES Wetlands Permit to replace the current culvert with a bigger and wider culvert. They intend to replace a thirty-six inch (36") inch rotted culvert with a forty-two inch by twenty-eight foot (42" X 28') HDPE culvert. Town Manager/Planner Burbank indicated his strong support for this replacement culvert because of problems the Town has had there with flooding.

Fire Chief Ron Beard asked Tower if he intended to put headers on the culvert or not. Tower said he would think they would be putting headers on a culvert that size. Fire Chief Ron Beard said that if they put headers on the culvert, the culvert would be less likely to wash out.

Belanger said that it looks like the culvert will overlap both sides of the road pretty well. The roadway is fourteen feet (14') wide. The culvert underneath the road is twenty-eight feet (28') long.

Chair Spanos asked if anyone else in the audience had any questions.

Roger Harrington asked about the water line. Harrington asked Tower if he intended to change the size of the waterline going up the hill. Tower said he did not know. Wolowski answered that once Caulder Construction, LLC, opens everything up and if he finds that all of the lines inside are still good Caulder may not change the lines. Harrington said the existing water line feeding the homes on Plummer Hill Drive is only three-quarter inch line now. Harrington asked if three quarter inch water line was large enough to provide adequate water for three (3) or four (4)

houses on the same line? Wolowski said, "Good question." Town Manager/Planner Burbank said he would think they would want a two-inch (2") water line. Tower agreed.

Harrington asked if each lot was going to have its own shutoff valve. Tower said he would imagine so. Wolowski said that each lot must have its own shutoff valve right now.

Harrington asked if when they replaced the culvert were they going to place the new culvert down any deeper than they placed the current culvert. Wolowski said they will go down and put it in at a better angle.

Harrington asked if they go down further with the water line, will the elevation be all right for the sewer pipes too? Do they have it written on the manhole out front? Tower: They are going to make it work. Wolowski said that is what makes it difficult for the engineers to figure out because the current infrastructure is all underground. The engineers will have to wait until the contractor digs it up before they can figure out what the condition of the pipes is and how water and sewer systems are all laid out. Tower said they are going to make it work.

Harrington said they had problems with the sewer line there within the past two years. If they knew what the elevation of the sewer man hole cover was out in the street then they would know how deep they can go with the culvert. Right now, I believe it is only a four-inch (4") line. Harrington asked would they have to upgrade that sewer line for three (3) more houses or is the Planning Board going to let it go with a four-inch (4") sewer line?

Wolowski asked Tower if he was going to have to make the sewer line bigger. Tower said he did not know the answer. Chair Spanos suggested that he could have the Public Works Director Nate Hadaway look at it.

Town Manager/Planner Burbank said one the conditions that the Planning Board should put on the subdivision Notice of Decision is that we have the Director of Public Works (DPW) consult with Wolowski's contractors and get the DPW recommendations on both the fresh water size line and the sewer line. Although the water and sewer lines are being installed on private land, the Town can make a recommendation. Burbank said that a three-quarter inch (3/4") water line seems pretty small to be providing adequate water resources to supply three (3) or four (4) houses on the one (1) line. Town Manager/Planner Burbank said it was just a guess on his part, but that Wolowski might want at least a two-inch (2") line from the Town's watermain up. Harrington advised that now was the time to increase the size of the water line when he has both the culvert and the road opened up. Town Manager/Planner Burbank said to Wolowski that Wolowski would not want to pay Caulder Construction to open up that road again if he does not have to. Burbank advised Wolowski to consult with the guys who know what the correct size for water and sewer lines is.

Chair Spanos asked to close the public comment session.

Motion to close the public comment session.

Motion: John Hettinger

Second: OJ Robinson

All in favor: 4-0

Chair Spanos asked the Planning Board to vote on the waiver requests first and then the application for subdivision.

Chair Spanos read the applicable portion of the letter requesting a waiver of Section 5.06.5 a:

SECTION 5. PLAN REQUIREMENTS**5.06 Road and Utilities Standards:****5.06.5 Roadway Standards:**

- a. The minimum right-of-way for ALL Streets shall be fifty (50) feet.

1. **Section 5.06.5 a:** A fifty-foot (50') right-of-way as required by item a above is impossible to accomplish due to existing property ownerships and existing structures. We have illustrated the existing thirty foot (30') wide right-of-way for the front portion of the Drive and are proposing a twenty-four foot (24') wide right-of-way for the upper portion of the Drive.

Chair Spanos asked if members of the Planning Board had any questions or concerns that were not addressed by the request. They did not.

Motion to grant Applicant's request for waiver of Section 5.06.5,a.

Motion: John Hettinger

Second: Paula Strickon

All in favor: 4-0

Chair Spanos read the applicable portion of the letter requesting a waiver of Section 5.06.5 c:

SECTION 5. PLAN REQUIREMENTS**5.06 Road and Utilities Standards:****5.06.5 Roadway Standards:**

- c. Minor Streets shall be paved to a minimum width of eighteen (18) feet. Local Streets shall be paved to a minimum width of twenty (20) feet. Minor and Major Collector Streets - shall be paved to a width of twenty-four (24) feet. The pavement shall be no less than two and one half (2 1/2) inches of Hot Bituminous Pavement, which shall be applied in two (2) courses.

2. **Section 5.06.5 c:** Item c requires pavement for all new roadways. Whereas the proposal would only add one (1) new residence, paving would add great expense for [Wolowski] and is probably not reasonable or necessary. During discussions with [Fire] Chief Beard, he indicated he thought the proposed fourteen foot (14') wide gravel drive would be adequate for the fire apparatus and access in general, and agreed the proposed gravel widening would greatly enhance the existing roadway.

Chair Spanos asked members of the Planning Board if they had any questions or concerns about this request for a waiver. Chair Spanos asked Fire Chief Ron Beard if he agreed with the applicant's representation.

Fire Chief Ron Beard said he was okay with the Applicant's request for a waiver so long as the road construction as proposed is capable of carrying a truck of sixty thousand pounds (60,000 lbs.).

Robinson asked Fire Chief Beard if there was any need to flare the roadway at the end of Plummer Hill Drive where it meets Pollard Road beyond fourteen feet (14') in order to turn the big trucks in there. Surveyor Sabourn answered. "Yes. The short answer is yes." Fire Chief Beard agreed; the trucks need a "lead-in". Robinson said he asked because on the map the turn off from Pollard Road to Plummer Hill Drive is shown as a right angle. Surveyor Sabourn said

that Rex Caulder of Caulder Construction, LLC, would be making a flared entry onto Plummer Hill Drive.

Motion to grant Applicant's request for waiver of Section 5.06.5,c [providing the lead-in flares are adequate].

Motion: OJ Robinson

Second: John Hettinger All in favor: 4-0

Bont asked if the waiver should say that the waiver is granted provided that the lead-in flares are adequate? Chair Spanos said yes, that will be a condition of approval.

Note: Although the letter also mentioned a waiver of Section 5.06.5,e this section was not specifically addressed in the letter so Chair Spanos did not read any portion of the letter requesting a waiver of Section 5.06.5 e:

SECTION 5. PLAN REQUIREMENTS

5.06 Road and Utilities Standards:

5.06.5 Roadway Standards:

e. Minor and Major Collector Streets shall be installed with six (6) inch wide, vertical or sloped, granite or asphalt curbing at and within fifty (50) feet of all intersections and catch basins.

Chair Spanos read the applicable portion of the letter requesting a waiver of Section 5.06.5 f:

SECTION 5. PLAN REQUIREMENTS

5.06 Road and Utilities Standards:

5.06.5 Roadway Standards:

f. Upon completion of the roads, the contractor shall provide the Planning Board with a letter stating that the road was constructed in accordance with all of the roadway standards of the Town of Lincoln.

3. **Section 5.06.5 f:** Item f requires the contractor to provide the Planning Board with a letter stating that the road was constructed to town roadway standards. Due of the requested waivers from those standards the contractor obviously could not make that claim.

Chair Spanos asked if members of the Planning Board had any questions or comments on that request. They did not.

Motion to grant Applicant's request for waiver of Section 5.06.5,f.

Motion: John Hettinger

Second: OJ Robinson

All in favor: 4-0

Chair Spanos read the applicable portion of the letter requesting a waiver of 5.06.6 b:

SECTION 5. PLAN REQUIREMENTS

5.06 Road and Utilities Standards:

5.06.5 Roadway Standards:

5.06.6 Dead End Streets:

b. All dead-end streets shall be provided with a cul-de-sac or T type turn-around providing adequate room for the movement of snowplows and fire equipment.

4. **Section 5.06.6 b:** Item b of Section 5.06.6 requires a cul-de-sac or “T” type turn-around at the end of the road. The proposal uses a “Y” type turn-around instead as that is a better choice for this particular site.

Chair Spanos asked if members of the Planning Board had any comments, questions or concerns about that request. They did not.

Motion to grant Applicant’s request for waiver of Section 5.06.6,b.

Motion: John Hettinger

Second: OJ Robinson

All in favor: 4-0

Application Complete:

Chair Spanos asked Bont if the application was complete. Bont said yes.

Notice to Abutters:

Chair Spanos asked Bont if all of the abutters had been notified.

Bont answered that there was some controversy about who the abutters were that were required to be notified. The applicant did not want to notify all of the Forest Ridge Resort owners and asked her to consult with the Town Attorney. She consulted with the Town Attorney. She directed the Planning Board’s attention to the Notice to Abutters in their packet. This small minor subdivision abuts the large Forest Ridge Resort development. Based on advice of Town Counsel, some owners in Forest Ridge Resort were notified. Some were not. Even though Bont did not notify five of the six junior homeowners’ associations or any of the individual owners that are not part of homeowner’s association, she did call and notify David Larsen personally by phone and by email. David Larsen is the person in charge of Property Management at Forest Ridge Resort and reports to the Master Homeowners’ Association. One of the individual owners up there that are not part of any homeowners’ association (Rick Elliott) who is the principal of Mt. Coolidge Construction, LLC did receive notice as the principal of Lincoln Development, LLC, who is the owner of the open space lot that directly abuts the subject property. New Jefferson Holdings, LLC, was not notified.

Bont said, from now on, any time someone’s lot abuts Forest Ridge Resort everyone in the Forest Ridge Development will receive notice.

Chair Spanos asked, if according to Town Counsel, everyone who is supposed to receive notice has been duly notified. Town Manager/Planner Burbank said, “Yes, as best we could.”

Chair Spanos asked if anyone had any questions about the application for subdivision. No one answered.

Motion to accept the application as complete.**Motion: John Hettinger****Second: Paula Strickon****All in favor: 4-0**

Chair Spanos said, we have three (3) conditions of approval as shown on the plan.

1. That Plummer Hill Drive be approved laid out as shown on the plan submitted tonight. The surveyors will stake out the road.
2. That the Public Works Director make recommendations about the size of the water and sewer lines and review the lines prior to the contractor's filling in the trench.
3. That Plummer Hill Drive be flared out at the intersection with Pollard Road.

Chair Spanos asked if anyone had any questions. Bont asked Chair Spanos if he wanted to include the condition that the road be able to carry sixty thousand pounds (60,000 lbs.).

Fire Chief Beard said to add that the culvert must be put in such that it will support sixty thousand pounds (60,000 lbs.). The contractor would have to install the culvert correctly with a certain amount of coverage to enable passage for the Town fire truck. Spanos suggested the Planning Board add a fourth condition:

4. That the new culvert on Plummer Hill Drive be engineered in such a way to withstand sixty thousand pounds (60,000 lbs.) of weight.

Motion to Approve the Subdivision Application with the following four (4) conditions:

1. That Plummer Hill Drive be approved laid out as shown on the plan submitted tonight. The surveyors will stake out the road.
2. That the Public Works Director make recommendations about the size of the water and sewer lines and review the lines prior to the contractor's filling in the trench.
3. That Plummer Hill Drive be flared out at the intersection with Pollard Road.
4. That the new culvert on Plummer Hill Drive be engineered in such a way to withstand sixty thousand pounds (60,000 lbs.) of weight.

Motion: John Hettinger**Second: Paula Strickon****All in favor: 4-0**

Motion to Approve the Voluntary Lot Merger of Map 114, Lot 069, Map 114, Lot 070 and the land under the thirty foot (30') right of way at the bottom (147.58' – 149.54') of Plummer Hill Drive (formerly owned by heirs of Martin A. Brown, Jr. and now deeded to 12 Plummer Hill Drive SPE LLC), subject to a right-of-way, previously thought to be part of Map 114, Lot 070. (See Book 4282, Page 0839, Book 4282, Page 0842 and Book 4284, Page 0649). The merged lots will be known as Map 114, Lot 070.

Motion: John Hettinger**Second: OJ Robinson****All in favor: 4-0**

At 6:55 PM the Planning Board took a brief recess. Chair Spanos reconvened the Planning Board meeting at 7:04 PM.

B. Herman Pfeuti and Kevin McNamara re: Site Plan Review – Change of Use from Retail to Restaurant Use

Application for Site Plan Review approval for a change of use to change the existing retail/consumer service use (make-your-own-pottery shop) into a restaurant use (i.e., food service/retail food store/gelato & desert shop). Applicant Hermann Pfeuti, PO Box 114, Lincoln, NH 03251-0114, who owns business condominium Building 1, Unit #4 and Unit #5 at The Depot, 264 Main Street, is in the process of purchasing business condominium Building 1, Unit #3, next door, from Kevin and Karen McNamara, PO Box 175, Lincoln, NH 03251-0175 (Tax Map 117, Lot 120-000-01-00003). Pfeuti owns and operates Black Mountain Burger Co out of Units #4 & #5. The McNamaras currently operate a retail/customer service operation known as “Creation Station” in Unit #3 where customers create their own pieces of pottery. Pfeuti wants to change the use of Unit #3 to operate a gelato bar with related drinks and desserts with a small number of tables and chairs in the unit with a couple of benches outside. The property is located in the General Use (GU) District.

Presentation:

Kevin McNamara, duly authorized agent for Applicant Hermann Pfeuti and owner of the subject business condominium Building 1, Unit #3, (Tax Map 117, Lot 120-000-01-00003), presented on behalf of the applicant. The Planning Board members have a copy of the floor plan for the interior space that was submitted by Hermann Pfeuti with his application.

McNamara said that nothing out side of the building is going to change. There will be no structural changes. The Applicant plans to add one additional hand sink in the space to satisfy the State Health Code. There will be six (6) tables. Each table will have two (2) chairs.

Bont said that Pfeuti had said he wanted to put outdoor bench seats. McNamara said that in order to put benches outside Hermann Pfeuti would have to get permission from The Depot’s Business Condominium Association; he would need to get their permission to do anything in the common areas outside. McNamara said the Planning Board can forget about that. Bont said she thinks the Planning Board would have to approve outdoor benches as seating for the Gelato bar if the Depot Condo Association allows it.

Chair Spanos asked if Hermann Pfeuti was asking for a waiver of Site Plan Review. Both McNamara and Bont said “no.” Bont said that Hermann Pfeuti is changing the use of the unit from retail to restaurant use – he will be selling Italian ice cream called “gelato”. Bont said she contacted the Town of Hanover because she knew Hanover had a gelato bar. She asked if the Town treated the Gelato bar as a restaurant or as retail space. The Zoning Administrator from Hanover said they treated the gelato bar as a restaurant although it is a hybrid of both uses – a retail and a restaurant operation.

Gelato is the Italian word for **ice cream**. It starts out with a similar custard base as **ice cream**, but has a higher proportion of milk and a lower proportion of **cream** and eggs (or no eggs at all). It is churned at a much slower rate, incorporating less air and leaving the **gelato** denser than **ice cream**. It has less fat than ice cream. Gelato is a lot creamier. It is smoother and silkier than its American counterpart. It is also denser, yet it has that elasticity and fluidity that you cannot get with ice cream.

Chair Spanos asked if anyone had any questions.

Proposed Outdoor Seating:

Robinson asked if the application included outdoor seating. McNamara said it did not. Bont said Hermann Pfeuti said he wanted to have the option of putting some benches outside and he knew that he had to get permission from the Condominium Association to use the common area that way. The benches would not be restricted to just the people eating the gelato. Bont told Pfeuti that if he wanted the benches he should ask for them now when he is before the Planning Board for Site Plan Review instead of having to come back and ask for them later.

Chair Spanos said, this is pretty much take out service. There will be no waiters or waitresses. Customers are going to come up to the counter, get their gelato and then sit down. Basically, instead of taking the gelato and going to sit in their cars to eat it, they will sit at a table or on the bench outside.

McNamara said that right now The Depot has benches in front of every unit just for walking and sitting. The concern at The Depot is that no one wants people to block access to the storefronts with tables and chairs and that at that access point he understands that will not happen because The Depot's Board of Directors will not let it happen. However, Pfeuti might end up with a bench sitting outside his door or something, but there will be no tables outside at The Depot.

Notification of Abutters:

Chair Spanos asked if the Town had notified all of the abutters. He did not see an abutters list in the packet. Bont said the list of abutters is on the Notice of Formal Submission. There is a condominium association for The Depot, the Nordic, Leo Marien d/b/a Kanc Motor Lodge, David Rodgers, RIGK, LLC, The Lodge at Lincoln Station, the NH Electric Cooperative Inc. and Eversource Energy, etc. Most of the abutters are condominiums so we only have to give notice to the Homeowners Associations or Condominium Associations. They are responsible for notifying their members.

Chair Spanos asked if any members of the Planning Board had any other questions.

Proposed Outdoor Seating:

Strickon had one question. Is Hermann Pfeuti planning to use any of the outdoor tables for Black Mountain Burger? Or is he planning to use the tables to serve both clients of Black Mountain Burger as well as Aloto Gelato? McNamara said, "no." Chair Spanos asked McNamara, if there are benches outside of the gelato bar, whether their use was going to be limited to patrons of the gelato store. McNamara said, "no, anybody in the plaza can have a seat there."

Water & Sewer Tap Fees:

Chair Spanos asked about the water and sewer tap fees. He told McNamara that Pfeuti would have to get with Bont and Town Manager/Planner Burbank to figure that out. Bont said that Pfeuti was adding minimal water and sewer fixtures. He is just adding one sink.

Chair Spanos asked to open the public comment session.

Motion to open the public comment session.

Motion: OJ Robinson

Second: John Hettinger

All in favor: 4-0

Jan Wolowski's business, Loon Reservation Service, is a tenant at The Depot and a direct neighbor of the proposed gelato bar. He asked about the proposed "couple of benches outside" the gelato bar. Wolowski said he would be Aloto Gelato's neighbor. He was perfectly fine with the idea of having a gelato bar next door. He loves people to do business next to his business. He loves people to go by his office. However, he wants to be sure that the Planning Board did not allow any benches to be put in the passageway where people walk through. Half of the pedestrian passageway is already taken up with tables and chairs for Black Mountain Burger. If you go by Black Mountain Burger, there are about twenty chairs with tables outside in the passage way. He just wants to make sure that the Planning Board does not allow any more benches in addition to the tables and chairs that are already in the one side in the passage way. McNamara said there will be no benches blocking the ingress and egress. Wolowski said there is a sunporch on the back that could be used that would not directly expose or influence traffic in the walkway. Wolowski said if Pfeuti wanted to be put benches in the front or back of the building he would not be concerned, however, he is concerned that no benches be put in the passageway.

Chair Spanos said that Pfeuti would have to work that out with the Business Condominium Association; Pfeuti cannot block any means of egress. Town Manager/Planner Burbank said he was not sure if the Planning Board's decision would trump the Condominium Association rules or vice versa. Chair Spanos said, "It is *their* common area." Town Manager/Planner Burbank said that obviously Pfeuti should not be allowed to block the egress as that is a Fire Safety Code issue. McNamara said that there might be people standing in the passageway eating their gelato, but there would be no additional tables or chairs in the passageway blocking the egress.

Chair Spanos asked to close the public comment session.

Motion to close the public comment session.

Motion: John Hettinger

Second: OJ Robinson

All in favor: 4-0

Chair Spanos asked if any members of the Planning Board had any questions. No one did.

Application Complete:

Chair Spanos asked Bont if the application was complete. Bont said "kind of". For instance, although certain items on the checklist are not checked off she does not think those missing items should be required. For example, numbers 20, 22, and 25. Item 26 is talking about the utility connection. Pfeuti did not fill that out but since Unit #3 is already a pre-existing unit Pfeuti is tapping into the same line and he is not changing anything. Chair Spanos suggested that Pfeuti should have asked for a waiver.

Town Manager/Planner Burbank asked McNamara, will the additional machines for gelato that Pfeuti is planning to put in the gelato bar, require additional heavy duty power? He assumes that the McNamara's pottery place probably had pretty heavy duty electrical service to run its equipment. McNamara said that Pfeuti has addressed his electrical needs. Chair Spanos said that addressing those concerns would be between Pfeuti and his electrician and not a concern of the Planning Board. Chair Spanos said when he was thinking about additional electrical needs he was thinking about additional main lines coming into the space. Chair Spanos suggested addressing the incomplete items as asking for waivers.

Requests for Waivers:

Chair Spanos said that none of the site related items of the checklist were applicable. He asked if anyone disagreed. "No."

1. Scale: not less than 1" = 40".

Motion to grant Applicant's request for waiver of Item 1.

Motion: John Hettinger Second: Paula Strickon All in favor: 4-0

2. Submit 3 copies of blue or black line prints.

Motion to grant Applicant's request for waiver of Item 2.

Motion: OJ Robinson Second: Paula Strickon All in favor: 4-0

3. Date, title, north arrow and scale.

Motion to grant Applicant's request for waiver of Item 3.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

4. Name and address of the owner and applicant. (Is provided.)

5. Name and address of the licensed land surveyor

Motion to grant Applicant's request for waiver of Item 5.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

6. An accurate plan of the site showing existing natural features, including watercourses and water bodies, various types of vegetation, topographical features and any other features which should be considered in the site design process.

Motion to grant Applicant's request for waiver of Item 6.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

7. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaped and open space areas will be retained.

Motion to grant Applicant's request for waiver of Item 7.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

8. Existing and proposed topography of the site at two (2) foot contour intervals.

Motion to grant Applicant's request for waiver of Item 8.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

9. Soil mapping units and unit boundaries.

Motion to grant Applicant's request for waiver of Item 9.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

10. Flood plain identification areas.

Motion to grant Applicant's request for waiver of Item 10.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

11. The location of all buildings within fifty (50 feet of the site and the location of all intersecting roads or driveways and utilities (water, sewer, electrical, cable, telephone) within 200 feet.

Motion to grant Applicant's request for waiver of Item 11.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

12. The location of all building setbacks required by the Land Use Plan Ordinance.

Motion to grant Applicant's request for waiver of Item 12.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

13. The location of district boundaries, including wetlands.

Motion to grant Applicant's request for waiver of Item 13.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

14. The lot area, street frontage and the requirements for minimum lot size.

Motion to grant Applicant's request for waiver of Item 14.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

15. Location of off-street parking and loading spaces with a layout of the parking indicated.

Motion to grant Applicant's request for waiver of Item 15.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

16. The location, width, curbing and type of access ways and egress ways.

Motion to grant Applicant's request for waiver of Item 16.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

17. The location of all existing and proposed deed restrictions, covenants, etc.

Motion to grant Applicant's request for waiver of Item 17.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

18. Surveyed property lines, showing their deflection angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters.

Motion to grant Applicant's request for waiver of Item 18.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

19. If the development is a subdivision, then lines and names of all proposed streets, lands and ways of easements intended to be dedicated for public use. All subdivision regulations shall apply.

Chair Spanos said this is not a subdivision so there is no need to vote on item 19.

20. Plan views of all buildings, either existing or proposed, with their use, size, location and floor elevations indicated.

Motion to grant Applicant's request for waiver of Item 20.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

21. A typical elevation view of all existing and proposed buildings indicating their height and signing.

Motion to grant Applicant's request for waiver of Item 21.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

22. The type and location of solid waste disposal facilities. McNamara said yes. Robinson asked McNamara if there was a pre-existing on-site dumpster for the facility. McNamara said "yes".

Motion to grant Applicant's request for waiver of Item 22.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

23. The location, size and design of proposed signs and other advertising or instructional devices.

Robinson said he was wondering about the signage planned for Aloto Gelato. McNamara said Pfeuti plans to use the existing signage space used by “Fired on the Mountain” pottery store and using the same size and same location.

Motion to grant Applicant’s request for waiver of Item 23.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

24. Stormwater drainage plan showing:

- a. The existing and proposed methods of handling stormwater runoff.
- b. The direction of flow of the runoff through the use of arrows.
- c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
- d. Engineering calculations used to determine drainage requirements.

Motion to grant Applicant’s request for waiver of Item 24.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

25. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities.

Motion to grant Applicant’s request for waiver of Item 25.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

26. The size and location of existing and proposed public and private utility connections, including provisions for fire protection.

Motion to grant Applicant’s request for waiver of Item 26.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

27. The location and type of all existing and proposed lighting for all outdoor facilities.

Motion to grant Applicant’s request for waiver of Item 27.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

28. Copies of all applications submitted for applicable state approvals and permits.

Robinson said this item is not applicable for a gelato bar.

29. Performance Guarantee or Bond.

Motion to grant Applicant’s request for waiver of Item 29.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

Robinson said this item is not applicable for a gelato bar.

30. Illustration of effect on pedestrian and automotive circulation.

Motion to grant Applicant’s request for waiver of Item 30.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

31. Illustration of fencing, walls and buffers.

Motion to grant Applicant’s request for waiver of Item 31.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

32. If waivers for non-compliance to DOT construction specifications for roads, parking, streets, drainage and bridges will be required.

Chair Spanos said that item 32 does not apply.

Motion to accept the application as complete.**Motion: OJ Robinson Second: John Hettinger All in favor: 4-0****Motion to the Change of Use as presented.****Motion: OJ Robinson Second: John Hettinger All in favor: 4-0**

Chair Spanos said there will be conditions.

1. Pfeuti will need to submit a Land Use Permit Application.
2. Pfeuti will need to submit the Water and Sewer Tap Fees form with payment.
3. Pfeuti will also need to submit a Sign Permit Application.

Hettinger said that Pfeuti may need to upgrade the exit signs and get what he needs from the Fire Chief to run a restaurant there, including alarms. McNamara said that everything is pretty much up to code there.

Motion to approve the Change of Use from Retail to Restaurant with three conditions:

1. Submit a Land Use Permit Application.
2. Submit the Water and Sewer Tap Fees form with payment.
3. Submit a Sign Permit Application.

Motion: OJ Robinson Second: John Hettinger All in favor: 4-0

McNamara thanked the Planning Board and left.

C. Coolidge Falls Homeowners Association – Voluntary Lot Merger of 2 PUDs

1. 28A Flume Road (Map 123, Lot 087) aka “Envelope 51”
2. 28B Flume Road (Map 123, Lot 086)

Ownership: Was Gregory A. Miller & Tara J. Hamilton 61 Emerson Road, Winchester, MA 01890 now Coolidge Homeowners’ Association PO Box 1086, Lincoln, NH 03251

Application for a Voluntary Lot Merger of Tax Map 123, Lot 086 & Lot 087 – Applicant Attorney Gregory Sorg, of Law Office of Gregory M. Sorg, 129 Gibson Road, Franconia, NH 03580, is Agent for Property Owner, Coolidge Homeowners’ Association, PO Box 1086, Lincoln, NH 03251-1086. Coolidge Homeowners’ Association owns Tax Map 123, Lots 086 & 087. Applicant proposes to merge these lots. The property is located in the Rural Residential (RR) District.

Presentation:

No one was present to present the application; however, it is not required as no public hearing is needed for a Voluntary Lot Merger. Bont said that the Planning Board just needs to accept the application to voluntarily merge Map 123, Lot 086 with Map 123, Lot 087. Then they should approve the application and sign the Voluntary Lot Merger form. Bont presented maps to the Planning Board to show them where the two Planned Unit Development (PUD) lots were. Bont commented that combining two tiny PUDs into one larger PUD was a good thing. There will be one single family house instead of a duplex on those two adjacent PUD lots.

The new combined lot will be known as Map 123, Lot 086. Chair Spanos signed the form to be recorded.

- 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 7:12 pm.

Motion: John Hettinger Second: OJ Robinson All in favor: 5-0

Respectfully submitted,

Carole Bont,
Planning and Zoning Administrator

Date Approved: July 12, 2017


James Spanos, Chairman

