

**LINCOLN PLANNING BOARD  
PUBLIC HEARING**

**APPROVED**

**WEDNESDAY, MAY 13, 2020 – 6:00PM**

**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

This meeting was presented via Zoom Video Conferencing due to COVID-19.

---

**Present:** Chairman Jim Spanos, Vice President Joseph Chenard, Board of Selectmen's Representative O.J. Robinson, Member Stephen Noseworthy, Member Mark Ehrman, Alternate Paul Beaudin, Alternate Dianne Chrystal

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Town Manager Butch Burbank, Town Planner Carole Bont, Fire Chief/Forest Fire Warden/Code Enforcement Officer/Health Officer Ronald R. (Ron) Beard, Town Attorney Peter Malia, Town Engineer Raymond Korber, Town Clerk/Tax Collector/Recording Secretary Kristyn Daigle-Brophy

**Staff Excused:** None

**Guests:**

- **William (Bill) Walsh**, of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 agent for property owner Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102.
- **Kamlesh (Kam) Patel**, nonresident, (APPLICANT) d/b/a Green Wood LLC, Portland Hotels, Inc., 1150 Brighton Avenue, Portland, ME 04102 that owns #LO Pollard Road (Map 112, Lot 001) in the General Use (GU) District.
- **Christine Kemp**, nonresident North Woodstock, NH, and employee of Ronald (Ron) Comeau d/b/a Flap Jacks Pancake House at 149 Main Street (Map 118, Lot 062) speaking for the Comeau.

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

*Alternate Paul Beaudin is seated.*

- II. CONSIDERATION** of meeting minutes from:

- March 11, 2020 (Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Alternate Paul Beaudin, Alternate Deanne Chrystal)

No edits were suggested.

**Motion to accept meeting minutes from March 11, 2020: Beaudin**  
**Second: Robinson**  
**All in favor: 5-0, Abstentions: 0**  
**Motion carries.**

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

**A. 6:00 PM Application for Site Plan Review Approval – Kamlesh Patel by and through his Applicant/Engineer submitted an application for Site Plan Review approval to the Planning Board:**

**Applicant/Engineer:** Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 agent for property owner Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102. Thomas Greer retired and William Walsh, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 is the successor Applicant.

**Property Owner:** Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102

**Property:** Pollard Road #LO (Map 122, Lot 001) northeast of the intersection of Forest Ridge Drive and NH Route 112 (Kancamagus Highway). The property is located in the General Use (GU) District.

**Proposed Project:** Application of the Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc, for: Requesting Site Plan Review approval to change the use of one vacant lot of 6.35 acres and to make site improvements to include a 96-unit hotel and 5-unit condominium residential units with parking for 121 cars for a total of 95,390 square feet of impervious surface. The project includes a gravel wetland for stormwater treatment & two infiltration systems to limit the total volume of runoff.

**Status:** On October 23, 2019, the Planning Board determined the application to be complete and started the public hearing process. The public hearing was continued to December 11, 2019. On December 5, 2019, the applicant requested an extension and agreed to waive the 65-day clock for the Planning Board to make a determination of their request for Site Plan Review approval. The Planning Board granted Applicant's request for an extension on December 11, 2019 to be heard on Wednesday, February 12, 2020 at 6:00 PM. The Planning Board granted Applicant's request for an extension on February 12, 2020 to be heard on Wednesday, March 11, 2020 at 6:00 PM. The Planning Board granted Applicant's request for an extension on March 11, 2020 to be heard on April 8, 2020. The March 11, 2020 Planning Board hearing did not complete the matter so the Planning Board granted Applicant's request for an extension on March 11 to April 8, 2020, although the news about COVID-19 made meeting on that date questionable. Then the

NH State Governor issued an Emergency Declaration and Order #23 with a stay at home order under May 4, 2020, after which then the meeting was extended to May 13, 2020 at 6:00 PM due to the closing of the Town Offices to the public.

**Discussion:**

Chairman Spanos informed the PB the owner has requested an extension.

Alternate Beaudin questioned how many times the PB should allow an applicant an extension before stating they need to reapply, as to allow abutters and the public aptly follow the timeline/project.

Walsh stated that COVID-19 has impacted their progress and that they have completed all except one of the requirements in order to move forward. He stated Carole had received a copy of email from Paul Regis on March 19<sup>th</sup> saying the NHDOT is satisfied with their study of the intersection.

Alternate Beaudin reiterated the abutters ability to follow the meetings due to the meetings being webcast as opposed to in-person. Alternate Chrystal suggests the public can review the minutes online.

Chief Beard informed the attendants that the internet in Town Hall went out and the livestream was interrupted.

Carole explained that public participation can proceed via emailing Recorder Daigle-Brophy at [townclerk@lincolnnh.org](mailto:townclerk@lincolnnh.org) and requesting the Zoom Meeting code and password.

Manager Burbank explained the importance of continuing meetings in order to provide the public time to respond with any concerns they may have. He then explained that the processes of recording minutes consist of the recorder having to review the meeting for a second time in order to transcribe.

Representative Robinson stated that Paul Regis (NH DOT) sent the email on March 24<sup>th</sup> and stated the PB should have all available information prior to meetings. Walsh stated he will send Regis' email to Carole so she can pass it along to the PB.

Alternate Beaudin stated that he didn't receive any information regarding the sewer capacity or fire suppression, and was under the impression that hardcopies were supposed to be distributed to the board members.

Carole explained that it is difficult to produce packets as she is not in the office and therefore cannot always see what is being printed.

Patel stated he spoke to Ray at Horizon Engineering and stated that the sewer capacity study wouldn't be accurate if it is completed now due to the skewed number of occupancy caused by COVID-19 and the stay-at-home order. He then questioned how long an

applicant can hold a permit for, to which Alternate Beaudin stated he thinks it is a period of three years, but not to take his word.

Manager Burbank stated that Patel needs to let the engineers communicate with each other in order to come to an agreement.

Alternate Beaudin inquired how the PB would like to proceed with incoming applications as project timelines are different and sewer capacity can change.

Patel stated testing right now will be wasting money because the town will not be at capacity for another year or so with the virus.

Alternate Beaudin stated that when it comes down to it, the town is the one to decide if there is adequate capacity not the engineers, but they need to communicate. He stated he is agreeable to granting a 60-day extension to Patel.

Representative Robinsons questioned whether or not it would be worth it financially for Patel to perform the sewer study as it will not be accurate. The engineers have to figure out how to get a valid sewer capacity study whether it be by extrapolating data or some other way.

Alternate Beaudin believes there was a sewer study done in the past in that area and the engineers can use that data to determine the capacity. He also suggests the board get a number on exactly how many applications are out there.

**Motion to continue and extend the permit to July 8, 2020: Beaudin**

**Second: Robinson**

**All in favor: 4-1, Abstentions: 0**

**Motion carries.**

#### **IV. NEW BUSINESS**

- A. BOS Request for Planning Board Input: NH restaurants are going to be allowed to open on May 18 with outdoor seating. The BOS anticipates that many local restaurants will want to establish new or expanded outdoor seating on a temporary basis. The Board would like input from the Planning Board as to how the Town should respond to these requests. Will each request require a Site Plan Review Application? Could temporary outdoor seating for a restaurant be considered a Special Event that could be approved by the Board of Selectmen? (Article VI-C, Section A). Could this be considered a Temporary Sales Location? (Article 5 Section B).
- B. “Conceptual” – Ronald Comeau d/b/a Flap Jacks Pancake House at 149 Main Street (Map 118, Lot 062) on property owned by Ronald Comeau d/b/a Comeau Properties, LLC, is inquiring about being allowed to fill in the garden next to his restaurant to accommodate outdoor seating with 4-5 picnic tables during the course of the COVID-19 pandemic, to

follow the NH Governor's Guidelines first to allow the operation of an outdoor restaurant and then to allow limited indoor seating with social distancing as a temporary measure limited in scope and duration.

**Discussion:** Representative Robinson stated the BOS are looking for input from the PB as the restaurants are allowed to start serving customers in an outdoor setting starting May 18, 2020 which is on the same day as the next BOS meeting. He explained that there have already been restaurants inquiring and one approval.

Planner Bont stated The Common Man, El Charro's and Flapjacks have already been looked at and The Gypsy Café is also interested in opening back up.

Chief Beard stated that any restaurant that wants to open up under Governor Sununu's orders needs to speak to himself and Police Chief Morris.

Manager Burbank stated there is an application process, just as there is an event permit, and the town is working on an application and once it is "approved" by the PB, the permit applications will be available to the inquiring restaurants.

Member Ehrman stated he is proud that the public is working so hard to reopen the town in a safe manner and asked Chief Beard if he feels he has adequate assistance in opening restaurants back up with regards to needing a Health Officer.

Chief Beard informed him he is the Health Officer and that him and Chief Morris have been attending trainings and actually posed the question of distance between seats as the waitstaff will have to pass through tables. He stated the definition states at least six (6) feet allowing some discretion.

Christine Kemp stated that all waitstaff needs to be wearing masks at all times.

Chief Beard agreed stating that even patrons attending the restaurants need to wear a mask until they are seated and when they leave or use the restrooms, they need to put their mask back on.

Manager Butch stated that another challenge businesses will face is push-back from customers who refuse to wear a mask, but that the businesses have every right to not allow entry and the town itself does not.

Alternate Beaudin asked why this is being presented to the PB, and Planner Bont stated that typically Site-Plan review is required for outdoor seating and essentially morphed into a permit application process.

Manager Burbank stated that the Governor's orders cannot overstep PB and ZBA.

Alternate Beaudin states that the president has a task force that stated things will open up once there is two weeks of decline in the number of cases but is pushing for businesses to open. He continues to state the boards are still meeting via Zoom in order to protect ourselves, but are discussing opening businesses. He stated he feels as though it is a counterproductive discussion and questions whether the town could be held liable.

Chief Beard stated there is a release of liability the applicant is required to sign and has been reviewed by Town Attorney Peter Malia who felt as though the town would be adequately covered.

Manager Burbank stated a special events permit is the perfect fit for the situation.

Chief Beard stated that Chief Morris will be enforcing the order to the letter of the law and will rescind any permits issued where the business is not following protocol or if there are any unsafe business practices.

Kemp questioned when restaurants will be able to apply for the permit.

Manager Burbank stated the permits should be available tomorrow and that the restaurants need to reach out to either Chief Beard or Chief Morris.

Alternate Beaudin questioned who should be contacted if anyone feels as though a business is not following the order, to which Manager Burbank stated Chief Morris or Chief Beard.

Chief Beard stated the police department should be the contact point for any concerns or complaints as they are more accessible than Chief Beard as they are available around the clock.

Representative Robinson thanked to PB members for their input.

## **V. PUBLIC PARTICIPATION AND OTHER BUSINESS:**

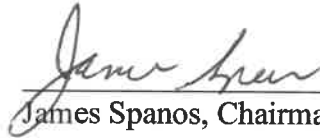
Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

## **VI. ADJOURNMENT**

- A. Motion to Adjourn meeting at 7:20pm: Robinson**  
**Second: Chenard**  
**All in favor: 5-0, Abstentions: 0**  
**Motion carries.**

Respectfully submitted,  
*Kristyn Daigle-Brophy*  
Recorder

\_\_\_\_\_  
Date Approved: June 24, 2020

  
\_\_\_\_\_  
James Spanos, Chairman  
Signed: July 8, 2020

