

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 24, 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, Paula Strickon, and Callum Grant (alternate).

Members Excused: Norman Belanger (Alternate), Taylor Beaudin (Alternate)

Members Absent: None

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

Town Attorney Present: Attorney Peter Malia of Hastings & Malia Law Office, PA, 376 Main Street, PO Box 290, Fryeburg, ME 04037-0290

Guests:

- **Cellco Partnership d/b/a Verizon Wireless Presenters:**
 - Thomas W. Hildreth, Attorney for McLane, Graf, Raulerson & Middleton, PA, 900 Elm Street, PO Box 326 Manchester, NH 03105-0326, representing Applicant Cellco Partnership d/b/a Verizon Wireless
- **Abutters to Proposed Cell Tower**
 - Douglas Smith, abutter and President of Westwood Homeowners Association and homeowner in Westwood, PO Box 1413, Lincoln, NH 03251
- **Presenters of Minor Subdivision (Lot Line Adjustment) of land of Town along western side of East Spur Road for James Welsh, Michael Harrington & Holly Harrington, Jane O'Connor and the Town of Lincoln:**
 - **Stephen Tower**, of Sabourn & Tower Surveying and Septic Design, PLLC, PO Box 650, 137 Main Street, No. Woodstock, NH 03262
 - **James Welsh**, PO Box 286, Lincoln, NH 03251-0286, owns Map 113, Lot 041 (10 East Spur Road) and Map 113, Lot 041.1 (East Spur Road).
- **Presenter for El Charro Restaurant Conceptual:**
 - Izzy Lira, Village of Loon, for El Charro Restaurant located at Lincoln Center North, LLC, 6-24 Lumber Yard Drive (Tax Map 113, Lot 002)
- **Herbert Lahout Presenter:**
 - Herbert Lahout, of 64 Sunset Hill Road, Sugar Hill, NH 03586, owner of 31 & 33 Main Street, (Tax Map 112, Lots 027 & 028)
- **Abutters to Herbert Lahout:**
 - William Burdin, Attorney for David Rodgers, PO Box 44, Windham, NH 03087-0044
 - Brenton "Brent" Drouin, Owner of Century 21 Mountainside Realty, 49 Main Street, Lincoln, NH 03251
 - Dexter Drouin, 49 Main Street, Lincoln, NH 03251
 - Sara Maffei, Century 21, 49 Main Street, Lincoln, NH 03251
 - David O'Rourke, 443 Eastside Road, North Woodstock, NH 03262
 - Karen O'Rourke, 443 Eastside Road, North Woodstock, NH 03262
 - David Rodgers, 19 Black Mountain Road, Lincoln, NH 03251 David Rodgers, d/b/a Rodger's Ski Shop and principal in Great Stone Face Skier, LLC, P.O. Box 68, Lincoln, NH 03251 who owns: [29 Main Street (Map 112, Lot 026)], [9 Donovan Drive (Map 112, Lot 013) and 5 Railroad Street (Map 112, Lot 014)(now merged)].
 - David Thompson, 11 Labrecque Street, Lincoln, NH 03251
- **Others:**
 - Ron Beard, Fire Chief Town of Lincoln, PO Box 25, Lincoln, NH 03251-0025

- Darin Whipperman, Reporter for newspaper The Littleton Courier, 33 Main Street, PO Box 230, Littleton, NH 03561-0230
- William (“Bill”) Willey, Public Works Director Town of Lincoln, PO Box 25, Lincoln, NH 03251

(There may have been others present who did not sign in on the sign-up sheet.)

- I. CALL TO ORDER:** by Chairman Pat Romprey called the meeting to order at 6:10 P.M.
Alternate Norman Belanger and Alternate Taylor Beaudin were both excused. Chairman Romprey changed the order of the meeting to proceed as efficiently as possible.

- II. CONSIDERATION** of meeting minutes from:
- August 27, 2014 – *was put off until later in the meeting.*

III. NEW BUSINESS

A. 6:00 pm – Minor Subdivision (Lot Line Adjustment) of land of Town along western side of East Spur Road

1. Application (SUB 2014-04)

2. Property Location:

- a. Michael Harrington & Holly Harrington who own Map 113, Lot 040 (6 McGee Drive);
- b. James Welsh who owns Map 113, Lot 041 (10 East Spur Road)
- c. James Welsh who owns Map 113, Lot 041.1 (East Spur Road);
- d. Jane O’Connor who owns Map 113 Lot 042 (249 Pollard Road).
- e. Town of Lincoln owns East Spur Right of Way which abuts all four of the applicants’ lots.

- 3. Proposal:** Applicants Michael Harrington, Holly Harrington, James Welsh and Jane O’Connor are proposing a minor subdivision (lot line adjustment) with the Town of Lincoln, owner of the East Spur Road Right of Way. Michael Harrington & Holly Harrington of PO Box 457, Lincoln, NH 03251-0457, own Map 113, Lot 040 (6 McGee Drive). James Welsh of PO Box 286, Lincoln, NH 03251-0286, owns Map 113, Lot 041 (10 East Spur Road) and Map 113, Lot 041.1 (East Spur Road). Jane O’Connor of 48 Evans Street, Watertown, MA 02472, owns Map 113 Lot 042 (249 Pollard Road). The Town of Lincoln owns East Spur Right of Way which abuts all four of the applicants’ lots. The Town proposes to transfer the land in front of the applicants’ lots to the applicants as the additional land within the East Spur Road Right of Way along the west side of East Spur Road is no longer needed for East Spur Road. Map 113, Lot 40 will increase from 0.88 acres to 1.05 acres. Map 113 Lot 041 will change from 1.66 acres to 2.04 acres. Map 113, Lot 041.1 will increase from 0.69 acres to 0.74 acres. Map 113, Lot 042 will increase from 0.64 acres to 0.82 acres. The applicants’ lots are located along the west side of East Spur Road. The land is located in the General Residential (G.R.) District. The applicant’s surveyor is Sabourn & Tower Surveying and Septic Design, PLLC. No new lots are being created. No additional streets, utilities or public improvements will be required.

If the application is accepted as complete by the Planning Board, a public hearing will be conducted during this meeting or scheduled for a future meeting of the Planning Board. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Chair Romprey asked if there were any questions from the Planning Board and there were not.

Motion to open the public hearing.**Motion: Jim Spanos Second: OJ Robinson****All in Favor: (4-0)***No comments from the public.***Motion to close the public hearing.****Motion: OJ Robinson Second: John Hettinger****All in Favor: (4-0)****Motion to approve the application for Minor Subdivision (Lot Line Adjustment) of land of Town along western side of East Spur Road:****Motion: Jim Spanos Second: John Hettinger****All in Favor: (4-0)****B. 6:00 pm – Conceptual – Bar with Dance Floor & Pool Tables next door to El Charro's Restaurant.**

1. **Property Location:** space next to El Charro's (6-24 Lumberyard Drive – Unit #5) (Tax Map 113, Lot 002)
2. **Proposal:** Conceptual – Alberto Lira d/b/a El Charro (Mexican Restaurant) wants to explore the possibility of renting space next to El Charro's (6-24 Lumberyard Drive – Unit #5) for a bar with dance floor and pool tables.

Izzy Lira came to explain that El Charro Restaurant would like to expand the current restaurant. They would put more tables for eating, a second bar, a dance floor and two pool tables in this new section with the possibility of a stage.

Chair Romprey asked what the intended hours of operation would be for the new section. Lira stated that it would probably be from 4:00 p.m. to 1:00 a.m., but did not rule out the possibility of opening all day depending upon customer demand. They would extend their dining into the new area and then turn into a cocktail lounge from 9:00 p.m. to 1:00 a.m.

Callum asked if there would be access between the two rooms. There will be access through one doorway.

Chair Romprey suggested that they consult with the Fire Chief as well as the Chief of Police. Lira agreed they would do that. Chair Romprey also mentioned that there were state statutes that would need to be conformed to. Lira answered that they had already spoken to the state inspector and he has already done a walkthrough of the new area.

No issues were raised by the Planning Board.

IV. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).**A. 6:00 pm. Site Plan Review for a Proposed Telecommunications Facility Under Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities**

1. **Application (SPR 2014-02)**
2. **Property:** Tax Map 126, Lot 20, (60 Loon Mountain Road)
3. **Purpose of Hearing:** Planning Board (PB) will hold a Public Hearing on whether

engineering plans for proposed site of conditionally approved telecommunications facility are acceptable to town engineers – HEB Engineers, Inc. - and Planning Board. On 8-13-2014, Planning Board granted Conditional Site Plan Review Approval for telecommunications facility under Land Use Plan Ordinance, Article VI-A, subject to engineering approval by HEB Engineers, Inc. to be determined by the Planning Board at a public hearing, scheduled for 9-24-2014 at 6:00 pm. Thomas W. Hildreth, Esq. of McLane, Graf, Raulerson & Middleton, PA, on behalf of his client, Cellco Partnership d/b/a Verizon Wireless (“VzW”) is proposing to construct a 100 foot monopole within a 50’X30’ fenced-in compound located to the southwest of the Governor’s Lodge at Loon Mountain Ski Resort, near the end of Governor’s Lane at 60 Loon Mountain Road (Tax Map 126 Lot 020). Monopole will host 12 panel antennas with a centerline height of 97’. Monopole will be supported by 12’X26’ equipment shelter & internal diesel generator located within compound. Structures will be in the General Use (G.U.) District. The property is owned by CLP Loon Mountain, LLC (formerly known as CNL Income Loon Mountain, LLC). Upon finding by Planning Board that plan obtains engineering approval, PB will vote on whether or not to approve the telecommunications facility on site as proposed.

John Hettinger, an abutter at 12 Westwood Drive (Map 124 Lot 036) at PO Box 818, Lincoln, NH 03251 continued his recusal for the Cellco Partnership d/b/a Verizon Wireless hearing. Alternate Callum Grant continued to sit on the Board for this case.

Attorney Thomas Hildreth mentioned that there were six (6) conditions that needed to be met before the final decision was rendered. Attorney Hildreth also mentioned that the Planning Board listed the compound as forty feet by forty feet (40’ x 40’) when in reality it is thirty feet by fifty feet (30’ x 50’).

The condition that they were to discuss tonight was the engineering report done by HEB Engineering, Inc. HEB Engineering stated in their report that the plans met their approval and the storm water management plan met their approval. As a requirement HEB Engineering asked that the Planning Board continue to require Verizon Wireless to submit evidence of a NEPA (National Environmental Policy Act) screening which would be done after approval for a Building Permit and that Verizon Wireless submit plans stamped by a professional engineer of the structural design of the foundation of the tower.

Chair Romprey asked if Hildreth agreed to HEB Engineering, Inc., recommendations and Hildreth agreed.

Chair Romprey asked about Condition #2 of the bond.

“2. This bond may be terminated or canceled by Surety [Westchester Fire Insurance Company] by giving not less than sixty (60) days written notice to the Obligee [Town of Lincoln] stating therein the effective date of such termination or cancellation. Such notice shall not limit or terminate any obligations resulting from default by the Principal [Cellco Partnership d/b/a Verizon Wireless] prior to the effective date of such termination.”

Hildreth state that the bond could be cancelled by the bonding company only, not by Verizon Wireless, but only after they have provided 60 days’ notice to the town. Hildreth then stated that if the town received notice, the Town of Lincoln would then tell Verizon Wireless and Verizon would need to obtain a replacement bond.

Attorney Malia asked about the condition being added regarding the bond. Attorney Hildreth stated that it was a condition that would be added to the Planning Board's approval. The condition would be that if the bond were about to expire, the Town of Lincoln would notify Verizon Wireless to have a new bond issued.

Bont asked whether, as a commercial property, the town would need to have a third party review. Town Manager Burbank stated to stay consistent the Town would require a third party review and that HEB Engineering, Inc. would do the review. Chair Romprey then stated that the other condition would be the use of a third party engineer review.

Motion to open the public hearing:

Motion: Jim Spanos

Second: OJ Robinson

All in Favor: (4-0)

Westwood Homeowner's Association President Doug Smith asked if HEB Engineering, Inc. was at the hearing. They were not. Smith then asked if HEB Engineering, Inc. had any issues after doing their review. Attorney Hildreth said that HEB Engineering, Inc.'s concerns were only the two he mentioned: the NEPA screening and the review by a professional engineer of the structural design of the foundation of the tower.

No further public comments.

Motion to close the public hearing:

Motion: Jim Spanos

Second: OJ Robinson

All in Favor: (4-0)

Attorney Malia clarified that the motion to grant final approval is subject to three things.

1. The original Notice of Decision has the incorrect size of the compound. The original reads 40 x 40 feet, when it should read 30 x 50 feet.
2. The town will hire HEB Engineering, Inc., as a third party reviewer to review the structural design of the foundation of the tower (at the cost of Verizon Wireless).
3. If the Tower Removal Bond is cancelled, the applicant will be required to renew it.

Attorney Malia asked if the NEPA screening was already in process. Attorney Hildreth explained that it does not get completed until the final Planning Board approval and that the entire NEPA process takes over 30 days.

Motion to approve the application with the following conditions:

1. Correction: The original Notice of Decision has the incorrect size of the compound. The original reads forty feet by forty feet (40' x 40'), when it should read thirty feet by fifty feet (30' x 50').
2. The town will hire HEB Engineering, Inc., as a third party reviewer to review the structural design of the foundation of the tower (at the cost of Verizon Wireless).
3. If the Tower Removal Bond is cancelled, the applicant will be required to renew it.

Motion: OJ Robinson

Second: Jim Spanos

All in favor: (4-0)

Strickon abstained.

B. 6:00 pm. Site Plan Review for Restaurant at Site of Former Pinestead Quilt Building and former Bill and Bob's Famous Roast Beef Restaurant

a. Application (SPR 2014-01)

- b. Property Location:** Tax Map 112, Lot 27 (31 Main Street) and
Tax Map 112, Lot 028 (33 Main Street)
(Village Center District)

- c. Purpose of Hearing:** Planning Board will hold a Public Hearing on whether the applicant has met the conditions to approve a restaurant as a change in use – per NH Revised Statutes Annotated 676:4, I (d) and the Town of Lincoln Site Plan Review Regulations and Land Use Plan Ordinance, the Town is required to notify the public of a proposal for a change of use. Applicant Herbert Lahout, of 64 Sunset Hill Road, Sugar Hill, NH 03586, received conditional approval from the Lincoln Planning Board on March 26, 2014, to change the use of a business located on Tax Map 112, Lot 27 (31 Main Street) and Tax Map 112, Lot 28 (33 Main Street) (now merged) from retail space to a restaurant. The lot is located in the Village Center District. The Planning Board approved the Site Plan Review Application with the following conditions:

Provided Lahout provides the rest of the application to that it is complete as set forth above, the Planning Board approved the Voluntary Lot Merger and approved the Application for Site Plan Review:

- i. For Retail/Office Space as proposed; or
- ii. For Restaurant Space provided the building is reconfigured to accommodate sufficient parking.
- iii. In addition, the 991 square feet being demolished can be rebuilt as shown on the approved Site Plan.
- iv. If the building is reconfigured to accommodate the restaurant and the addition is less than 990 square feet, those square feet are grandfathered for the additional footage up to 991 square feet.

Applicant began presenting evidence that the conditions have been met during a regular meeting of the Board on Wednesday, August 27, 2014. The public hearing was continued to Wednesday, September 24, 2014. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Chair Romprey recused himself for the Site Plan Review for a Restaurant at the Site of the former Pinestead Quilt Building and former Bill and Bob's Famous Roast Beef Restaurant.

Vice Chair Spanos chaired during this hearing. Alternate Callum Grant was appointed to sit.

Lahout asked the planning board to allocate thirty percent (30%) of the twelve (12) on-street parking spaces, four (4) parking spaces and also two (2) parking spaces in the town municipal parking lot.

Lahout stated that he did a survey of the entire Main Street in Lincoln and there are no restaurant spaces that are two hundred (200) square feet in the town. Lahout said that on his new plan all the parking spaces are two hundred (200) square feet and there was one handicap parking space that is two hundred ninety (290) square feet.

Lahout handing out plans of his lot showing the parking spaces as stated. There were fourteen

(14) spaces shown on-site.

Vice Chair Spanos asked if the site plan that was handed out was the one that the Planning Board that Lahout was asking for an approval on.

Strickon asked for confirmation that this was an approval for a restaurant.

Lahout stated that he was asking for an allocation of parking spaces based only for his seating count.

Town Manager Burbank said that the Planning Board should consider all the on-street parking on Main Street as municipal parking. The Planning Board looked at maps that showed all the businesses in the same general area that rely on on-street parking. Town Manager Burbank stated that the parking on Main Street was requested by the Town of Lincoln to the State of New Hampshire and should be considered municipal parking. These seventy-seven (77) parking spaces are used by everyone on Main Street.

Town Manager Burbank said that the Planning Board has never taken into consideration that they should deny an application because of parking.

Attorney Malia stated that the letter from Mr. Lahout's lawyer was asking for a sixty-four (64) seat restaurant and asked if Lahout was asking for that same number tonight. Lahout then said he was asking for eighty (80) seats.

There was some discussion on the maneuverability in the parking lot. The Planning Board felt that some of the spaces seem very tight to maneuver in and out. Hettinger stated that it would be up to Lahout's insurance company if they would be willing to insure the restaurant with such a small lot.

Vice Chair Spanos stated that any on-street parking that was used to figure the seating for Lahout's restaurant could also be used by other businesses on Main Street and they were not to be exclusive to Lahout's business.

Motion to open Public hearing:

Motion: OJ Robinson Second: John Hettinger
All in Favor: (4-0)

Attorney William Burdin stated that the Town of Lincoln Ordinance for parking states that the spaces must have sufficient space for maneuvering as well as being two hundred (200) square feet. Attorney Burdin also asked where the dumpster would be located. Lahout pointed on the plan to where the dumpster would be. Attorney Burdin also asked about snow storage and that was pointed out on the plan.

Attorney Burdin stated that there is a dispute as to whether Lahout has access to the parking spaces on his lot. It is agreed that issue would need to be determined in Grafton County Superior Court.

Bont pointed out an email from Mike Highland of the White Mountain Bagel company expressing his concerns about parking. Highland does not feel that the Main Street parking spaces should be assigned to specific businesses and that all business on Main Street has a right to use any of the spaces. Highland also wanted to make it clear that no other businesses have

the right to park in the White Mountain Bagel parking lot except his customer.

Dave O'Rourke stated parking is an issue. O'Rourke is an abutter and also depends upon the on-street parking for his business.

Motion to close public hearing:

Motion: John Hettinger Second: OJ Robinson

All in Favor: (4-0)

Malia stated that the Planning Board does not have to grant the approval of what the applicant is asking for. Approval could be for less parking based on maneuverability.

Hettinger asked that at one time Lahout was expecting to expand the size of the building and was that still the plan. Lahout stated the building could not be expanded. Hettinger asked if twenty (20) tables would fit in the building with a kitchen. Lahout confirmed that the tables would fit and there was plenty of space. The Planning Board was concerned that the building was not big enough for what Lahout was asking, but determined that it would be up to the Fire Chief upon inspection if the plan Lahout submitted would work.

Vice Chair Spanos asked Fire Chief Ron Beard if he saw a problem with putting eighty (80) seats in the Pinestead Quilt building. Beard replied that it would depend upon how the restaurant was furnished and how the seating would be laid out.

Fire Chief Beard stated that Lahout may say eighty (80) seats, but the building may not be capable of supporting that.

Lahout agreed because he had the same problem before where he was approved for more seats than would fit in the building at Elvio's Restaurant when it opened.

Attorney Malia said that the Planning Board needs to consider how many on-site parking spaces they would approve. If spaces eight (8) and nine (9) on the plan were not approved because of maneuverability, there would be twelve (12) on-site spots and then the Planning Board would need to consider how many off-site spots would be considered. The Planning Board needs to come up with a number of seats.

Robinson felt that Lahout had done a good job laying out the parking in the lot with the little space that was available. It was Robinson's opinion that the Planning Board should go with the total fourteen (14) on-site spaces and then delineate a number of on-street parking spaces that could be used to determine the number of seats for the restaurant. Robinson said that half of the parking spaces in front of the building on the street would be two (2) spaces. Added to the fourteen (14) onsite spaces, that would be a total of sixteen (16) spaces for a sixty-four (64) seat restaurant. Robinson felt that was a more reasonable number for the size of the restaurant.

Callum stated that the fourteen (14) onsite parking spaces work, but did not agree that the municipal parking should come into the equation at all.

Hettinger said that he would approve the fourteen (14) parking spots plus four (4) on-street parking spaces in front of the building. But then he said that two (2) on street parking spaces were fine; Hettinger could approve two (2) on-street parking spaces as well.

Bont asked if it was going to be a night only restaurant, or would it include lunch or breakfast.

Lahout stated once that it would be a breakfast restaurant. Lahout thought of naming the restaurant “Lahout’s Lebanese Pancakes” and asked for the Planning Board’s opinion on that name.

Strickon stated that she did not trust anything from Lebanon right now.

Lahout stated Strickon’s remark was a racist remark and that Strickon should be ashamed of herself.

Strickon stated that it was not politically incorrect because of the war.

Vice Chair Spanos asked if fourteen (14) onsite spaces and four (4) on-street parking spaces was okay with other members of the Planning Board.

The Planning Board discussed the amount of spaces both onsite and on-street. Robinson believes that two (2) on-street parking spaces would be enough because of other businesses that are on the same block and require on-street parking. Robinson also stated that the regulations say that “all parking must be off street” and that the regulations were written before the application was considered.

Town Manager Burbank stated that fourteen (14) onsite parking spots and two (2) on-street parking spaces were the same figures and ratio he was thinking about.

Lahout stated his relatives came to America in 1899 and worked very hard and were proud Americans and he resented the comment that Strickon made about Lebanon. Lahout also felt that for someone her age Strickon owed the room an apology and Strickon should excuse herself from the voting and that she should be ashamed of herself.

Strickon stated that she would apologize to Lahout.

Lahout said “thank you and I think you should excuse yourself from the voting”.

Strickon stated that she would certainly excuse herself from the voting.

Attorney Malia proposed that the application be approved with the following conditions:

- The Planning Board has relied on the applicant’s representation that he has access to the subject property.
- The Planning Board has not performed additional title research and makes no warranty or representation concerning the applicant’s legal right to access. In the event that a court of competent jurisdiction finds that the applicant does not have access to the property and/or the approved parking spaces then this approval shall be null and void.

It was noted that the parking will determine the number of seats and the final number for approval will come from the Fire Chief.

Attorney Malia asked if the Planning Board needed an updated plan with the access issue noted. Town Manager Burbank said that the Planning Board should request a new plan from Lahout that states the access issue on the plan so that it is a recorded statement. Lahout said he would be glad to do that.

Attorney Malia also noted that Gardner Kellogg of Kellogg Surveying and Mapping (the engineering firm that created the plans) would also have to edit the plan and change the statement “street side 4 spaces” to 2 spaces.

Motion to approve Herbert Lahout’s Site Plan Review application as follows:

1. **Fourteen (14) on-site parking spots plus two (2) off-site parking spots for a total of sixteen (16) parking spots for up to sixty-four (64) seats in a restaurant.**
2. **The Planning Board has relied on the applicant’s representation that he has access to the subject property. The Planning Board has not performed additional title research and makes no warranty or representation concerning the applicant’s legal right to access. In the event that a court of competent jurisdiction finds that the applicant does not have access to the property and/or the approved parking spaces, then the approval shall be null and void.**
3. **Gardner Kellogg Surveying to revise plan and submit new plan (with notes above) to the Town.**

Motion: OJ Robinson Second: John Hettinger

All in Favor: (3-0)

Strickon abstained.

5 minute recess.

V. OTHER BUSINESS

a. Water and Sewer System Upgrades

Town Manager Burbank said that with the recent breaking ground of the hotel at RiverWalk and Forest Ridge growing, the town has had issues with water pressure. Although the pumps on the south peak side are privately owned, all of the water comes out of the town storage area. There is more water usage than ever. Suddenly there is an issue at Loon Pond where the outtake has been plugged by beavers. There are pressure issues. Parts of Beachwood are fed by a one inch (1”) line. There is no fire protection above specific elevations at South Mountain. It is not just a matter of pressure issues, there are also flow issues. There is a home being built on Hemlock that is putting in a one thousand (1,000) gallon bladder. This is dangerous.

A water study was done in 2007. What has happened is the building has gone beyond the water capabilities of the town. There is one area where the engineer put in a jockey pump to support three (3) homes. There are twenty-nine (29) homes built there today. That is twenty-six (26) homes beyond what the engineer said could go in that area. The jockey pump was meant to support three (3) homes. We now have twenty-nine (29) homes. It appears that phasing never took place.

Public Works Director Willey said that the economy went down and things were fine for 10 years, but now the economy is coming back up and more people are building and we are having problems.

Town Manager Burbank explained that in South Peak the town is at least two owners out. The water tank was to be paid for by the developer. Now Lincoln has homes built in the higher elevations.

There was a long discussion about the current system and some of the concerns. Some of the concerns were about bladder tanks collapsing, no fire protection, lack of pressure and building continuing.

Town Manager Burbank states that something should go in this year. There are only sixteen (16) to eighteen (18) months out before water flows to the new hotel (RiverWalk).

Public Works Director Willey said that the high demands for the short time periods kill the town water system because the town is very busy during the summer and winter months.

Town Manager Burbank contacted Hoyle & Tanner, the engineering company that did the 2007 water survey. Hoyle & Tanner will do a 2014 updated water survey. That will give the town a better idea of the cost of what is needed.

There was more discussion about the tanks in town. Indian Head tank, Forest Ridge tank, Village tank and a potential tank at South Peak. Saber Mountain has a private system and because of money they went with a step process with a pump system.

Public Works Director Willey believes that the pump system at Saber Mountain is going to cause problems with the town water supply. But the first problem that needs to be solved is the small booster pump station at South Peak.

Town Manager Burbank stated that the same engineer is still with Hoyle & Tanner that did the original survey and he will be doing the update for 2014.

Public Works Director Willey is concerned if there is a large fire the town water system will not be able to support the fire truck pumps.

There was another long conversation about pumps and gallons per minute.

Public Works Director Willey stated that at Saber Mountain the building needs an addition on the back to accept the room for the town pumps. The water line that is sitting on the top behind the water plant needs to be tied into the Loon Village. Romprey asked who was to pick up the cost and Willey stated it was to be at their cost, and the tank is to be at their cost. The water line from the booster pump station that they are using right with a jockey pump is a twelve inch (12") line that runs up to where the tank is going to go. There is an eight inch (8") line in the same trench that goes behind the water plant by the hydrant to tie the town in.

Willey stated that it was proven in 2007-2008 that the town's water system is weak on the east side.

Hettinger thought there was paperwork that states when twenty-seven (27) homes are built Centex would put in a new water tank. We are past that number now.

The main water issues were in Saber Mountain and South Peak. Once the new report comes out from Hoyle & Tanner the town will have a better idea about which direction to head next.

Town Manager Burbank thinks the town is ready to move forward on water problems now.

Robinson stated that the town put aside twenty-five thousand dollars (\$25,000) for the removal of the booster station in 2013. Public Works Director Willey is now estimating that it will cost one hundred twenty-five thousand dollars (\$125,000) to remove the booster station. Robinson stated that they are now short one hundred thousand dollars (\$100,000) to do the job. Willey thought they had put more money into CIP for that job. Robinson will look into it.

Town Manager Burbank also told the Planning Board that there is more building coming with RiverWalk just starting up and more businesses looking for space on Main Street. The Mill Shops that are currently empty expect to be filling up. Inn Seasons is going to be building a second addition that is even bigger than the addition built this year.

b. Municipal Parking

Town Manager Burbank cannot emphasize enough that the town needs to clarify the regulations on parking. The town needs to address municipal parking. Brent Drouin has a couple of investors that are considering a parking garage. The Town of Derry has just signed a contract for a three hundred fifty (350) parking space garage. The bid out for that was \$23,000 per spot. If the town had hard deeded municipal parking of some size, the Planning Board could give applicants more flexibility when they apply for a new business or an expansion of an existing business. There is room on the town's twenty-one (21) acres for a parking lot. Inn Seasons is okay for now and can cover the parking needed for the first phase that was just built. Future building by Inn Seasons may be a problem. A huge percentage of offsite parking was approved and cannot be approved going forward.

Town Manager Burbank said that the board is in intense negotiation to use any of the land owned by the town in the downtown area for parking. Dennis Ducharme was excited that Burbank has raised a possibility that the town might create some parking. In order for this town to continue growing, folks like Dennis Ducharme will need municipal parking. Burbank stated that if nothing is done parking issues will only get worse.

Chair Romprey stated that the Planning Board will no longer allow businesses coming in to use municipal parking. Grandfathering goes away effective tonight.

Town Manager Burbank stated for enforcement purposes after tonight, we need to have a clearer ruling. Although the rule about requiring all onsite parking for new businesses is clearly written in the Site Plan Review Regulations, the Planning Board still seems to approve businesses that do not have onsite parking.

Public Works Director Willey mentioned that there was once a possible plan to put four (4) lanes on Main Street. There was a short conversation about a four (4) lane Main Street and it was determined that the center lane was the solution that the State of New Hampshire determined would work without having to widen the road.

Chair Romprey asked for more input on on-street parking.

It was decided that the Planning Board rules on parking are already in place. There are no new applications that will require any difficult decisions about parking. Looking at the rules any new applications will have to supply onsite parking for their business.

Chair Romprey stated that prohibiting the municipal parking is because the town has no new municipal parking to allocate and it is being researched for the near future.

Motion for the Planning Board to stop considering and allocating municipal parking for new or expanding businesses. Businesses must now abide by the rules for parking in the Site Plan Review Ordinance and the Land Use Plan Ordinance and provide onsite parking for their customers.

Motion: OJ Robinson

Second: Jim Spanos

All in favor (5-0)

- c. October 20th Meeting between Retailers and Board of Selectmen about Sign Ordinance Enforcement.

Town Manager Burbank stated that letters have been issued to all businesses on Main Street. Based on the response to the letters the Board of Selectmen have scheduled a meeting on October 20, 2014 to explain to the Board of Selectmen to what extent the sign ordinance should be enforced. Town Manager Burbank and Planning Board Administrator Bont will need to enforce any rules and regulations. The rules are already written and in place. If the rules are enforced the town will have a lot of upset businesses. Town Manager Burbank felt that there was not a definitive direction from either the Board of Selectmen or the Planning Board on how the current sign ordinance should be enforced.

Robinson felt that everyone on both boards has a different opinion about the sign ordinance. It will be difficult to narrow down exactly what is needed.

Town Manager Burbank stated that the purpose of the sign ordinance was to keep a specific look in the town so the town does not look like a "circus". Bont stated that the Planning Board is changing the character of the town completely. The Land Use Plan Ordinance does not allow internally lit signs in the Village Center District. However, when a businesses' competitors have internally lit signs because their signs were up before the rules were created, it does not seem fair to the newer businesses.

Town Manager Burbank can enforce the sign ordinance, but thinks the town needs to reassess what the community should look like. The Planning Board needs to make a decision.

Vice Chair Spanos thinks that Waterville Valley is a good example. However Waterville Valley has had the same sign ordinance since it was created. Lincoln is trying to create a sign ordinance after many businesses already have signs that would not fit within the newer rules.

Bont stated that because one business does it everyone thinks they can do it.

There was a discussion about other towns in the White Mountains and what their signs look like.

Town Manager Burbank felt that if there are too many signs it gets confusing. People cannot read all the signs while they are driving in a car and miss many of them.

Chair Romprey stated that the Planning Board has asked for input from the businesses before and did not receive much input.

Town Manager Burbank and Planning Administrator Bont stated that the businesses now understand the ramifications of the present sign ordinance. The meeting on October 20, 2014 is expected to be a full house.

Chair Romprey added that when the original sign ordinance was written there was a provision for exceptions or exemptions at the very end that was voted on in a Town Meeting. It was unclear why that section disappeared from the ordinance. Chair Romprey felt that document should be found and the provision be put back in.

d. North Country Council

There was a short discussion to determine if any board members would like to attend the upcoming law lecture series put on by the North Country Council on October 8th 2014.

VI. 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.

VII. ADJOURNMENT

Motion to Adjourn at 8:13PM

Motion: Jim Spanos Second: OJ Robinson

All in favor: (5-0)

Respectfully submitted,

Wendy Tanner, Planning and Zoning
Recorder

Dated: September 24, 2014


R. Patrick Romprey, Chairman