

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, JANUARY 16, 2019 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Jim Spanos, Vice Chair Joseph Chenard, and Selectmen's Representative OJ Robinson, and Paula Strickon

Members Excused: Mark Ehrman, Steve Noseworthy, and Alternates Callum Grant, and Deanne Chrystal

Members Absent: None

Staff Present: Town Planner Carole Bont

Staff Excused: Ellyn Franklin, Recorder

Guests:

- **Delia M. Sullivan**, resident of 13 Coolidge Street, PO Box 665, Lincoln, NH 03251, and co-trustee owner of property at 13 Coolidge Street (Tax Map 117, Lot 133001-00-0000) owned by:
 - Kevin J. Sullivan Trustee of the Kevin J. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251; and
 - Delia M. Sullivan Trustee of the Delia M. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251;and principal of Sully & Sons Holdings, LLC, PO Box 665, Lincoln, NH 03251-0665 that owns 21 Arthur Salem Way (Map 109, Lot 020).
Also, member of the Zoning Board of Adjustment.

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

Members Mark Ehrman and Steve Noseworthy, and Alternates Callum Grant and Deanne Chrystal were excused.

Alternate Paula Strickon was seated.

II. CONSIDERATION of meeting minutes from:

• **December 12, 2018**

Present: Chairman Jim Spanos, Vice Chair Joe Chenard, Selectmen's Representative OJ Robinson, and Alternate Deanne Chrystal

Motion to approve minutes as presented: Chenard

Second: Robinson

Paula Strickon abstained, as she was absent for the meeting.

All in favor: 3-0

Motion carries.

- **January 9, 2019**

Present: Chairman Jim Spanos, Vice Chair Joe Chenard, Selectmen's Representative OJ Robinson

Motion to approve minutes with corrections: Robinson

Second: Chenard

Paula Strickon abstained, as she was absent for the meeting.

All in favor: 3-0

Motion carries.

III. NEW BUSINESS

A. 6:00 PM: PUBLIC HEARING RE: PROPOSED CHANGE TO LAND USE PLAN ORDINANCE (LUPO) Draft Language available on town website and at Town Offices.

Planning Board will hold public hearings on proposed changes to the zoning ordinance (Land Use Planning Ordinance or LUPO) on the following dates:

- Wed., January 16, 2019 at 6:00 PM – 1st public hearing; and
- Wed., January 30, 2019 at 6:00 PM – 2nd public hearing, **if necessary.**

Proposed changes to LUPO:

1. Revise language for Boarding or Rooming House:

- **Add to Article IV, definitions, the definition of “Boarding or Rooming House”:**

“Boarding or Rooming House”: A building or premises, other than a hotel, inn, motel or Bed and Breakfast, where rooms are let which are used primarily for sleeping and toiletry; for not more than twelve (12) persons (not including the property owner and their immediate family) provided that the house is also occupied as an owner-occupied private residence; not open to transient guests; in contradistinction to hotels and restaurants, which are open to transients. A Boarding or Rooming House is a business use and requires Site Plan Review approval with a conditional use permit.

- **Add “Boarding or Rooming House” as a separate category under Article VI District and District Regulations, Section B. District Regulations, Paragraph 2. Land Use Schedule, “Business Uses” Land Use Schedule.**

- **Amend Section J. to add the following paragraph:**

Section J. LIMIT ON BOARDING HOUSES.

1. Boarding or Rooming Houses shall be permitted in the Village Center (VC) District and the General Use (GU) District.

Vice Chair Chenard asked how the Town can govern the number of bedrooms in the Mountain Residential (MR) District. He brought up an example with more than the restricted number of bedrooms, built in the early nineteen-eighties (1980s). Robinson said Town staff would have to go back and look at what regulations were in place when that particular structure was proposed.

Chair Spanos said he believes the Town zoning ordinance should include a minimum number of rooms as well as a maximum number of rooms that constitute a “boarding house”. The way it reads is that even one room being rented out could effectively convert a private residence into a commercial use boarding house, and would then need Site Plan Review approval from the Planning Board to continue as such.

Chair Spanos said the reason why these Boarding or Rooming Houses are permitted only in Village Center (VC) District and the General Use (GU) District is because those are both business use or commercial use districts.

Robinson clarified that this proposed language says Boarding Houses are prohibited in the Village Residential (VR), General Residential (GR), Rural Residential (RR), and Mountain Residential (MR) District.

Robinson says that, as proposed, the Land Use Plan Ordinance acknowledges that Boarding Houses are pre-existing non-conforming uses, and can continue to exist as pre-existing non-conforming uses, but those uses cannot be expanded.

Site Plan Review approval with a conditional use permit will be required.

Motion to open public comment: Robinson

Second: Chenard

All in favor (4-0)

Motion carries and public comment is open.

Delia Sullivan asked if the Planning Board thinks that this proposed language will make it easier or more difficult for landowners to create workforce housing for workers in Lincoln. Sullivan said she does not think this language will help the seasonal workers, because seasonal workers are not in Lincoln for more than six (6) months.

Robinson said that the current Land Use Plan Ordinance right now states that three (3) unrelated people cannot live in the same house. He believes that this portion of the Land Use Plan Ordinance is not legally enforceable. If that section of the Land Use Plan Ordinance disappears, the Planning Board has discussed what they want for the Town. If the Town is going to allow a “Boarding House,” the Planning Board wants to be involved to ensure that the housing is adequate (parking, lighting, etc.) and the abutters are protected.

Sullivan said she is also concerned that limiting the ordinance to allow boarding houses only in the Village Center (VC) District and the General Use (GU) District would not create enough opportunities in the Town to allow for the creation of workforce housing.

Sullivan said if someone wanted to have a Boarding House in one of the prohibited zones (such as Rural Residential [RR]) they would have to apply to the Zoning Board of Adjustment (ZBA) for a variance.

Sullivan said if someone wants to start a Boarding House within a Homeowners' Association or Condominium Association, they are subject to the rules of that association.

There was discussion about expanding the opportunity for Boarding Houses to districts like the General Residential (GR) District or the Village Residential (VR) District, however the Planning Board agreed that those two areas are too densely packed.

Sullivan said that some houses in the approved areas are very decrepit and need to be rebuilt. Perhaps the owners should be allowed to renovate those buildings and turn them into "boarding houses".

Paula Strickon would like to change or add language to discourage AirBnBs where the owner is absent.

The Planning Board agreed they will include a minimum of "more than three people" to create a Boarding House, and include the Rural Residential district in accepted districts.

They will also amend section J. Planner Bont will run this past the Town Attorney to make sure the wording is right.

2. Add Required Parking Spaces for Employee Parking:

Planning Board proposes to add to "Article V General Regulations, Section A. Parking and Off Street Loading," a Paragraph L. which will state:

L. "In addition to the above requirements, for every ten (10) spaces, an additional space will be required for employee parking.

The Board agreed to approve the addition, but reword it to read something like: "we [the Town] will require an additional space for employee parking."

3. Revise Solar Energy Systems to Require Site Plan Review Approval for the Installation of Solar Energy Systems on Commercial Properties.

Require Land Use Authorization Permits and Site Plan Review approval for the installation of Solar Energy Systems ~~capable of producing greater than twenty-five kilowatts (25 kW) of electricity per dwelling unit~~ and less than one Megawatt (1MW) of electricity for vacant land, land with non-residential, commercial, or industrial buildings or multi-family housing.

Chair Spanos proposed the Planning Board require Site Plan Review approval only for ground based systems that disturb more than five hundred square feet (500 sf), and only a land use permit for structure mounted panels of any size.

Planner Bont believed that five hundred square feet (500 sf) is a large number and enough of an addition to possibly disrupt abutters. There was some discussion about which size should require a Site Plan Review for a nuisance and the sake of safety. They also talked about how that would compare to the size of an average-sized shed.

Planner Bont said that when she spoke with the State of NH about Solar Energy Systems, they said that they would assume that a full-time year-round commercial business would need more solar power than a single family home.

The Board decided to leave the ordinance as it is, without the above strike-through text.

Motion to leave the solar ordinance with no changes: Robinson

Second: Strickon

All in favor: (4-0)

Motion carries.

There will be a second hearing on January 30, 2019 to present and officially approve the changes made tonight.

- IV. 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.

None.

VI. ADJOURNMENT

Motion to adjourn: Chenard

Second: Robinson

All in favor (4-0):

Motion carries.

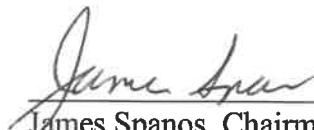
Meeting adjourned at 7:31 PM.

Respectfully submitted,

Ellyn Franklin
Recorder

January 30, 2019

Date Approved:


James Spanos, Chairman