

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 26, 2019 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Jim Spanos, Vice Chair Joseph Chenard, Member Stephen Noseworthy, Selectmen's Representative OJ Robinson, Alternate Paul Beaudin, Alternate Deanne Chrystal

Members Excused: Member Mark Ehrman

Members Absent: None

Staff Present: Fire Chief Ron Beard

Staff Excused: Town Planner Carole Bont, Ellyn Franklin, Recorder

Guests: *None.*

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

Member Mark Ehrman was excused.

II. CONSIDERATION of meeting minutes:

- June 12, 2019

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

Motion to skip approval: Noseworthy

Second: Beaudin

All in favor: 4-0

Motion carries.

III. NEW BUSINESS

A. 6:00 PM – Update Rules of Procedure – now all members are elected

1. Participation by Teleconference.

The Board had reference materials in their packet that included information about how to handle participation in Board meetings by teleconference. The Board discussed whether they should let members of the Board or alternates participate in meetings by phone. The Board agreed to allow members of the Board, including Alternates, to participate by phone provided the Rules of Procedure addressing this issue also included phrases such as:

- It is preferred that the Planning Board consist of members and alternates who are physically present at the meeting and to allow participation by phone only when it is necessary to complete a full board.
- In such a case, the Board members who are physically present will vote by roll call vote about whether or not to allow participation by phone.

- The individual who is participating by phone must declare who is present with them.

Planner Bont pointed out that at this time only one member of the Board can participate by phone at a time because the teleconferencing technology currently available to the Board only allows for one person at a time to participate by phone.

2. Incomplete Site Plan Review Applications

The Board discussed Site Plan Review presentations and what should happen if a Site Plan Review Application is incomplete; how should the Board proceed?

Planner Bont said that the State statute [RSA 676:4, I(c)] states that upon finding that a submitted application is complete, the Board shall begin formal consideration and must act within 65 days to approve, conditionally approve, or disapprove the application. If the public notices have stated that the application is on the agenda of every planning board meeting from the date of the acceptance to the date of final action, the board may discuss any aspect of the application at any regular meeting or work session.

Planner Bont said that the Planning Board does not want the applicant's 65 day clock to begin until after the applicant has submitted a complete application. The Planning Board only has 65 days to finish the process and grant the applicant the required approval or disapproval. If the Planning Board appears at first to accept the application as complete and then the application was not complete to begin with that would give the Planning Board even less time to finish the hearings and deliberations.

The Board was concerned that the way the Rules of Procedure reads is that the Planning Board has to reject the application on the spot if the application is not complete, without the option to continue the hearing to another meeting to let the applicant bring in whatever was missing to the next hearing.

The Board decided to add a phrase such as, "The Board may reject all applications that are not complete and continue until a future meeting at their discretion."

B. 6:00 PM Review Letter of Recommendation from ZBA

The ZBA requested that the Planning Board (1) review and update the Sign Ordinance; and (2) discuss the issue of printing copies for the Planning Board for their hearing packets that is expensive.

Planning Board Alternate Beaudin, who is also Vice Chair of the ZBA, explained that recently the ZBA received a request for a Special Exception for an off-premise sign that did not comply with the Sign Ordinance portion of the zoning ordinance (Land Use Plan Ordinance). Beaudin said it was hard for the ZBA to make a determination to grant a Special Exception when the Sign Ordinance itself does not comply with the recent US Supreme Court decision in Reed vs. Town of Gilbert, Arizona.

Planner Bont said the American Planners' Association was working on a template for a compliant sign ordinance but last she heard they were deadlocked. She has not checked back for several months though. She will recheck.

Alternate Beaudin believes the Town is opening itself to lawsuits by not addressing the sign ordinance.

Selectmen's Representative Robinson believed that because there was one paragraph or restriction in the whole sign ordinance that does not comply with the US Supreme Court case, does not mean the entire ordinance is not enforceable. He believes the risk of lawsuit is low. A discussion ensued between Robinson and Beaudin about on and off premise signs.

Selectmen's Representative Robinson said modifying the sign ordinance to comply with US Supreme Court case, is an item of concern but not a high priority. The sign ordinance does not meet the criteria of some of the US Supreme Court decision, however, does the Town want to invest the time and money to create an entirely new ordinance when some of the big planning associations cannot even agree on this yet? Vice Chair Chenard agreed.

The Board will thank the ZBA for their letter and state they are looking into what state resources are available to assist with modifying the zoning ordinance.

The Board also discussed the printing issue in the office. Some members want to have paper. Others are comfortable with digital copies. They decided to use some discretion, however, and in general require applicants to provide electronic copies to the Board.

Representative Robinson suggested that when we do need to print packets, print only the information necessary to make a decision on an issue that night.

The Board will continue to discuss how to lessen the amount of paper used.

- 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 8:00 pm: Chenard

Second: Robinson

All in favor: 4-0

Motion carries.

Respectfully submitted,

Ellyn Franklin
Recorder

9/11/19
Date Approved: August 14, 2019

James Spanos
James Spanos, Chairman

