

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 10, 2016 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

APPROVED

Present: Chairman Jim Spanos, OJ Robinson - Selectmen's Representative, John Hettinger and Paula Strickon

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

Members Absent: None

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

Guests:

- Falguni Patel - Hotel Owner and Manager of Roadway Inn, 417 US Route 3, Lincoln, NH 03251 owned by Kushi Corporation.
- Bill Gregsak – Engineer for Patel, Gregsak Engineering, Inc., 9 Derry Road, Chester, NH 03036
- Betty Houde – resident of 43 Hanson Farm Road, Unit #9 (Tax Map 105 Lot 004), Lincoln, NH 03251
- Raymond Mulleavey – resident of 403 US Route 3 (Tax Map 106 Lot 016), Lincoln NH 03251
- Michael Tamulonis resident of 31 Hanson Farm Road (Tax Map 106 Lot 014), Lincoln NH 03251
- Rita Tamulonis – resident of 40 Hanson Farm Road (Tax Map 105 Lot 018), Lincoln, NH 03251
- Hope Gyorgy – resident of 43 Hanson Farm Road, Unit #9, Lincoln, NH 03251 (Tax Map 105 Lot 004)
- Barbara Vitale – resident of 37 Hanson Farm Road (Tax Map 105 Lot 003), Lincoln NH, 03251

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

Chair Spanos called the meeting to order at 6:00 PM.

Norman Belanger, Pat Romprey and Callum Grant are excused.

- II. CONSIDERATION** of meeting minutes from:

- July 27, 2016

Motion to approve the minutes of July 27, 2016 as presented.

Motion: John Hettinger Second: Paula Strickon

All in favor (3-0)

OJ Robinson abstained from the vote.

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

1. **6 P.M.: Site Plan Review:** Application for Site Plan Review approval for expansion of use from a motel to a combination motel and rental cabins. Applicant Mehul Patel (& Falguni Patel) d/b/a Rodeway Inn™ of 417-419 US Route 3, (also known as Daniel Webster Highway), Lincoln, NH 03251-0304 is currently operating the Rodeway Inn™ in the former Red Doors Motel on property owned by Kushi Corporation, 417-419 US Route 3, (also known as Daniel Webster Highway), Lincoln, NH 03251 (Map 106, Lot 017). The property is located in the General Use (GU) District.

Rodeway Inn™ currently has two buildings with the following:

- The larger building has 24 units.
- The smaller building has 6 units.

Applicant wants to build 10 rental cabins behind the Rodeway Inn™ with access to come from Hanson Farm Road.

The hearing scheduled for May 25, 2016, was continued to June 22, 2016 at 6 PM, and again until July 13, 2016 PM, again until July 27, 2016, again until August 10, 2016.

Bill Gregsak of Gregsak Engineering, explained that he was hired by Falguni and Mehul Patel to create a site plan for the Rodeway Inn owned by the Patels and ensure that the plan is in compliance with the Town of Lincoln's Storm Water Management Ordinance. A site plan has been prepared and submitted to the Town of Lincoln Planning Department and to Town Engineer, Ray Korber. Korber has met with Gregsak and expressed his comments about the Site Plan and Storm Water Management Plan. Most of the comments had to do with drainage. Other comments were about items that were not shown on the plans or needed clarification. Gregsak believed that all requests could be fulfilled.

Strickon asked Gregsak to go through Korber's issues and tell the Planning Board how each issue will be addressed.

Gregsak began as follows:

Town Engineer Ray Korber's letter with responses from Patel's Engineer William Gregsak:

A. Stormwater Runoff and Mitigation

1. *We recommend the reference for "Exfiltration Basin D1" on Sheet 4 be revised to match the detail called-out on Sheet 7 and other notes referenced on Sheet 4.*

Gregsak's Response:

In the set of plans Gregsak had a detail that showed cross sections and what he was proposing to handle the additional run off. The solution is essentially an infiltration basin. The soil over there is good – gravel and very well drained. Since the proposal includes additional impervious surfaces like the roofs of the cabins and gravel parking

areas and the drives leading up to the cabins, he has proposed directing all of that drainage toward the infiltration basin. Essentially the basin is designed for the 25 year storm, which is in accordance with town regulations. Essentially the water collected in the infiltration basin is recharged back into the ground water. Any additional flow will flow out of the basin through a pipe and around the edge of the building and toward US Route 3. He is trying to ensure that any of the flow on this property will go towards US Route 3. There will not be any additional flow onto the adjacent properties.

Gregsak said he understands that Town Engineer Ray Korber is in the process of redesigning Hanson Farm Road now so they are trying to work together and work with the Town. In Engineer Korber's comments regarding storm water runoff mitigation, Korber is saying that Gregsak's cross section of construction details shown in the plan set is not accurate. Gregsak said he would go back and adjust that.

2. *We recommend a 10-foot minimum separation requirement between the top of slope (sanitary sewer side) of the infiltration basin outlet swale and the sanitary sewer. The intent should be to direct all stormwater flow away from the sanitary sewer manholes to better ensure extraneous flows are not introduced into the Town wastewater collection system. We recommend the grading plan be revised so that this design intent is clearly understood by contractors.*

Gregsak's Response:

Gregsak said that Town Engineer Korber recommended a ten foot (10') minimum separation between the top of slope (sanitary sewer side) of the infiltration basin outlet swale and the sanitary sewer. Gregsak said he will have to adjust that swale to redirect the flow as Korber does not want any of that redirected flow to go into the sewer man holes.

3. *We recommend that proposed grading be shown for the 896, 894 and 892 contours to better demonstrate the design intent will be met.*

Gregsak's Response:

Gregsak said that Town Engineer Korber said that he was missing some of his proposed grades labeling, which is a minor comment. Gregsak will add those labels.

4. *The infiltration basin outlet swale will not work as proposed. Refer to the 889.0 spot grade at the outlet relative to the 890.0 proposed grading located further downstream. We recommend the grading plan be revised and resubmitted.*

Gregsak's Response:

Gregsak said that Korber is saying that the outlet swale will not work as proposed; His spot grade elevations are incorrect. Gregsak said he will go back and adjust those spot grade elevations accordingly.

5. *The infiltration basin spillway crest elevation on Sheet 4 should be revised to read 892.5'.*

Gregsak's Response:

We got that.

6. *The Infiltration Basin Detail is not consistent with the drainage report or the site plan. Also, note that the emergency spillway elevation called-out on Sheet is set above the top of berm elevation. Also, note that reference is made in the detail to "detention" not "infiltration". We recommend the detail be revised to reflect the design intent.*

Gregsak's Response:

Again, Engineer Korber said the detail is not consistent with what is shown on the plan. Gregsak said he will correct the detail.

7. *We recommend a detail be provided for the infiltration basin inlet and outlet swales to clearly indicate design intent.*

Gregsak's Response:

He also wants detail for the infiltration basin inlet and outlet swales to clearly indicate design intent. He wants to make sure that we show a cross section in our detail to show what the swale is actually going to look like.

B. Erosion and Sediment Control Measures

1. *Given the area of disturbance and proximity of residential properties to the construction activity, we recommend the following requirements be included in project.*
 - a. *Note 17 should be revised. We recommend the note state explicitly that the frequency of application of water or calcium chloride be subject to Town approval and that the response time for requests for implementation of improved dust control measures be made within 24 hours of the request, including weekends and holidays.*

Gregsak's Response:

Gregsak said that dust control shall be by way of water spraying. Frequency of application shall be as needed at a minimum or at the Town's request during excavation procedures. Korber would like to see that note to read explicitly that the frequency of application of water or calcium chloride shall be subject to Town approval and the response time for requests for implementation shall be made within 24 hours of the request including weekends and holidays. Falguni Patel and Gregsak have discussed this and feel that is a reasonable request.

- b. *Reference is made in Note 15, Sheet 4 allowing job site access from Hanson Farm Road for “minor construction activities”. We recommend the Town fully understand the definition of “minor” before approving such access. As previously recommended, access to the job site should be from Route 3 only and that access to and use of Hanson Farm Road as a haul route be prohibited.*

Gregsak’s Response:

Regarding Note 15 on Sheet 4, Gregsak said that originally Town Engineer Korber requested that a note be put on the plan stating that all construction access shall be from Route 3. Gregsak said he had a note on the plan that said: *“Major construction access is to be only from route 3. Minor construction activities will require access from Hanson Farm Road by way of the existing entrance.”*

- Q: Chair Spanos asked Gregsak how he would differentiate between “minor” vs. “major” construction.
- A: Gregsak said that as part of the project the Patels would have fencing, planting and minor landscaping issues will take place along Hanson Farm Road and will need to be accessed from Hanson Farm Road. That is what he would consider to be a “minor” construction project.
- Q: Strickon thought that the language in Note 15 on Sheet 4 should be changed to “landscaping and fencing” rather than use the word “construction”. Would Gregsak be willing to make that change?
- A: Gregsak said that he could make that change. Falguni Patel said that they will need to get in from Hanson Farm Road to do some work.

Strickon said that using access from Hanson Farm Road to do landscaping and fencing will probably be acceptable, but it would not be acceptable for cement trucks to access the property from Hanson Farm Road.

Patel said that would not happen; all large trucks would come in from US Route 3.

Gregsak said that the wording would be changed from “construction” to “landscaping and fencing”.

C. **General Comments**

1. *We recommend that the Town consider legal documentation to be recorded at the County Registry of Deeds that will preserve the long-term integrity of the proposed stormwater management practice.*

Gregsak responded to Korber’s final “General Comment”. Gregsak believes it is a legal issue that the Planning Board would need to discuss. Gregsak was not used to seeing that as part of a

requirement unless the Town of Lincoln records the approved Site Plan at the Grafton County Registry of Deeds.

Bont said that the Town does record some Site Plan Review Plans at the Grafton County Registry of Deeds. Falguni asked, “So do you record something before you build?”

Gregsak said “So you do file the Site Plan? I do not know if anything more is required.”

Bont said the Town could file the approved Site Plan Review Plat after the project is completed. The Plan recorded would be an “as built” Plan. Town Manager/Planner Burbank said the Town would record an “as built” Site Plan. Bont confirmed.

Town Manager/Planner Burbank said that way the conditions are noted on the Site Plan plat and are recorded.

Bont said that the in the past few years the State’s various Registry of Deeds have been municipalities a hard time about recording Site Plans. The compromise (sort of) is that we have to put as much information on one page as possible when we record it.

General Questions:

Drainage:

- Q: Strickon asked about the swale being added to the infiltration basin and where the water would be directed from that basin.
- A: Gregsak said that the water comes out and goes through a pipe down along the south side of the motel building toward US Route 3.
- Q: Strickon asked about the buildings on the other side of the property line; would those buildings be affected by the drainage.
- A: Gregsak said, “No, not at all”.
- Q: Robinson asked if the proposed swale was going to be an open swale or a buried culvert.
- A: Gregsak said the swale was going to be a very shallow open swale.
- Q: Hettinger asked if there was enough room to get the water out there between the south end of the motel and the abutting cabins owned by Mulleavey.
- A: Gregsak said he has to talk to Town Engineer Korber about this separation. Gregsak was not sure where the ten foot (10’) comes from because the State says five feet (5’). That detail still needs to be worked out with Korber.
- Q: Patel said that the new list came from Korber yesterday and they have not had the chance to work out details on the issues raised.
- A: Gregsak thought that Korber was very kind to reply so quickly.

Size and Location of Cabins:

- Q: Hettinger asked why the cabins were laid out differently and were all different sizes. Hettinger wanted to know why the cabins were not lined up in a nice row and all the same size.
- A: Patel said that in order to use only the US Route 3 access, the cabins were laid out only where access would be. Since now access to the back of the lot is only from US Route 3 the cabins are only accessible via the road to the building that is attached to the pool, the cabins were all put in that area to keep the buildings close to that access.
- Q: Strickon asked about the setbacks. When looking at the plans she thought that the cabin in the corner was up against the property line.
- A: Gregsak was explained that the line she was referring to is actually the fifteen foot (15') setback line.
- Q: Strickon then asked why the cabins were moved from the south end of the lot to the north end of the lot.
- A: Patel said she moved the cabins from the south end to the north end of the lot because access from Hanson Farm Road was not allowed so the cabins were moved closer to the US Route 3 access. Town Manager/Planner Burbank said that drainage was another reason to put the cabins on the north end of the lot. Patel agreed.

Landscaping:

Gregsak said that there would be arborvitaes along the property line for landscaping. At the south side of the property near Raymond Mulleavey's property there would be fencing and a gate at the existing access from Hanson Farm Road.

- Q: Hettinger asked if arborvitaes could be planted on the west end of the driveways to block the car lights shining across the road into the houses on Hanson Farm Road.
- A: Patel said she thought there was a line of trees there now. Hettinger said he did not believe that the trees went that far north. Gregsak said that they were proposing to plant arborvitaes on Hanson Farm Road, but not all the way along the whole boundary. There was a little confusion so Hettinger showed on the map where he meant. Gregsak said that arborvitaes could be placed at the ends of the driveways where there was no tree line.

How Many Cabins Would Be Built Per Year:

- Q: Strickon asked if the plan was to only build one cabin per year.
- A: Patel said that the cabins will not be year round. Patel said that the plan was for only one per year, but if circumstances allowed they may do two cabins some years.
- Q: Robinson asked how only one or two cabins per year would be approved.
- A: Bont said that the Patels could continue to ask for an extension to the approved Site Plan.

- Q: Robinson stated that if the Site Plan was approved, then would the Patels have to ask for an extension every year for 9 years.
- A: Chair Spanos said that Site Plan Review approval was good for two (2) years. Robinson then confirmed that the Patels would have to ask for an extension every 2 years.

When Would the Project Be Considered Vested?

- Q: Gregsak asked if there was a grandfathered point, meaning if the Patel's got a specific amount of work done, would the rest then be grandfathered.
- A: Beard said that the Patels are only asking for an extension of the original Site Plan Review approval and as long as there have not been any changes to the Patels' original plan, the approval for the extension will be granted.
- A: Gregsak said he asked about the potential for grandfathering (i.e., "vesting") because the Patels would need to make a significant investment up front just to start this proposed project. First, they would have to invest in putting in the main driveway and then the drives up to each of the cabins with their parking spaces. There is a fair amount of materials like gravel that is going to be invested on this lot. Then the Patels would need to put in utilities like water, sewer and electricity. It would not be fair for the Patels to make that kind of investment and then not be allowed to continue the project.

Lighting:

- Q: Hettinger asked if there would be lighting on the roadway to the cabins.
- A: Patel said there are lights for the roadway and that those lights are not on all night.
- Q: Gregsak asked Patel if there would be any light posts or would they be lights on the cabins.
- A: Patel said only lights by the doors, not street lights. Patel explained that the cabins would only be used in the summer time and it could be light until 9:00 PM.
- Q: Chair Spanos asked Patel, if there are any complaints from the abutters that lights are shining into their windows would the Patels be willing to come back to the Planning Board for another Site Plan Review. Hettinger told Patel that the lights should be shielded from shining on the neighbor's property.
- A: Gregsak said that there is a comment on the plan for proposed lighting. "All lighting shall be downward." Patel said that they will not need additional lighting around the cabins; the only lighting will be at the entrance to each cabin. Gregsak said that proposed lighting is wall mounted down on each cabin. Bont added that information was on Sheet 4, Note 13.

Recusal of Abutter:

Town Manager/Planner Burbank suggested that Alternate/Fire Chief Ron Beard be recused from consideration of this proposal. Chair Spanos said that Alternate Ron Beard has not been seated.

For the record, Ron Beard is not seated on the Board and is acting as Fire Chief for the review of this Site Plan Review application.

Fire & Safety Concerns:

- Q: Fire Chief Beard asked about the road width. Fire Chief Beard said he thought the road width was not the minimum width required for Fire Department apparatus. Sheet 3 of the plan stated the road would be a sixteen foot (16') wide gravel drive and Sheet 8 shows a width minimum of fifteen feet (15'). Fire Chief Beard explained that Fire Department access needs to be a minimum of twenty feet (20'). Fire Chief Beard added that the road also needs to be engineered to carry the heaviest piece of fire equipment which is approximately sixty thousand pounds (60,000 lbs.). Fire Chief Beard confirmed with Engineer Gregsak that in his plans Gregsak only had a six inch base. Gregsak confirmed that. Fire Chief Beard said he did not know what the minimum base should be. Hettinger suggested that Gregsak check. Hettinger said, "I think that is pretty much a standard detail."
- A: Gregsak said that [the subgrade should be excavated to a depth of 12 inches] - there is a 12 inch bank run [sand and gravel grade above the top of the pipe] with 6 inches of crushed gravel.
- Q: Is there adequate room to turn fire apparatus around?
- A: Fire Chief Beard said that when he first saw the plans he was concerned that the plan included no turnarounds or hammerheads at the end of the road to facilitate turning around fire apparatus, however, if the road was wide enough he would consider the whole road as shown a hammer head for turning fire apparatus.
- Q: Strickon was concerned about the narrow width of the driveways at eight feet (8') wide. An ambulance access requires a width of ten foot (10'). Strickon said that her concern was in the winter when there is snow and the ambulance cannot turn around in the driveway.
- A: Patel reiterated that the cabins are seasonal and will not be used in winter.
- Q: Gregsak asked if the width would still need to be ten feet (10') in the summer.
- A: Strickon said that to get an ambulance near the door they need to be able to get into the drive.
- Q: Someone asked if the little off shoots to the roadway were for parking. If so, were they large enough?
- A: Bont said that parking portion of the Land Use Plan Ordinance (zoning regulations) requires that parking spaces be one hundred seventy (170) square feet which translates into approximately nineteen feet by nine feet (19' x 9'). Bont then corrected her earlier statement and said that under the Driveway Regulations the driveway width has to be ten feet (10') wide. Parking spaces have to be a minimum of one hundred seventy (170) square feet which translates into approximately nineteen feet by nine feet (19'X9').

- Q: Fire Chief Beard said he noticed that there was a very short distance between two of the cabins. The two cabins closest to the hotel are too close together; the two cabins closest to the hotel would need to be moved further apart – to a minimum of twenty feet (20') apart to accommodate fire apparatus. Would Gregsak be willing to fix that?
- Q: Patel asked if by “driveway” the Planning Board meant the parking spaces for each cabin.
- A: Bont said that she would give Patel a copy of the driveway regulations and confirmed that the minimum width of a driveway was supposed to be ten feet (10') whereas the minimum width of the parking space for each cabin was nine (9') feet.
- Q: Fire Chief Beard asked if the two sheds were also part of the Site Plan Review application.
- A: Town Manager/Planner Burbank replied that the sheds were part of the permit application.
- Q: Robinson asked if in doing the calculations did Gregsak consider the degree to which the driveways were going to be impervious – paved or gravel – so there would be some water absorption from areas under the driveways.
- A: Gregsak said, “Everything is based on engineering.” There is what is called a CN (curve number) value, the higher the CN value, the more impervious the surface. Most standard pavement has a 98 CN value whereas grass has a 40-45 CN value, depending upon the type of soil that is under the grass. Gravel drives have an 85 CN value, and although gravel drives have a high CN value, gravel drives are not considered completely impervious.

The runoff curve number (also called a curve number or simply CN) is an empirical parameter used in hydrology for predicting direct runoff or infiltration from rainfall excess. Wikipedia

- Q: Robinson said that the consequence of the current proposal would be that if the Patels wanted to come back and pave the driveway or the parking spots, then a whole new storm water management plan would have to be devised and additional mitigation measures would have to be taken.
- A: Gregsak agreed.
- Q: Robinson confirmed with Gregsak that for the purposes of this application, this Site Plan Review Plan would be approved as gravel.
- A: Gregsak agreed.
- Q: Robinson asked Patel to confirm if the Patels intended to complete all the site work, but that only one physical structure would be built per year. Robinson asked if the completion of the site work would be done in the first year prior to getting a certificate of occupancy for a single unit because the stormwater runoff would need to be dealt with starting with the first unit, not after ten (10) units were built.
- A: Gregsak agreed saying that the infiltration basin would need to be built first as well as the main driveway in to the cabins. Gregsak was not sure which cabin would be built first. Patel confirmed it would be the cabin closest to the hotel. Gregsak said that with the

roads going in there would be additional impervious surfaces so the infiltration basin would need to be built first too. Gregsak was not sure when the water, sewer and electric would be brought in.

Town Manager/Planner Burbank said that requirement is the part of the Town's Site Plan Review Regulations that the Town is starting to enforce more vigorously based on its recent experience. The road and utilities must be in place before a single nail is driven into a cabin. Once the utilities are in place the cabins can be started. Town Manager/Planner Burbank said that it is in the Site Plan Review Regulations that the infrastructure must be in place before any building can occur.

Gregsak said that it makes sense to have the utilities in the ground from the outset.

Town Manager/Planner Burbank explained the reason for this requirement "for the record". If the town allows the developer to install only the utilities needed for the first cabin, by the time the final cabin is built the rest of the infrastructure is hit or miss; it becomes too "Helter Skelter" and may not be installed in accordance with the original approved plans.

Long Term Rental vs. Short Term Rental:

Q: Chair Spanos asked for confirmation that one cabin is one rental.

A: Gregsak confirmed that the Patel's plan was for one party per cabin.

Additional Corrections/Comments:

1. Hettinger commented that on Sheet 6 near the bottom, Section 9B, the line should be corrected to read:
Joints shall be pressure tested with zero leakage at 25 pounds per square inch for gravity sewers, and 1.5 times working pressure for force mains.
2. Hettinger also mentioned that Sheet 6, Note 11 seemed to be missing some text. Gregsak said that it looked like it ran off the bottom and that the note should be corrected to read:
All sewers at 8% or greater slope should have trench dams installed.
3. Hettinger complemented on the language used on comment number 2 under Sewer Service Detail.

"The practice of breaking in an opening with a sledge hammer, stuffing cloth or other such material around the joint, or expecting mortar to hold the connection, and other such crude practices or inept hasty improvisations will not be permitted. The connection shall be concrete encased as shown in the detail."
4. Chair Spanos said that the Department of Public Works (DPW) has not approved the plans yet so that will be a condition of the approval. Bont said that the Public Works Director has a lot of projects going on and that he will be meeting with Town Engineer Korber soon about this application.

- Q: Chair Spanos said that there was some work being proposed in the Department of Transportations (DOT) right-of-way and asked if Gregsak had received any permits from NH DOT for that work.
- A: Gregsak said that he is dealing with NH DOT now, but that in his communications with DOT, DOT did not see any problem with the plans.

Motion to open Public comment.

Motion: John Hettinger Second: OJ Robinson All in favor (4,0)

Abutter Mike Tamulonis stated that he was concerned about the following:

1. **Lack of aesthetic appeal.**
2. **Increase in noise.**
3. **Increase in the size of the footprint.** Tamulonis believes that the footprint of this project seems to be bigger than the original submission by the Patels.
4. **Increase in lights bothering the neighbors.**
5. **Change in the location of the project on the lot.**

Tamulonis said that one of the problems that he had was the location of the project. When the neighbors, the Patels and Town Manager Burbank had their meeting on site, the Patels talked about moving their project further away from Hanson Farm Road and giving the project a bigger buffer from their neighbors on the back of Hanson Farm Road. Since all the trees are gone now, noise and lights have become a problem for the people on Hanson Farm Road. The lights from a parked car shone into the Tamulonis' windows for over 30 minutes one evening recently while a parked car sat with its headlights on. There are trees along Hanson Farm Road, but most of the trees are sparse and or dead. Tamulonis thought that planting arborvitae in the gaps would work to alleviate those problems.

Patel said that she did not want to plant a line of arborvitae along the entire length of her property. Tamulonis said that planting arborvitae only in the gaps would work. Chair Spanos cautioned the attendees to speak directly to the Board and not to each other.

Tamulonis said his family has lived there for twenty (20) years and they never heard noise coming from the motel in front until this summer. Since the trees have been cut down he can hear kids playing, people talking and one fireworks incident. Tamulonis would like to be assured that there will be bushes or trees planted in the gaps.

Gregsak said that the original plan was the layout created by the surveyor, Gardner Kellogg, based on input from his client. The original plan was not a plan designed by an engineer taking into consideration stormwater drainage and other engineering concerns.

Town Manager/Planner Burbank said that Tamulonis was right about the change in the location of the project, however, before the Town Engineer Korber became involved the Town staff did not fully understand the drainage issues on that property and along Hanson Farm Road.

Gregsak said that the location and slope of the property causes water to run downhill toward the southern portion of the lot. Gregsak felt that the location of the cabins is little more compact on the north end of the property because of the storm water management required, pushing the cabins further uphill and the drainage downhill, and because the Patels were not able to use the entrance from Hanson Farm Road which is further downhill on the lot.

Q: Strickon asked if there was a shed added.

A: It was confirmed that 2 sheds were added.

Robinson said that looking at the two plans and roughly comparing the total square footage of the original plan and the total square footage of the new plan, the new plan looks like it has a smaller overall footprint. Strickon agreed. Chair Spanos said that the cabins are closer together in the new plan. Strickon said that was true even though two large sheds have also been added.

Patel said that the other reason they moved the location of the project is because the Town will only allow them to access the back of their lot from US Route 3. That is the reason the cabins were pushed closer toward the US Route 3 entrance.

Q: Chair Spanos asked Tamulonis if he felt comfortable with the proposal for the Patels to plant four foot (4') arborvitae.

A: Tamulonis said he was not sure how quickly arborvitae grew. Tamulonis said that this whole project borders his mother's property. The view of the Patel property from his mother's house is such that she would be looking right over the arborvitae at the cabins. Her house is uphill from the Patel property. He was concerned because there is no buffer between his mother's house and the proposed cabins. Tamulonis said that on a summer night when all the cabins are full he thought it could be noisy. Patel said that most people sleep at night and pets are not allowed. Tamulonis said he deals with night noise complaints and tourist complaints all the time. (Tamulonis works for the Grafton County Sheriff's Office.)

Town Manager/Planner Burbank thought that when he facilitated a meeting between the Patels and their neighbors that the parties were talking about plants in the range of six feet (6') high. In his opinion, Burbank thought that four foot (4') plants as indicated on the plan seemed too low to adequately block lights and sound from the neighbors.

Patel said that at that meeting with their neighbors the Patels agreed to plants that were between four feet (4') and five feet (5') high. Patel said she did not think she could buy huge arborvitae.

Abutter Tamulonis said that when someone at that meeting suggested that the Patels buy six foot (6') arborvitae, Patel said she would look into purchasing larger bushes. Patel said that the arborvitae she found out about are supposed to grow up to two feet (2') per year and will grow to a height of about twenty-five feet (25') tall.

Patel said if she installed a fence the neighbors would have not to be concerned about the noise, but her neighbors said that they did not want a fence.

Tanner explained the difference between a bush arborvitae which grows round and full but not tall, versus a columnar arborvitae that grows taller – more up than out. There is also a difference in the way the two different types of arborvitae are pruned. Patel said that she would be growing the columnar arborvitae – the trees grow more *up* like a column than *out* like a bush.

Town Manager/Planner Burbank said that columnar arborvitaes are a perfect choice. They discussed how the gaps could be filled with arborvitae.

Patel said that there will only be one cabin built per year.

- Q: Strickon said that originally when the Patels came into talk to the Planning Board the proposed cabins were going to be used by staff and asked if that was still the same goal.
A: Patel said no, the cabins would be used for staff and also as rentals for the hotel.

- Q: Abutter Barbara Vitale said that at the last meeting someone suggested that the Patels move the cabins closer to the motel so there would be more of a buffer between Hanson Farm Road and the cabins. Vitale understands that a minimum of a fifteen foot (15') setback is required, but Vitale would like to see more than a fifteen foot (15') setback if possible. Is that possible?

- A: Patel said that making that change would make it too narrow for them to access the cabins from the front side. Patel said that it is already more than fifteen feet (15').

- A: Town Manager/Planner Burbank said that some of the changes in the Site Plan from what was originally proposed were necessary because the stormwater drainage plan negated some of what was originally planned. The engineering needed for drainage explains why the Patels cannot bring their project closer to the motel building because they need to put a drainage pond in that area to make the stormwater management plan work.

- A: Engineer Gregsak said that the highest part of the lot is on the north side of the property and the land slopes down. He was trying to make sure that the development is toward the higher part of the property so that when the Patels add roads, parking spaces and buildings they could manage the additional run off on the lower side of the property. The purpose of the stormwater management plan is to make sure that as much water flows into the pond as possible. With the cabins close to the hotel or on the southern part of the property, the drainage did not work.

- Q: Abutter Mulleavey asked if the water would be directed by the berms.

- A: Gregsak said that the land would be graded toward the pond.

Motion to close public comment.

Motion: John Hettinger Second: OJ Robinson All in favor (4,0)

- Q: Hettinger asked how close the cabins can be per the town regulations.

- A: Bont said that how close the cabins can be is not a zoning issue so much as a Fire Code Safety issue because the Land Use Plan Ordinance allows clustering.

- A: Fire Chief Beard said that the height of the buildings makes a difference. If one building is taller than the other you could add feet to the separation. These cabins need to be

twenty feet (20') apart because they are one story cabins. Only one cabin will need to be moved.

A: Bont said that the other cabin might have to move a little too to accommodate a wider road (as needed by the fire apparatus).

A: Fire Chief Beard said the roads have to be four feet (4') wider. Gregsak concurred that the road should be twenty feet (20') wide.

Q: Robinson asked if there was a berm between the north side of the lawn and Rita Tamulonis' house.

A: Gregsak said yes. What was proposed is where the plantings will be there will be a swale to force the water flowing from the abutting properties to US Route 3 as well.

Q: Robinson asked if the plantings would be at ground level. Robinson said what he was thinking is that if the Patels were going to create some height on the north end of the lot by putting in a berm, then the arborvitaes should be planted on top of the berm and then the arborvitaes would be taller by the height of the berm.

A: Gregsak said yes, what they are proposing is that they would regrade the soil where the trees are going. Robinson said if the Patels are going to do the grading anyway, then it would make sense for them to plant the arborvitaes on the top of the berm. Gregsak said that he thinks that is a good idea: create a shallow swale, so that material that came out of the swale could create a berm, and then plant the trees on top of the berm.

Q: Patel asked the abutters if they would mind if there was a berm.

A: Town Manager/Planner Burbank said that any berm or swale would be built on the Patel's property.

A: Gregsak said that it is a good way to get additional height out of the plants. It could be worked out.

Q: Chair Spanos asked if they would plant arborvitaes in the gaps as agreed.

A: Patel said that they would plant arborvitaes only where there is no wooded line.

Chair Spanos said that if the arborvitae was planted in the gaps as agreed, it would get rid of the current problem with the car lights shining into the neighbors windows. Hettinger said that the lights from the cars are already a problem.

Patel said that for the new project parking is not on that side. Patel felt that the headlights are a onetime problem with someone parking in that spot. The current parking spaces do not face in the direction of Hanson Farm Road.

Hettinger said that the problem with the lights impacting the neighbors did not happen until all the trees were cut down.

Q: Patel asked if Hettinger was saying that Patel needed to put arborvitaes everywhere.

A: Town Manager/Planner Burbank said that they are only asking for enough arborvitaes to fill in the gaps. Gregsak said that what he thinks they are saying is just to plant an arborvitae or two but not an entire line of them. Town Manager/Planner Burbank said

that if Patel sees a gap and the gap points directly at one of the houses on Hanson Farm Road because the trees are gone and there is a hole then she would put in an arborvitae to fill the gap.

- A: Patel agree to fill in a gap, but she would not put arborvitaes down the entire length of the property.
- A: Town Manager/Planner Burbank said that no one has asked Patel to do that.

Chair Spanos started to list conditions of approval and then Robinson asked to review them:

CONDITIONS.

1. Patel's Engineer William Gregsak shall address Ray Korber's notes to comments (See attached Appendix A. Memorandum from R. Korber of KV Partners dated August 9, 2016 "Technical Memorandum #2 – Peer Review") to Korber's satisfaction.
2. Patel's Engineer William Gregsak shall change the wording on Sheet 3, Paragraph 16, Second Sentence to read:
"Fencing and landscaping activities will require access from Hanson Farm Road by way of the existing entrance."
3. Patel's Engineer William Gregsak shall change the wording on Sheet 6, Paragraph 9B under "Earth Construction" to read:
"Joints shall be pressure tested with zero leakage at 25 pounds per square inch for gravity sewers, and 1.5 times working pressure for force mains."
4. Patel's Engineer William Gregsak shall change the wording on Sheet 6, Paragraph 11 under "Earth Construction" to read:
"All sewers at 8 percent or greater slope should have trench dams installed."
5. Patel's Engineer William Gregsak shall make the necessary changes to the Stormwater Management Plan as needed to accommodate the changes included in this set of conditions (i.e., changing the width of the roadways, driveways and parking areas) to the satisfaction of Town Engineer Ray Korber.
6. Patel shall obtain all necessary State Permits to access the cabins through their DOT curb cuts for the Rodeway Inn. The DOT/State permits must be received prior to applying for a Land Use Permit.
7. Patel shall have Town Engineer Ray Korber of KV Partners, LLC, review, approve and sign off on the engineering and construction associated with this project.
8. Patel shall have Director of Public Works Nate Hadaway review, approve and sign off on the water and sewer connections and materials. Hadaway may have additional requirements associated with the water and sewer hookups. For example, Hadaway may require a separate feed for the water to the cabins. Hadaway shall review the water and sewer connections with Town Engineer Ray Korber of KV Partners, LLC. Patel's Engineer William Gregsak shall consult with Hadaway and Korber and agree about how to make those connections.
9. Cabins shall be strictly transient lodging; no year round occupancy can be established.
10. Only one rental unit is allowed per cabin.
11. Patel shall place the cabins a minimum of twenty feet (20') apart. Two cabins as shown on the Site Plan are too close together per the Fire Chief.

12. Patel shall create roads with a width minimum of twenty feet (20') to allow access for Emergency Vehicles.
13. Patel shall create driveways with a minimum width of ten feet (10') per the Driveway Regulations.
14. Patel shall create parking space sizes that are a minimum of nineteen feet by nine feet (19'X9') or possibly twenty feet by ten feet (20'X10') in size. (Engineer Bill Gregsak said he would make them ten feet wide to make it easier.)
15. Patel shall plant five foot (5') or six foot (6') columnar arborvitaes part of infrastructure – later this year is preferable, provided Patel is able to purchase them as it is late in the season, however, if they are unavailable, in the spring of 2017.
16. Patel shall plant five foot (5') or six foot (6') tall columnar arborvitaes along Hanson Farm Road within the “gaps” as agreed to with her neighbors at a meeting facilitated by Town Manager/Planner Butch Burbank.
17. Patel shall plant five foot (5') or six foot (6') tall columnar arborvitaes on top of a berm on the north end of the lot as agreed to in order to increase the height of the arbor.
18. Patel shall have downcast lighting directed down on the building and not shining into abutters' windows as shown on the plan. At this time the Patels are proposing lighting only on the buildings. If lights associated with either the guests or the hotel employees cause problems, Patel agrees to come back to the Planning Board to amend the Site Plan Review Approval.
19. The roads, driveways, parking areas, water and sewer lines, water and sewer hookups and arborvitaes are part of the infrastructure. The infrastructure for the entire project has to go in before the first cabin goes in. Completion of Site Work (i.e., the infrastructure) is required before any Land Use Permits will be issued to build cabins or sheds.
20. If Patel or his successors and/or assigns decide to change the Site Plan in any way, Patel or his successors and/or assigns agree to come back to the Planning Board to amend the Site Plan Review approval.

Q: Town Manager Burbank wanted to make it clear for record: The arborvitaes are part of the infrastructure. If the Patels put in the roads, water and sewer in the fall but cannot get the arborvitae until the spring, is it the Boards intention that they cannot start building cabins because technically the utilities are not in. Does this mean that Town Staff will not issue a Land Use Permit for the cabins until the arborvitaes are also planted?

Q: Chair Spanos asked if any cabins would be built this year, or only the infrastructure would be in place.

A: Patel said that they would probably not build a cabin this year because there would not be enough time to build.

Q: Chair Spanos reiterated that it would be one rental unit per cabin. No year round occupancy shall be established. The cabins shall be strictly for transient lodging.

A: Patel confirmed that it would be seasonal rental.

Robinson made a motion to approve with those conditions as listed above. There was no second.

Q: Fire Chief Beard asked how close the plan was on its Storm Water Management Plan.

A: Gregsak said that increasing the road widths and the driveways will change the shape a little. Town Manager/Planner Burbank said that will be part of Ray Korber's review. Fire Chief Beard said he would agree to any modifications of the Stormwater Management Plan as long as Town Engineer Ray Korber was notified of the changes and approved them. Gregsak said that when the plans are resubmitted he would have a discussion with Korber about the changes.

Motion to accept the application as complete.

Motion: OJ Robinson Second: Paula Strickon All in favor (4,0)

Motion to approve the site plan with conditions above as noted.

Motion: OJ Robinson Second: John Hettinger All in favor (4,0)

IV. NEW BUSINESS

Tesla Recharge Station

Bont explained that there is a new request for a Tesla recharge station in Lincoln. A Tesla Engineer has inquired about setting up a Tesla recharge station in several different locations in Lincoln. Now the engineer has a proposal to put a Tesla recharge station at RiverWalk in Lincoln. Would that need Site Plan Review approval?

The problem with this proposal is that when the Planning Board approved RiverWalk, when we gave a Land Use Permit for the first phase, the application was for eighty (80) or eighty-one (81) units. After the first phase of RiverWalk was completed the first phase had been trimmed down to seventy-nine (79) condo units. However, there are not really just seventy-nine (79) condo units, but rather there are about one hundred forty-one (141) potential hotel units.

Dennis Ducharme d/b/a RiverWalk at Loon Mountain, LLC, sold the seventy-nine (79) condo units as 1/6th interest in each of the seventy-nine (79) condo units, however, what is included in the sale of that condo unit are really two hotel rental units sold together as one 1/6 interest in a condominium. The attraction to the buyer is that they can buy one unit, but when they are not using the condo it can be rented out as two separate hotel units. So each condo unit is really two motel units – one hotel unit with a kitchenette and one hotel unit with a full kitchen. For the most part, each condo unit has one small lockout unit and a larger lockout unit and both units can be rented out separately. The down side is that RiverWalk does not have parking spaces for 141 units; it has parking for 79/81 units. (There are a few condo units that are comprised of only one rentable motel room.)

With a Tesla Recharging Station they are talking about taking some of those parking spaces and repurposing them – making them part of a charging station – like a filling station. They want to use eight (8) of the parking spaces designated for the 79-81 condo units.

Strickon said that if she saw one Tesla in town all summer she could see creating one space, but to make eight (8) Tesla Recharging Station spaces would be a waste of space.

Should We Treat the Tesla Recharge Station Like a Filling Station:

Bont said that we have a similar issue in another part of town and we need to be sure we are treating everyone the same. The other party also wants to put in a propane filling station behind Aubuchon Hardware. We are telling that party that they need to come for Site Plan Review approval to have a propane filling station. They are pushing hard and have hired an attorney. Now we are talking about a charging station which is like a gasoline or propane filling station or is it?

Chair Spanos said that it was a charging station.

Bont said that the Land Use Plan Ordinance (LUPO) Land Use Schedule does not have a category called a “recharging station”. It has a category called “Gasoline/Fuel Oil Sale & Storage”. When someone comes in to apply for a permit for something that does not quite fit into the given categories she looks at the LUPO to see what the closest equivalent is and in this case it is a “Gasoline/Fuel Oil Sale & Storage” category.

Strickon said that the two are not the same.

Chair Spanos said that on you could look at it, they are just putting up a couple of outside outlets.

Hettinger said that he believes that the Planning Board should focus on this issue.

Hettinger explained that the other night he came out of the Woodstock Inn and there is a plug-in or electric car recharge station right next to the Woodstock Inn building for an electric car. There happened to be an electric car plugged in. Hettinger went over to the car and it was a Volkswagen. He looked around the car and found no place to put gas in the car; it looked to him to be an electric car. Suddenly the owner came out and Hettinger engaged in a discussion with the owner of the electric car. Hettinger found that that particular VW car can go 80 miles without a charge, which is one restriction with electric cars; it is a very low range vehicle. The Volkswagen owner came up from Massachusetts. The driver has to know where all the electric recharging stations are that he can plug into. Hettinger asked the driver how he knows where the recharging stations are. The driver said, “I’ve got an app for that”. The VW owner pulled out his cell phone and he showed Hettinger each of the filling stations from Massachusetts to New Hampshire. Hettinger noticed that each of the filling stations was a different color. Hettinger asked the VW owner why the recharging stations were different colors. The VW owner said, “Each company has a different plug.” Hettinger said that there is a high speed plug, which costs \$6 for a fast charge versus a free charge that takes about three hours. Hettinger said that it gets complicated and that a Tesla probably requires a different plug.

Bont said that the problem will arise if RiverWalk does not have enough parking for the units they currently have, and now RiverWalk is going to take eight (8) spaces away and reserve them for Tesla owners. Anyone can park in the parking spaces, but if a Tesla comes along the Tesla takes priority.

Tanner mentioned that she was at the Red Jacket Inn in North Conway at a conference and there were six (6) parking spaces reserved for electric cars to charge. There were no cars parked in the reserved spaces, but there also were no other spaces left in the lot for nonelectric vehicles to park.

Chair Spanos said that RiverWalk is proposing to take up eight (8) parking spaces for the Tesla cars.

Fire Chief Beard thought an electric car recharging station should go next to the skate board park. Fire Chief Beard said that they can pay to put power down there and paving and that would be their dedicated charging station when they need it.

Town Manager/Planner Burbank said that they can go wherever they want, it is a business transaction.

Hettinger said that this inquiry is from Tesla. What happens when first Volkswagen comes in and then someone else comes in.

Town Manager/Planner Burbank asked, “Can you tell a business how they use their parking space?”

Robinson said that there is a difference here because this is another business service being added. In addition to people parking for the 141 units, they now want eight (8) spaces for electric vehicles to be charged. If all eight (8) of those spaces are being used by hotel guests, Robinson does not see that as an issue, but if those 8 spaces are opened for any John Doe passing through to come park his car there for three (3) hours, that is taking a dedicated parking space away from the guests of the hotel and the restaurant. If Tesla is making that open to everyone...

Town Manager/Planner Burbank said that the Tesla representative who sat in his office said that those spots would be used as long as there was a Tesla car that needed to be charged. Other than that, they don't care who parks in the parking spot. However, a non-Tesla car would need to move so that a Tesla car can charge.

Bont said that in her opinion, putting in a Tesla recharging station would constitute a change of use (i.e., another business) or an expansion of use (i.e., an expansion of the current business use) to have a Tesla charging station.

Robinson said that RiverWalk would be now losing eight (8) spaces for the hotel to provide eight (8) spaces for non-customer electric recharging. Robinson said he had no problem with a business putting in electric car recharging stations if the stations are located in any parking lot that has ample parking space for the customers of that business.

Town Manager/Planner Burbank said that the problem is that the Town of Lincoln does not have ample municipal in-town parking.

Chair Spanos asked how much it costs for rent.

Town Manager/Planner Burbank did not know. The Tesla representative said that he wanted to put the recharge stations within walking distance to a hotel and restaurant.

Tanner suggested that members of the Planning Board call the Red Jacket Hotel in North Conway and ask how many people actually use the hook-ups because they have both Tesla hookups and then a few universal hookups.

Chair Spanos said that because the spaces are reserved, no one who owns a non-electric vehicle parks in those spaces.

Town Manager/Planner Burbank said that based on that premise, the RiverWalk should come in for Site Plan Review.

Chair Spanos said that he does not see any correlation between this and the proposed propane refilling station behind Aubuchon Hardware. Aubuchon cannot put a propane refilling station behind Aubuchon's because they cannot meet the State Fire Code's Fire and Safety requirements.

Bont said that the spokesperson for Aubuchon does not think they need to come for Site Plan Review because a filling propane station is simply part of their retail operation.

Town Manager/Planner Burbank said that the Town Attorney Peter Malia said he is convinced that Aubuchon's definitely needs to come in for Site Plan Review.

Robinson said that RiverWalk cannot take away the parking spaces that are dedicated for a restaurant seats or hotel rooms, those spaces are dedicated to that restaurant or hotel for parking.

Bont said that we did not calculate for the restaurant when RiverWalk came in, we just calculated for the hotel space and rooms. It was calculated as if only the hotel people were going to be using the restaurant and the winery.

Town Manager/Planner Burbank said that we could look at that in Phase II.

Bont said that Dennis Ducharme d/b/a RiverWalk does not think he needs to come in for a Phase II because he thinks the Planning Board already approved everything way before Town Manager/Planner Burbank and Bont were here.

Robinson asked how many parking space per suite did the Planning Board require per hotel unit. Bont said that despite the language in the Land Use Plan Ordinance the Planning Board apparently allowed 1.25 parking spaces per unit. It is not clear whether the number of parking spaces was per condo unit (79-81 units in Phase I) or per hotel unit (141 in Phase I). The RiverWalk is not a timeshare. It is a condominium hotel with each condominium unit having 1/6 interest.

<p style="text-align: center;">Land Use Plan Ordinance (LUPO) ARTICLE V GENERAL REGULATIONS</p>
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Section A. PARKING AND OFF-STREET LOADING.

1. All proposed new construction shall provide for adequate off-street parking spaces in accordance with the following standards, subject to modification by the approval of a special exception pursuant to Article V, Section A,3. A single parking space is defined as being one hundred seventy (170) square feet in area and having additional adequate area for maneuvering.
 - A. Residential (including dwellings, timeshare units, quarter share units or other similar types of occupancy as determined by the Planning Board) – two (2) spaces for each residential unit.
 - B. Accessory Apartment – One (1) space
 - C. Hotel, Motel, Tourist Accommodation, Lodging Unit – one (1) space for each unit.
 - D. Timeshare units – 1.25 spaces per unit
 - E. Commercial – one (1) space for each three hundred (300) square feet of public area.
 - F. Industrial – one (1) space for each two (2) full-time-equivalent employees on the premises at one time plus a factor of five (5) percent of that requirement to accommodate visitors, etc.
 - G. Restaurant – one (1) space for each four (4) seats.
 - H. Public Assembly – any theater, hall or auditorium, provisions for at least one (1) space for each six (6) seats.
 - I. Where one (1) building is used for lodging or motel accommodation with a restaurant – one (1) space for each rental unit, plus one (1) space for each four (4) seats.
 - J. Where the development will provide for mixed uses, including residential units, the Planning Board may waive the two parking space requirement per residential unit and only require one additional space per residential unit, if the Planning Board finds that the off street parking proposed is adequate for the intended use and substantially meets the purposes of this ordinance.

Bont said that at the time of the RiverWalk opening LaVista Restaurant had 40 outside seats. Herman Pfeuti who operates LaVista said he had no intention of for paying water & sewer tap fees for the outside seats because the seats can only be occupied four months of the year.

Town Manager/Planner Burbank said that Wendy Tanner was going to go around this weekend and do physical counts of outside seating at restaurants.

Town Manager/Planner Burbank said that putting a Tesla recharge station in will bring wealthier clientele to whatever hotel complex has the recharging station because the guests will want to stay where they can charge their Teslas.

Fire Chief Beard said that the RiverWalk probably already has guests who own Teslas who will come to town to stay at the RiverWalk if the RiverWalk has a Tesla recharging station.

Hettinger said that evidentially the electric car recharging stations need to be near someplace like a restaurant or hotel where the Tesla owners can spend some time while their cars are being recharged.

Town Manager/Planner Burbank said that the range for the Tesla is up to about two hundred (200) miles on a charge.

Robinson said that RiverWalk is a good spot for a Tesla recharging station, however, that means that eight (8) new spaces are required over and above what has already been approved. Not all

eight (8) spaces will be taken by hotel guests. The use of the recharging station will not be limited to hotel and restaurant guests.

Q: Strickon asked where the staff is parking at RiverWalk.

A: Fire Chief Beard said that the RiverWalk staff parks on the grass or gravel area on the side.

Q: Robinson asked what was approved at RiverWalk, was it everything (i.e., all three phases with restaurants, retail space, etc.)?

A: Bont said that is what Dennis Ducharme told her. No one who currently works in the town hall was here then. When we got here two extensions had already been issued. All we have done is kept granting extensions and but we never found a Notice of Decision for a Site Plan Review approval.

Town Manager/Planner Burbank said the approval of RiverWalk has not been explained very well. Town Manager/Planner Burbank said that it appears that the conceptual plans morphed into what became the end result for the whole complex, but nothing is clear.

Robinson said they must have filled out a Land Use Permit Application.

Bont said that she and Town Manager/Planner Burbank could not find the original Site Plan Review approval. We found only extensions for the approval. There were one or two extensions before we started working for Lincoln.

Town Manager/Planner Burbank said that we found minutes for the ZBA where the ZBA talked about granting a variance for the height restriction on the building. The rationale was that the proposed height of the hotel was the same as the height of the smokestack on the mill. The Fire Chief at that time said that was reason enough to let it go.

Hettinger said that there was a tank or some structure that was five (5) stories high so the height and the number of stories proposed for RiverWalk was “grandfathered”.

Robinson said that tall building was the drying building and they had to remove all the asbestos.

For Demolition of Paper Mill in Lincoln, NH see video at https://vimeo.com/18815929
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Town Manager/Planner Burbank said there was no formal approval, but did the Planning Board think that they had approved the whole thing or just a phase? Dennis Ducharme has informed us that he is going to apply to put up Phase II as early as this fall or early winter.

Fire Chief Beard said that the Indian Head Resort already has a charging station.

Strickon said that the Woodstock Inn has a recharging station too, but it is a generic one. The recharging stations for the Tesla car is different. “They are on another planet.”

Chair Spanos jokingly said getting only 80 miles per charge is too cheap, just put gas in the car!

Town Manager/Planner Burbank said that more people are buying Tesla cars. Strickon said that actually they were not. Tesla just had the worst quarter they have ever had.

Bont asked what the Board wanted her to do. Site Plan Review? Yes or no.

The consensus was, “Yes”.

Chair Spanos said that Site Plan Review would give the Planning Board a chance to review the entire site.

Strickon said that if they want eight (8) parking spaces for Tesla cars, will he also soon want another eight (8) spots for generic electric vehicles?

Town Manager/Planner Burbank said that his memory is from looking at the documentation we did find that the only thing in connection with the conceptual for the RiverWalk condo/hotel building that was discussed was the parking for that building. Town Manager/Planner Burbank finds it hard to believe that the Planning Board approved the entire RiverWalk project based only on a discussion about parking spaces.

Robinson said he would like to qualify the Site Plan Review requirement.

- If any business in town has more parking spaces than are required, that they should be able to dedicate a specific number of them toward electric vehicle recharging so long as the balance of parking spaces that is left supports what is in their business.
- If the business meets the requirements and has extra spaces, all they are doing is putting in outdoor outlets.
- If the business does not have extra parking spaces beyond what is required by their business, Robinson does not think that parking can be taken from their required parking spaces to support recharging stations.
- If a business wants to build another area with a specified number of charging stations, they would be required to come in for Site Plan Review.

Fire Chief Beard said that in that equation the Planning Board needs to make sure the businesses are not counting municipal parking spaces as part of their business parking spaces. Fire Chief Beard stated that many businesses are using municipal spaces as part of their required count.

Chair Spanos said that if the business wanting to put in a recharging station has enough spaces they can apply for a waiver of Site Plan Review.

Robinson thought that it made sense for a business to apply for a waiver if they have more spaces than is needed or required.

Fire Chief Beard added, they should not be counting municipal or roadside parking.

Chair Spanos said that we are only talking in general, not a specific case.

Bont said that the Town has a specific request that will be coming in.

Robinson said that when the Planning Board looks at a proposed plan for a recharging station and the business does not have excess parking they can be required to take away from their business.

Bont said that she and the Town Manager have not discussed with Ducharme the fact that it appears that he does not have excess parking spaces. The Planning Board approved parking for the 79-81 condo units, not 141 hotel units.

Strickon said that if they take eight (8) parking spaces away, they will not have enough parking.

Bont said that her memory is that they did have a little bit of extra for this particular Phase I if the Planning Board is just looking at 1.25 parking spaces for each condo unit.

Strickon said that it got blown off of something else. RiverWalk came in for a change and they lost two parking spaces.

Chair Spanos said that if the Planning Board is going to address the parking spaces being used for a recharging station as a Board, Dennis Ducharme on behalf of RiverWalk will have to come in for Site Plan Review.

Hettinger said that this is a serious question. The Planning Board just cannot decide to allow Tesla charging station at one end of town and a generic VW charging at another end of town.

Chair Spanos said someone needs to invent a universal adapter.

Robinson thought it was up to the individual businesses to decide where these recharging stations will be located.

Town Manager/Planner Burbank said that if businesses are going to be attracting people that drive Teslas, the individual businesses will need to address it.

Fire Chief Beard asked if there was any reason why Tesla plugs are on the left and all others are on the right. Beard thought that you could have more than one plug per parking space. If you are going to dedicate charging stations and not allow anyone else to park there, it makes sense to have different types of vehicles that can charge in one spot.

Board members felt that Beard was making too much sense.

Strickon said that it is proprietary engineering. She explained that in 1979 several well-known people tried to get 6 cardiac pacemaker companies to come up with an emergency interrogation(?) unit. Something that you could put over a patient's pacemaker and it would tell you how it was set. Not one company would cooperate because they all had their software and they were not going to share it. These companies did not care. It did not matter how many lives got lost in an emergency room. If they did not cooperate then they would not be responsible if

there was not a piece of equipment there. It has never been developed because none of the companies that make cardiac pacemakers would share their plug.

Fire Chief Beard said that what he was getting at was, if he owned a garage he could have a 220 volt plug on one wall and a 120 volt plug on another wall.

Robinson said that if the businesses in town wanted to do that they could. The Board cannot tell them what they should do.

Town Manager/Planner Burbank said that the only reason this type of business is working here in Lincoln is that nothing inside that building was purchased by the RiverWalk corporation. When the restaurant went in, the restaurant owner paid for it. When Tesla comes in and wants to install a recharge station to charge their cars, they will pay for it; the recharging station will belong to Tesla. The CEO over at Riverwalk will tell the Planning Board to talk to Tesla because Tesla is the one who is requesting the parking space.

Strickon said that maybe in 10 years that will be good, but right now they may need four (4) Tesla spaces and four (4) generic electric plugs or something else.

Fire Chief Beard said that this will be the first ski season that RiverWalk will be open.

Town Manager/Planner Burbank talked to Bont and the way RiverWalk was submitted to the Planning Board and in its application for a Land Use Permit, it was not clear how the rooms would be used. It looked like there would be only 79-81 condo units sold as 1/6th interests – i.e., conceivably six owners per unit – kind of like a time share, but not a time share. It is obvious now that RiverWalk is up and running that there are 141 potential hotel rental units. There appears to be a bit of a shell game about how the units will be rented and the number of vehicles that will be parked in the lot. Because other than the few weeks that the person who buys it will stay there, the individual lock-out hotel units will go into the rental pool. The occupancy conceivably doubles, but parking does not.

Chair Spanos asked if we have any idea how many were put into the rental pool before. Town Manager/Planner Burbank said that they have no reason to tell us, but that what we do know is that the rooms are capable of being divided and that way we should probably address the current parking.

Robinson said that eventually the lack of adequate parking is going to become his problem.

Chair Spanos said that imagine if you pay \$500,000 per unit and on a busy holiday you discover that there is no parking available – that would be a bigger problem.

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 7:41

Motion: OJ Robinson

Second: Paula Strickon

Respectfully submitted,

Wendy Tanner,
Planning and Zoning Recorder

Date Approved:


James Spanos, Chairman