

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, MARCH 23, 2016 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

APPROVED

Planning Board Members Present: Chairman Jim Spanos, Vice-Chairman R. Patrick Romprey, OJ Robinson - Selectmen's Representative, John Hettinger, Paula Strickon, Ron Beard (alternate & Fire Chief), Callum Grant (alternate), Norman Belanger (alternate)

Select Board Members Present: Chairman Robinson, Jayne Ludwig and Tamra Ham.

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

Members Excused: None

Members Absent: None

Other Town Staff Present:

- **Nate Hadaway** – Public Works Director for Town of Lincoln.
- **David Beaudin** – Lincoln Water Plant Operator and resident and co-owner with Mary Conn of 10 Louis Lane (Tax Map 116, Lot 004), Lincoln, NH 03251-0245

Guest Presenters of Water Analysis from Hoyle, Tanner & Associates, Inc.:

- **David F. Edson, P.E.** – **Senior Vice President**, Hoyle, Tanner & Associates, Inc.
- 34 Hayden Rowe Street, #130, Hopkinton, MA 01748
- **Carl L. Quiram, P.E.** – **Regional Manager of Environmental Services**, Hoyle, Tanner & Associates, 150 Dow Street, Manchester, NH 03101
- **Chris R. Mulleavey, P.E.** – **President/CEO**, Hoyle, Tanner & Associates, Inc., Pease International Tradeport, 100 International Drive, Suite 360, Portsmouth, NH 03801

Guest Presenters for Applicants Jonathan & Elizabeth Harris:

- **Michael Conklin Esq.** – Conklin & Reynolds, PA, 264 Main Street, Lincoln, NH 03251, representing Jonathan & Elizabeth Harris
- **Tyler Phillips** – CPESC, CFM, Horizon Engineering, Inc., 34 School Street, Littleton, NH 03561

Guest Presenter for Kushi Corporation d/b/a Rodeway Inn:

- **Falguni Patel** – Hotel Owner and Manager of Roadway Inn, 417 US Route 3, Lincoln, NH 03251 owned by Kushi Corporation.

Guests:

- **Paul J. Beaudin II** – resident and property owner of 2 Louis Lane, Lincoln, NH 03251 (Map 117, Lot 069), PO Box 872, Lincoln, NH 03251-0872.
- **John Currier** – resident and co-owner with Donna Currier of 36 Forest Drive (Tax Map 117 Lot 101), Lincoln, NH 03251 (a resident of Forest Ridge Resort)
- **Brenton (Brent) W. Drouin** – abutter and resident of 2 Hay Hill (Tax Map 132, Lot 058) in “The Landing at Loon Mountain” owned by Brenton W. Drouin, PO Box 788, Lincoln, NH 03251-0788 and Owner of Century 21 Mountainside Realty, 49 Main Street, Lincoln, NH 03251.
- **Steve Noseworthy** – Property Maintenance Manager for Clearbrook Homeowner’s Association & Employee of Foxfire Property Management, PO Box 1415, Lincoln, NH 03251-1415, of 43 Parker Ledge Road, Woodstock, NH 03262
- **Cindy Rineer** – resident and co-owner with Dennis L. Rineer of 176 Pollard Road (Map 114, Lot 057) PO Box 878, Lincoln, NH 03251-0878.

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

II. CONSIDERATION of meeting minutes from:

- February 10, 2016
- March 9, 2016

MOTION to skip over the minutes until later in the meeting.

Motion: OJ Robinson Second: John Hettinger All in favor: (5-0)

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

- A. 6:00 PM – Presentation to Planning Board and Board of Selectmen of Final Report For Water System Assessment for the Town of Lincoln, NH March 2016, and presentation by David Edson, P.E. and Carl L. Quiram, P.E. of Hoyle, Tanner and Associates, Inc., 34 Hayden Rowe Street, #130, Hopkinton, MA 01748.**

David Edson and Carl Quiram of Hoyle Tanner and Associates (HTA) gave a presentation about the Lincoln Water System Assessment they performed. A copy of their PowerPoint presentation is attached to these minutes. Some of the questions asked during/after the presentation are listed below.

Q: In the water analysis presented, did HTA take into consideration the pressure reducing station outside of the Loon Children’s Center servicing Westwood Acres?

A: No, the HTA engineers were not aware of that pressure reducing station.

Q: In the case of the Village of Loon water tank, when the water is treated and then sent across the East Branch Pemigewasset River and up into the tank, who owns the pipe that the water travels through?

A: Different people. The town does not own the pipe when it enters private land.

Q: For the water pipe that goes over to the Village at Loon tank, when the Town shuts off the Water Treatment pumps and has to supply water back to Loon, does the water then flow backwards through that same pipe?

A: Yes.

Q: So not only is the Town supplying water to Loon through pipes the Town does not own, but there is water flowing back to a portion of the rest of the Town, through pipe lines that are not owned by the Town, but is privately owned pipe, correct?

A: Yes.

Q: NH DES used to require all private system owners or people who owned their own water pipes to have a licensed water distribution system operator on their staff. It doesn't seem like that is happening now.

A: HTA agreed. There is nothing in the law right now that requires one of these private developments with an unregulated private water system to have a licensed water operator.

Q: However, if the private water system has a pump system the owners do have to have a licensed water distribution system operator, right?

A: Yes, if the private water system with the pump system serves 15 or more homes or 25 people.

Q: When a new development starts up, are the plans and other information about the private water system sent to NH DES so that DES can review what type of water system the developer is planning?

A: No. For regulated portions of the water system developers are supposed to do that, but they have not been.

Q: When developers come in to get approval from the Planning Board for their developments, do you recommend that the Planning Board allow cisterns or do you think that the PB should require new developers to install a hydrant-based system?

A: You can't put fire hydrants where you can't get water.

Q: Looking at the problem with water pressure in the higher elevations, the Town already has several zones that are pumped. Although some private water systems may be considered "complete" (like Beechwood I), the way the water systems are currently configured the systems do not have adequate water pressure for the homes located in the higher elevations. Going forward, should the Town continue to ask developers to install private water systems that require them to pressurize water to be pumped since the report says that the Town does not need any more water storage? Or should the Town have developers add storage tanks to address the problem it currently has with inadequate water pressure in the higher elevations even though the Town does not need additional water "storage".

A: HTA suggests that the Town look at this issue comprehensively. The Town's already has current water pressure problems in the higher elevations. The more the Town allows

developers to build up the side of mountains and into higher elevations, the more extensive the Town's problem with adequate water pressure will become.

Q: Are pumps less expensive than tanks?

A: Yes, pumps are cheaper than tanks.

Q: Would the Town do the billing? Or would the private water system do the billing?

A: It could be done either way.

Q: If the Town starts billing customers, would that trigger NH DES to regulate the private water systems that the Town's water is going through?

A: Yes. Whether the Town or the Homeowner's Association does the billing makes no difference; when customers get billed for water then these private water systems are subject to state regulations.

Q: Can you attach other water-related projects to that Water Asset Management grant?

A: Not really, the grant is a straight forward 50/50 grant for that particular purpose.

Q: When HTA creates the Asset Management Program or does the analysis will HTA look at just the infrastructure that the Town of Lincoln has in place or will HTA come forward with solutions to the Beechwood and the Landing issues as part of that asset management program?

A: The focus of that Asset Management Program is strictly asset management. The grant is focused on inventorying what the town has for assets to operate its water system. That grant gets the Town more focused on putting together an inventory. There is a component of the Asset Management Program that will work to help the Town develop a capital plan, however, that capital plan will be based on the limited knowledge that the Town has just understanding what the water system infrastructure is comprised of and the engineering needed to maintain it. "To really get your hands around making investments to improve performance, we need to revisit the model and understand it."

Q: At Beechwood I, the Town now owns the pipes and the utilities; some of the Beechwood I homeowners have inadequate water pressure. Can the Town get an idea from HTA as to how to correct this?

A: Figuring out how to address the deficiencies would be the next step. The Town would need to hire HTA to do that design step and give the Town an evaluation. Does the Town need a tank or does the Town only need additional pumps that can push water uphill to address not only domestic water needs but fire protection needs as well. So the answer would be this is the next step in the process. It will take additional money to hire engineers to design these water systems.

Q: Earlier we were talking about addressing "water loss"; can HTA determine what the Town's water loss would be without a full year's worth of meter reading?

A: HTA would have to be able to have enough data to establish trends, but they would know fairly soon. The tricky part is this: HTA knows how much water goes into the system every day. Water meters get read typically on a rotating basis, so it gets tricky. As long as you are

looking at the data from the same time period you will get an answer. (A 3 or 4 month study could be sufficient.)

Q: Would a water storage tank on South Peak be the answer to address inadequate head pressure on the Beechwood side?

A: Yes, you need a tank on that side of the river.

Closing Comments

The Town of Lincoln started with a Water System Study (July 1989) and Water Distribution System Evaluation (December 1989) prepared by Weston & Sampson Engineers, Inc., in 1989. Those studies were followed by another Water System Study by Provan & Lorber, Inc., in 2001. That study was followed by another study by Hoyle, Tanner & Associates, Inc., in 2008 and you can see very clearly that the same problems were identified in 2008 as now. Then it came to the discussion of cost. “Results just sat at the table and were never acted upon.” Now an obligation going forward with concerns that have been recognized, we now need a plan and financial commitment to address these concerns for the future. The town is growing and will continue to grow. It looks like Lincoln will be a resort town for many years to come.

Dave Edson, Carl Quiram and Chris Mulleavey were thanked by the Planning Board and Select Board. They left the meeting.

The joint meeting with the Select Board ended. Select Board members Jayne Ludwig and Tamra Ham left the meeting.

B. 6:00 PM – Planning Board Consultation re: how to apply Stormwater Management Ordinance to an individual lot & how to process request for waiver for 3 Hemlock Drive (Map 121, Lot 006) owned by Jonathan & Elizabeth Harris, 284 Vanderbilt Lane, Portsmouth, RI 02871.

1. Michael Conklin, Conklin & Reynolds, PA, 264 Main St, PO Box 849, Lincoln, NH 03251-0849
2. Tyler Phillips, P.E., Project Engineer, Horizon Engineering, Inc.

Presentation by Engineer Tyler Phillips:

Engineer Tyler Phillips gave the Planning Board a recap of the status of the proposed Harris project. He and Attorney Michael Conklin were before the Planning Board about a month ago to discuss how the stormwater management ordinance would apply to Jonathan & Elizabeth Harris’ proposed project. The purpose of the ordinance and how this development would be affected by that ordinance was discussed at the meeting a month ago. What permits had been obtained to address some of the issues with the Stormwater Ordinance was discussed. Back in 2004, when the South Peak Resort development was approved by the Planning Board, the Planning Board had based its approval on the Alteration of Terrain (AoT) permit that was issued from the State of New Hampshire. The issues that are addressed in the AoT are also the concerns that are brought about by the Stormwater Ordinance (i.e., did the design for stormwater management in

the AoT provide for adequate drainage for the size of combined impervious surfaces as proposed by Harris?)

Engineer Phillips said that he and Attorney Conklin left the meeting with an understanding that they were going to look into if this development followed or was consistent with the assumptions underlying the design as presented in the AoT permit. Would the drainage design in the AoT adequately meet the Town's intent and purpose of the Stormwater Management Ordinance (SMO)?

Engineer Phillips said that at the last meeting no one was clear about what assumptions were used by the engineers for density (i.e., the combination of house sizes and impervious surface sizes) when the development was designed and later built. Were we consistent with the assumptions that were in that AoT permit?

Engineer Phillips said that he and Attorney Conklin left the last Planning Board meeting with two charges:

- We were to develop an erosion control plan for the site; and
- We were going to research what assumptions were used on the design for the AoT permit.

Engineer Phillips said he did that. He prepared an analysis of the assumptions that were used on the AoT permit to determine whether or not the flow rates during a twenty-five (25) year storm, because that is what all the ditches and culverts were designed for, given how much hard surface is going to be in that development.

Engineer Phillips said that the AoT model that was originally prepared by Horizons Engineering for South Peak Resort assumed:

- A two thousand (2,000) square foot building footprint; and
- A two thousand (2,000) square foot gravel driveway
- For a total of four thousand (4,000) square feet of hard surface.

Engineer Phillips said those two features (i.e., building footprint and gravel driveway) were the major features that determined how much runoff was going to come off a building site. There is a total of four thousand (4,000) square feet of hard surface.

Engineer Phillips said that in looking at the Harris plan, the proposal is for four thousand seven (4,007) square feet.

Engineer Phillips said that after meeting with Town Engineer Ray Korber, "they" determined the difference in runoff between a paved driveway and a gravel driveway and determined that there would be an extra one thousand five hundred (1,500) gallons of runoff during a twenty-five (25) year storm that this site would generate with a paved driveway. A system was designed to retain that water on site. Engineer Phillips said Town Engineer Ray Korber reviewed the design and erosion control plan and is satisfied.

Chair Spanos asked if the applicant was still applying for a waiver. Engineer Phillips said that Harris is still applying for a waiver from the Town's Stormwater Management Ordinance (SMO) because although the requirements in the AoT Plan and the Town's SMO overlap, the Town's SMO has some extra requirements as well. Engineer Phillips said that the Planning Board would not have approved these lots and Horizons Engineering would not have designed this development the same way they did if they had had to meet the Town's current SMO.

Engineer Phillips made it clear to the Planning Board that when the development was created there were specific requirements in place that were met by Horizons Engineering's AoT design. To ask the individual homeowners to now go back and meet a new set of requirements on these steep lots is not feasible. Ultimately most of the drainage for the South Peak Resort development goes into the East Branch Pemigewasset River.

Vice Chair Romprey asked if the Town Engineer Ray Korber had any recommendations for the applicants' proposed Stormwater Mitigation Plan. Bont noted that there was an email from Town Engineer Ray Korber with his recommendations in the Planning Board members' packets. Engineer Phillips said he agrees with Town Engineer Korber's recommendations.

Town Manager/Planner Burbank said that the Engineer Phillips and Town Engineer Korber arrived at the end point together. He thanked both engineers for their hard work and understanding.

Engineer Phillips said that some towns would rather have a peer review and come listen to it and then come back for another meeting. But in this case where there was at least a conceptual understanding of what the end point would be – that Horizons Engineering on behalf of their clients would mitigate the stormwater runoff and provide storage of the onsite stormwater and erosion control plan. Engineer Phillips said that both were prepared.

Chair Spanos asked if the engineers had designed a plan that met the Stormwater Management Ordinance (SMO). Engineer Phillips said that his plan meets the purpose of the SMO.

Bont said that under the provisions of the SMO, the Town asked for a traditional Stormwater Management Plan. This proposed Stormwater Mitigation Plan provides less than what is required under the SMO (which would be a full Stormwater Management Plan), however, it meets all of the goals and purposes the Planning Board wanted to address under the SMO. Vice Chair Romprey asked where the Planning Department was with this. Both Bont and Town Manager/Planner Burbank said that they were good with what was submitted.

Chair Spanos said that the Planning Board may need to make a ruling that the Stormwater Mitigation Plan meets the intent of the SMO.

Town Manager/Planner Burbank said that every lot going forward up at South Peak Resort will have its own unique conditions. The Planning Department is hoping to devise a consistent way to handle these unique situations in the South Peak Resort. Vice Chair Romprey said that given the fact that this plan meets the Planning Department's criteria, he does not have an issue with

granting this application. Vice Chair Romprey does have an issue with granting a waiver because he does not understand why a waiver is needed and does not want to set that precedent.

Attorney Conklin said that the Stormwater Management Ordinance (SMO) requires things that are not being done in this situation because it is too late in the process to do them. Attorney Conklin believes that the SMO was created for the developer so that specific requirements would be taken into account at the development stage. Conklin said that it is too late for strict compliance with the provisions of the SMO. Conklin believes it is not too late to make some adjustments on each individual lot to comply with the spirit of the ordinance to end up with a condition where there is no excess drainage beyond that what was originally anticipated by the AoT. Engineer Phillips is still relying on the AoT permit for a certain extent, however, he is mitigating for anything above and beyond what was assumed in the model used for the AoT.

Engineer Phillips said that the Stormwater Mitigation Plan calls for a dry well.

Vice Chair Romprey asked if there was a waiver checklist for the project.

Robinson said that the SMO reads, “This requirement may be waived by a majority vote after a properly noticed meeting”.

V. STORMWATER MANAGEMENT REQUIREMENTS

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| E. All applications for single family homes or duplexes which disturb 50% or more of the square footage of the lot shall submit a Stormwater Management Plan. This requirement may be waived by a majority vote of the Planning Board after a properly noticed meeting. |
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Attorney Conklin said that they are not asking the Planning Board to waive the requirement meaning that they “do not have to do this stuff”, they are just asking the Planning Board to waive the strict requirements as permitted by the SMO in view of the fact that they have complied with the spirit of the ordinance by going as far as they could to mitigate stormwater runoff.

Robinson said that he felt that was the precedent that the Planning Board would want to set. Chair Spanos said that they meet the spirit of the ordinance.

Phillips said that in the future you will find that people will design the lots so they do not have to cross this threshold to meet it. Phillips said that this is a lot of work for a little water. People will design to avoid crossing the threshold. If they don’t have an AoT permit, all the more reason that they will try to avoid crossing.

Motion that the Planning Board grant the waiver, conditionally, based on the Erosion Control Plans (See Plans entitled “Jonathan H. Harris, South Peak Lot 33 [Tax Map 121, Lot 006]” dated October, 2015, last revised on March 22, 2016 - Pages C-1 to C-6) as presented with the corresponding notes which meets the goal of the Stormwater Management Ordinance (SMO). (A copy of the plans is attached to these minutes as Appendix A.) Part of this Erosion Control Plan is the Memorandum dated March 21, 2016 from R. Korber, KV Partners to A. Burbank and C. Bont of Lincoln, re: Peer Review,

Harris Property, 3 Hemlock Drive, Tax Map 121, Lot 006. (A copy is attached to these minutes as Appendix B.)

Periodic on-site inspections shall be completed during the construction phase to ensure the applicant is complying with the requirements set forth by the Planning Board. The third party inspector shall notify the Town and the Town shall notify the applicant when such on-site inspections will be completed. (This is the purpose of the note as shown under Section B.1.d. in the attached memo.)

Open to public comment. Chair Spanos asked if any members of the public had comments. There were no comments or questions.

Motion: OJ Robinson

Second: Pat Romprey

All in Favor: (5-0)

IV. NEW BUSINESS

F. 6:00 PM – Planning Board Consultation re: how to apply Sign Ordinance Article VI-B, Section 10, Paragraphs q (Off Premises Signs), Paragraph gg. (Temporary Signs) of the Land Use Plan Ordinance to request for temporary feather signs:

- a. The Contractor for The Pines at Forest Ridge wants to put up temporary feather signs for “Open House” and “Model Open”. The open house is only going to take place on the weekends. The ordinance allows feather signs to be up for 30 days four times per year. (This translates into 120 days per year.) What if they only want to put the signs up on weekends? Can they have the feather signs up every weekend all year round which would be less than 120 days?)
- b. The Contractor for The Pines at Forest Ridge wants to put up temporary feather signs for “Open House” and “Model Open” on the island at the entrance to Forest Ridge. The entrance to Forest Ridge is within a right-of-way for Forest Ridge, however, the land is owned by Green Acre Woodlands, Inc. This means the feather signs are “off premise signs” and would require a Special Exception from the ZBA. What if they only want to put the signs on the island in the middle of their right of way? Would that still be considered an “off premise sign”?

John Currier, a homeowner and full time resident in Forest Ridge Resort, said he objected to the four (4) feather flag signs that were placed at the entrance to Forest Ridge last week. Two were placed on land owned by Green Acres Woodland (Tax Map 122, Lot 001). Mr. Currier explained that the four (4) signs were not welcomed by the Forest Ridge homeowners. The signs were placed there by a contractor (Rick Elliott for Mt. Coolidge Construction LLC) working on creating more housing in “The Pines at Forest Ridge” located on the back side of Forest Ridge Resort.

Town Manager/Planner Burbank thought that Rick Elliott had permission from the HOA (Homeowners Association) to place the signs. Bont said that she sent the information about the feather signs to David Larsen, the General Manager for Forest Ridge Resort, and Larsen discussed it with Harry Schofield, President of the Master Homeowners Association at Forest Ridge Resort.

Bont said there are a couple of problems with the feather flags: (1) How long can they stay up? (2) Is it an off-premise sign?

First, the Town does allow “temporary” feather signs, however, the feather flags are allowed for only thirty (30) days at a time up to four (4) separate times a year. Bont noted that when David Rodgers of Rodgers Ski and Sport put up feather flags, he was counting his four (4) times per year up to thirty (30) days at a time, all in the summer for a total of one hundred twenty (120) days in a row. Consequently, Rodgers had the signs up for four (4) months in the summer. After speaking with his partner about the time limitations, Elliott wants to have the signs up only on weekends, but every weekend all year around which would amount to one hundred four (104) days which is less than one hundred twenty (120) days.

Second, the Town does not allow off-premise signs (although some are grandfathered). Bont said she notified Rick Elliott (and Jared Elliott, his son, and Peter Dionne, the plumber/partner) that he had feather signs up with no permits. Someone took the signs down right away. The feather signs say “Model Open” and “Open House”. Elliott originally put up four (4) feather signs. Two (2) signs were on land owned by Green Acre Woodlands. The other two were also on land owned by Green Acre Woodlands, but there is an easement for Forest Ridge Resort owners and guests to cross the property of Green Acre Woodlands to get to the Forest Ridge Resort and the other two signs were on the island between the ingress and egress roadways. Technically, the feather flags are off premise signs which would require a special exception from the ZBA. The median island is within Forest Ridge Resort’s right of way and is located in the middle of their right of way between the exit and the entrance roadways. Bont said she did not know how what the extent of the rights of the easement holder is to place signs on the island/median in the middle of the right of way. Would the Planning Board consider these to be “off premise signs”?

Vice Chair Romprey said that would depend upon how the right of way is written. Town Manager/Planner Burbank said that we cannot get into that. We have enough on our plate.

Bont said that if it is an off premise sign then it should be treated that way. Elliott then said that he would only ask for two signs, which is all that is allowed by the ordinance. They will put the signs up only on the island median, but they want to be able to put them up whenever their models are opened, and that will be every single weekend all year round until they are all sold. Peter Dionne, the plumber/partner, requested that they be allowed to put the sign up every weekend, which would still be less than 120 days. But it would be up every weekend, all year round.

Vice Chair Romprey said that when the Planning Board passed this sign ordinance they made a provision for temporary feather signs, am I incorrect?

Town Manager/Planner Burbank said that the idea was to restrict feather flags to thirty (30) day periods only four (4) times a year. Now you will have constant feather flags every weekend at the entrance to Forest Ridge Resort.

Bont said that he is not supposed to have them up at all. Town Manager/Planner Burbank said that he was told to take them down.

Vice Chair Romprey said that the reality is the sign ordinance is not being enforced and has not been.

Bont said that another person who has feather signs is Donny Landry for his restaurant, Texas Toast. After being told he needed a permit, Donny Landry came in and got the application and filled it almost completely out, but then he took the application back with him and said he was going to work on it and he never returned the completed application. Vice Chair Romprey asked if Landry had a permit for the Texas Toast feather signs at the Village Shops. Bont said that he does not, that is why we are talking about it.

Vice Chair Romprey said that we never agreed to let businesses put them up incrementally for two (2) to four (4) months at a time. Vice Chair Romprey said that was never the intent of the ordinance.

Town Manager/Planner Burbank said that the ordinances do not specifically say that. Business people are picking the ordinance apart. Bont said that they are parsing us and asking us if they can put the feather flags up every weekend because that would be less than one hundred twenty (120) days. If they chose to put up the signs for thirty (30) days four (4) times in a row, that would be one hundred twenty (120) days.

Vice Chair Romprey said it was the intent of the Planning Board that it should be a consecutive thirty (30) days. Chair Spanos agreed. Town Manager/Planner Burbank said that is good, now it is clearly recorded that the Planning Board intended that it should be a consecutive thirty (30) day period.

Fire Chief Beard said that is not how the ordinance reads. Vice Chair Romprey said that in the discussion the Planning Board just had, they agreed that the intent was clear, it was thirty (30) consecutive days.

Chair Spanos said that the Planning Board intended to make it one (1) month per season.

Robinson said that the language of the ordinance implies that in the ordinance even if it does not say so specifically. The ordinance says someone can fly a temporary feather flag for a thirty (30) day period and they can do that four (4) times a year.

There was a brief discussion about the thirty (30) day meaning and all members agreed that it was implied that it was thirty (30) days consecutively.

Bont said she talked to Forest Ridge Resort's General Manager David Larsen who is the equivalent of the Town Manager for Forest Ridge Resort. She asked Larsen if this is something that would be allowed by the home owners association (HOA). Mr. Larsen said that he would ask that the signs go up when the model unit was open and come down when it was closed. He does not have a problem with them putting the feather flags up every weekend as long as the model is open for viewing and someone is there to show them around.

Vice Chair Romprey said that if Elliott and/or his partners do not like the thirty (30) days consecutive he would need to go to the ZBA.

Bont asked about their opinion about whether a sign within the right of way should be treated as an "off premise sign".

Robinson said that as an easement holder, Elliott (d/b/a Mt. Coolidge Construction LLC) has a real estate right in that piece of land. Although Elliott does not own the land, he has an equitable interest in that land per real estate law. Robinson said he would not consider the signs located on the island median to be "off premise signs". There are multiple developments (six junior homeowners' associations as well as one master homeowners association) in Forest Ridge Resort, and all of the property owners within Forest Ridge Resort have an equitable interest in that right of way.

Town Manager/Planner Burbank said that all the Town needs to enforce is the portion of the Sign Ordinance (in the Land Use Plan Ordinance) that says "thirty (30) days, four (4) times a year". If Elliott wants to exceed that time frame, the issue clearly needs to go to ZBA. Elliott cannot put the feather signs up every weekend unless he can talk the ZBA into it.

Robinson said that he believes Elliott can only have two (2) feather signs because that is how the Sign Ordinance reads. Elliott's signs would be allowed to be posted for four (4) periods of thirty (30) days each because the ordinance reads that way as well. Robinson said that he would not argue about whether the signs are "off premise signs" because Elliott has an equitable interest in that right of way.

Mr. Currier said that the company putting up the signs is New Jefferson Development LLC* and their development – "The Pines at Forest Ridge" – has not been accepted into the master homeowner's association known as "Forest Ridge Property Owners Association". Currier said the master association has the right of way easement; the original developers turned over the right of way easement to the master association. It is the master association that paves that road, plows that road and maintains that sign area. New Jefferson Development, LLC has never paid a nickel to the master association in order to maintain that road or to have access to it. Mr. Currier said the Planning Board made New Jefferson Development, LLC put up a one hundred thousand dollar (\$100,000) road bond to the master association in case New Jefferson Development, LLC damaged "our road". Currier said that right now New Jefferson Development has no legal interest in that property. It will be a different matter once New Jefferson Development builds some units and those units are turned over or become part of the master association and their unit owners are paying dues.

* According to the NH Secretary of State's Office New Jefferson Development, LLC changed its name to New Jefferson Holdings, LLC. All property formerly owned by New Jefferson Development, LLC has been transferred to New Jefferson Holdings, LLC.

Chair Spanos asked if Mr. Elliott was saying something different. Town Manager/Planner Burbank said that the Planning Department and Elliott's representative did not discuss the real estate ownership aspect. Vice Chair Romprey said that Elliott and/or New Jefferson Development have the right to pass and repass over the Forest Ridge Road right of way.

Robinson said that if Elliott and/or New Jefferson Development do not have a legal right to pass and repass, they do not have an ownership interest. If they do not have an ownership interest, then how are they getting their vehicles into the area where they are currently building?

Currier said that the term that was used was "off premise". The developers' premises are where they are building the new building, not at the main entrance to the Forest Ridge Resort development. In his opinion the feather sign on the median island at the entrance to the Forest Ridge Resort would be "off premises".

Vice Chair Romprey said that he understood that permission has been granted on behalf of the master association by General Manager David Larsen. Currier said he was surprised to hear that. Currier said that when he spoke to David Larsen earlier today (10:50AM) Larsen had not given his permission. Chair Spanos said that the Planning Board should not be making a determination of who has equity interest in a private right of way and who does not. Other members agreed.

Town Manager/Planner Burbank said that he and Bont would tell Elliott that if he wants to put the feather sign up for any time other than thirty (30) days in a row, four (4) times a year, they will need to apply to the ZBA for a variance.

Bont said that she will ask Elliott to get something in writing from David Larsen on behalf of the HOA granting him permission.

Currier said that one thing that bothers him is that for people driving into town, these feather signs will be the first thing they see. Forest Ridge is a residential community of 225 owners and not a commercial business. The homeowners in Forest Ridge do not want to see that commercial looking feather sign in their driveway.

Bont said she will be checking with General Manager David Larsen and make sure he is aware of the issues.

Robinson said that we should not be going to David Larsen. Whoever applied for the permit is who we should be responding to. Robinson said that we should respond to the applicant by saying:

- Only two feather signs are allowed with a permit;
- The feather signs can be displayed for thirty (30) days, four (4) times a year; and

- Elliott must show the Planning Board that he has a right to put his signs there.

Roadway Inn Conceptual - Falguni Patel

Conceptual – On August 26, 2015, the Planning Board discussed this matter that was placed on the agenda, however, Falguni Patel was unable to attend. Falguni Patel on behalf of the Kushi Corporation, owner of property located on 417 US Route 3 (Tax Map 106, Lot 017) with the business called the Rodeway Inn (formerly the Red Doors Motel), would like to discuss the possibility of putting employee housing on her property in the form of one or two manufactured homes on slabs behind the motel to house her own employees. Kushi Corporation has a total of 31 motel units in two separate buildings, including the owners' unit. The lot is three and a half (3.5) acres and is located in the General Use (GU) Zone. For the General Use Zone the maximum percentage of lot coverage is seventy percent (70%). "Lot coverage" shall include the buildings, out buildings, roads, parking area (paved or unpaved) and swimming pools or other non-permeable recreational facilities. Treed islands within parking areas shall be excluded from this area.

Ms. Falguni Patel stated that she was here to speak with the Planning Board about creating possible employee housing. She and her husband, Mehul Patel, run both a hotel (Rodeway Inn at 367 US Route 3 and an Irving gas station on Route 3 (367 US Route 3, Tax Map 106, Lot 003). When she and her husband hire people for their businesses, it is difficult for their employees to find affordable housing. Their hotel is located on 3.5 acres of land, part of which is open land in the back. Patel would like to build two (2) cabins on the back of the lot for employee housing.

Chair Spanos asked Patel if she was planning to put up cabins or manufactured homes. Patel said only cabins with one bedroom and a kitchen.

Chair Spanos asked Patel if the cabins would be premanufactured or built on site. Patel said that it would depend upon how much space or square footage she could get for what square foot price. Patel said she was thinking about building only small one person cabins. "Not too fancy, just a cabin." Patel said that if the Planning Board looks at the other motels located along on Route 3, all of them have individual cabins except for her motel.

Chair Spanos said that Patel was going to be using the cabins for a different purpose than transient lodging. Patel said that these cabins would be for her employees. Her employees would stay at the premises and work for the price of the room.

Patel said that the sewage connection is located directly behind her motel so it would be easy for her to connect cabins to the sewer system.

Vice Chair Romprey asked if these cabins would only be for summer use. Patel said yes, only for summer use, not year round. She would not have her employees year round. Chair Spanos asked Patel if the cabins would be winterized (i.e., insulated). Patel said that they could be but she was not planning for that right now.

Vice Chair Romprey asked Patel how many cabins they planned to build. Patel said at least two (2). Patel explained that there is a space next to a garage that could be used.

Robinson said that if she added on two (2) rental units, her lot would not need to be subdivided because there is no change of use. If Patel adds the cabins as rental units, the cabins could also be rented out in the winter. Patel's property is commercially zoned and there is enough land. She is proposing to add just two (2) additional units.

Chair Spanos said that if Patel characterized the new units as two (2) additional rental units for the motel, the lot coverage limitation of 70% applies – “it comes off of lot coverage”. If Patel builds the cabins as year round properties, she would need to have fifteen thousand (15,000) square feet of land per unit to support them.

Hettinger asked Patel if she could just add two (2) more units on to the motel. He thought that it might be more valuable to her as a property owner if she added two (2) extra units.

Patel said that there is a separate section of the hotel that has six (6) units that could be added on to, but it would be easier to put up cabins.

Patel said she would prefer to build a one person cabin because it would need a small kitchen. The new cabins would be separate from the hotel section. Patel does not want to put kitchenettes into the motel units that exist today. Patel explained that a few years ago a customer tried to grill in one of the lower units and the steam (smoke) was all in the second floor and into three or four units next to the unit with the grill. Patel does not want to add kitchenettes to any of the current hotel units.

The Planning Board thought that likely there would be a couple staying in one cabin. Patel agreed that a couple could stay in a cabin.

The Planning Board explained that Patel would need to present a drawn plan and come in for Site Plan Review. The plan would need to show where the cabins would be located on the lot, where water and sewer hookups would tie in and how the cabins would be accessed and where the additional parking would be located.

Patel said that there is plenty of parking. Patel thought that a back entrance off of Hanson Farm Road could also be used.

Town Manager/Planner Burbank advised Patel that she would need a plan. Chair Spanos said that it is a small scale project and that she would not need to be too elaborate.

Patel stated again that she did not want trailers. Patel was very sure that she did not want her hotel to become an RV park and motel; that is why she would prefer cabins.

Bont explained that there are forms that Patel needs to fill out before another meeting could be scheduled.

Minutes

Motion to approve the minutes of February 10, 2016 as amended.

Motion: OJ Robinson Second: Ron Beard All in favor: (4-0)

Paula Strickon abstained.

Motion to approve the minutes of March 9, 2016 with minor corrections.

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

Notice to Realtors and Contractors About Case Involving Stormwater Management Ordinance (SMO)

Robinson recommended that the Planning Board direct the Town to send a letter to area realtors (and contractors) letting them know that:

For all developments, dwelling units need to be built in accordance with the standards as developed in the drainage and erosion control design plan submitted by the developer's engineers to NH DES to obtain an approved Alteration of Terrain (AoT) Permit.

For the South Peak Resort, this means the maximum square feet of impermeable surfaces is:

- Two thousand (2,000) square foot buildings, *plus*
- Two thousand (2,000) square foot *gravel* driveway

Any proposal which includes a proposed impermeable surface that exceeds that total will have to either:

- Submit a Stormwater Management Plan per the Stormwater Management Ordinance **OR**
- Request a Planning Board waiver of the requirement for a full Stormwater Management Plan, to submit an erosion control plan to address the same concerns. The Erosion Control Plan will include plans to:
 - Mitigate stormwater runoff; and
 - Retain excess water on the lot.

The Erosion Control Plan will be reviewed by a third party reviewer (Town Engineer) whose services will be paid for by the applicant. The applicant will provide a sum in the amount to be determined by the Town in an escrow account. The money will be used by the Town to pay the Town's Engineer to review the plan. If the sum is not needed in whole or in part, the escrow money will be returned to the applicant. In the Harris case the sum was one thousand five hundred dollars (\$1,500).

Town Manager/Planner Burbank interrupted and said that Lincoln needs development in Town. The Town needs to treat people in a consistent manner. Any development in Town needs to be built per the design of the approved AoT permit for the development.

Bont said that the Planning Department understands that we have three or four other lots that are in the pipeline up at South Peak Resorts. She will contact William Cargill who has one of those homes.

Robinson said that Cargill will have to hire an engineer to look at the size of the house and then figure out what the runoff is for a gravel driveway and convert it to pavement like Engineer Phillips did for Harris and then make plans to mitigate the stormwater runoff both during construction and after and, if necessary, to retain the water overage on the lot. The Town does not allow gravel driveways.

The Lincoln Driveway Regulations were adopted in 2005. The Alteration of Terrain Permit Application for South Peak Resort was submitted in 2008 by Steve LaFrance of Horizons Engineering.

Town Manager/Planner Burbank said, like Engineer Tyler Phillips said, “Now that they know up front what will be required they know what to do and it is not a lot of work. This information will be part of the design right from the get-go.”

Chair Spanos said jokingly, now we are going to see a spate of property owners building houses with a five hundred (500) square foot footprint to help out their neighbors who want to build bigger homes than the AoT called for. Everyone will be making a deal up there. This is America!

- 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 8:50 P.M.

Motion: OJ Robinson

Second: John Hettinger

All in Favor: (4-0)

Respectfully submitted,

Wendy Tanner,
Planning and Zoning Recorder

Date Approved: 4 / 13 / 2016


James Spanos, Chairman

Appendix A.

See Erosion Control Plans (See Plans entitled “Jonathan H. Harris, South Peak Lot 33 [Tax Map 121, Lot 006]” dated October, 2015, last revised on March 22, 2016 - Pages C-1 to C-6) as presented with the corresponding notes which meets the goal of the Stormwater Management Ordinance (SMO). (A copy of the plans is attached to these minutes as Appendix A.) Part of this Erosion Control Plan is the Memorandum dated March 21, 2016 from R. Korber, KV Partners to A. Burbank and C. Bont of Lincoln, re: Peer Review, Harris Property, 3 Hemlock Drive, Tax Map 121, Lot 006. (A copy is attached to these minutes as Appendix B.)

Appendix B.

Part of this Erosion Control Plan is the Memorandum dated March 21, 2016 from R. Korber, KV Partners to A. Burbank and C. Bont of Lincoln, re: Peer Review, Harris Property, 3 Hemlock Drive, Tax Map 121, Lot 006. (A copy is attached to these minutes as Appendix B.)

Town of Lincoln, NH Water System Assessment

Presentation Topics

- * Lincoln Water System Basics
- * Water System Issues
- * Regulatory Situation
- * Water Production Trends
- * Adequacy of Town supplies, treatment and storage
- * Recommendations

Lincoln Water System Basics

- * We get water from:
 - * The East Branch Pemigewasset River
 - * Artesian *Lean Pond*
 - * The Cold Spring Well
- * We provide an average of about 700,000 gallons daily and have experience peaks of about 1.2 million gallons
- * We treat the river and reservoir water at a water treatment plant (WTP)
- * We have 3 water storage tanks
- * Portions of the water distribution piping network are owned by the Town and portions are privately owned

Water System and Pressure Zones

Water Storage Tanks

- * Forest Ridge Tank
 - * 1,000,000 gallons
 - * In main pressure zone
 - * Circular, concrete tank
- * Loon Village Tank
 - * 500,000 gallons
 - * In Loon Village high-service pressure zone
 - * Circular, concrete tank
- * Indian Head Tank
 - * 146,000 gallons
 - * In Indian Head high pressure zone
 - * Rectangular, cast-in-place concrete tank

*** Tanks are owned, operated and maintained by the Town**

Hoyle, Tanner
Associates, Inc.

Lincoln NH Water Assessment

Water System Issues

- * Significant parts of the system are privately owned and unregulated
- * Private system ownership and responsibilities can be vague
- * Systems getting older, need replacing, capital improvements
- * Public perception may assume the whole system is owned and operated by the Town
- * Will the Town simply inherit the private system problems?

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Associates, Inc.

Lincoln NH Water Assessment

Water Supply and Treatment

- * **Water Treatment Plant**
 - * Sources: river, reservoir
 - * Installed filtration capacity: 1.5 mgd
 - * Ultimate filtration capacity: 2.0 mgd
- * **Cold Spring Well**
 - * Pumping Capacity: up to about 0.4 mgd
 - * Most of time provides <0.2 mgd

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Lincoln NH Water Assessment

Private Water Systems

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Lincoln NH Water Assessment

Water System Regulation

- * Public water systems serve ≥ 15 service connections or ≥ 25 people at least 60 days out of the year
- * Public water systems in NH are primarily regulated by the state (NHDES)
- * The Town-owned portion of the Lincoln water system is a public system
- * A privately-owned system is not a regulated as a public water system if:
 - * It only provides water distribution (i.e., no supply or treatment)
 - * Obtains water from, but is not owned or operated by, a public water system
 - * Does not "sell" water to any person (i.e., does not directly bill customers for water usage)
- * Otherwise, privately-owned water systems are essentially unregulated following Initial Planning Board approval (except for a PORS)

Lincoln NH Water Assessment

Hoyle, Tanner & Associates, Inc.

What is a PORS?

- * A PORS (privately-owned redistribution system) is a special case public, regulated system
- * It is privately-owned and must meet the 15 connection / 25 person service threshold
- * The water in the PORS must originate from a public system and be pumped into the PORS
- * A PORS must be run by a licensed operator and perform regular bacteria testing
- * The potential PORS in the Lincoln system are:
 - * The Landing
 - * The pumped portion of Clearbrook
 - * The pumped portion of South Peak
- * NHDES is currently reviewing this situation

Lincoln NH Water Assessment

Hoyle, Tanner & Associates, Inc.

Water System Regulation

- * Run by licensed operator
- * Performs a variety of regular water quality testing
- * Facilities must meet certain design standards
- * Subject to regular NHDES inspections
- * Must provide public notice of certain water quality problems
- * Must issue annual Consumer Confidence Report
- * Should meet certain pressure criteria
- * No specific fire flow criteria

Lincoln NH Water Assessment

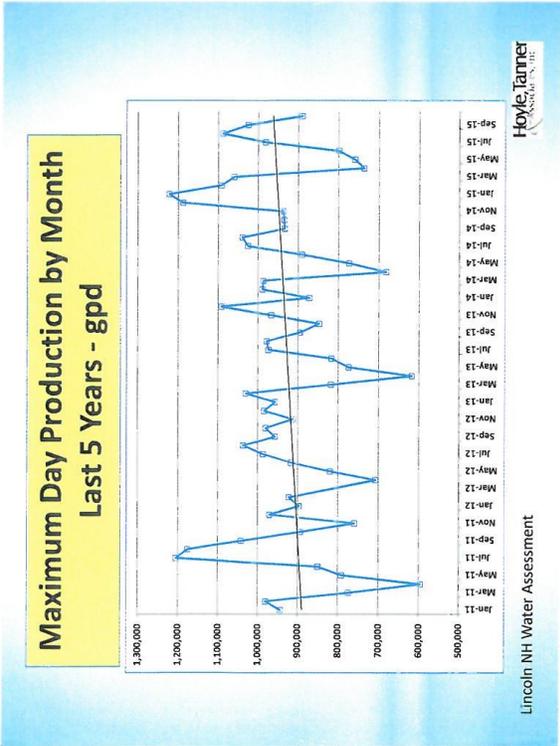
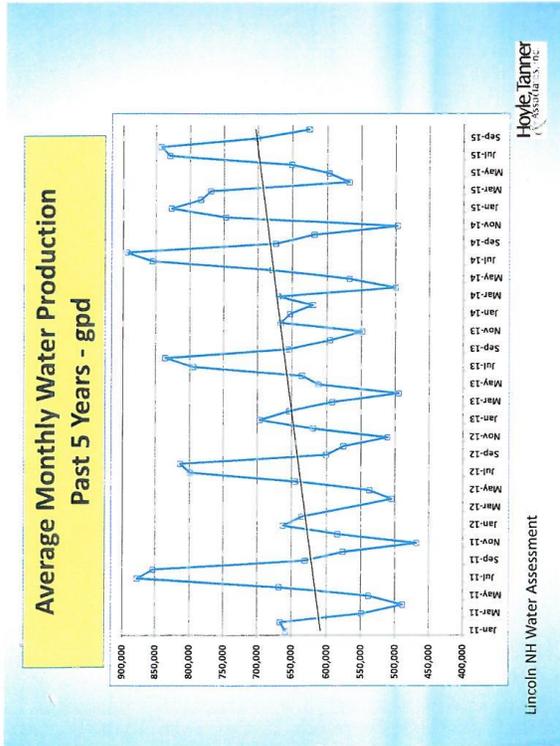
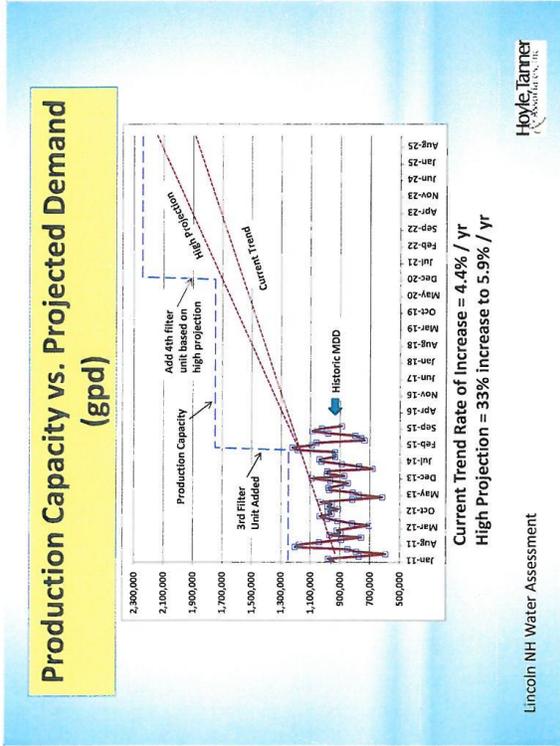
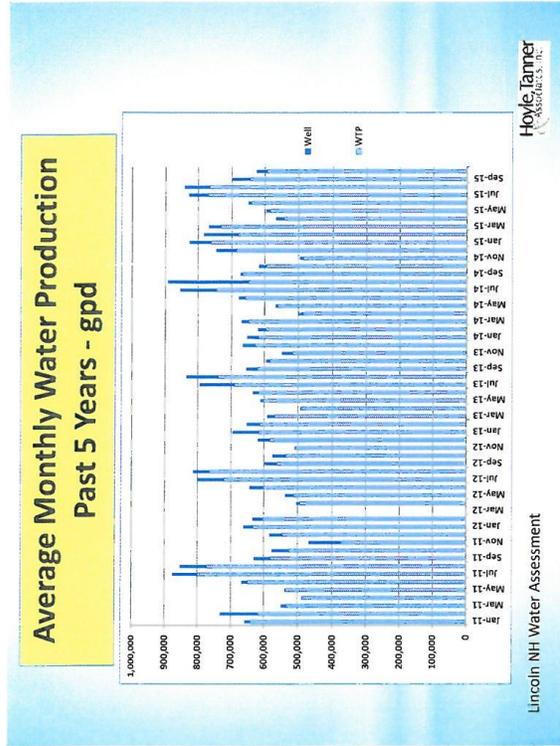
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Private Water System Regulatory Status Summary

- * Three are potentially regulated by NHDES as PORS
 - * The Landing
 - * The pumped portion of Clearbrook
 - * The pumped portion of the Loon Mountain development
- * The rest are unregulated (following Planning Board approval)
 - * No operational oversight; no quality testing
 - * They would be regulated if users received water bills

Lincoln NH Water Assessment

Hoyle, Tanner & Associates, Inc.



Issue: Private Ownerships

Problems

- * Unclear ownership, responsibilities
- * Who pays for capital improvements?
- * Interferes with system evaluation and planning – piecemeal development
- * Public awareness and confusion – “doesn’t own it?”
- * Uneven fire protection – two systems don’t have water system fire flow

Recommendations

- * Update, clarify ownership and responsibilities
- * Obtain written water agreements
- * Consider municipal take-over (may be necessary in some cases)

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Kendall, LLC

Lincoln NH Water Assessment

Other Recommendations

- * **More comprehensive water system planning and management**
 - * After major issues are addressed
 - * Leak detection and water audits
 - * Comprehensive fire-flow availability evaluation
 - * Demand management
- * **Further development/refinement of GIS and Asset Management systems**
 - * Implement current NHDES Asset Management grant
- * **Update CIP (Capital Improvement Program)**
 - * Supply and Treatment facilities
 - * Need for more water
 - * Future water quality requirements
 - * Distribution facilities (piping, storage)

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Lincoln NH Water Assessment

Water Storage Volume Adequacy

- * 3 tanks = 1.5 million gallons (“usable”) storage
- * Minimum storage requirement = fire flow storage + hourly (diurnal) fluctuation storage
- * Assumed fire flow storage = 3,000 gpm x 2 hrs = 360,000 gal
- * Hourly (diurnal) fluctuation storage req’d = 25% of MDD

	Current	2025 Current Trend	2025 Projection High Trend
MDD (Maximum Day Demand)	1,220,000	1,870,000	2,150,000
Diurnal Storage Requirement (25% of MDD)	305,000	468,000	538,000
Assumed Fire Flow Requirement	360,000	360,000	360,000
Minimum Storage Requirement	665,000	828,000	898,000

Conclusion: Existing storage sufficient through 2025 projection

- * Analysis is conservative – does not include WTP output
- * However:
 - * Storage in separate pressure zones, not always transferable
 - * 2 developments do not provide water system fire flow
 - * Some areas have low fire flow due to piping restrictions

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Lincoln NH Water Assessment

Issue: Lack of Consumption Data

Problem

- * Only have water production data
- * Little idea how much is consumed and where
- * How much is lost?
- * Can’t implement demand management or water conservation measures
- * Can result in unnecessary, large capital expenditures

Recommendations

- * Begin reading, recording water meters – analyze data
- * Determine losses, peak usage behavior and demand trends
- * Institute demand management techniques, conservation
- * Consider billing for water

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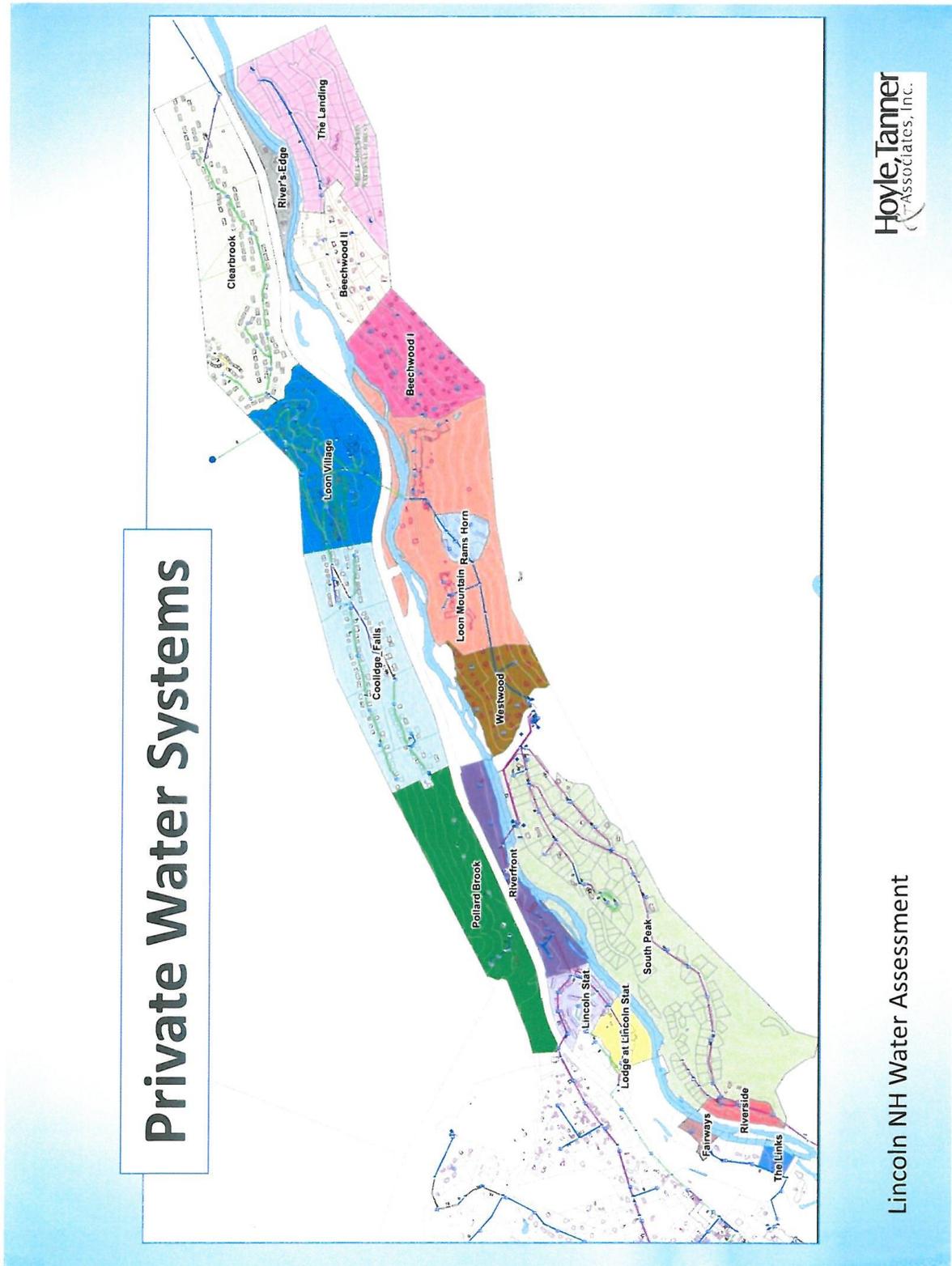
Lincoln NH Water Assessment

Summary

- * Clarify / Fix issues with the private water systems; develop formal water agreements
- * Begin meter reading; developing and analyzing consumption data
- * When the above are done, improve water system planning and management
- * Based on production data, no new water supply, treatment or storage facilities are anticipated for at least 10 years
- * Implement Water Asset Management grant

Lincoln NH Water Assessment

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CONSULTANTS



Private Water Systems

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Lincoln NH Water Assessment

Figure II-I
Major Water Facilities and Pressure Zones

