

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, NOVEMBER 28, 2018 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

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

Members Excused: Member Mark Ehrman, Alternate Deanne Chrystal, and Alternate Callum Grant

Members Absent: None

Staff Present: Fire Chief/Forest Fire Warden/Code Enforcement Officer/Health Officer Ronald R. (Ron) Beard, Town Planner Carole Bont.

Experts Present: Town Attorney Peter Malia, and Town Engineer Ray Korber

Staff Excused: Ellyn Franklin, Recorder

Guests:

- **Jayne S. Ludwig**, resident, 12 Pleasant Street, Lincoln, NH 03251 (Map 113, Lot 092) and Selectman for the Town of Lincoln.
- **Kevin McNamara**, nonresident, of 1595 Easton Valley Rd, Franconia NH 03580-5414 – real estate agent of RE/MAX in the Mountains, 264 Main Street, Suite 2, PO Box 175, Lincoln, NH 03251-0175, owner of 264 Main Street #2 (Map 117, Lot 120000-01-00015), and co-owner with Karen McNamara of 264 Main Street #3 (Map 117, Lot 120000-01-00003). and **authorized agent for Victor Del Regno, Trustee**, Trustee of Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412 who is the owner of two adjacent properties on Main Street: (1) Main Street (Lot 3) #LO (Map 112 Lot 002) and (2) Main Street (Lot 2) #LO (Map 114, Lot 003) the proposed location for Hampton Inn proposal.
- **Dipak Patel**, nonresident of 104 Princeton Avenue, Waltham, MA 02451, **Applicant** and potential purchaser for two adjacent properties on Main Street: (1) Main Street (Lot 3) #LO (Map 112 Lot 002) and (2) Main Street (Lot 2) #LO (Map 114, Lot 003) owned by Victor Del Regno, Trustee, Trustee of Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412.
- **Vinkal Patel**, nonresident, principal, general manager and customer contact for Best Western White Mountain Inn, 87 Wallace Hill Road, Franconia, NH 03580.
- **Nicholas Sceggell, P.E.**, nonresident, **Project Manager, DuBois & King, Inc. (Fluet Engineering Associates)**, 831 Union Avenue, Laconia, NH 03246, engineer for Applicant Dipak Patel.

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

Member Mark Ehrman and Alternates Callum Grant and Deanne Chrystal were excused. Alternate Paula Strickon was not seated.

II. CONSIDERATION of meeting minutes from:

- **October 24, 2018**

Present: Chairman Jim Spanos, Selectmen's Representative O.J. Robinson, and Alternate Stephen Noseworthy

Motion to approve: Robinson

Second: Noseworthy

All in favor (3-0).

Motion carries.

- **October 30, 2018**

Present: Chairman Jim Spanos, Selectmen's Representative O.J. Robinson, Member Mark Ehrman

Motion to approve: Robinson

Second: Chenard

All in favor: (3-0)

Motion carries.

- **November 14, 2018**

Present: Chairman Jim Spanos, Vice Chair Joe Chenard, and Member Steve Noseworthy

Motion to approve as amended: Spanos

Second: Noseworthy

All in favor (3-0)

Motion carries.

III. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates):**A. 6:00 PM. Site Plan Review – Dipak Patel d/b/a Hampton Inn**

1. **SPR 2018-05 M112 L002 & L003 – Del Regno+Patel**
2. **Applicant:** Dipak Patel, 1567 White Mountain Highway, PO Box 3299, North Conway, NH 03860-3299.
3. **Applicant's Engineer:** Nicholas J. Sceggell, P.E., DuBois & King, Inc., 831 Union Avenue, Laconia, NH 03246
4. **Applicant's Surveyor:** Gardner Kellogg, Kellogg Surveying & Mapping, Inc., 254 Mann's Hill Road, Littleton, NH 03561
5. **Property Owner of Both Lots:** Victor R. Del Regno, Trustee of Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412
6. **Agent for Property Owner:** Kevin McNamara, Real Estate Agent for Re/Max in the Mountains, 264 Main Street, Suite 2 PO Box 175, Lincoln, NH 03251.
7. **Properties:** (both lots are in the Village Center (VC) District):

- a. Main Street (Lot 3) #LO (**Map 112, Lot 002**) and;
 - b. Main Street (Lot 2) #LO (**Map 112, Lot 003**)
8. **Proposed Project:** Applicant who has a purchase and sale agreement with the property owner of two adjacent lots is proposing requesting **Site Plan Review** approval for a change of use to change the use of two adjacent properties in the same ownership (i.e., two existing vacant lots with three rental billboards) and to make site improvements to include a new 4-story 93-room Hampton Inn & Suites, paved parking for hotel & a separate 15,000 square foot lot, five new stormwater infiltration systems and connections to municipal water, municipal sewer & electric. The proposed project will also require a boundary line adjustment or subdivision.
9. **Prior Related Hearings:**
- i. September 13, 2018 – Conceptual;
 - ii. October 18, 2017 – Request to ZBA for Height Requirement Variance Denied;
 - iii. February 14, 2018 – Conceptual;
 - iv. May 9, 2018 - Conceptual;
 - v. July 25, 2018 – Application for Site Plan Review. The Application was deemed “incomplete”. The hearing was continued from July 25, 2018, to August 20, 2018;
 - vi. August 20, 2018 -Application for Site Plan Review – Hearing was continued by mutual consent to September 12, 2018.
 - vii. September 12, 2018 – Application for Site Plan Review. The Application was deemed “incomplete”. The hearing was continued to October 10, 2018;
 - viii. October 10, 2018 – Application for Site Plan Review was found to be complete. The hearing started and was continued to October 30, 2018.
 - ix. October 30, 2018 – Application for Site Plan Review. The parties agreed to continue the hearing to Wednesday, November 28, 2018, to give the applicant a chance to address the concerns raised by the Town Engineer in a memorandum.

Site Plan Review: Engineer Nicholas Sceggell’s Presentation for Applicant Patel:

Applicant’s Engineer Nicolas Sceggell of DuBois & King began his presentation. Engineer Sceggell said he and the Applicant, Dipak Patel, received a letter entitled “Peer Review- Technical Memorandum #2 Hampton Inn” from the Town’s Engineer Ray Korber of KVPartners, LLC, dated November 17, 2018. In his opinion, the majority of Engineer Korber’s comments were relatively minor, so he took some notes on those comments. They also received a request for more information from NH DOT on November 15th. The Town was copied on this exchange and Engineer Korber requested that they comment on his letter.

Engineer Sceggell said they are planning to work with the NH DOT to address the NH DOT's comments and get approval from the NH DOT. They requested that the Planning Board consider granting them Site Plan Review approval conditional upon the approval of their application for the NH DOT driveway permit.

Technical Memorandum #2 from R. Korber, KVPartners dated November 17, 2018:

Engineer Sceggell then went through the “meatier” concerns listed on the Peer Review – Technical Memorandum #2 from R. Korber, KVPartners, LLC dated November 17, 2018:

Item #13: The Lincoln Wastewater Treatment Plant has a design flow rate of 1.3 MGD. As per the NPDES Permit, if the flow rate exceeds 80% of the design flow (1.04 MGD) for a period of 3 consecutive months then the Town must notify the EPA and NHDES and implement a program to maintain satisfactory treatment levels. The sewer capacity analysis indicates that the combined flows of the previously approved but unbuilt developments and the Hampton Inn will exceed the 80% threshold (1.04 MGD). Please confirm.

SEWER TREATMENT PLANT CAPACITY

Engineer Sceggell said they received a comment from Town Engineer Korber about the sewer treatment plant capacity, asking them to confirm whether the additional flows based on unbuilt developments approved by the Planning Board would result in increasing total flow to the plant beyond the 80% capacity. Engineer Sceggell said that based on their gallons-per-day estimates, they would confirm the project would result in increasing total flow to the plant beyond the 80% capacity.

Engineer Sceggell said they projected 1,400+ equivalent dwelling units (EDUs) at 600 gallons per day per home. *[Note: The actual figure should be 1,485 units plus a convention center, a restaurant and related retail business facilities to be included in RiverWalk Resort, Phases II and III.]*

Engineer Sceggell said that they think the sewer capacity projection is a conservative estimate. They would like to work with the Town to better nail down this projection for the sewer treatment plant. They would like to analyze the actual sewer usage over a past certain time period to determine what the average number of EDUs that are actually connecting into the system. He suspects that the usage per home is less than six hundred gallons per day (600 gpd) per unit because so many of the homes are second homes that are rarely occupied.

Engineer Sceggell said he and his client were having a hard time accepting these projections because the Town does not know when these projected units will ever be built and how soon they will be built. They would like an answer from the Town about its development: what does this capacity level mean for any new connection to the sewer system?

Town Manager Burbank clarified that Engineer Sceggell is asking where exactly the Town stands right now on the sewer capacity issue:

How much development has already been approved? How is the Town going to treat that development? Is the Town going to reserve that sewer and water capacity for those 1,400+ approved units even if those units are not built for another fifty (50) years or maybe the units will never be built?

Engineer Sceggell said that regardless of when the approved buildings are going to be built, Town Officials told the developers for those prior approved developments that there is capacity in the Town's present sewer treatment facility. But how far out do those approval go? Two years? Three years? Forty years? Forever?

Town Engineer Korber said that Town Manager Burbank articulated this extent of the problem with the sewer treatment facility correctly. KVPartners, LLC works with a lot of communities and it is a difficult situation to deal with when talking about the Town's wastewater capacities. Eventually, there is a tipping point when the Town can no longer provide a certain level of service to the community. The Town Planning Board will then have to say "no" to such a request. It looks like the Town may be at that tipping point now.

Engineer Sceggell said that if the Hampton Inn was the next one in line to connect onto the sewer treatment facility, there is capacity today. However, Engineer Sceggell said that he and his applicant need to know if those gallons at the sewer treatment facility are allocated or guaranteed to the dwelling units already approved, but not built yet. The Town needs to decide and let the applicant know as soon as possible.

Town Manager Burbank addressed the Planning Board and particularly Selectman Robinson (who is Chair of the Board of Selectmen) and said that the Town needed to give this issue a lot of immediate thought because even though some developers may not be building right now, they are currently spending money and making plans to do so right at this moment.

Vice Chair Chenard suggested that if the Town gave away these already allocated sewer treatment gallons, that might result in another lawsuit against the Town.

Engineer Sceggell replied that the Town went over its sewer treatment allocation limit about ten (10) developments ago.

- Engineer Sceggell said if the Town's sewer usage is currently at seven hundred thousand gallons per day (700,000 gpd) now.
- If the Town adds another one thousand four hundred (1,400) more units at six hundred gallons per day (600 gpd); that is an additional eight hundred thousand gallons per day (800,000 gpd).

[Note: Actually, the number is 1,485 approved but unbuilt units which would require another eight hundred ninety-one million gallons per day (891,000 gpd).]

- This would leave the Town requiring sewer treatment facility capacity treating one and six tenths of a million gallons per day (1.6 MGD) and the NH DES Sewer Permit (SWPPY) permit is only for one and three tenths of a million gallons per day (1.3 MGD).
- The Town has already approved beyond the sewer treatment facility's permitted capacity.

Engineer Sceggell said that he and his client Dipak Patel are having a hard time accepting the Town's position because the Town is basing its concerns on developers who may never "cash in their credits" for 600 gallons per unit of sewer treatment.

Town Attorney Malia said he understands the applicant's frustration. He said it would be wise for the Town to take a look at these one thousand four hundred and eighty-five (1,485) unbuilt units, which probably fall into four (4) or five (5) developments.

Name of Development	Housing Units Approved (*Does Not Include Restaurant, Theater, Convention Center, or retail space also approved)	Built	Yet Unbuilt but approved
The Landing	82	11	71
The Rapids	78	0	78
RiverWalk*	170	81	89
Forest Ridge	498	222	276
Coolidge Falls	132	108	24
South Peak Resort	1,018	72	946
Totals:	1,978	494	1,484

Town Attorney Malia said there is a statutory provision in New Hampshire that allows a Planning Board to revoke an approval if a developer has not fulfilled a condition of approval. This would allow the Town to send a note to a developer stating the developer has not fulfilled a condition. This may allow the Town to clean up these unbuilt units. However, the Town also may discover that a good majority of the approved developments are already “vested”, meaning the project has been “substantially completed” and the developer plans to finish the remainder. These developments need to be treated as a development “in progress”. The Town will have to look through these unbuilt units and in the meantime deal with this application.

RIGHT OF WAY ACCESS ALONG THE REAR OF PROPERTY

Engineer Sceggell said they would like clarification on these issues.

Item #14: It is our understanding that the Planning Board is requiring access in the rear of the Hampton Inn to the current Bank of New Hampshire and Rite-Aid properties. The purpose of this access is to reduce the amount of traffic on Route 112 between the respective businesses and to improve access for emergency response vehicles to all the properties. An interconnect between the bank and hotel must be completed to meet this requirement. Please show how the interconnect will be achieved and provide documentation granting access onto both properties to complete the required construction.

Engineer Sceggell responded, it was his and his applicant's understanding that they were trying to develop within the boundaries of their property as much as possible to allow for that connection at the request of the Planning Board. However, it was not a requirement of the Planning Board to go beyond their property line. They would only be able to develop what was within their control.

Engineer Sceggell said that on the Rite Aid Pharmacy side of their property (southwest), where that development had a similar provision for future connection, or an “apron” there for them to connect into, they would tie into that apron. On the Bank of New Hampshire side (northeast) where there is not a similar provision for that next lot, their intent is to provide their apron right up next to their property boundary line and when Site Plan Review for the Rite Aid Pharmacy property comes up for amendment, that’s when the issue of keeping the bypass connector available would come up. If the Planning Board is not going to be accepted that they need to hear that now.

SEWER TREATMENT PLANT CAPACITY – REVOCATION & VESTING

Realtor Kevin McNamara said (on behalf of his client Victor Del Regno, Trustee of the Toreign III Realty Trust the current property owner) some of the properties that the Planning Board has been discussing that have dwelling units previously approved, but unbuilt have [metaphorical] “points” for water and sewer. Would the Board of Selectmen be able to use bankruptcy as a reason to revoke those points or the right to use six hundred gallons per day (600 gpd) of sewer treatment? Realtor Kevin McNamara said two (2) of these projects have filed bankruptcy (The Landing and South Peak Resort).

[Note: Only “The Landing” is currently in bankruptcy proceedings.]

Robinson said the whole idea of being “vested” has been raised in the bankruptcy litigation involving “The Landing”. If the Planning Board or the Board of Selectmen decided to dispute or take away that vesting from “The Landing”, that act would land the Town back in court the day after the Town got out of court.

Robinson said two potential buyers of the unfinished portion of South Peak Resort, came in before the Board of Selectmen (BOS) and asked questions about the whole vesting issue. The developers put in a bridge and roadwork, incurring some pretty substantial costs that were reflected in the higher price for the development. The two potential buyers directly questioned members of the Board of Selectmen (BOS), if it was the Board’s intention to take away any rights that Town granted them when the Planning Board granted subdivision and site plan review approval years ago.

Robinson said that at that BOS meeting the BOS answer was “No. We intend to honor the commitment we made to the developer twelve (12) years ago.” That Master Plan for South Peak Resort was later revisited. The Planning Board granted Site Plan Review approval to modify the original plan. The Planning Board approved the previous owners taking some land that was originally designated in the master plan for multi-family condos and instead reconfigured the same land to make three (3) separate house lots. The Board of Selectmen has already agreed at a recent public meeting that the subsequent developers have the right to continue with that plan. Those questions have already been answered.

Robinson said the BOS answer and, therefore, the Town’s position is that those sewer gallons are already spoken for or taken.

Vice Chair Chenard asked Town Attorney Malia, if the developer sells the property to another person, would the permits, etc., be transferrable to the next owner? Attorney Malia replied that although he is not a bankruptcy lawyer, he knows that the transfer must be approved the bankruptcy judge. If approved, the buyer would receive the right to finish the development.

FIRE SUPPRESSION SYSTEM PLAN:

Item #15: The fire suppression system as shown on the drawings is not adequate. Please provide a complete fire suppression plan for the development for review by the Lincoln Fire Department. Include details and specifications for the proposed system. All aspects of the design shall be shown on the plans prior to Planning Board approval.

Engineer Sceggell said he provided a fire suppression plan that shows an underground storage tank and its suppression volume. Engineer Sceggell said they need to know from the Town how much information they need to provide about this suppression system to grant Site Plan Review approval. We would like to provide proof that the site can provide adequate siting for water storage that is sized to meet the volume requirement, however, they would like to minimize the amount of money their client has to spend on sprinkler design until Site Plan Review approval is achieved and approval of the building is granted. They want to show the Planning Board a plan that is adequate for on-site storage.

Engineer Sceggell said they understand at this point that the Town's water fire suppression system is not capable of supplying adequate fire flow. They would like to leave their options open in terms of modifying their fire suppression plan, if the available storage for the Town became available. Engineer Sceggell said they feel like they have space on site for storage, if needed.

Vice Chair Chenard asked Fire Chief Beard if the swimming pool proposed could be used for fire suppression if needed?

Fire Chief Beard replied yes, but the amount of water in the pool would not be adequate. Fire Chief Beard said Engineer Sceggell can design the building and system, but the hose allowance must be calculated. To build that Hampton Inn building as proposed they will need the entire project designed before any building begins. Fire Chief Beard said he thinks their numbers were seventeen thousand gallons (17,000 gal.) per twenty (20) minutes of the sprinkler system. In addition to that, Fire Chief Beard was looking at two hundred thousand gallons (200,000 gal.) of water to be provided on site when considering the architectural design. Your building design may be okay, but the issue will come back to the water shortage of the Town's water supply.

Town Engineer Korber asked if Engineer Sceggell could come up with a specific design for the suppression system. Engineer Sceggell said that he could provide cut sheets from the cistern provider. Engineer Sceggell said he would want to rely on an expert to create this plan. Dipak Patel said that if he can convince the property owner to work with him, they can pull the drawings.

Town Engineer Korber said at this point, just keep the plan at the conceptual level. This would give us something to review conceptually. Showing two (2) rectangles on the site plan is not enough.

Vice Chair Chenard asked if there would be electric pumps powering the water on the tanks? According to Chenard, "Lincoln has burned down completely twice" in past years." Fire Chief Beard said that if this fire suppression system is properly engineered, the auxiliary pumps will be fueled by diesel and propane if the electrical pumps fail.

Dipak Patel said that this is only a temporary solution. For his argument, this proposed hotel has a water tank to provide water for fire suppression. The Hampton Inn will survive if a fire

happens. This will solve the town's water problem for this hotel, but not for the rest of the Town. The Town should put a tank where the water is being supplied, so it can be used for any building, not just his building.

Town Attorney Malia said if this project is approved, the Fire Chief and the Town Engineer have to be satisfied with the fire suppression system. It sounds like currently, the Applicant and his engineer would like the Planning Board to approve the Site Plan Review Plan for the Hampton Inn with a condition of providing a fire suppression system. This way they would be able to get their approval before sinking all this money into designing the fire suppression system. Is the Planning Board comfortable with that, or would you rather have more information up front?

Robinson said this seems to be a chicken-and-egg situation. Although he empathizes with Dipak Patel's thinking that they should not have to spend money on a plan that will not get approved, none of the members of the Planning Board are engineers, so ultimately Town Engineer Ray Korber and Fire Chief Ron Beard will be the people with expertise who will be looking at these plans. The Planning Board has to decide if they would be comfortable giving a conditional approval. Also, would it make sense to put this much water under a town property that could be used for a tanker shuttle, etc.?

Paula Strickon said that in her opinion the idea of having the fire suppression system be a condition of approval makes sense. There must be some algorithm somewhere to determine what size and configuration a fire suppression system within a building should be. These numbers could be used as general overviews.

Planner Bont asked, what if the Planning Board approves the Hampton Inn project and makes "a fire suppression system acceptable to the Town Engineer and Town Fire Chief" as a condition of approval and then the fire engineer hired to design the system says there is not enough room on the lot to put the water storage needed for fire suppression and Mr. Patel needs to substantially change or enlarge the water storage space of the original design? Would the Planning Board expect the applicant to come back before the Planning Board to modify their site plans? Chair Spanos replied that small changes should not be an issue or require modifications.

Planner Bont asked if this matter would have to go to the Town Meeting in some way? For example, if they combined the water storage tank for the Town and the Hampton Inn and put it on Town land, would they need Town Meeting approval to do that? The Planning Board should figure this out as the meeting is coming up.

Engineer Sceggell said that the Town might take care of the hose allowance calculation. In his opinion, the condition should be worded to allow the proposed project "if an acceptable and approvable fire suppression plan shall be provided prior to the Town issuing a building permit". Unless the proposed fire suppression system substantially alters the site plan, they should not have to come back before the Planning Board with the fire suppression plan.

Town Attorney Malia said that the Planning Board will have to provide whatever response they deem appropriate to the sewer issue and at some point, they will have to deny applications.

EXTENSION OF TIME AGREEMENT

Planner Bont said that the next Planning Board meeting is December 12, 2018 which is within the sixty-five (65) day time period to decide whether the complete application is to be denied, approved or approved with conditions. If you want to see their most recent answers to Ray's peer review and the DOT's recent set of questions, you could wait until December 10th.

SITE WALK

Vice Chair Chenard recommended that the Planning Board take a personal walk through at the site. Perhaps they should take the walk through as a board. Members of the Planning Board said they could do this on their own.

AWAITING NH DOT APPROVAL FOR DRIVEWAY PERMIT APPLICATION

Chair Spanos said the Applicant is also waiting on the NH Department of Transportation (NH DOT).

Engineer Sceggell said he is coordinating when a traffic count could take place with the NH DOT. Planner Bont said that she has some traffic study data that has not been interpreted. The traffic study data was requested by the Town (after consulting with the Town Manager, the Police Chief, the Fire Chief and the Director of Public Works). In addition to receiving complaints about traffic backing up on US Interstate I-93, during the last several leaf-peeping seasons the Town has been receiving local complaints about traffic being diverted off Main Street/NH Route 112 onto the local side streets, looking for a faster way by the gridlock on NH Route 112/Main Street. She has some raw data she could share. Planner Bont said that staff at North Country Council, Inc. did the traffic count of traffic diverted off NH Route 112/Main Street onto the side streets over a two-week period during the height of leaf peeping season. North Country Council, Inc. also does the regular traffic count for the towns within its jurisdiction for the NH DOT.

In return, Engineer Sceggell said he would share his specialist information as well.

Applicant Dipak Patel said that when he was speaking to the NH DOT, the NH DOT staff said they would not need this type of traffic analysis. If a certain number is below 100 on the proactive analysis, we will not need the above type of analysis. Dipak Patel said "I believe our numbers were around sixty, so I will need to talk to the DOT and tell them we met their requirements."

Town Attorney Malia said that maybe the January 9, 2019 meeting would be better, although that would require the Applicant to agree to waive the sixty-five (65) day requirement.

Engineer Sceggell said, he would do his best to answer the NH DOT request for information and comments and provide a response to what NH DOT considers to be incomplete and identifies what is incomplete. At that point, members of the Planning Board can decide whether they are satisfied with what the applicant has provided and whether they are willing to provide a condition of approval.

Planner Bont said she is scheduled to take her vacation with less than enough time to create a Notice of Decision before she leaves on December 22nd.

IMPACT OF SEWER LIMITATIONS

Town Engineer Korber brought up the #13 issue again and that the Town needs to have an answer for dealing with this.

Item #13: The Lincoln Wastewater Treatment Plant has a design flow rate of 1.3 MGD. As per the NPDES Permit, if the flow rate exceeds 80% of the design flow (1.04 MGD) for a period of 3 consecutive months then the Town must notify the EPA and NHDES and implement a program to maintain satisfactory treatment levels. The sewer capacity analysis indicates that the combined flows of the previously approved but unbuilt developments and the Hampton Inn will exceed the 80% threshold (1.04 MGD). Please confirm.

Robinson said that Engineer Sceggell also asked about the limit of the per unit usage. The Town's NH DES permit limit is one million three hundred thousand (1,300,000) gallons per day (1.3 MGD) and the 1,485 units which are already approved but unbuilt will use more sewer than the entire existing Town. [1,485 units X 600 gallons/day = 891,000 gallons/day]

Engineer Sceggell said the projections done were based on information from Horizons Engineering, Inc. (34 School Street, Littleton, NH 03561) using the number of 600 gallons per unit. Engineer Sceggell said projecting usage is not an exact science; we may want to look at the number of unbuilt EDUs, and then reassign the unit flow rate and recalculate. Engineer Sceggell asked how far out are we projecting out these units?

Robinson said the Planning Board should look at the Master Plan for South Peak Resort. South Peak Resort is the largest unfinished development with the most unbuilt units. In the South Peak Resort development, the developer first built what was originally planned and approved as four-bedroom single family units. Those four-bedroom single family homes ended up having up to eight bedrooms each. A big chunk of these one thousand sixteen (1,016) approved dwelling units were just going to be used as hotel rooms with around two bedrooms and one bath. The developer's Alteration of Terrain Permit and their South Peak Resort Master Plan were based on building relatively small four (4) bedroom units. We have been negligent as a Planning Board in issuing conditions of approval and now is the time to fix this and stop using broad scope estimations.

Town Engineer Korber said the Town has been relying on these six hundred gallons (600 gal.) per unit number because that is the analysis that is available. There are other ways to do this calculation so maybe there is a different methodology which get us to a different number. Based on the information in front of us today, the Town has no more capacity at the Sewer Treatment Plant.

Fire Chief Beard suggested that water conservation would help facilitated by water metering.

Engineer Sceggell asked if the 80% limit (1.04 MGD) referred to in the National Pollutant Discharge Elimination System (NPDES) permit issued by the US Environmental Protection Agency (EPA) meant anything for our approval – what is the true threshold?

Town Engineer Korber said that the limit was 1.04 MGD. Once the limit was reached, it triggers the Town to notify the US EPA and NPDES and present a plan to address the fact that the Town is beyond the permitted capacity. The Town does not want to trigger this threshold; it is a federal law. The Town is currently within around the 70% mark.

Town Manager Burbank said that he estimates that the Town average sewerage discharge is closer to seven hundred thousand gallons per day (700,000 gpd).

Vice Chair Chenard said he believes that Lincoln accommodates up to between thirty-two thousand (32,000) and thirty-five thousand (35,000) people per day per weekend during the busy seasons.

Dipak Patel said he believes their Hampton Inn project would use less than the prescribed six hundred gallons (600 gal) per unit per day.

Town Attorney Malia said that in answer to the previous question, in five (5) business days from the meeting, the Planning Board should have the minutes, and five (5) business days from the time the vote was taken, they should have a written decision (Notice of Decision). There is no penalty if this deadline is not met, but Planning Boards attempt to meet it if they can.

EXTENSION OF TIME AGREEMENT - Waiver of Sixty-Five Day Requirement

Discussion about changing the date of the presentation of Attorney Buckley, but after exploring various options, **Applicant Dipak Patel agreed to let them waive their sixty-five-day requirement.**

BUILDING HEIGHT

Robinson said that the Applicant Dipak Patel wants to leave here tonight knowing that the Planning Board is comfortable with everything except for the sewer.

The Planning Board discussed whether they would accept the proposed building height? The issue is the modified ground level. The applicant is proposing to modify the ground level in order to meet the height limitation in the Land Use Plan Ordinance on one end of the building. Planner Bont pointed out that the Planning Board had a copy of the Notice of Decision from the ZBA on that very issue, denying a variance to increase the height of the building.

Applicant Dipak Patel said that currently, the height is lower than it was before on the plan.

Planner Bont read the height restriction as described in the Land Use Plan Ordinance:

“For the general use, village center district, the following height restrictions apply. The maximum structure height should be thirty-five feet (35’) measured from the primary eaves on the uphill side of the structure. There will be no more than four (4) floors used as building space above or below ground level, measured through any vertical plane of the building.”

Town Engineer Korber asked the Planning Board if the Land Use Plan Ordinance intended to be a natural earth requirement or was a man-made berm acceptable?

Engineer Sceggell said they are still using the uphill side of their site, and there is a 7% slope.

Town Engineer Korber said the Applicant Dipak Patel is intending to modify the proposed finished grade by about seven feet (7 ft).

Chair Spanos polled the Board – “Are you okay with the way they have calculated the building height?”

- Spanos, Chenard, Robinson, and Strickon were all okay with the issue, especially because there is a practical application to the man-made berm (storage of propane tanks underneath the berm).
- Steve Noseworthy wanted to wait to answer.

ARCHITECTURAL REQUIREMENTS

There was some discussion about the hotel roof, whether it be flat or peaked. Chapter XV of the Site Plan Review Regulations reads as follows:

A. ARCHITECTURAL REQUIREMENTS:

The following architectural requirements shall apply to all new structures. Additions or alterations to existing structures may be exempted from specific requirements at the reasonable discretion of the Planning Board, based on such factors as the cost, scope and extent of the work, the relative proportion of the existing structure to be added or altered, and the goal of harmony with the existing structure or structures.

1. ROOFS:

Roofs shall be of various pitched varieties commonly found within the North Country.

- a. Gable or Hip Roofs are most preferred. Shed and Gambrel style roofs are also acceptable. False mansard or other flat roofs are the least desirable. All roofs should have appropriate overhangs.
- b. Flat roofs should not be completely eliminated from consideration, but should only be built where the size of the building does not permit a pitched roof. When flat roofs are permissible, any roof top mechanicals should be hidden from the main viewpoints on ground level.

2. ROOF MATERIALS:

Roofs shall be constructed of materials, which are commonly found in Northern New England. Shingled roofs constructed of asphalt or wood shingles are preferred. Standing seam, copper or other metal roofs are also acceptable. Multiple roof plain slopes are acceptable, as New England Architecture often includes a variety of roof styles and plains, however it should be limited. Roll roofing, built-up tar and gravel, plastic, or fiberglass roofing materials are not appropriate. On flat roofs that are not visible from public areas, other roof materials may be considered.

The Site Plan Review Regulations (Chapter XV) recommends against a flat roof, but the plan calls for a flat roof with a shield for mechanisms on top. Town Manager Burbank and Vice Chair Chenard recommended to Applicant Dipak Patel and his Engineer Sceggell to present as low a profile as possible.

Chair Spanos opened public comment.

Vice Chair Chenard seconded.

All in favor.

ARCHITECTURAL FEATURES IN GENERAL

Jayne Ludwig spoke and said she is a proponent of ordinances and requested that the Town Planning Board examine and recommend that the Town Meeting either enforce or update the Town Site Plan Review Regulations for sake of the aesthetics of the town.

Town Attorney Malia said he looked at Chapter XV of the Site Plan Review Regulations and then looked at the architectural features of the proposed building. Town Attorney Malia suggested that the Applicant and his engineer dive into these details more – windows, siding, etc. The Planning Board wants this prime site to look nice so visitors are still attracted to the Town. The landscaping and lighting also helps with aesthetics and protect the abutters from unwanted light.

LIGHTING AND LANDSCAPING PLAN

Engineer Sceggell replied that they have a lighting and landscape plan and can get that to the Town.

Planner Bont told the Applicant and his engineer that they can find the entire Site Plan Review Regulations and the Land Use Plan Ordinance and other documents online. She had already emailed these documents to them early on in the process.

Dipak Patel passed around a photo of what the proposed building will look like and the Board briefly discussed it.

Motion to continue meeting until January 9, 2019 at 6:00 PM: Chenard

Second: Robinson

All in favor: (5-0)

Motion carries.

PEER REVIEW

Robinson asked Town Engineer Korber if the Planning Board could review the lighting issues or if they should hire an architect. Town Engineer Korber said he is no lighting expert so he would recommend that the Town hire someone. Robinson suggested that instead of an engineer being present in person, Korber should get his comments on the plan and present them before the Board. Engineer Sceggell will get his lighting plans over to Korber, who will have an expert look it over.

Town Engineer Korber said he would also like to recommend to the Planning Board that a landscape architect look at the landscaping plans. The proposed building will help add height to some of the “circles” along Main Street. The Planning Board wants it to improve the overall aesthetic of Main Street. Engineer Sceggell requested that it be a nursery expert from the area or a landscaping expert, to reduce costs.

The Board agreed that they would allow a qualified professional to look over this plan and form a planting schedule.

**APPLICANT'S ADDITIONAL "WHAT TO BRING" LIST FOR THE NEXT MEETING,
JANUARY 9TH, 2019:**

- **UPDATED RENDERING OF A TYPICAL BUILDING.** Town Engineer Korber said Engineer Sceggell and Applicant Dipak Patel should bring in the options in terms of what the façade could look like (brick, metal, stucco, etc.), as well as the exterior paint colors approved by the Hampton Inn. Find out the limitations you are working with under the brand of the Hampton Inn.
- **LIGHTING PLAN.** Lighting plan that shows the footprint of all the lights on the site, as well as height and dimension information.
- **SIGNAGE.** Sign dimensions and details of all business signs.

IV. NEW BUSINESS:**1. Review Deadlines for Proposed Changes to Land Use Plan Ordinance**

- 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: Chenard****Second: Robinson****All in favor (5-0):****Motion carries.**

Respectfully submitted,

Ellyn Franklin
RecorderDecember 12, 2018

Date Approved:


James Spanos, Chairman

MEMORANDUM

To: N. Sceggell, DuBois & King
From: R. Korber, KVPartners
Cc: C. Bont, Lincoln
Date: November 17, 2018
Re: Peer Review-Technical Memorandum #2
Hampton Inn
Tax Map 121, Lot 2 & 3

KVPartners has reviewed the following documents submitted by the applicant for the subject project.

1. Drawings (Sheets 1 thru 12) entitled *Proposed Hampton Inn & Suites, Lincoln, NH* dated 11/5/18 as prepared by DuBois & King, Laconia NH.
2. Drainage analysis entitled *Proposed Hampton Inn & Suites* dated 11/6/18 as prepared by DuBois & King, Laconia NH.
3. Memorandum entitled *Proposed Hampton Inn & Suites, Sewer Analysis* dated 11/5/18 as prepared by DuBois & King, Laconia NH.
4. Water use data for the White Mountain Inn, SMITA Reality Trust.

KVPartners offers the following comments. Note that comments are subject to the following limitations:

1. Observations, evaluations, assessments and conclusions are made solely on the basis of information and data submitted to KVPartners. No independent evaluation of the reliability of this information and data has been completed.
2. Services are limited to an evaluation of the methodology, approach and general conformance with standard engineering practice. Calculations, analyses and evaluations completed by others are the sole responsibility of the applicant and applicant's representatives.
3. Recommendations and suggestions by KVPartners are provided for the purpose of assisting the applicant and applicant's representatives in complying with regulatory requirements. The applicant and applicant's representatives are solely responsible for the design and construction of the project.

KVPartners offers the following comments and recommendations for the application.

1. Show the limits of work on Sheets C-1, C-2 and C-3.
2. Add the following note to the Sheet D-4:
 - a. Owner/Contractor shall submit the Stormwater Pollution Prevention Plan (SWPPP) to the Town of Lincoln prior to the commencement of construction.
3. Submit responses to the NHDOT Request for Information dated September 4, 2018 and November 15, 2018. Please note that the Town is coordinating with the NHDOT regarding the proposed project.

4. Delete the word “either” in Note 3 of the Water Main/Service Pipe Trench Detail.
5. Add a note on C-1 specifying the following: “Maintain a minimum of 8 feet between water service and Stormtech Chamber stone envelope”. Showing the 8-foot minimum dimension only with no labeling of features does not make the design intent clear.
6. The Water and Gravity Sewer Pipe Crossing Detail will not achieve the minimum depth of cover for the water service. Please specify requirements in the detail to achieve the required cover.
7. Note 4 on Sheet D-3 is not acceptable. All aspects of design of the Stormtech Chambers shall be completed by a licensed professional engineer and shown on the plans prior to Planning Board approval.
8. The drainage report does not contain an explanation of the derivation of Ksat values and design infiltration rates for each of the Stormtech Chambers. Please provide the requested information. Also, provide the rationale for the different Ksat value for Stormtech Chamber IS5 relative to the other four chambers.
9. Note 3, Sheet C-3 is not acceptable. Please confirm if pretreatment or soil amendment is required for the Stormtech Chambers as per NH Stormwater Manual. All aspects of design of the Stormtech Chambers shall be completed by a licensed professional engineer and shown on the plans prior to Planning Board approval.
10. Stormtech Chamber IS5 has less than the required 4-foot cover to account for fire apparatus loadings as previously reported. Please provide a table showing the available cover of each chamber.
11. Please provide information (as previously requested) verifying the area behind the railroad tracks does not contribute off-site runoff to the proposed development.
12. Confirm that Sheet C-3 will be accepted for recording purposes at the registry of deeds.
13. The Lincoln Wastewater Treatment Plant has a design flow rate of 1.3 mgd. As per the NPDES Permit, if the flow rate exceeds 80% of the design flow (1.04 mgd) for a period of 3 consecutive months then the Town must notify the EPA and NHDES and implement a program to maintain satisfactory treatment levels. The sewer capacity analysis indicates that the combined flows of the previously approved but un-built developments and the Hampton Inn will exceed the 80% threshold (1.04 MGD). Please confirm.
14. It is our understanding that the Planning Board is requiring access in the rear of the Hampton Inn to the current Bank of New Hampshire and Rite-Aide properties. The purpose of this access is to reduce the amount of traffic on Route 112 between the respective businesses and to improve access for emergency response vehicles to all the properties. An interconnect between the bank and hotel must be completed to meet this requirement. Please show how the interconnect will be achieved and provide documentation granting access onto both properties to complete the required construction.
15. The fire suppression system as shown on the drawings is not adequate. Please provide a complete fire suppression plan for the development for review by the Lincoln Fire Department. Include details and specifications for the proposed system. All aspects of the design shall be shown on the plans prior to Planning Board approval.
16. Revise the following General Notes on Sheet G-1:
 - a. Note 21; revise as follows: Contractor shall stakeout all setbacks, buffers, limits of clearing and limits of work prior to the commencement of work.

- b. Note 22; revise as follows: A preconstruction conference shall be held with the applicant, the applicant's contractor and design engineer and representatives of the Town of Lincoln prior to the commencement of construction.

17. Add the following General Note to Sheet G-1:

- a. Contractor shall be responsible for protecting and supporting all utilities during construction and for coordinating such activity with the appropriate utility authority. Utilities destroyed or damaged by the Contractor shall be repaired or replaced immediately by the Contractor as directed by the utility authority having jurisdiction. Repairs and/or replacement shall be completed by the Contractor at no cost to the utility authority.

18. Specify requirements for reconstruction of sidewalks along Route 112. Modifications shall be ADA compliant.

19. Show utilities along Route 112 on Sheet C-3. Add "Protect Sewer" note at the sewer crossing of the drain line from CB-2. Add the following note to Sheet C-3:

- a. Contractor shall complete CCTV inspection of the existing 12" interceptor sewer along the property frontage upon completion of the work. Submit CCTV video to the Lincoln Public Works Director for review.

20. Drain line at CB-2 is in close proximity to the existing utility pole. Has the utility authority been notified and are there special requirements for the installation of the drain line?

We recommend that documents be revised and resubmitted as required to address the comments noted above.

Six Unfinished Developments

Name of Development	Housing Units Approved (*Does Not Include Restaurant, Theater, Convention Center, or retail space also approved)	Built	Yet Unbuilt but approved
The Landing	82	11	71
The Rapids	78	-	78
RiverWalk*	170	81	89
Forest Ridge	498	222	276
Coolidge Falls	132	108	24
South Peak Resort	1,018	72	946
Totals:	1,978	494	1,484

