

**LINCOLN PLANNING BOARD PUBLIC HEARING
WEDNESDAY, MAY 27, 2020 - 6:00 PM
MEETING HELD VIA ZOOM VIDEO CONFERENCING**

*in accordance with RSA 674:4 & 675:7 and per NH Governor's Executive Order #23 re:
COVID-19 from Lincoln Town Hall, 148 Main Street, Lincoln, NH.*

Board Members Present: Chairman Jim Spanos, Selectmen's Representative OJ Robinson, Vice Chairman Joe Chenard, Member Steve Noseworthy, and Member Mark Ehrman

Alternates Present: Paul Beaudin and Deanne Chrystal

Staff Present: Town Manager Butch Burbank, Fire Chief Ron Beard, and Town Planner Carole Bont

Guests: Susan Chenard, Robert and Christina Paris, Joe Fiore, Steve LaFrance, Bill Northfield, John Stamos, Steve Sexton, and Jim Martin.

I. CALL TO ORDER

Chairman Spanos called the meeting to order at 6:03pm. Member Ehrman would like it noted that he tried to attend the last Planning Board meeting via Zoom but had some technology issues. Measures will be taken to ensure all members are able to easily login to future meetings.

II. MINUTES OF THE PREVIOUS MEETING

MOTION: "To continue consideration of the May 13, 2020 meeting minutes until the next meeting."

Motion: Robinson

Second: Chenard

Motion carries unanimously.

**III. APPLICATION FOR SITE PLAN REVIEW APPROVAL SUBMITTED BY
ROBERT PARIS FOR HIS PROPERTY ON MAIN STREET #LO (M117
L008)**

This property is located on Main Street #LO (Map 117, Lot 008) northeast of the intersection of NH Route 112/Main Street and is located in the General Use (GU) District. Mr. Paris' application for site plan review approval for a change of use is to change the use of 1 vacant lot of 0.81 acres & to make site improvements to include a cabin colony comprised of one 2-bedroom prefab log home to be used as a single family residence and three 1-bedroom log cabins to be rented out with parking for 2 cars per dwelling unit for a total of (8) cars for a total of 9,685 SF of impervious surface (i.e., 35.5% of the lot). The project is projected to disturb

14,869 SF. or 49.9% of the 29,799 SF lot (i.e., less than 50% of the lot and less than 15,000 square feet).

The applicant's builder, Joe Fiore, presented the application on behalf of the applicant Bob Paris. Mr. Fiore explained the aforementioned project. He stated that the applicant does need site plan approval before they are able to apply for a land use permit. He added that the property buildout does not meet the criteria for a stormwater management plan however there is a drainage plan in place. Bob Paris added that he plans to reside in the two-bedroom single family prefab log home and that the three 13x30ft cabins will be built in stages. The house will be built first with the excavating, plumbing, and slabs for the cottages also being constructed as part of the first phase. The cabins will be constructed within a year.

Joe Chenard questioned how far apart the buildings are and whether the distance complies with the Land Use Plan Ordinance (LUPO). Bob Paris replied that the plans reflect the proper distance. Jim Spanos added that on the plans it looks like there is about 20ft between the cabins. Joe Chenard stated that 20ft is more than sufficient.

Paul Beaudin stated that as the project is 14,869 SF and is so close to the 15,000 SF requirement for a stormwater management plan, the applicant may want to consider doing the plan anyways. If during construction, the project were to go over the 15,000 SF, construction would have to be halted and a stormwater management plan done. Joe Fiore replied that the plan is not to disturb the land or go over the proposed 49.9% of the lot coverage. He added that Mr. Kellogg will survey and stake everything out so they know what land can be used and what land cannot. Mr. Fiore added that they think the stormwater management plan would be a waste of money as the site is being carefully and methodically planned out. He added that there has never been a problem with drainage in this area but even so, the applicant has planned a natural drainage area towards the back of the lot. As construction does have an impact on drainage, the applicant has asked Mr. Kellogg to design naturally landscaped drainage ponds to mesh with the lay of the land. Mr. Fiore added that he has built in Lincoln several times before and there has never been an issue abiding by the LUPO.

OJ Robinson questioned what the retention areas for the stormwater would be made of. Mr. Fiore replied that it will be a stone lined drainage area with the appearance of a flower beds/pond. OJ questioned whether there is an existing curb cut. Mr. Fiore replied that there is and that there were originally two homes on this lot. According to the Public Works Department, there is also established water and sewer lines. Mr. Paris added that when the sidewalks were installed, the Public Works Director agreed with him on an 18ft curb cut.

Mark Ehrman questioned whether this use is allowed in the General Use zone. Carole Bont replied that business and single-family residences are permitted in this zone. The single-family residence is acting as a support building for the business.

Paul Beaudin inquired about the outdoor lighting plan. Mr. Paris replied that any added lighting would have no effect on the neighbors. There will be lighting along the front deck which runs along the entire front of his house and the three cabins will each have a small 6ft deck with an outdoor light. Paul questioned whether there will be any lights on poles that could infringe on other property owners. Mr. Paris replied that there will not.

Jim Spanos stated that these cabins cannot serve as a year-round residence. Mr. Paris questioned whether he could still rent them out year-round. Mr. Spanos replied they can be rented out seasonally just not as a full-time residence.

MOTION: “To accept the application of Robert Paris for his property on Main Street #LO as complete.”

Motion: Chenard
show of hands.

Second: Robinson

Motion carries unanimously by a

Abutter Bill Northfield expressed his concern that the location of the dumpster indicated on the site plan is right on Main Street which does not seem like the right location for it. Mr. Fiore replied that the dumpster could either be fenced in or done away with and the Town transfer station utilized instead. Mr. Paris added that he does not need a dumpster unless it is something that is required.

John Stamos, representing an abutting association, stated that they are concerned with the addition of more rentals as they’re already a big concern of the local community. He added that they have had issues with renters using their amenities. Mr. Paris replied that he plans to live at the location with his wife and they too like the quiet. He plans to do what it takes to ensure that it is quiet which is why he is only building three small cabins to rent out and not adding a gas station, variety store, diner etc. As this is his retirement, he would like it quiet too.

Abutter Steve Sexton stated that his vacation home is next door and he wants to be sure that the drainage will not run onto his property especially if the proposed drainage system were to clog. He wants to be sure it won’t overflow and flood his home. He also expressed concern with the lighting. Mr. Fiore replied that he believes he has already addressed Mr. Sexton’s concerns. The site plan shows that the drainage is designed to flow away from the properties. There is also a

large fence already on the site that is located behind where the cabins will be constructed. This fence will help to block any light.

Joe Chenard stated that if there are any drainage or lighting issues that come up, the Planning Board does have the ability to call the applicant in on a site plan violation. With no further comments, the Board made the following motion to continue the meeting until the next Planning Board meeting when the agenda will be properly posted.

MOTION: “To continue the hearing on Robert Paris’ application until the next Planning Board meeting on June 10, 2020.”

Motion: Robinson

Second: Beaudin

Motion carries unanimously.

IV. CONCEPTUAL REVIEW OF KEN BELANGER D/B/A FRIENDSHIP COTTAGE, INC. AND D/B/A FC-LOON, LLC, OWNER OF THE FOLLOWING LOTS: SOUTH PEAK ROAD MAP 117 LOT 124 - LOT 132, MAP 118 LOT 039002-00-00000 - LOT 039004-00-00000, MAP 121 LOT 057 - LOT 080 AND 100-121 CROOKED MOUNTAIN ROAD

Ken Belanger and his agent, Steve LaFrance, Engineer with Horizons Engineering, Inc. are proposing modifications to the South Peak Resort Pump Station that serves portions of the South Peak Resort on the aforementioned lots.

Steve LaFrance gave a brief history of the property and stated that the applicant is in the process of marketing the remaining unsold lots that have been subdivided in the South Peak development. They are working in the 27-lot restriction. He added that they do have additional lots on Crooked Mountain Road but are unable to list them without permission to provide water service to them. Mr. LaFrance explained that Mr. Belanger hired him to see if there was anything that could be done in place of building the large storage tank and if they could add to the current booster pump station to provide water to those lots. Mr. LaFrance determined in order to provide service to all of the 44 lots up there, they would have to go from 150 gallons a minute to 214 gallons a minute at the pump station. He explained that he ran a hydraulic model to see how this may impact the Town's water system and found that there is almost no difference from the 150 gallons to the 214 gallons. Town Manager Burbank ran this model by Hoyle & Tanner and they took no exceptions with the technical aspect of it. Mr. Burbank had informed Mr. LaFrance that he thought this needed to come before the Planning Board for conceptual review. Mr. Belanger would like permission from the Board to allow him to upgrade the existing booster station so that the existing lots on Hemlock and Crooked Mountain Road can be marketed. Mr. LaFrance added that this proposal will free up some water for the Town for fire protection. Mr. LaFrance

and Mr. Belanger would like the Planning Board to change the permit conditions placed on the property 15 years ago that required the storage tank to be built.

Mark Ehrman questioned whether the Planning Board has the documents that Mr. LaFrance sent to Town Manager Burbank to review. Mr. Burbank replied that as this is a conceptual review and not a formal application, town counsel recommended the documentation not be provided to the Planning Board at this time. Mr. Ehrman stated that he would like a written letter from Peter Malia that outlines this as he takes exception to it. OJ Robinson stated that Carole Bont did e-mail the paperwork to the Board as well as having paper packets delivered. Mr. Ehrman questioned whether Public Works Director Hadaway has reviewed the conceptual documents. Mr. Robinson replied that he was not sure but that the letter from Hoyle & Tanner was in the Planning Board packets.

Mr. Ehrman questioned whether the issue was raised about supplying these new houses or lots with fire protection. Mr. LaFrance replied that this proposal will provide water but not fire suppression. Potential buyers that may purchase these homes will have domestic water only and no fire hydrants. Fire Chief Beard stated that there is some fire protection. There are wet hydrants located at a higher elevation installed with the anticipation that another water storage tank would be installed on South Peak. He added that Hemlock Road is on the high-pressure system but Crooked Mountain Road is on the low-pressure town system due to its elevation thus it has limited fire protection.

Mr. Robinson questioned what system the Pemi Base Camp is on. Mr. LaFrance replied that it is on the town system that runs off of the Forest Ridge tank. Further discussion ensued. Mr. LaFrance added that he is now trying to provide adequate water service to the base area that's already constructed. When he reached out to Loon Mountain Resort, they had hoped the design could help them with their water pressure problems. He informed them that this design will indeed do that. He stated that this problem should have been taken care of 10-15 years ago. Everyone thought the water tank would be constructed back in 2006 however, the market will not support spending the amount of money a new water tank will cost which is why no one has stepped forward to build it.

Paul Beaudin questioned whether a storage tank would come later and also whether it would give fire protection ability to the current low-pressure fire hydrants. Mr. LaFrance replied that if approved, this design is for the benefit of the applicant to allow them to provide adequate water to these 27 lots in order that they may be sold. Loon Mountain Resort will benefit from the increased pressure. Neither Loon Mountain Resort or Ken Belanger are committed or interested in building the storage tank. He added that if this plan to upgrade the booster station were to be

approved, this would be it for future development without the installation of a storage tank. No future development of raw land could be developed without a storage tank. Mr. LaFrance added that it is true that if a storage tank is constructed, it would provide fire protection to Hemlock Road and over the hill to the other side. Chief Beard stated that he would prefer to have good fire protection at every building site in that development which the Town does not currently have. He added that it's a tough situation. If there were to be a fire, he would have to bring a tanker up and have the manpower to facilitate it.

Paul Beaudin questioned whether it is acceptable to the Town to allow more building without fire protection. Town Manager Burbank stated that we have come full circle; there is a Planning Board decision from 2005 on the development of South Peak which states that after 27 lots, whoever owns the land will be required to build a tank.

Further, Burbank stated that the question with the conceptual presentation this evening is whether the Planning Board is willing to let go of that requirement in order to let the applicant develop 68 lots (in total.) Mr. Burbank stated that if the Town permits this, the Town will likely be held to building this tank.

Mr. Ehrman requested a copy of the 2005 decision at Planner Bont's convenience. He stated that the Town cannot keep putting the issue of fire suppression off. He made it clear that he would not support any Planning Board action that takes this approach. Mr. Beaudin stated that the Town needs to listen to the Fire Chief. Mr. Beaudin does not in any way begrudge the developers in wanting to sell the lots however, he noted that the Town must be fair citing that the Landing at Loon was halted because they had to put cisterns in.

Joe Chenard stated that he was privy to the talks with Steve LaFrance and Centex many years ago. At that time, they were supposed to install the water system and the holding tank as well as to hold the Town harmless. No houses were supposed to have been constructed on the upper road.

OJ Robinson commented that the Board has a letter from Hoyle & Tanner which states that if the Town allows this project, they still recommend that the tank be built as part of the whole South Peak project. He reiterated that the intent of the applicant this evening is that the Board allow this booster pump system upgrade and to withdraw the condition of the tank being required after 27 houses are built at this elevation with no new plan to build the tank. He stated that this is baffling to him. He questioned who is going to build the tank? Who is going to pay for it? Mark Ehrman stated that he would not authorize development for any developer without the construction of the tank and that there is no question in his mind that the tank must be built.

Further, it would be unconscionable to consider the cost to build the tank compared with the lives that would be put at stake.

Jim Spanos stated that the Board has two options which are either to say no or to have the applicant file a formal site plan review.

Paul Beaudin and Mark Ehrman thought it appropriate that sewer capacity also be discussed as part of this project. OJ Robinson stated that the applicant is looking for a change in a project that has already been approved by this Board and that it is not under the purview of this Board to change the original approval. He added that the focus of the conversation should be on what they're asking for. Mr. Ehrman disagreed and questioned how the sewer could be impacted if the Board decides to remove the requirement of the water tank. He added that considering the sewer and fire suppression are absolutely relevant.

Steve LaFrance stated that this is part of the master plan development agreement which was for 1,300 residential units on the south side of the river. The owner constructed all of the infrastructure which was a 3-4-million-dollar project. He added that sewer capacity is getting off topic as the developer spent millions to upgrade the sewer as part of the master plan to make these units available. The applicant would like to focus on the water system as the wastewater system was agreed upon long ago.

Chairman Spanos polled the Board on whether they would consider this conceptual and the results are as follows:

Mark Ehrman - No

Noseworthy - No

Chenard - No

OJ Robinson - No, not as presented

Jim Spanos- No

The Board is not willing to change the 2005 condition.

- V. CONCEPTUAL REVIEW OF JAMES R. MARTIN AND VICTORIA MARTIN, 72 POLLARD ROAD, LINCOLN, NH 03251 WHO OWN MAP 117, LOT 058 (2.14 ACRES) IN THE RURAL RESIDENTIAL DISTRICT WANT TO EXPLORE THE POSSIBILITY OF SUBDIVIDING THEIR LOT WITH THE HOUSE WITH ATTACHED GARAGE, 1,500 SQUARE FOOT "GARAGE WITH LOFT" AND 640 SQUARE FOOT SHED INTO THREE (3) LOTS.**

APPROVED

Jim Martin attended the meeting to discuss what the Planning Board's concerns might be before he has a survey done on the aforementioned conceptual plan. He explained that he has 2.14 acres and would like to divide the acreage into three lots. One lot is his house, the barn would be on the second lot, and the third lot would be currently vacant. Jim Spanos questioned whether every lot would be a buildable lot per the LUPO. Jim Martin replied that all lots do meet the minimum lot size and setbacks. Mr. Martin also noted that it is currently a shared driveway between 4 houses. Carole Bont will look into how many houses a driveway can service.

Paul Beaudin stated that he is not sure this proposal qualifies under a minor subdivision because it creates buildable lots and has no street frontage. OJ Robinson replied that it is 3 lots or less with no potential for subdivision. Paul Beaudin mentioned that the easement isn't on the map and he can't see how the barn would be accessed. He questioned whether a hammerhead would be required for fire protection services.

Mark Ehrman stated that the easement would go with the subdivision and he doesn't see it as a problem. He asked that Carole Bont have Peter Malia take a look at this. Jim Spanos replied that 3 lots or less is a minor subdivision. Paul recommended that Jim Martin thoroughly read through the subdivision portion of the LUPO. Jim Spanos stated that Jim Martin should ensure that he has enough road frontage for fire protection. Mr. Martin replied that there is adequate room to pull a fire truck right up to any of these 3 properties and that he does have 50 feet of road frontage. He added that he is happy to meet with Chief Beard on site to discuss fire protection.

Jim Spanos stated that the Board would see Mr. Martin soon with his complete subdivision application.

With no further business to attend to, the following motion was made.

VI. ADJOURNMENT MOTION: "To adjourn."

Motion: Chenard

Second: Ehrman

Motion carries unanimously.

APPROVED

The meeting adjourns at 7:47pm.

Respectfully Submitted,

Brook Rose

Recording Secretary


Chairman James Spanos


Date Approved

