

APPROVED

**LINCOLN PLANNING BOARD PUBLIC HEARING
WEDNESDAY, JUNE 10, 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, and Member Mark Ehrman

Alternates Present: Paul Beaudin

Excused Absence: Steve Noseworthy

Staff Present: Town Manager Butch Burbank, Fire Chief Ron Beard

Staff Excused: Town Planner Carole Bont

Guests:

- **Susanne (Susan) A. Chenard**, resident of 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069). Alternate member of the Zoning Board of Adjustment.
- **Robert Paris**, nonresident, (APPLICANT) of 18 Cypress Street, Salem, NH 03079 and owner of a vacant lot #LO Main Street (Map 117, Lot 008) at the intersection of Dodge Place.
- **Joseph Fiore**, non-resident (PRESENTER & AGENT for Proposed Applicant Robert Paris), PO Box 26, North Haverhill, NH 03774.
- **Christina Paris**, nonresident, 18 Cypress Street, Salem, NH 03079.
- **Gardner Kellogg**, Kellogg Surveying & Mapping, Inc., 254 Mann's Hill Road, Littleton, NH 03561
- **Stephen M. LaFrance, P.E.** (Principal Engineer) at Horizons Engineering, Inc., 34 School Street, Littleton, NH 03561-4817, representing applicant.

I. CALL TO ORDER

Chairman Spanos called the meeting to order at 6:00pm.

He noted that alternate member Deanne Chrystal tendered her resignation from the Board as she recently relocated and is no longer a resident of Lincoln. Chairman Spanos thanked her for her service and the Board wishes her well.

Alternate Paul Beaudin was seated in Member Steve Noseworthy's place.

II. CONSIDERATION OF MEETING MINUTES:

- **May 13, 2020** (Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Alternate Paul Beaudin, Alternate Deanne Chrystal[?])
- **May 27, 2020** (Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Alternate Paul Beaudin, Alternate Deanne Chrystal)

MOTION: "To continue consideration of the meeting minutes until the next meeting."

Motion: Robinson Second: Ehrman Motion carries unanimously.

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

- A. 6:00 PM Application for Site Plan Review Approval** - Submitted by Robert Paris for his property on Main Street #LO (M117 L008) to the Planning Board on May 27, 2020 in accordance with RSA 674:4 & 675:7:

Applicant & Property Owner: Robert Paris, 18 Cypress Street, Salem, NH 03079.

Surveyor: Gardner Kellogg, Kellogg Surveying & Mapping, Inc., 320 Mann's Hill Road, Littleton, NH 03561.

Presenter/Contractor: Joseph Fiore, Joseph (Joe) Fiore III, Joe & Shane Fiore Builders, LLC, 74 Rock Creek Drive, North Haverhill, NH 03774.

Property: Main Street #LO (Map 117, Lot 008) northeast of the intersection of NH Route 112/Main Street/Kancamagus Highway and Dodge Place. Property is located in General Use (GU) District.

Proposed Project: Application for Site Plan Review approval for a change of use 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 pre-fab log home to be used as a single family residence/service building for the cabin colony 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).

Although notice was published in the newspaper and posted in the usual places, although notice of the hearing was posted on the town's website, the agenda was not posted on the town's website as was customarily done. For this reason, although the Planning Board found the application to be complete and took testimony and public comment on the application, the Planning Board did not make a final decision on May 27, 2020, and continued the public hearing to June 10, 2020, so that the agenda could be posted on the Town's website.

Summary Presentation:

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 one (1) vacant lot of 0.81 acres & to make site improvements to include a cabin colony comprised of one (1) 2-bedroom prefab log home to be used as a single family residence and three (3) 1-bedroom log cabins to be rented out with parking for two (2) cars per dwelling unit for a total of eight (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).

Member Paul Beaudin stated that at the last meeting the discussion related to the dumpster was that there would not be one located onsite. As one of the abutters had an issue with the location of the dumpster along Main Street, that abutter may not be pleased knowing that this has since changed and that there will now be a dumpster on location.

Applicant Paris stated that he would like to have a dumpster on site (to save him from frequent trips to the transfer station) but that he would locate it in the back corner of his property.

Chairman Spanos noted and Chief Beard confirmed that the abutters were invited to this evening's meeting. The Board reaffirmed to the applicant that the dumpster must be bear-proof.

The Board discussed the conditions and as there was no new information presented by either the applicant or the Board, the following motion was made:

Motion: "To approve the Site Plan Review Application of Robert Paris to make site improvements to his property located at Main Street #LO (Map 117, Lot 008) to include a cabin colony comprised of:

- 1. one (1) 2-bedroom prefab log home to be used as a single-family residence; and**
- 2. three (3) 1-bedroom log cabins to be rented out**

With the following CONDITIONS:

- 1. the three (3) rental log cabins may not be used to establish residency,**
- 2. the lighting not impinge upon the neighbors; and**
- 3. the location of the dumpster be at the rear of the property and not along Main Street."**

Motion: OJ Robinson

Second: Joe Chenard

Motion carries unanimously

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

The Pines Retention Ponds

Town Manager Burbank relayed to the Planning Board that, as they have a Site Plan Review hearing with The Pines upcoming and after consulting with Town Counsel, he does plan to move forward with issuing the building permits on the last two (2) buildings. Further, Town Manager Burbank advised the Planning Board that per advice received from Town Counsel, the Planning Board cannot legally tie the Land Use Authorization Permits to the pond issue. Town Manager Burbank added that Town Engineer Ray Korber feels that, while the Town was hoping to use the

last two buildings as leverage to have the pond issues addressed, the ponds issues is more of a NH Department of Environmental Services (NH DES) matter. Town Manager Burbank added that he plans to recommend to the Select Board that they consider requesting a bond be held on the ponds.

Member Beaudin questioned whether the original design of the ponds had been changed. Town Manager Burbank replied that the current design presented several years ago is for a leaching style pond that dries up over several hours. The applicant has applied to NHDES to change the design to actual wet ponds like the other ponds on site at Forest Ridge. The ponds will be encircled by guard rails. Member Beaudin stated that it is unclear who would be responsible for operating and maintaining these ponds and what party would hold the bond. Select Board's Representative Robinson stated that it is premature to be discussing this topic as there is a hearing upcoming with the applicant on the ponds and that this discussion should be postponed until the hearing.

Chair Spanos agreed that this should not be discussed until the meeting. Member Beaudin asked for clarification on whether the ponds that are there are in any way tied to the new construction. Beaudin added that the ponds are either a separate application or they are tied to the construction; it cannot be both.

Select Board's Representative Robinson clarified that the Planning Board granted Site Plan Review approval for "The Pines" subdivision, most of the units have been constructed, and the retention ponds have been built. However, the ponds have not performed as designed. Select Board's Representative Robinson explained that NHDES has been involved because Mount Coolidge Construction, LLC's Alteration of Terrain Permit expired. It was since required that the ponds be redesigned. As part of that redesign, the Applicant is coming forward with an application to amend what the Planning Board initially approved solely related to the ponds. Member Beaudin replied that if the ponds were in the original application, they [Land Use Permits] have to be tied to that [the satisfactory completion of the ponds]. Beaudin added that he is not saying that the Town should withhold the Land Use Permits, but that there has to be some kind of financial assurances from the applicant on the satisfactory completion of the ponds.

Member Mark Ehrman agreed that the applicant has to be held responsible and that Town Manager Burbank's comments are absolutely relevant. Member Ehrman questioned whether legal action has been mentioned by the applicant if the Town were to withhold the permits. Select Board's Representative Robinson replied that what has been mentioned by the applicant is that the buildings were already approved and that the Planning Board's discussion about the Town Offices withholding the Land Use Authorization Permits is unrelated to the ponds. The construction of the last two buildings is not going to increase or change what is there now or the fact is that the ponds are being redesigned.

Select Board's Representative Robinson continued that further, the Town's engineer also agreed that it would be better to finish the construction, site work, the landscaping etc. as it will improve the situation by preventing and absorbing some of the water runoff that is existing now. As the applicant is looking to improve the runoff situation prior to the ponds being considered, there is no real justification to withholding building permits.

Some further discussion ensued and Member Beaudin requested that there be a poll of the Planning Board to gather everyone's thoughts on the matter. Chair Spanos stated that such a poll would be

advisory and non-binding but agreed to poll the Board as to whether they would issue the land use permits or not. Said poll is as follows:

- Joe Chenard: Land Use Authorization Permits should be issued but subject to Site Plan Review approval of a new pond design.
- Mark Ehrman: Land Use Authorization Permits should be issued but subject to Site Plan Review approval of a new pond design
- Paul Beaudin: No Land Use Authorization Permits should be issued until there is a way to verify that the ponds are going to work as the ponds are part of the original application
- Jim Spanos: Land Use Authorization Permits should be issued but subject to Site Plan Review approval of a new pond design
- OJ Robinson: Abstained

Select Board's Representative Robinson stated that all of the other issues related to the ponds can be discussed at the upcoming meeting. Town Manager Burbank reiterated that he would bring the bonding matter up to the Select Board at their next meeting for further consideration. The Board asked that since the Town has 30 days to respond to a permit application, the approval of any Land Use Permit applications related to The Pines be considered after the next Planning Board meeting.

V. ADJOURNMENT

MOTION: "To adjourn."

Motion: Ehrman

Second: Chenard

Motion carries unanimously

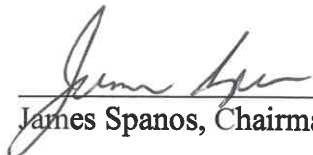
The meeting adjourned at 6:45pm.

Respectfully submitted,

Brook Rose

Recording Secretary

7/15/2020
Date Approved:


James Spanos, Chairman

