

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 12, 2019 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Jim Spanos, Vice Chair Joseph Chenard, Member Stephen Noseworthy, Selectmen's Representative OJ Robinson, Alternate Paul Beaudin, Alternate Deanne Chrystal

Members Excused: Member Mark Ehrman,

Members Absent: None

Staff Present: Town Planner Carole Bont

Staff Excused: Ellyn Franklin, Recorder

Guests:

- **David Beaudin** resident, of 10 Louis Lane, PO Box 245, Lincoln, NH 03251-0245, and co-owner with Mary Conn of 10 Louis Lane (Tax Map 116, Lot 004), Lincoln, NH 03251-0245 and Lincoln Water Plant Operator.
- **Kevin Bell**, nonresident, resident of North Woodstock, NH whose mailing address is PO Box 1453, Lincoln, NH 03251-1453, Vice President of Marketing at Loon Mountain Resort and Chair of the Lin-Wood Skate Board Park Committee.
- **James (Mike) Conn, (APPLICANT)** resident, formerly of 15 West Street, Lincoln, NH 03251 and currently of 9 West Street (Map 112 Lot 030), co-owner of 15 West Street (Map 112, lot 033) and 9 West Street (Map 112, Lot 030) with Joan Conn.
- **Joan Conn resident, (APPLICANT)**, resident, formerly of 15 West Street, Lincoln, NH 03251 and currently of 9 West Street (Map 112 Lot 030), co-owner of 15 West Street (Map 112, lot 033) and 9 West Street (Map 112, Lot 030) with James (Mike) Conn.
- **Mary Conn** – resident, of 10 Louis Lane, PO Box 245, Lincoln, NH 03251-0245, and co-owner with David Beaudin of 10 Louis Lane (Tax Map 116, Lot 004), Lincoln, NH 03251-0245.
- **Deborah (Debbie) Marie Celino**, resident, 255 Pollard Road, Lincoln, NH 03251, owner as Deborah Celino, Trustee of the Deborah Marie Celino Revocable Trust, 255 Pollard Road of 255 Pollard Road (Map 113, Lot 044) and owner as Deborah Celino, Trustee of the Deborah Marie Celino Revocable Trust, of a vacant lot on Pollard Road (Land) (Map 113, Lot 043).
- **Michael (Mike) J. Donahue, Jr.**, resident, 58 Maltais Farm Road, Lincoln, NH 03251, works for Town of Woodstock Public Works Department.
- **Michael (Mike) J. Donahue, Sr.**, nonresident, (**ABUTTER to lot in Lincoln Industrial Park**) 68 Potato Hill Road, Woodstock, NH 03293 and owner of J&M Donahue, Inc. (Excavating & Concrete), 1162 Daniel Webster Highway, PO Box 56, Woodstock, NH 03293-0056, and winning bidder for contract to develop the Lincoln Industrial Park in exchange for two (2) lots and rights of first notification for the other lots. He is a co-owner of the first two lots on the right on Arthur Salem Way in the Lincoln Industrial Park: (1)

“Lot 1” Map 109, Lot 025 (0.49 Acres) and (2) “Lot 3” Map 109, Lot 024 (0.48 Acres) with Bobbi Anne Donahue.

- **Tamra Ham**, resident of 98 US Route 3 (Map 109, Lot 002) owned by Jonathan Ham, and co-owner of Ham Rentals, LLC which owns 13 Pleasant Street (Map 113, Lot 083) and 205 Pollard Road (Map 113, Lot 058), member of the Board of Selectmen, Board of Selectmen’s liaison to the Recreation Department, and member of the Lin-Wood Skate Board Park Committee.
- **Jayne S. Ludwig**, resident of and owner of 12 Pleasant Street, Lincoln, NH 03251 (Map 113, Lot 092) and member of the Board of Selectman and wife of Planning Board member Steve Noseworthy.
- **Kurt O’Connell**, nonresident, (**PROPOSED OWNER of lot in Lincoln Industrial Park**), owner and operator of O’Connell Builders, LLC and Woodstock Rentals, LLC, located at 364 Daniel Webster Highway, North Woodstock, NH 03262.
- **Kelly Philbrick**, resident and co-owner with Lisa-Jane B. Philbrick of 11 Conn Drive, PO Box 1349, Lincoln, NH 03251-1349 (Map 117, Lot 032).
- **Lisa-Jane (Lisa) B. Philbrick**, resident and co-owner with Kelly R. Philbrick of 11 Conn Drive, PO Box 1349, Lincoln, NH 03251-1349 (Map 117, Lot 032) and Lincoln Town Clerk.
- **Delia M. Sullivan**, resident, (**ABUTTER to lot in Lincoln Industrial Park**) 13 Coolidge Street, PO Box 665, Lincoln, NH 03251, and co-trustee owner of property at 13 Coolidge Street (Tax Map 117, Lot 133001-00-0000) owned by:
 - Kevin J. Sullivan Trustee of the Kevin J. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251; and
 - Delia M. Sullivan Trustee of the Delia M. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251;and principal of Sully & Sons Holdings, LLC, PO Box 665, Lincoln, NH 03251-0665 that owns 21 Arthur Salem Way (Map 109, Lot 020).
Also, member of the Zoning Board of Adjustment.
- **Kevin Sullivan**, resident (**ABUTTER to lot in Lincoln Industrial Park**) of 13 Coolidge Street, PO Box 665, Lincoln, NH 03251, and co-trustee owner of property at 13 Coolidge Street (Tax Map 117, Lot 133001-00-0000) owned by:
 - Kevin J. Sullivan Trustee of the Kevin J. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251; and
 - Delia M. Sullivan Trustee of the Delia M. Sullivan 2016 Revocable Trust, PO Box 665, Lincoln, NH 03251;and principal of Sully & Sons Holdings, LLC, PO Box 665, Lincoln, NH 03251-0665. that owns 21 Arthur Salem Way (Map 109, Lot 020).
- **Tara Tower**, nonresident, of 1022 Daniel Webster Highway, North Woodstock, NH 03262, Recreation Director for the Town of Lincoln.
- **James (Jim) Welsh**, resident, (**APPLICANT**), PO Box 286, Lincoln, NH 03251-0286,

owns 16 East Spur Road (Map 113, Lot 041) and 10 East Spur Road (Map 113, Lot 041.1).

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 Ehrman was excused.

Paul Beaudin was seated.

II. CONSIDERATION of meeting minutes from:

- **May 22, 2019**

(Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Mark Ehrman – participated by phone, Member Stephen Noseworthy, and Alternate Paul Beaudin)

Motion to accept minutes with corrections: Robinson

Second: Chenard

All in favor: 5-0

Motion carries.

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

A. Public hearing on proposed use of governmental land as a municipal park. On 5/22/2019 PB received "Notification of Governmental Land Use, Construction or Development of land occurring on government-owned land under NH RSA 674:54 Governmental Land Uses." Town intends to use of a portion of 21 acres of Town-owned land known as 63 Recycle Road (Map 112, Lot 008 & 009) as a municipal park ("Riverfront Park Project") located west of Jean's Playhouse, east of Recycling center and along banks of East Branch of Pemigewasset River.

Park will be created in 2 phases. Phase I to include the construction of a parking lot, skate park and walkways/trails for site and river access and site work for future construction of restroom/storage facilities and playground area. Construction to be commenced within sixty (60) days of 5/22/2019. Monies for Phase I have already been raised.

1. Applicant & Property Owner:

Town of Lincoln, NH
148 Main Street
Lincoln, NH 03251

2. Property: 63 Recycle Road (Map 112, Lot 008 & 009) General Use (GU) District

Presentation:

Selectman's Representative Robinson said the grant the Town received for Phase I includes money for the following:

PHASE I:

- Parking lot
- Leveling a skate park (The Town of Lincoln will be responsible for the grading. The Skate Park Committee has raised funds and will install the physical skate park.)
- Playground
- Trails
- A canoe launch by riverside
- Establishing the underground facilities to prepare for restrooms (whether we get as far as the restrooms themselves is uncertain).

The budget for this Phase I project is \$400,000, half of which is a \$200,000 grant.

Planning Board Questions:

Alternate Beaudin asked if the grant ties up the land forever (in perpetuity) with such a purpose. Recreation Director Tara Tower replied that if someday the Town chose to get rid of Phase I at any point on this parcel of land, the Town would just need to replicate Phase I in another area of town.

Selectman's Representative Robinson said the Town is unsure at this time if there would be grant monies available to apply for in the future to use for Phase II.

Public Comment:

Motion to open public comment: Chenard

Second: Beaudin

All in favor: 5-0

Motion carries.

Vice Chair Chenard asked if it was the responsibility of the Town to maintain this skate board park area. Recreation Director Tara Tower said the Town anticipates being able to maintain this Phase I Skateboard Park area with existing staff.

Motion to close public comment: Beaudin

Second: Chenard

All in favor: 5-0

Motion carries.

Planning Board Questions Continued:

Member Noseworthy asked if it was possible to make changes to Phase I anytime in the future, for example, to create a parking lot expansion if one is needed.

Selectmen's Representative Robinson said the Town must abide by the parameters of the grant, so the Town cannot eliminate items like the playground or the canoe launch from Phase I to expand anything else. The Town can, however, expand as long as that expansion does not break or violate the parameters of the grant. If the Town does not receive a grant for Phase II, the Town does not give up the right to change the land forever as Member Beaudin was suggesting.

Recreation Director Tara Tower said the current Riverfront Park Plan attempts to maximize parking and make the most effective use of space for guests and maintenance.

Member Beaudin asked Recreation Director Tara Tower if Town staff members were concerned about flooding or rising water levels from the East Branch Pemigewasset River. Recreation Director Tara Tower said that the land use planners took those concerns into consideration while drafting trail plans.

Vice Chair Chenard said the one (1) lot the Town is presenting to the public hearing used to be two (2) separate lots. When did these two (2) lots happen to turn into one (1) lot? Member Beaudin said he thought the lots had to be separated when the Town of Lincoln and the Town of Woodstock signed an agreement to establish the Lincoln-Woodstock Solid Waste Facility.

Selectmen's Representative Robinson said the parcel is still two (2) lots. The second smaller lot is where the Burndy dump used to be located; the Burndy dump lot has been cleaned up, but that lot is still maintained as a separate parcel. Recreation Director Tara Tower and Planner Bont explained that the fact that the Burndy dump was formerly located at that site and the fact that there were two (2) lots was disclosed and explained at great length on the grant application to the people who were issuing the grant. Tamra Ham said the Town is not going to put anything on the second smaller lot except some dirt.

Motion to approve as proposed: Beaudin

Second: Chenard

All in favor: 5-0

Motion carries.

B. Lincoln Industrial Park. Continued discussion about creating a process for selling lots in the Lincoln Industrial Park and a list of criteria to use when looking at proposals from potential buyers. Also, discussion about whether the Planning Board is the proper board to address this matter.

Motion to skip this section until after Conceptual Review Beaudin

Second: Chenard

All in favor: 5-0

Motion carries.

Planning Board Discussion:

Planner Bont said she typed up John Hettinger's committee member notes from 2005 when the Lincoln Industrial Park Committee was working to create the Lincoln Industrial Park. According to Hettinger's notes, on September 9, 2005, the committee discussed requiring purchasers to have five (5) employees (with a question mark), and discussed having two to three (2-3) jobs provided for "store" or "storage".

Chair Spanos suggested the Planning Board make a list of potential criteria for recommending the sale of the lots, hold a public hearing, and then enact said list.

Chair Spanos asked if members of the Planning Board wanted to limit or restrict the number of employees the Town requires to work on site. Vice Chair Chenard suggested there could be too many employees so a restriction might be good.

Chair Spanos said that according to Hettinger's notes, past suggestions varied from one (1) to

three (3) to five (5) employees. It appears from Hettinger's notes that the main idea was to avoid having property owners simply use the space for storage.

Motion to leave existing covenants and restrictions unchanged and provide no further guidance on the sales process: Beaudin

Second: Chenard

Robinson abstained.

Motion carries: 4-0 with one abstention.

IV. NEW BUSINESS

A. 6:00 PM Conceptual Review, 10 East Spur Rd, Map 113 L041-001 General Residential (GR) District

Discuss use/sale of property/Change of Use. Property currently houses a commercial salt shed but owner wants to sell the lot to new owner who intends to use lot eventually for residential use. New owner would allow current owner to continue commercial use until retirement and salt shed would eventually be converted to a residential garage. Do the new owners need to come for Site Plan Review to convert a former commercial salt shed into a residential garage? Does it make a difference if there is no residential home on the property?

Applicant & Property Owner:

Jim Welsh
PO Box 286
Lincoln, NH 03251

Property: 10 East Spur Rd, (Map 113 Lot 041-001) General Residential (GR) District

Presentation:

Jim Welsh said a local person would like to buy his lot known as 10 Spur Road (Map 113, Lot 041-001) where his salt shed is currently located so the buyer can take care of his own trucks. The buyer currently owns a small plow company, but the buyer will not be taking care of anyone else's equipment to make money on that lot, just his own. The buyer will probably want to put water and sewer in there.

Discussion:

Members of the Planning Board said that if the use of the property stays the same (i.e., if the buyer has a business that is the same as Jim Welsh's current plowing business) there would be no change in use and so the sale would not require Site Plan Review approval.

However, Planner Bont said if the buyer plans to expand the garage or business in any way, that is when the buyer would need Site Plan Review approval. If he is building a commercial use garage (versus just using the salt shed that is on the property now), that would be an expansion of use in a zoning district where the use was prohibited. The lot is located in the General Residential (GR) District where those uses are prohibited, so he also would need to go to the ZBA and request a variance.

Bottom line: To build a garage on the lot for commercial use, the buyer would need both a Variance from the ZBA and Site Plan Review approval from the Planning Board.

- 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: Beaudin

All in favor: 5-0

Motion carries.

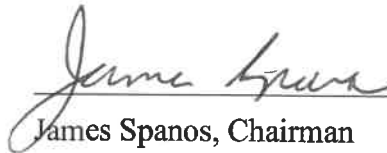
Respectfully Submitted,

Ellyn Franklin

Recorder

7/8/19

Date Approved:


James Spanos, Chairman

