

LINCOLN BOARD OF SELECTMEN'S
MEETING MINUTES

APPROVED

MONDAY, SEPTEMBER 25, 2023 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(THE RECORDING OF THIS MEETING CAN BE FOUND ON YOUTUBE)

Lincoln Board of Selectmen Present: Chairman, OJ Robinson, Vice Chair, Tamra Ham and Selectman Jack Daly

Staff Present: No staff were present

Excused: Town Manager, Carina Park and Executive Assistant, Jane Leslie

Public Present via Zoom: Paul Beaudin II, Michael Donahue, Fire Chief Ron Beard, Mary Conn & Michael Weden

Public Present: Wayne Baltzer, David Berube, Debbie Celino, Jim Welsh, Jim Burns, Mark Bogosian (Longfellow Design Build, Inc.), Adam Fischer (Orsorno Capital), Scott Miccile (Longfellow Design Build Inc.) and Jon Warzocha (Horizons Engineering).

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:39 p.m.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: “To approve the BOS meeting minutes of September 11, 2023 as presented.”

Motion: Tamra Ham **Second:** Jack Daly **All in favor.**

MOTION: “To approve the Non-Public BOS meeting minutes of September 11, 2023 as presented.”

Motion: Tamra Ham **Second:** Jack Daly **All in favor.**

III. LINCOLN INDUSTRIAL BUSINESS PARK PUBLIC HEARING-*Deed Restrictions (Cont'd from 9/11/23)*

OJ explained that this is a continuation from the previous public hearing(s) held on September 11th to discuss revising the covenants and restrictions at the Industrial Business Park. The Board is proposing the following amendments to Covenant (b) and (i):

Current covenant (b) *“any commercial or light industrial use of these lots or the structures thereupon must be of the type expected to require regular on-site staff supervision and employment. No use primarily intended for storage or other unattended purposes will be allowed;”*

The amended covenant and restriction (b) in the Current Lot Owners relevant deeds will be replaced in its entirety as follows: *“no self-storage unit or units of any kind shall be permitted on the conveyed lot or lots, and no self-storage use shall be permitted on the conveyed lot or lots.”*

OJ further explained that Town Counsel drafted an *Agreement to Modify the Covenants and Restrictions*, in addition to new language for covenant (b), a new restriction was added which will be referenced under **Covenant (i)** *“The Town shall have the right to impose different or additional covenants and restrictions in any future conveyance of any of the remaining lots within the “Subdivision of Lincoln Industrial Park in the Town of Lincoln, NH, surveyed January 1993-July 2006, by Sabourn Surveying, Inc.” provided that any such different or additional covenants and restrictions shall not, without express written agreement, apply to the lots owned by the Current Lot Owners.”*

OJ noted that this is the third official hearing on this matter, and Mr. Kevin Sullivan (Sully & Sons LLC) has submitted a request to the Board of Selectmen for one more continuance to the Selectmen's next scheduled meeting (10/10/23) so that he can consult with his attorney (the original email that the town sent to Mr. Sullivan regarding the proposed changes to the covenants was sent to the wrong email address). The Board was fine with this request as was Mr. Donahue (Business Park owner - lots 1 & 2) and the following motion was made:

MOTION: "To continue the public hearing to the October 10th Board of Selectmen's meeting."

Motion: Jack Daly

Second: Tamra Ham

All in favor.

IV. LONGFELLOW CONSTRUCTION – Rapids Project Discussion

Mark Bogosian (Longfellow Design Build Inc.) presented the Board with a conceptual design for his proposed *Rapids Project*. Mark explained that the parcel of land that this project is on has been approved for 78 townhouses (Map 118 Lot 003 – Main Street #LO), however, after further review of the parcel and the development plans, there were thoughts that there may be better uses for this land, and their intent tonight is to discuss a Master Plan for *The Rapids at South Peak* project, and beginning the process. Some of the highlights of the proposed project would be to keep the 78 duplexes' down near the river and to work with the town to assist in developing the town's walking trail/easy access point to the swimming hole for the general public. Mark also discussed a Recreation Center (tennis courts, pickleball courts, ice skating rink, etc.) as well as parking areas (above & below ground) that will accommodate a hotel and restaurant component as well as other amenities for not just this development, but other neighboring developments as well. Mark further explained that he would like to put in a *Welcome Center* on the adjoining parcel with restaurant/café space to serve those entering either the South Peak Development or the Rapids at South Peak.

Mark asked the Board what they would like him to do during this planning phase and prior to going before the Planning Board with a formal application (e.g., traffic studies, water/sewer allotment). OJ explained that most of this process is going to be driven by the Planning Board and not the Board of Selectmen. OJ further noted that this project is one of the vested projects on the town's water/sewer calculations list (78 townhouses) and if the water/sewer demand goes beyond what was calculated for the townhouses (e.g., hotel/restaurant etc.), they will have to deal with that matter at that time.

Jon Warzocha (Horizons Engineer for Mark Bogosian) commented that they have discussed this with the Planning Board who suggested that a formal site plan approval be issued for the first phase, and a master plan approval for the remainder of the project (as dictated by the town's ordinances). Jon acknowledges that they are going to require additional water and sewer capacity for the next phase of the project, and questioned what this process will entail with the town. OJ explained that what is considered "vested" will stay vested, however, when/if their master plan gets approved, at that time the Board of Selectmen would then deal with the granting/vesting of the additional water and sewer capacity. Jon remarked that their ultimate goal for the master plan process is the assurance that the other phases of the project will also be vested interests as other projects come into town.

OJ explained that confirmation of vested interests would most likely occur after the Planning Board has seen the site plan for the duplexes, and the master plan for the remainder of the project, however, he would have to research how the vesting rights were previously determined to make sure that the determination for master plan projects was the same as for site plan approved projects. OJ noted that as part of the master plan approval process, there must be a *Developer Agreement* with the Town (South Peak water & sewer rights were vested through the Developer Agreement and not the site plan review process). OJ referred Mark to the Town's Land Use Plan (under Master Plan Developments) which discusses the requirement for a Developer Agreement with the Town, and should specify whether or not this is done before or after a developer goes before the Planning Board.

Selectman Daly asked if the parking lot would be available for the general public, or just for the development's guests. Mark explained that the parking lot would be for the people that are "on-site" utilizing the amenities (pickleball, tennis courts, ice skating). Jack also questioned if the skating rink and sports courts would be available *only* to the Rapids guests and residents, or to the general public as well. Mark further explained that they are thinking of eventually opening the Club up to others outside of the development, similar to what other properties in town do (public could purchase a pass). OJ asked if this would be an extension to the South Peak development, and if they would have access to these amenities as well. Mark clarified that it would be an amenity for the South Peak residents, but not limited to them alone. Jack questioned whether or not they have had discussions with the neighbors (Bunker Lane residents/owners) regarding the proposed plans for the property they abut, as he feels that it's important to inform the homeowners of what the future plans will be and to solicit their input. Mark explained that they are currently working on compiling a list of the different Boards to meet with and discuss the various projects that they have going on.

OJ commented that based on what he has heard from this discussion, the master plan and the actual subdivision for the duplexes will be coming before the Planning Board simultaneously. Jon Warzocha explained that it would be wrapping a modification of the duplex site plan into a new umbrella approval that includes the site plan and the master plan for the remainder of the project.

OJ briefly explained that the previous sewer capacity (previous estimate at 68%) was based in theory *if* all of the current vested projects were built, however, the current capacity is not at 68%, and when the capacity reaches 80%, the State and EPA get involved. OJ further explained that once there is an approved site plan review and a master plan, the Selectmen would then begin discussions on a *Developer Agreement with the Town* (the BOS makes this decision with input from the Public Works Department and Fire Chief Ron Beard). OJ recommended that Mark begin having conversations with the Public Works Dept. and Chief Beard to see what they would like to see as part of the Developer Agreement for a Master Plan such as this.

Resident, Jim Welsh commented that he has been a Lincoln resident for 55-years and understands that the town is facing future issues with increased wastewater capacity, Main Street traffic, demand for water, and other infrastructure strains, and questioned if developers are coming into Lincoln to make a ton of money and then leave town just as The Satter Company had done years ago, and leaving the burden on the residents. OJ responded that the Planning Board looks at all of these issues when a project comes before them. Jack Daly commented that between the Riverwalk Resort and the Hampton Inn's annual taxes, they are essentially paying for the new Police Station (and not the taxpayers). A discussion ensued regarding Lincoln's low tax rate and the water/sewer infrastructure that is provided to the residents at no cost (other than water/sewer tap fees during new construction). Tammy disagreed with Jim's comments on tax rates, however, she did agree with him in some respects that projects such as the Rapids Project and others, although beautiful, are contributing to the local cost of living being so high, and the shortage of long-term rentals or expensive housing prices for people/families who want to live in Lincoln, but cannot afford to.

Paul Beaudin commented that he would advise Mr. Bogosian to look into the town's Land Use Plan Ordinance (under *Planned Phased Development*) which provides the guidance for what Mark and his team are looking to do. (Mr. Bogosian and Mr. Warzocha departed the meeting.)

V. MS-1 SUMMARY INVENTORY OF VALUATION

The Board reviewed and signed the MS-1, *Summary Inventory of Valuation*. The 2023 net valuation of the Town (non-utilities) is \$1,263,856,664; the utilities is \$11,395,400. OJ further explained that the *non-utilities* part of the assessment went up; and the utilities went down because of the legal agreement that the Town reached (along with other municipalities) as part of the assessment appeal that the utilities had made with Lincoln and other communities in the state.

VI. OLD/NEW BUSINESS

Town Manager Report:

Town Manager Park was unable to join tonight's meeting.

Riverfront Park Update:

Ray Korber & Tim Andrews from Nobis were scheduled this month to start work on the EPA Brownfields Cleanup Funding Application that is due in November. That effort was pending NHDES review of the findings and recommendations for the work completed to date, and providing input on a Remedial Action Plan (RAP). Unfortunately, NHDES cannot provide the town the input necessary to proceed with the RAP in time to submit the EPA Brownfields Cleanup Grant Application.

The timeline that the town is now looking at, is as follows:

- Obtain NHDES concurrence on the recommended approach to address on-site contamination.
- Once there is a high level of assurance NHDES will support a viable plan of action, prepare a RAP for their review and approval. Seek NHDES funding for the preparation of the RAP. Pending funding, prepare the RAP for submittal this winter for NHDES approval in spring 2024.
- Submit an application to NHDES for grant funding to clean up the wetlands area. Pending funding, initiate the cleanup of the wetlands area in the summer/fall 2024.
- Prepare and submit EPA Brownfields Cleanup Funding Application in fall of 2024.

OJ commented that the town was hoping to get DES approval this year, however, based on this information, it does not appear that this will happen until next year. The Board agreed to not fund this effort with town money, but rather to wait for DES to approve a Remedial Action Plan (RAP), and to then seek DES funding for the same.

NHRS Payroll & Reporting Audit:

The town received the results of the NHRS payroll audit. Fortunately, there were no corrections needed regarding payroll deductions or payment to NHRS, however, several corrections (100+) with regard to how the funds were allocated in the reporting system (i.e., Base Pay & Comp Over Base will need to be made).

Fire Station Structural Analysis:

Dubois & King were on site this morning conducting the structural analysis of the Fire Station.

State Surplus Land Application:

Carina has submitted the surplus land disposal application along with the \$500 administrative fee to the State for the triangular piece of land abutting the new Police Department lot.

2024 Proposed Budgets:

Budget worksheets were distributed to Dept. Heads last week, and they will be scheduling a time to review with Becky (Finance Director) and Carina by October 27th.

South Peak Water Storage Tank-Purpose & Impact:

At the last meeting the purpose and benefits of the new tank were questioned, so Carina wanted to articulate the purpose and impact that the new tank will have on the Town's water system. In September 2020, a water storage deficit was identified for the Lincoln water system. The storage deficit was determined based on the American Water Works Association (AWWA) Manual M32 and the required equalization, fire, and emergency storage requirements. The proposed tank would allow the town to address a storage deficiency within the Loon Village system, potentially abandon the existing pump station serving the South Peak pressure zone, and supplement the Main Pressure Zone through existing infrastructure modifications.

NEW BUSINESS:

Jack received a call (voicemail) from Al Poulin conveying his thanks to Public Works Director, Nate Hadaway for the Pollard Road repair work that he had done. Al also suggested a Fire Dept. apparatus be stationed up on the Kancamagus Hwy. in preparation for the upcoming Columbus Day weekend and the expected high volume of traffic. Jack asked Chief Beard if that was feasible to do in light of how long it could take for a fire truck to respond to an incident on the Kanc during this busy time. Chief Beard responded that he could look into this, however, his department is an on-call department with most members working full-time jobs as their primary source of income. OJ commented that this should be well thought out because if there was a major fire in town, they would be short one apparatus, and it would be easier driving up to the Kanc versus driving back. Al Poulin also mentioned short-term rental and long-term rental inspections in town (Chief Beard occasionally conducted), and asked if the town had the legal right to check for smoke/CO2 detectors etc. Chief Beard responded that his scope is very limited when it comes to short-term rental properties, and he has encountered resistance several times and requires the property owner's approval to enter a unit, however, this may be subject to change in the future.

Kanc Rec Area Planning Session:

Tammy commented that a meeting was held on September 20th at the Kanc Rec facility which was attended by 40+ guests who collaborated on programming and infrastructure at the Kanc Rec, and a lot of great thoughts and ideas were shared. The next planning session is scheduled at the Kanc for Thursday, October 5th at 6:30pm (available via zoom). OJ explained that this whole idea of having public planning sessions derived from a joint Lincoln-Woodstock Board of Selectmen's meeting, where there were discussions about possibly putting a deck onto the building and subsequently morphed into infrastructure upgrades and procedures and programming changes (upgrade costs will come out of the town's CIP). OJ noted that a lot of great ideas and suggestions came out of the September 20th meeting, both long-term and short-term goals.

Email received from Delia Sullivan:

The Board received an email from resident, Delia Sullivan (13 Coolidge St.):

Dear Board of Selectmen, now that there are no tenants at the old Lincoln Motel (corner of Main & Church St.) there are at least three stray cats roaming the neighborhood. I believe some tenants there used to feed at least five strays out in back of the hotel all year long. They are prowling for food and I wonder if there is someone you can contact to attract them back to that same spot, and send them to a shelter or somewhere. I just wanted to bring this to your attention to have them taken care of, there will just be more if action is not taken as I am sure they are not spayed."

Tammy commented that she spoke with the Police Department as well as the Humane Society, and researched online that the state does *not* have any "cat laws," however, the Selectmen could create a *Cat Ordinance*. Tammy referenced 2019 when the Town adopted the state Animal Control Ordinance (amended August 12, 2019), and noted that they were advised by town counsel at that time to *not* include cats in the ordinance because there were no state statutes to support a cat ordinance, which is also why there is nothing an animal control officer can do. Jack questioned whether they could ask the animal control officer to trap the cats and bring them to the humane society/shelter? Tammy explained that she asked this question to the humane society and their response was that the town couldn't expend municipal resources on this because there is no Cat Ordinance, and there are no rules/laws anywhere substantiating cat control other than buying or selling them prior to 8-weeks of age. Jack seemed to think that there should be something the town could do because this could potentially turn into a nuisance or health issue. Tammy thanked Delia Sullivan for bringing this to the town's attention, and noted if she happens to come across a cat that is *not* spayed/neutered (can tell by a notch in the cat's ear) she will attempt to trap it and have the procedure done on her dime.

OLD BUSINESS:

September 25, 2023
Board of Selectmen's Meeting
Please PRINT Legibly

WAYNE F. BALTZER

(Print Name)

David Beavon

Wayne F. Baltzer

(Sign Name)

David Beavon

Deb Celino

Deb Celino

Jim Welsh

Jim Welsh

JIM BURNS

Jim Burns

Mark Bogosian

Mark Bogosian

Adam Fischer

Adam Fischer

Orsonno Capital

Jon Wartzocha,
P.G. & CED

Jon Wartzocha

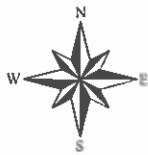
HORIZONS Engineering, Inc.

Jon Wartzocha

SCOTT MICHELLE, P.E.

Longfellow Design Build, Inc.

Scott Michelle



M118 L003 Main Street #LO The Rapids at South Peak LLC (Bogosian)

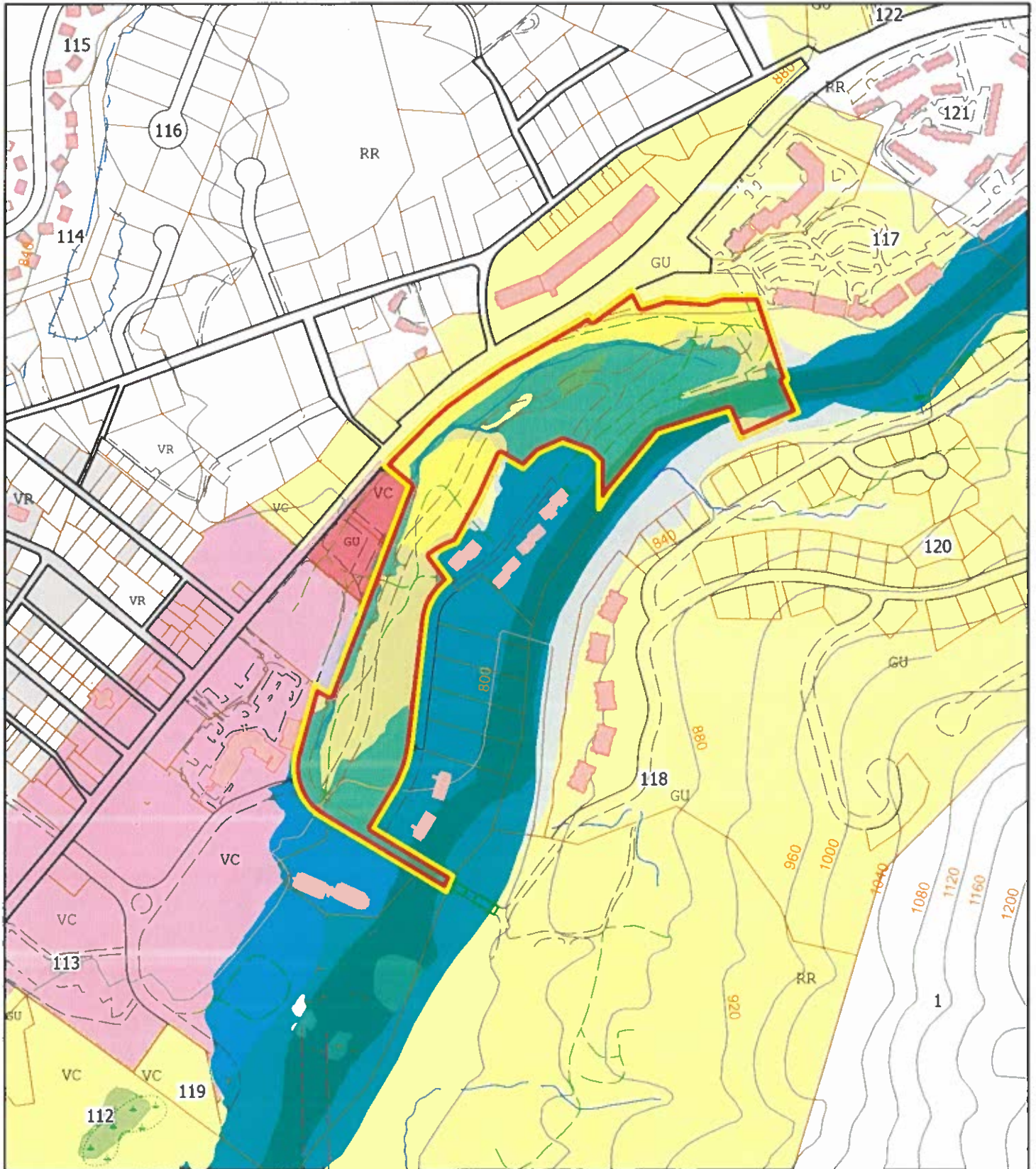
Lincoln, NH

1 inch = 541 Feet



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August 7, 2023



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