

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 28, 2015 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

APPROVED

Present: Chairman Jim Spanos, OJ Robinson - Selectmen's Representative, John Hettinger, Ron Beard (alternate & Fire Chief)

Members Excused: Vice-Chairman R. Patrick Romprey, Paula Strickon, Taylor Beaudin (alternate), Callum Grant (alternate), Norman Belanger (alternate)

Members Absent: None

Staff Present: Town Manager and Town Planner Alfred "Butch" Burbank, Planning and Zoning Administrator Carole Bont, and Wendy Tanner (recorder)

Guests:

- **Karen Fitzgerald** – Landscape Architect - FitzDesign Inc., 1222 Bennington Road, Frankestown, NH 03043-3014
- **Thomas Tremblay** – President – Coldwell Banker, 189 Main Street, P.O. Box 700, Lincoln, NH 03251-0700

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

The meeting was called to order at 6:02 PM.

- II. CONSIDERATION** of meeting minutes from:
- October 14, 2015

Motion to postpone reviewing the minutes from October 14, 2015.

Motion: OJ Robinson

Second: John Hettinger

All in Favor: (3,0)

III. NEW BUSINESS

- A. Deliver Copies of DRAFT Capital Improvement Plan to PB & Set a Date for Public Hearing**

Hettinger is the chair of the Capital Improvement Plan (CIP) Committee or team. Hettinger said that the Capital Improvement Plan (CIP) Committee met on eight (8) different occasions in July, August, September and October. They came up with the 2016-2021 CIP Report, including a spreadsheet. The CIP Report for 2016-2021 is similar to last year's CIP Report (2015-2020) except for one major change. The team removed the priority column (A-D) because there is enough definition in the column which states both the year when the item was last purchased or the project was last completed and the year when the project or purchase is going to be

purchased or completed in the future that the team felt the priority column just complicated things and decided to remove it.

Hettinger said that the total amount budgeted for 2016 is \$1,354,900 which is up from last year by 3.4% or \$44,500. Hettinger said that although that sum sounds like a lot of money, when you look at some of the major projects that need to be tackled, for example, the Levee that has to be rebuilt, that is \$90,000, which is the cost of the bond. If you take that specific expense out of the CIP what the team is recommending is lower than the team recommended last year. However, these unexpected expenses crop up so you got to make room for increased expenses here and there and that is what we did. We are sticking to this goal of a 3% per year increase to try and catch up on all the projects that need to be done that have been put off in the past.

Robinson is the Selectmen's Representative on the CIP Committee. Robinson said that one thing the team did that is different than what is typically done in a CIP plan, is that the team included bond projects on the spreadsheet so you can see the combined impact of the two types of expenditures. Typically a CIP does not include bond projects. However, it did not make sense to the team not to include the bond information so that the Town could make a decision based on the overall impact of the combined expenditures. For example, the West Street project has been on the CIP plan for years. Say the team made a decision that they would recommend that the Town do that project immediately even though the Town has not set aside enough money yet to fully fund it; the team may decide to recommend that the Town take out a bond to fund the rest of the project and do the project. Just because the team takes the West Street project out of the CIP queue and decides to recommend that the Town fund West Street with a bond, that does not mean that the Town should spend another \$100,000 a year on other CIP projects; but rather the Town should maintain that same target of whatever the base was, plus a three percent (3%) increase per year that includes the bond payments. Something that the team may recommend in a future year may be to look at bonding something else. For example, look at the Fire Department's tower truck and how much money the Town has saved to fund a replacement; the amount saved is significantly short of what is needed to replace the tower truck. The amount the Town needs to fund the purchase of the tower truck is beyond the date we think that truck will last. So the team might recommend that the Town bond the purchase of the tower truck. If the team recommends that the Town keep putting \$100,000 into the CIP for a tower truck each year, that \$100,000 might drop down into the bonded column but again the CIP team will count it toward the CIP target even though it is no longer in the CIP column because it is bonded.

Hettinger said that the CIP team put more details in the definitions in the text portion of the CIP Report, describing each project and what it entails.

Chair Spanos said that last year citizens complained that department heads were dumping maintenance items into the Capital Improvement Plan. Chair Spanos asked if anything had been done to check for this again this year.

Robinson said the CIP team eliminated anything under \$15,000 for a single item. What they did not eliminate is a \$6,000 valve for the water system. Individually, the cost of these valves is below the \$15,000 limit for the CIP, however, if you take into consideration all ten (10) valves in the water system that eventually will need to be replaced, it will cost \$60,000 so we left that in as

a capital item. The reasoning is that we never know when the valves will break or need a replacement. If you put that amount in the operating budget each year and then do not spend it every year, it can create havoc with our budget. This year the Town might need \$0 for valves, \$0 the next year and \$0 the next, and then the Town might need three (3) valves in one year for a total of \$18,000. The problem is that we do not know how many valves will fail ahead of time so really we should budget for three (3) and three (3) and three (3). So we go three (3) years with that extra money in the budget; the money does not get spent so each year it just goes back in surplus and used to reduce your tax rate. Then the year when the three (3) valves have to be replaced there will be a tax spike.

The way the team has developed the CIP, we are putting aside \$X amount per year which keeps the tax rate level and we do not have to buy a valve until we need it. The money is there. This CIP strategy is really a tax stabilization tool as well as a planning tool. Some people disagree with that whole philosophy. They want to take the \$18,000 of surplus and apply that to the tax rate every year, but then they are short when they need the money to replace failed valves.

Fire Chief Beard said that the Town might wind up with three (3) valves on a shelf somewhere that the Water Department doesn't need.

Robinson said that another matter to keep in mind is that technology changes. The Town might have an unused valve in stock, but then the valve is not the type that the Town should be putting in because they make a better model now.

Chair Spanos set the date for the public hearing to review the proposed CIP for November 11, 2015. In addition to the regular notice, Robinson recommended putting notice of the CIP public hearing on the town website.

IV. OTHER BUSINESS.

A. Update on Herbert Lahout's Property with Lincoln Nail Salon (Tax Map 112, Lots 27 & 28 now merged)

Chair Spanos asked if Town Manager Burbank or Bont could give the Planning Board an update on Herbert Lahout's property where the tenant is the Lincoln Nail Salon.

Town Manager Burbank said that after consultation with town counsel, it has been determined that the Planning Board approved the nine hundred (900) square foot addition when they approved Lahout's request to tear down Bill & Bob's restaurant and some additional square footage from the former Pinestead Quilt building. When the Planning Board agreed to let Lahout tear down nine hundred (900) square feet the Planning Board also approved his proposal to add that square footage back onto the Pinestead Quilt building at a later date. It appears that the approval for very limited parking was tied into that scenario. Town Manager Burbank and Bont disagreed, but would not win the argument.

Chair Spanos said that what happened is that Lahout reverted back to a previous site plan that showed seven (7) parking spaces.

Bont said that the use of the building has to continue to be retail or office space. Retail use is the use that was there before. Lahout waited until the Planning Board gave him permission to remove the extra square footage with the assurance that they would allow him to build that square footage back onto the building at a later date. Lahout is using the building in the same way the previous owner was using it before; the previous owner used it as retail space. Lahout has enough room for just seven (7) parking spaces.

Robinson asked if the seven (7) parking spaces he has on the plan agree with the Site Plan Review Regulations as far as length and width.

Bont said the parking spaces Lahout has on the plan agree with the Site Plan Regulations as far as length and width. Although the plan does not say so, she measured the parking spaces on the plan that Surveyor Gardner Kellogg drew and the spaces measure nine feet (9') feet by nineteen feet (19') feet. Lahout has to submit a "Mylar" plan to be recorded with those parking spaces, the addition and the conditions on it. Lahout cannot put any hand writing on the Mylar if we are going to be allowed to record it.

Robinson said that the parking spaces Lahout builds have to physically match what is on the plan. Town Manager Burbank agreed.

Robinson said that Lahout has a right to build what is on the plan. If he cannot build the parking spaces as designed, he cannot build the building as designed. Town Manager Burbank said that Lahout will be covering part of the existing parking spaces with the addition.

Bont said that the earlier proposal for the seven hundred plus (700+) square foot addition was a bump out from the back of the Pinestead Quilt building, but the new proposal extends the present lines of the building back away from Main Street, making the building with the addition look like a long rectangle.

Town Manager Burbank said that NH DOT is requiring Lahout to widen the entrance. Lahout is widening the entrance all on his (Lahout's) side of the driveway, not on the side owned by David Rodgers d/b/a Great Stone Face Skier, LLC. In order to do that Lahout is going to eat up more parking and shorten the parking spaces even more in order for his customers to turn into the lot. When he does that he will have even less parking than he has now.

Fire Chief Beard said that the Lincoln Nail Salon customers will not be able to pull an SUV into one of the parking spaces.

Bont said that she measured the first parking space and the painted lines on the tarmac indicating the parking spaces presently are only twelve feet (12') long instead of nineteen feet (19') as required by the Site Plan Review Regulations, and one (1) foot of those twelve feet (12') is taken up by the concrete bumper.

Robinson said that having a bumper in the front of the parking space was acceptable because the front of the vehicle hangs over the bumper anyway. Robinson asked Town Manager Burbank if

Lahout had a nineteen foot (19') long parking space, but only painted four feet (4') of it, would that be acceptable? Town Manager Burbank said he thought it would be acceptable because the Town's Site Plan Review Regulations do not indicate specifically how long the paint stripe has to be indicating a parking space or whether they even had to be painted. Chair Spanos said that parking spaces are not effective if they are not painted.

Robinson said that he is all for letting Lahout build the addition because Lahout has prior Planning Board approval, however, Lahout needs to show the addition on a plan and if the expanded building interferes or the driveway interferes that is a problem. If Lahout wants to build a nine hundred (900) square foot addition or a seven hundred (700) square feet addition is not the issue at all. Others agreed that Lahout was trying to make that the issue.

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

- A. Real Estate Agent Tom Tremblay came in to talk to the Planning Board about receiving pre-approval for a customer of his to build a home in the development at "South Peak Resort" aka "South Peak" on Hemlock Drive. [The South Peak Development is presently owned by: CRVI South Peak TRS, Inc. and formerly by Centex Homes d/b/a Centex Destination Properties Inc. and before that formerly MDR South Peak and before that, formerly Loon Mountain Recreation Corporation.] There was a discussion about the water issues at "The Landing" and at the "South Peak" developments where water pressure is low, in part, because of the high elevations of the homes.

The Planning Board discussed the private water systems, low water pressure levels, limited capacity of jockey pumps to service large numbers of homes, fire prevention systems including cisterns and hydrants, and water tanks.

The homes in these developments are at higher elevations on the mountain than the current town water towers; therefore, water pressure for those homes at the higher elevations is very low. These developments are provided water by private water systems. Those private water systems and pumps hook into the Town water supply.

Fire Chief Beard discussed the type of access, water pressure and water volume that the Fire Department needs for effective firefighting in those two developments. He also discussed the impact that large house sizes will have on the Town's current ability to provide fire protection in both developments given the current water resources versus the minimum amount of water volume and water pressure required under the Fire Protection Code to fight fires in these large homes.

Town Manger Burbank said that in the planning stages and approvals for these developments, the engineers were designing and planning based on two thousand forty (2,040) square foot houses, however, much larger houses are being built.

Tom Tremblay did not receive a resolution to his problem and no decisions were made by the Planning Board. This was only a discussion.

This matter is ongoing and will be discussed again at a later date. There have been ongoing meetings between engineers, developers and the Town of Lincoln to obtain a resolution.

Fire Chief Ron Beard will test the water pressure up at the South Mountain development and make a recommendation to Town Manager Burbank.

B. 6:00 PM – WORK SESSION FOR THE MASTER PLAN. NO PUBLIC PARTICIPATION WILL BE TAKEN. Karen Fitzgerald of FitzDesigns will present her draft of the Statement of Vision and draft some additional chapters for the updated 2015 Master Plan. Review and revise draft.

Karen Fitzgerald showed the Planning Board the draft of the vision and layout of the Master Plan. Fitzgerald wrote an introduction to the Vision Chapter. Fitzgerald explained that there were a few chapters that made sense to combine. Recreation was combined with Public Services and Facilities. Natural Resources was combined with Cultural Resources. The Energy chapter is a new chapter.

Energy Chapter:

Chair Spanos said that the Energy Chapter has broad standards. Chair Spanos asked what types of things are in an Energy Chapter and gave an example of type of glass in houses.

Bont said that the type of glass to be used in a house is covered by the State Building Code that applies to all building in the State of New Hampshire. At this time the State requires an Energy Compliance Certificate before the Town can issue a Land Use Permit for any new construction of heated space. Bont added the Town has taken a few steps in that direction already when last year the Town adopted a Renewable Energy Property Tax Exemption for solar systems.

Renewable Energy Property Tax Exemption: RSA 72:61-72 permits cities and towns to offer exemptions from local property taxes for certain renewable energy installations. These include solar systems (thermal and photovoltaic), wind turbines, and central wood-fired heating systems. Woodstoves and fireplaces are not included. The goal of the exemption is to create a tax neutral policy within a municipality that neither increases an individual's property tax, nor decreases the municipality's property tax revenues. By implementing it as a tax neutral policy, homeowners do not have a disincentive of higher property taxes for installing a renewable energy system, and since there is no net reduction in municipal tax revenues, other taxpayers in a municipality are not affected.

Below is a basic example of how the exemption might work:

- \$200,000 Assessed value of the property
- +\$20,000 Ad valorem value* of the renewable energy system
- \$220,000 New assessed value of the property
- \$20,000 Portion of assessed value exempt from property taxes
- \$200,000 New assessed value of the property w/ the renewable energy exemption

See the list of cities and towns that have adopted one or more renewable energy property tax exemptions based on data from the NH Department of Revenue Administration (DRA).
<https://www.nh.gov/oep/energy/saving-energy/incentives.htm>

Fitzgerald said that if the Planning Board included an Energy Chapter in the Master Plan that would give them the necessary framework so that if the Board wants to adopt energy conservation related regulations within the next ten years the Board will have something in the Master Plan to support those changes.

Town Manager Burbank said that if we have to apply for grants for anything related to energy conservation or renewable energy sources, our ability to qualify for those grants will be tied to our answer to the question: “Have you covered this in your Master Plan?” Town Manager Burbank said that possible energy-related grants could be a source of income for many different energy-related expenditures and agreed that an Energy Chapter should be included in the Master Plan.

Fitzgerald said she reviewed a lot of projects that were completed under the million dollar HUD grant that was available over the past couple of years. There were forty-six (46) projects so she narrowed it down. They needed to prepare a final document to show HUD “these are our best projects that were done under the grant”. Fitzgerald said that HUD pointed out about thirteen (13) projects in the end; all the best projects that received HUD funding had the Master Plan backing up their grant applications. One of the common threads running through the thirteen (13) best grants was the municipality could say, “This project was in our Master Plan.” The fact that the project was in the Master Plan really gave the applicants a significant push for the grant and distinguished their application from everyone else’s. Fitzgerald said that it is important to keep that in mind when updating the Master Plan.

Town Manager Burbank said that even if the Energy Chapter is general at least it shows that the Town was thinking about it. Fitzgerald said that having the Energy Chapter in Lincoln’s Master Plan shows the grant people that Lincoln is serious about addressing energy issues and you have thought about addressing those issues.

Fitzgerald did not want to bring unfinished chapters to the Planning Board for review so there are other Chapters coming. That completes the update on what has been written so far for the Master Plan.

Maps:

Erodible Soils and Steep Slopes:

Fitzgerald showed some maps to the Planning Board prepared by Dan Sundquist. Fitzgerald said that the Planning Board needs to think about how these maps could be used. The first two maps showed highlighted areas of highly erodible soils and steep slopes. Fitzgerald said that Lincoln does not address soils or steep slopes in the Land Use Plan Ordinance.

Town Manager Burbank said that Stormwater Management Ordinance addresses drainage. Fitzgerald agreed but there is nothing in the Land Use Plan Ordinance that addresses building on steep slopes or highly erodible soil.

The Planning Board discussed the maps. Some of the maps show large areas of highly erodible areas and steep slopes of >25% slopes.

Fitzgerald discussed the maps and asked the Planning Board to think of whether and how these maps could be used within the next ten (10) years. If the Planning Board is not going to use these maps than they should not be included in the Master Plan update.

White Mountain National Forest Proclamation Boundary.

Robinson asked about the yellow lines on the map.

Fitzgerald said that the area marked by the yellow lines is called the White Mountain National Forest Proclamation Boundary. See attached e-mail.

The WMNF was formally established by President Woodrow Wilson in 1918. The authorizing legislation was the Weeks Act of March 1, 1911. As a result of the Weeks Act, a National Forest Reservation Commission (NFRC) was created in 1911 to determine the acquisition boundaries. This boundary is called the Proclamation Boundary and specifies where land can be acquired without special rules. The Proclamation Boundary has changed several times over the years including the elimination of the Mahoosuc Range Purchase Unit in New Hampshire and Maine in 1928.

www.Whitemountainhistory.org by David Govatski

Erodible Soils and Steep Slopes:

Robinson asked if other towns have restricted building on erodible or steep slopes. Bont said that the Town of Lyme's zoning ordinance restricted building on steep slopes. Fitzgerald said when some towns receive new proposals for development, their Planning Boards do look at soils. Fitzgerald said that other towns are changing to a soil classification based ordinance. Fitzgerald said that if towns have a prime agricultural conservation ordinance and they do not want building taking up all of their prime agricultural soils, that is one way they could use that information. Erodible soils are an issue; they are unstable to build on.

Spanos asked if there were ways to build on erodible soils. Fitzgerald said, "yes", but that is a decision that needs to be made by the Planning Board if building should be permitted on specific types of soils and to what extent it should be regulated.

Robinson asked if there should be any language in the Master Plan about how the Planning Board views erodible soils or steep slopes. Fitzgerald said that the soils and steep slopes maps are useful only if you are going to use them in some way to look forward in the Land Use Plan. Fitzgerald said that the Planning Board did not need to make a decision about how to handle erodible soils, however, there should be something in the Master Plan that states something like, "these areas should be protected" or whatever the Planning Board wants to do about those particular soils.

Hettinger said that to orient yourself properly while looking at this issue of erodible soils and steep slopes you would need a map of the overall Town of Lincoln because the Town is located in the White Mountains. The map should show the red areas in this little corner so people have some idea how it relates to the overall town. Robinson said that ninety-four percent (94%) of the Town of Lincoln is comprised of the White Mountain National Forest; the Planning Board or the Town have no control over that land. Fitzgerald said that there will be a map that talks about the size of Lincoln in the beginning of the Master Plan.

Town Manager Burbank said that if you put a map of steep slopes over the Town of Lincoln, a lot of the Town would be red because of the steep mountains and its potential for landslides. This gives the Planning Board something to think about where we have of two very large parcels of undeveloped land - raw acres – that potentially someone might want to develop. The Planning Board might want the Master Plan to give guidance to future Planning Boards to remind them that a developer might be trying to build on unstable ground. What kind of precautions do you want in place to prevent possible landslides or erosion?

Fitzgerald said that the Planning Board could point out in the Master Plan that this land has some steep slope or erodible soils issues and any development proposal needs to consider those issues and the developer needs to deal with them. Bont suggested an example of encouraging the maintenance of trees on a lot; to encourage developers not to clear the entire lot and create additional unstable soils and erosion.

Robinson said that the Planning Board is not revising ordinances here. Robinson would not be in favor of restricting growth of development, but he would be in favor of controlling development through engineering reviews that specifically looks at soils, erosion, and vegetation. Robinson would prefer to have a higher level of scrutiny for erodible soils and significant steepness that falls into the higher categories, but not if the developer builds on flat land. Town Manager Burbank said that he would like to see a general statement in this Master Plan update to that effect that would give guidance to future Planning Boards. Robinson said that these types of soils and degrees of steepness should require extra scrutiny by engineers regarding soils, erosion and vegetation.

Wetlands:

Fitzgerald said that there will be other maps to come. Robinson asked if there was a wetlands map. There was a brief discussion about the wetlands map. Fitzgerald said there were no surprises on the wetlands map. There is not as much wetland as some people thought there would be.

Habitat Quality:

Fitzgerald put up a habitat quality map and explained the different colors. This is habitat for animals. Fitzgerald said that the Planning Board should look at if this map could be used in the Master Plan. Town Manager Burbank said that developers will have to look at if they are disturbing habitat, whether it is on National Forest or their own land. Perhaps the Master Plan should highlight and make developers aware that if they are going to start cutting trees they may

have to deal with species of animals that live in that area. Fitzgerald said that state and federal protections are in place for that.

Floodplain:

The floodplain map was shown next. There were no surprises here, showing most of the flood plain along the Pemigewasset River. The Town is still waiting for FEMA to update the floodplain map.

Stakeholder Responses:

Fitzgerald said that she sent out the stakeholder emails and has not received any responses. Fitzgerald asked if there are people that we need to talk to that are not responding. There were a few names given to Fitzgerald that she will try calling next.

- Large Land Owners: Town Manager Burbank said that if the people who own large lots of land were to come to the Town and ask if the Town could assist with X to get some federal funds that may be available and if their plan is part of the town Master Plan it would be much easier for them to get grant approval.
- Indian Head Resort: Bont said that Peter Spanos at one time was talking about creating an RV or Motorhome park on the Indian Head Resort property.

Chair Spanos asked Fitzgerald if she attempted to contact stakeholders via email. Fitzgerald said that everyone got the emails. The only response she received was from Tara Tower, Director of the Town of Lincoln Recreation Department.

Robinson asked what information we were looking for from the people polled. Fitzgerald said she was asking about future development plans. Fitzgerald said that she expected answers like “my workers cannot afford to live in town” or complaints about excessive traffic or lack of parking.

Fire Chief Beard said that stakeholders who have been contacted about the Master Plan may not want to discuss their plans with us because if they have an idea for a new business they do not want to talk to anyone about their plans for fear that someone else may steal their idea. Fitzgerald said that they do not have to divulge their secrets, but she would like to know where they see their development going in the next ten (10) years.

There was a brief discussion on how to approach these land owners (stakeholders) so that we can get input for the Master Plan. The Planning Board discussed several land owners in town and whether they thought those landowners would be approachable to answer questions on future development. Fitzgerald said she will try a phone call next.

State and Federal Roads (US Route 3 & NH Route 112)
NH Department of Transportation Input:

Town Manager Burbank said he had a meeting with NH DOT District 1 Engineers Philip L. Beaulieu (District Engineer) and James McMahon III (Access & Utilities Engineer). NH DOT is now focused on the growth and traffic in Lincoln. They would like to be put notified about any special events. They want to know when it happens because they will personally come and talk to the event person and assess the size and complexity of the event. They just did that with the Hobo Railroad and the Ice Castle. The Master Plan might also address those changes requiring input from NH DOT for traffic and parking.

Water & Sewer Resources:

Fitzgerald said that she was at the meeting with Town Manager Burbank and the engineers from Hoyle, Tanner & Associates discussing the water situation. Engineer Dave Edson said that in order to update the Town Water Study he would really like to know the town's projections are, but the development is not coming from the 1,675 people who live in Lincoln fulltime, but the thousands of people who come here and who do not get counted in the census. Fitzgerald is working with Steve Whitman on a way to formulate some kind of projection, not population, but some kind of growth projection that looks at units because that is how we need to look at this.

Hettinger said something similar was done about ten (10) years ago on an Excel spreadsheet. Whoever did the study, projected growth out almost month by month, year by year, the number of units, either condominium units or houses, that the Town could expect to see in the future. That report dealt with timing of the development and when those additional dwelling units were expected to come onto our water and sewer systems. If the Town needed to expand the water treatment plant capability, you have to think of expansion in terms of blocks. For example, for a water supply, every block is 500,000 gallons. After so many blocks you may have put in additional wells to provide an adequate supply of water. If you are planning a sewer treatment plant, you need that same kind of block-like information.

Town Manager Burbank said that Hettinger was remembering the 2007-2008 Water Study Plan prepared by Hoyle, Tanner & Associates. Now the Town is asking them to update that water study. Town Manager Burbank said that David Edson is saying that the numbers have not changed that much, but they were surprised and what they will focus in on is the number of private water systems that have developed. What is the demand for water? The challenge is putting all of those private water systems on the Town water supply. How are we controlling it or not controlling it?

Chair Spanos asked whether we were talking about wells or private systems.

Town Manager Burbank said that he thinks there are about eleven (11) private water systems in Lincoln. Most of these water systems appear to fall within the state's jurisdiction. Are we going to continue to add private water systems to our municipal sewer system? Where does that leave the Town in the future? We need to project what the water and sewer flows might be into the

future because a water treatment plant is the big buck item on the horizon; so is expanding the sewer treatment facility. We need to plan for those.

Chair Spanos asked if the private water systems use municipal water. Town Manager Burbank said these private water systems do use our municipal water. In addition, Burbank thought that only one of the sewer systems is totally private. The others private sewer systems all hook into our municipal sewer system.

Fitzgerald said that any water system that services over twenty-five (25) people is considered a “public water system”.

Chair Spanos said that if those private water systems are considered to be “public water systems” then the owners of that system need a licensed person to oversee it. Fitzgerald said, that is what New Hampshire Department of Environmental Services (NH DES) says.

Town Manager Burbank said that the question is, where does the Town municipal water system end and where does a private water system begin? Who is responsible for what? The municipal water system is provided along the municipal water mains. The private water systems then tap into our water mains, creating a little inlet into our water vessel.

David Edson of Hoyle, Tanner & Associates is performing the system evaluation to tell us where we are right now with our water system. When he did that he was amazed at how this practice of adding private water systems onto the municipal water system had grown and what we were trying to do. So Master Plan-wise, in the original discussion Public Works Director Bill Willey talked about when Lincoln reaches the point where the municipal water plant is operating at its maximum capacity, conceptually the Town scheduled a 500,000 gallon water treatment plant to be built in the area of Indian Head or in North Lincoln somewhere. The plan was to take water from the Pemigewasset River and to do what we are doing here on the East Branch of the Pemigewasset River – to create a pressure zone and treatment plant over there to take the pressure off what is going on over here on the East Branch.

Fitzgerald said that the Master Plan should address any of the municipal services like water, sewer and even the roads. There might be a private road, but a municipal fire truck has got to be able to get there over a private road so the town kind of owns the private road anyway. Engineer Dave Edson’s point was the Town can call the road or service “private”, but the town is still on the hook for these things (i.e., legally liable). How does the Town want to handle that? If you are thinking about growth, are you talking about adding only fifty (50) dwelling units or are you talking about adding five hundred (500) dwelling units? Adding that many dwelling units would put a lot of pressure on Lincoln’s municipal water or sewer system when Lincoln already has trouble during a busy weekend. Growth projections have a lot to do with infrastructure. The Town cannot really support a development if the Town cannot serve it with adequate sewer and water. So this is where the current state of the Town’s infrastructure fits into the Master Plan. What do you want to say in the Master Plan right now about the Town’s need to address these issues? In the 2003 Master Plan the Planning Board did say that the water and sewer capacities should be studied. “Review water and sewer services and create a plan” is what the 2003 Master Plan says right now in the strategy bullet.

Town Manager Burbank asked Fitzgerald what kind of language she would suggest to follow up this earlier strategy - "Review water and sewer services and create a plan". Ten years later, how would Fitzgerald suggest the Planning Board strengthen that statement?

Fitzgerald said first the Planning Board should recognize that there is an issue with Lincoln's utilities. Then the Board should review the Town's development regulations (i.e., Land Use Plan Ordinance and Site Plan Review Regulations) or review the Town's process for adding hookups to its utilities infrastructure. The Master Plan update should be based on some kind of growth that could be supported by your existing infrastructure. Or the Master Plan should indicate that you have studied these limitations to your utilities infrastructure and said, "OK, if we are going to allow this much growth we will need x, y and z". Then the Planning Board can then go back to the developer and say, "Yes, you can put in those fifty (50) condos but these are things need to be done first in order to do so."

Robinson said that the first step should be an analysis of how much development has already been approved, at least in general approved. Robinson gave an example of approximately 1,000 units that were approved for the "South Peak Resort" across the East Branch of the Pemigewasset River [(Tax Map 118, Lot 039) owned by CRVI Loon Mountain TRS, LLC]. If the Planning Board goes back and counts the lots approved already at the "South Mountain Resort" development, the "Forest Ridge" development and "The Landing" development, that should establish a base line of what Lincoln's growth potential over the next ten (10) years could be because those lots have already been approved for development by the Planning Board. Beyond that, how much potential for development is available at the "Campers World" or "Clarks Trading Post" or "Indian Head Resort" is more speculative, but we could make some estimates for that land. However, the lots we know about that the Planning Board already has approved would really drive that future growth and triggers the need for adding to our utilities infrastructure. For example, when we get to "here" we need a new water treatment plant and "here" we would need a new sewer system.

Fitzgerald said that if developers go forward suddenly with building on lots that already have been approved, the town could have a real issues with providing adequate utilities. The existing infrastructure cannot take care of growth that has already been approved should there be a sudden boost in the economy within the next five (5) years. The Planning Board should recognize the problem and talk about this issue in the Master Plan Update. Because when it comes time for the Town to make some of those improvements and you have an implementation plan along with a Master Plan to support those improvements, those improvements or adding capacity to your utilities can be a targeted item on your budget for the next year. If you do not plan for these improvements, the limits on your utilities infrastructure is going to keep development from happening.

Bont said that Public Works Director Bill Willey knows what how many gallons of sewerage the current sewer system can handle. Willey also knows how many gallons of water he can produce at the water plant. Those numbers could be put in the Master Plan to indicate what the capacity of our sewer and water systems is at present.

Robinson said that the Town cannot wait for the Master Plan Update to do the water study. The water study is in process right now. The water study will not just address how much capacity we have, but also how the Town can move the utilities to where they need to go in order to provide services to dwellings at those elevations. We could put in the Master Plan a list of what we know already has been approved and where that fits in.

Town Manager Burbank asked how many houses were approved at “The Landing”. Fire Chief Beard said he thought the Planning Board had approved eighty-three (83) or eighty-four (84) dwelling units. Robinson said if we have a number of dwelling units approved and we can figure how many gallons per household that would require and then do those calculations for each “already approved” development, we would be able to say, “On buildout we will need *X* gallons of water”. Then we will be able to tell if we will be short and by how much.

Bont said that since she has been working here she has not come across that type of information. Does anyone else know if and where the Planning Department collected that type of information all in one place? Robinson said that back in 2004 when Hoyle, Tanner & Associates did the last water study “those numbers existed somewhere”. The water study was completed in 2005 or 2006. Some additional development occurred through 2007. Then in 2008 the world changed and all development pretty much stopped. All developments that have been kicking up recently have added only small amounts.

Fitzgerald said the Public Services chapter will be focused on that issue. We can always come back and revisit these goals again.

Based on the issues the Town is having with fire protection due to lack of adequate water in some of the mountainside developments, Fitzgerald asked whether the Planning Board wanted to address sprinkler systems. Fitzgerald said that the mandatory residential sprinkler regulations are all over the country. The International Building Code (IBC) wanted to push the requirement for mandatory residential sprinkler systems for one and two-family residential homes. However, the New Hampshire State legislature voted it down. However, the idea of mandatory residential sprinkler systems is “out there” in the rest of the U.S. There are national standards for residential sprinkler systems, so the Planning Board could say that if a residential sprinkler system meets the standards, then...

Fire Chief Beard said that NFPA 13R is the standard for residential sprinklers in one (1) and two (2) family residential dwelling units.

Town Manager Burbank said that residential sprinkler systems in single family and two-family homes would have to be voluntary. The Town could not mandate it, because the State does not mandate it.

Robinson said that perhaps the Planning Board could say that if the developer cannot provide adequate water for fire protection for a house “you can’t build it” unless you volunteer to put in a residential sprinkler system.

Town Manager Burbank said that Fire Chief Beard earlier made the point that residential sprinklers can save lives by giving people enough time to vacate the building, however, the sprinklers do not necessarily save the building. A residential sprinkler will put out a fire under certain circumstances but may not catch a fire in the wall or in the roof or put out a fire in time to save the building.

Robinson said doing that would provide disclosure to the person building the house and makes having a residential sprinkler system an insurance issue.

Fire Chief Beard said that insurance companies have been pushing back. Up until a year or so ago insurance companies did not want their customers to have residential sprinklers because of the damage caused to buildings if the sprinkler system leaked. However, now those same companies are seeing where residential sprinkler systems are saving lives and saving property; in most cases the sprinkler will knock the fire down. Unless the fire has extension into the walls then the sprinkler water will not reach the fire.

Fire Chief Beard added that the other issue is that we know there is not adequate water at those developments to support the private water hydrants. What if there are already existing homes in a development and a new purchaser of a lot wants to build a new house in the same development; he offers to put in a sprinkler system if the Town gives him a permit to put up his two million dollar (\$2,000,000) home. Then what happens if we give the new purchaser a permit and the developer gets away with not providing adequate water to provide fire protection. Then the guy with the lot next door to the purchaser wants to do the same thing. Eventually we will have a street with half of the homes with residential sprinkler systems and half not. The developer is never going to fix the problem with the hydrants because the lots in the development already are all sold. He has no incentive to ever fix the water problem.

Chair Spanos said there is no way to put the leverage on the developers once the homes with the sprinklers are built.

Robinson said that we still need to look back at what the developers submitted for plans. For Robinson, the issue is whether there are standards specified in those plans that are not met by the “as-built” condition, whether it is water pressure, size, sustainability, or gallons per minute. Conditions specified in the Site Plan Approval’s Notice of Decision do not list everything that was submitted in the plans.

Chair Spanos said that Hoyle & Tanner must have some notes or copies of what was submitted. Town Manager Burbank said they would get to that.

Implementation Chart:

Chair Spanos asked Fitzgerald what the chart was at the end of the packet.

Fitzgerald said that the chart provided was an example of an implementation chart that she would like to put at the end of the Master Plan. It was only an example, but every goal has a code and it would have a target range and then the responsible party. For example, is the goal a planning or

a zoning goal. You can put more than one person as a responsible party. This chart is just an example.

Robinson said that the chart looks similar to the Hazard Mitigation Plan charts which he finds useful.

Poster:

Fitzgerald said that she and Steve Whitman were talking about how to make Master Plans really useful to Planning Boards. They were thinking about something that would be more useful than just a book on a shelf. She said that they considered creating a poster. You would still have the Master Plan document, but the poster would show implementation goals. The poster could be hung up on the wall to refer to. All of the major goals would be right there in front of the Board. Fitzgerald asked if Lincoln wanted to be a guinea pig.

Robinson said he did not object to using a poster, but what if the Site Plan Review consisted of the following:

- Is this consistent with the Land Use section of the Master Plan?" Yes, No, questionable.
- Does this fit in with the Natural Resources section of our Master Plan? Yes, No, questionable

Chair Spanos said that the problem is that the Master Plan is not a regulation, it is a vision.

Fitzgerald said that the only legal document is the zoning ordinance. They were just looking to create a real user friendly visual aid.

Robinson said that a poster might make the Planning Board at least consider what the Master Plan says about Land Use when the Board is looking at *this specific* development.

Fitzgerald said she and Whitman were thinking about new ways to present a Master Plan. They thought it would be fun to try a poster to see if it would be helpful. Fitzgerald said the poster could be used as an incentive.

Robinson said that if applicants were coming in to subdivide their land because their kids wanted to put a mobile home on the other half of their lot that would be one thing. But if someone is coming in for a major subdivision, and we can define that as 10 lots or more, or 10 housing units or more, then you go though and say "does this fit in with the Master Plan?"

Fitzgerald said that would be a great way to check and use the Master Plan. For example, perhaps you could even use the Master Plan and say "if you have 5 or 6 of these 10 things, we will get you through the Site Plan Review process quicker". Fitzgerald said that many towns use the Master Plan as leverage. For example, "that site is in a specific area and what is really important to the town is *this*". Fitzgerald said that it helps for the developer, they just want to get through the process.

Robinson said that if nothing else such a strategy would inspire developers to read our Master Plan. If they have to come here and show how the Land Use section or the Natural Resource section is effected at least they will read it.

Fire Chief Beard said that potential buyers may want to read the Master Plan before they buy so they are not buying something they are not able to develop.

Fitzgerald said that if you had a one page poster and could show an applicant – basically here is our Master Plan. It's got our maps, our goals and our implementation chart. Robinson asked if the poster would come with the Master Plan. Fitzgerald said that is what she was thinking. She and Steve Whitman just want to create one poster. It would be a trial. Chair Spanos said the Planning Board would not have to use it. Fitzgerald said that the Planning Board would have to try it on one of the projects.

VI. 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.

VII. ADJOURNMENT

Motion to adjourn at 8:17 PM.

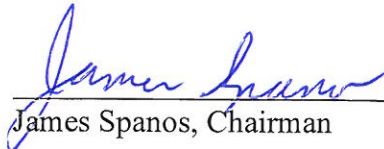
Motion: OJ Robinson Second: John Hettinger

All in Favor: (3,0)

Respectfully submitted,

Wendy Tanner,
Planning and Zoning Recorder

Dated: October 28, 2015



James Spanos, Chairman