

Lincoln Zoning Board - Meeting Minutes
March 04, 2009 - 5:00 pm

Present: Chairman Joe Chenard, Ron Comeau, Patricia McTeague,
Also Present: Town Manager Peter Joseph, Randy Farwell, Tobin Farwell, Diane Angwin

Chairman Chenard called the meeting to order at approximately 5:05 pm.

Routine Business

Review and approval of Minutes from 12/10/08 meeting

MOTION: Joe Chenard motioned to approve the minutes as written. Ron Comeau seconded the motion.

VOTE: Unanimous (2-0) to approve the minutes as amended, with Patricia McTeague abstaining.

Chairman Chenard noted that a quorum was present and began consideration of Case 09-01.

Case 09-01 – Randy Farwell (Tax Map 16, Lot 41.1 and 45.1)

MOTION: Patricia McTeague motioned to accept the application as complete. Ron Comeau seconded the motion.

VOTE: Unanimous (3-0) to accept the application.

MOTION: Patricia McTeague motioned to enter the review phase of the application. Ron Comeau seconded the motion.

VOTE: Unanimous for the motion.

Chairman Chenard asked the applicant to present his case. Tobin and Randy Farwell presented the application.

Tobin Farwell explained that the proposed use would be an outdoor tourist attraction consisting of ropes course between the two pieces of property. It would be between the existing building on Main Street and the existing “tree house” on the back, abutting parcel, including rope bridges and towers. The applicant believes it satisfies the conditions of a special exception. There would be no lighting, and the business would not operate at night. There would be no additional traffic impact. It would be architecturally

compatible, using natural wood for the structural components and neutral colors. They also believed it would be compatible with the existing uses.

Randy Farwell explained that it would be similar to their other ropes courses but smaller in scale so as to fit the location.

The applicant noted that he was only seeking a special exception. The application was originally made for a special exception and variance, but it was subsequently found that only a special exception was needed as tourist facilities were allowed by special exception in both the Village Center and General Residence zones.

The Town Manager confirmed that only a special exception was needed for this use. The back parcel falls within two separate zones, but for the purposes of this application, the two zones have the same special exception requirement for tourist attractions. As such the Board doesn't need to draw any distinction between the two zones on this case, as they both have the same requirements.

The Board briefly discussed what details should be considered by the Zoning Board and what would be considered by the Planning Board, should the special exception be granted.

Patricia McTeague asked what the height of the towers would be. Randy Farwell answered he was unsure at this time.

Patricia McTeague asked if there would be the need for additional parking. Randy Farwell answered that would be considered at the Planning Board level.

Joe Chenard asked what the proposed hours of operation would be. Randy Farwell answered 9AM-5PM, with no nights.

Joe Chenard read the letter from the Thompsons (11 Labrecque Street) into the record. The Thompsons had concerns about having a recreational area in their back yard and noise and lights that may accompany it.

Joe Chenard read the letter from the Imbrescias (49 Main Street) into the record. The Imbrescias were concerned with traffic generated by Mr. Farwell's business.

MOTION: Ron Comeau motioned to open the public hearing on the case. Joe Chenard seconded the motion.

VOTE: Unanimous for the motion.

Diane Angwin (owner, 7 Labrecque Street) commented that she would like to see the residential land remain residential. She also had concerns with hours of operation and noise. She would be opposed to lights and late night operation. She also expressed concerns with parking along the right-of-way between Mr. Farwell's property and Labrecque Street.

As there was no further public comment, Chairman Chenard closed the public hearing.

The Board reviewed the location of the proposed uses on the draft plan brought by the applicant. The Board also reviewed some draft pictures of similar facilities presented by the applicant, and discussed the application briefly.

MOTION: Ron Comeau motioned to leave review phase of the application and enter the voting phase for the special exception. Patricia McTeague seconded the motion.

VOTE: Unanimous for the motion.

The Board considered whether the application was architecturally compatible with the surrounding district. The applicant addressed the Board and felt that it would be compatible. Chairman Chenard pointed out that the Board cannot discuss the application with the applicant while they are voting. Ron Comeau felt he would like further clarification on the issue.

MOTION: Ron Comeau motioned to leave the voting phase of the application and return to the review phase. Patricia McTeague seconded the motion.

VOTE: Unanimous for the motion.

The Board discussed the height of the structures with the applicant. The applicant had previously stated that he did not know how high the structures would be but said they would definitely be below the 35' height limit for buildings in the district, even though they were not technically buildings. The applicant felt that the facility would blend in with the trees and be very architecturally compatible with the surrounding area. Tobin Farwell explained that only natural colors would be used and drew the Boards attention to the draft pictures submitted. There was an extended discussion about the architectural compatibility of the application.

MOTION: Ron Comeau motioned to re-enter the voting phase of the application. Joe Chenard seconded the motion.

VOTE: Unanimous for the motion.

1) Architectural compatibility: The Board considered whether the proposed use was architecturally compatible with the surrounding district. Board members expressed concern that the towers and rope bridges would not be architecturally compatible with the abutting residential properties.

VOTE: The Board voted unanimously (0-3) that the proposed use was not architecturally compatible.

2) Traffic access: The Board considered whether traffic access to and from the development will alter the character of the district.

VOTE: The Board voted unanimously(3-0) that the traffic access would not alter the character of the district.

3) Lighting and noise: The Board considered whether lighting and noise level will be of such design as not to disturb the tranquility of the district.

VOTE: The Board voted unanimously (3-0) that lighting and noise will not disturb the tranquility of the district.

4) Use compatibility: The Board considered whether the proposed use will be incompatible with or undesirable in relation to existing uses in the area. Board members expressed concern that the proposed tourist attraction was not compatible with the abutting residential properties.

VOTE: The Board voted unanimously (0-3) that the proposed use was incompatible with existing uses in the area.

MOTION: Joe Chenard motioned to leave the voting phase of the application. Ron Comeau seconded the motion.

VOTE: Unanimous for the motion.

Joe Chenard explained to the applicant that the special exception had been denied because it had failed to pass questions 1 and 4.

The applicant briefly discussed the application and their right to appeal with the Board. Chairman Chenard answered that they had the right to apply for a rehearing to the Board and if that was unsuccessful they had the right to appeal to Superior Court.

MOTION: Chairman Chenard motioned to adjourn the meeting. Ron Comeau seconded the motion.

VOTE: Unanimous to adjourn.

Respectfully Submitted,
Peter Joseph, Town Manager

Date: _____

Approved by:

Chairman Joe Chenard