

Meeting Minutes

Zoning Board of Adjustment May 20, 2009

Lincoln Town Hall Main Street, Lincoln, New Hampshire 5:00 PM

Present: Chairman Joe Chenard, Vice Chairman Ron Comeau, Member W.T. Bishop, Selectmen's Representative Patricia McTeague and Alternate Tom Smith

Staff Present: Stacey Havlock, Zoning Administrator – Peter Joseph, Town Manager

Others Present: Nate Haynes, Iain Grant, Dave Beech, Deanne Huot, Susan Vaughn, John Vaughn, Virginia Perkins, David Perkins, Joe Conn, John MacDonald, Terry MacDonald, John Hettinger, Yvette O'Connell, Peter Moore and other unidentified members of the audience.

5:00 PM CALL TO ORDER by the Chairman

Chairman Chenard called the meeting to order. Full quorum present. Member Leary was excused and Alternate Smith was seated.

5:02 PM CONSIDERATION of the Draft Minutes of the April 23, 2009 meeting.

Vice Chairman Comeau made a **motion** to approve the minutes of April 23rd as presented; seconded by Member Bishop: Affirmative vote. Selectmen's Representative McTeague abstained as she was not present at the meeting.

5:03 PM Case 09-03: Iain Grant, Tax Map 16, Lot 23.4

The Applicant is seeking a Special Exception from the Lincoln Land Use Plan Ordinance, Article VI, Section B-2 – regarding the establishment of a Heliport in the General Use District.

Mr. Grant reviewed the hours of operation with the Board, 10 am – 6 pm, the lighting involved which was none and presented a flight pattern for the proposed flight trips, the FFA regulations – the height of the flights which are typically 500 feet up.

Vice Chairman Comeau asked if the flight plan was going to be used 100% of the time. It was answered the general plan was presented but if someone wanted to take a different route that could be accommodated then the flight plan would change.

Alternate Smith asked what seasons the flights would be running. Mr. Grant stated if approved they would be running the attraction from June to mid October. Vice Chairman Comeau asked how long each flight trip lasted and how many people the helicopter would hold. Mr. Grant responded the flights are approximately 15-20 minutes and the helicopter holds 3 people besides the pilot.

Alternate Smith asked how long it takes for the helicopter to get 500 feet in the air once it takes off. Mr. Beech said they would be to the end of the Hobo parking lot roughly when it reached 500 feet.

Alternate Smith made a **motion** to open the public hearing; seconded by Member Bishop.

John Vaughn, Susan Vaughn, Yvette O'Connell, David Perkins, Virginia Perkins all expressed they would not be happy listening to a helicopter taking off and returning multiple times a day as the noise radiates off their homes and it is bad enough they have to listen to the train which rattles their homes and causes their homes to be filled with soot all the time. Not all people work 9-5pm jobs and if they are home on the weekends want to enjoy the tranquility in their backyards. None of them are opposed to anyone making money or starting new businesses but not at the expense of further interruption of their personal lives.

Ms. Huot asked if the flights would always be at 500 feet or higher and if the attraction would be in operation 7 days a week. Mr. Beech said the flights were always in the 500 foot range and they would be operating 7 days a week, weather permitting until Labor Day at which time they would be operating weekends only.

Mrs. O'Connell asked what the decibel sound was as take off and return. That answer was not known at this time.

Mr. Perkins asked if the safety factor was taken into consideration for the kids at the Hobo Golf or the Hobo Railroad that play in the grassy area where the flights would be taking off from. He stated he feels there has to be someplace else this attraction could be set up.

Mr. Moore asked if all abutters were notified about this application – meaning anyone surrounding the grassy area owned by the Hobo Adventure Golf. It was noted they appropriate abutters were notified. Town Manager Joseph said he wanted to apologize to West Street residences that did not get a notification of this meeting but the laws do not require anyone who is not a direct abutter to the property to be notified. There were postings put in the newspaper as well at 2 locations around town as by statute codes for every noticed meeting.

Mr. Haynes asked if there was any type of safety measure taken for the cars passing by to include the helicopter not to be coming out of trees to disrupt drivers on the main roadway or interstate. There is not a regulation that covers this area at the time however it is always practiced to make sure the helicopter is visible whenever possible.

Mr. Moore asked if there was a requirement of how far someone has to be away from decibel sounds before they would need ear protection so not to hurt ones hearing. There wasn't an answer to this question.

Alternate Smith made a **motion** to close the public hearing; seconded by Member Bishop.

At 5:32pm Member Bishop made a **motion** to move the public hearing to the sight of the proposed attraction for a demonstration; seconded by Selectmen's Representative McTeague.

At the sight abutters and Board members moved to random spots on Connector Road, West Street, Main Street and the Hobo parking area for demonstration of noise levels with the helicopter.

At 6:07pm Alternate Smith made a **motion** to reconvene the public hearing and open it up for discussion; seconded by Member Bishop.

Mr. Vaughn asked if the at the demonstration was going to be the exact one that would be used for all of the flights. Mr. Beech said it would be one of two helicopters, both are Robinson R44's they would just be different in color.

Mr. Moore said he is not usually one to speak against anyone conducting business in town but hearing the helicopter take off and land in more than one area around the site he stated it was substantially louder in the residential neighborhood and he would not want it in his backyard.

Ms. Huot said she had an issue with the noise the other day when she first heard it and seemed louder. She had an opportunity to ask one of her guests from the Hotel what they thought while the experiment was going on and they said the noise would be annoying.

Mr. Grant asked the audience if hours of operation would make a difference and they stated they would not want the noise on a regular basis, 7 days a week.

Vice Chairman Comeau and Alternate Smith said they would not want to hear this type of noise in their backyards everyday either after hearing the sound it makes.

Mr. Conn said he doesn't understand how anyone can get around the noise ordinance as no matter where the helicopter is flown it is always going to be in someone's backyard and even if it were moved to South Mountain it would then impact more people as it would have to fly all over town to get to the Notch area.

It was asked if any other locations had been thought of and Mr. Grant stated at this time there weren't any they had looked into with any great detail.

Alternate Smith made a **motion** to close the public discussion; seconded by Selectmen's Representative McTeague: Unanimous affirmative vote.

Alternate Smith made a **motion** to go into voting mode; seconded by Member Bishop: Unanimous affirmative vote.

- 1. Regarding architectural compatibility:** The project would be allowable in the General Use area. 5 votes yes
- 2. Regarding traffic access:** The project will not affect traffic access. 5 votes yes
- 3. Regarding lighting and noise:** The lighting will not affect abutters however the noise that will be produces will impact the tranquility of the area. 5 votes no
- 4. Regarding use compatibility:** It will be compatible. 5 votes yes

Member Bishop made a **motion** to close voting mode for the Special Exception; seconded by Selectmen's Representative McTeague: Unanimous affirmative vote.

Chairman Chenard noted the Special Exception was denied.

6:30 PM OTHER BUSINESS

Mary Conn approached the Board regarding the possibility of a subdivision with a smaller lot size than required. She wanted the Boards thought on the best way to approach this.

6:45 PM ADJOURNMENT

There being no additional business, Alternate Smith made a **motion** to adjourn the meeting; seconded by Member Bishop: Unanimous affirmative vote.

DATE: _____

APPROVED: _____

Joseph Chenard
Zoning Board Chairman