

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, NOVEMBER 9, 2016 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

APPROVED

Present: Chairman Jim Spanos, Vice-Chairman R. Patrick Romprey, OJ Robinson - Selectmen's Representative, John Hettinger, Ron Beard (alternate & Fire Chief), Norman Belanger (alternate), Tamra Ham (sitting in for OJ Robinson as Selectmen's Representative)

Members Excused: Callum Grant (alternate), Paula Strickon

Members Absent: None

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

Guests:

- **Holly Anderson** – resident of 11 LaBrecque Street (Map 112, Lot 057), Lincoln, NH 03251
- **Pauline Angwin** – representing residents Diane and Denise Angwin of 7 LaBrecque Street (Map 112, Lot 056), Lincoln, NH 03251 and a resident of 15 Wilson Avenue, Concord, NH 03301-2226
- **Trevor Ayotte** – resident of 11 LaBrecque Street (Map 112, Lot 057), Lincoln, NH 03251
- **Jim Champagne** – resident of 28 West Street (Map 112, Lot 044), Lincoln, NH 03251
- **Stacey Conn** – resident of 75 Hanson Farm Road (Map 105, Lot 013-MH), Lincoln, NH 03251
- **Tamra Ham** – Selectman and Resident of 98 US Route 3 (Map 109, Lot 002), Lincoln, NH 03251
- **Roger Harrington** – Resident of 131 & 133 Pollard Road (Map 114, Lot 003), Lincoln, NH 03251
- **Daryl Lavigne** – resident of 71 Hanson Farm Road (Map 105, Lot 013), Lincoln, NH 03251
- **Mary Jo Levitsky** – resident of 11 O'Brien Avenue (Map 117, Lot 024), Lincoln, NH 03251
- **Jayne Ludwig** – Selectman and resident of 12 Pleasant Street (Map 113, Lot 092), Lincoln, NH 03251
- **Jeff Martel** – resident of 113 Pollard Road (Map 117, Lot 021), Lincoln, NH 03251
- **OJ Robinson** – President of NLI Inc., 43 Main Street, Lincoln, NH 03251, representing Alpine Adventures and Whale's Tale Water Park & resident of
- **Justin Roshah** – guest, 121 Toad Hill Road, Franconia, NH, student intern at the Littleton Courier newspaper
- **Roy Whitaker** – representing Lincoln Sign Company, 166 Pollard Road (Map 114, Lot 059), Lincoln, NH 03251
- **Jeff Woodward** – Managing Partner of NLI Inc., 43 Main Street, Lincoln, NH 03251, representing Alpine Adventures and Whale's Tale Water Park.

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

Paula Strickon and Callum Grant are excused.

- II. **CONSIDERATION** of meeting minutes from:

- October 26, 2016

Motion to skip over consideration of meeting minutes from October 26, 2016 until later in the meeting.

Motion: John Hettinger Second: OJ Robinson All in favor: (4-0)

- III. **CONTINUING AND OTHER BUSINESS (PORTION ONLY)** (Staff and Planning Board Member/Alternates).

- A. **6:00 P.M.: Capital Improvement Plan (CIP) Update 2017:** At the last PB meeting, the CIP Committee presented the updated 2017 CIP to the Planning Board for discussion and review. Public hearing was continued to next Planning Board meeting on Wednesday, November 9, 2016.

- a. Digital draft of the proposed 2017 Capital Improvement Plan (CIP) update is available on the Town website at www.lincolnnh.org (link on the right hand corner of home page).

A hard copy of the CIP can be read at the Town Offices and at the Lincoln Public Library

- *Town Offices are open Monday – Friday 8 AM – 4:30 PM*
- *Lincoln Public Library is open Monday – Friday 10 AM – 8 PM, and Saturday 10 AM – 2 PM*

Motion to skip over review of the Capital Improvement Plan until later in the meeting.

Motion: John Hettinger Second: OJ Robinson All in favor: (4-0)

- IV. **NEW BUSINESS (PORTION ONLY):**

- A. **6:00 P.M. Case # SPR 2016-10 M112 L052-054 Alpine Adventures – NLI – Expansion of Aerial Adventure Course**

Application for Site Plan Review approval for expansion of use to expand the existing aerial adventure course by adding four (4) upright poles with aerial challenge elements & wood cross bracing between the four (4) new poles and the existing poles to existing “Thrillsville” tourist attraction. Applicant O.J. Robinson, President of NLI, LLC, PO Box 67, Lincoln, NH 03251 currently operates the tourist attraction called “Alpine Adventures” that includes an attraction called “Thrillsville Aerial Challenge Park” on property owned by NLI, LLC, on 45 Main Street, Tax Map 112, Lot 052, 053 & 054). The Lincoln portion of Alpine Adventures is located at 45 Main Street. “Thrillsville Aerial Challenge Park” includes bridges, cargo nets, rope

ladders, zip-lines, a treehouse, a climbing tower, a free-fall device and a ramp with giant air bag. The property is located in the Village Center (VC) District.

Selectman's Representative OJ Robinson recused himself. Pat Romprey recused himself. Selectmen's Representative Tamra Ham was seated as the Selectmen's Representative. Alternate Ron Beard and Alternate Norman Belanger were seated.

OJ Robinson and Jeff Woodward presented for Alpine Adventures. OJ Robinson explained that Alpine Adventures proposed to install four (4) new fifty-six and a half foot (56½') poles to support new climbing apparatus in "Thrillsville". The purpose of the new section is to increase the enjoyment and thrill of the people who use the park, many of whom are repeat users. The new section is not expected to bring additional people into the park. The new poles will be located between the two (2) buildings owned by Alpine Adventures and will be set back approximately eight feet (8') from the property line in the front of the lot.

Hettinger asked if there would be any impact on the sidewalk. Robinson said that the new section is not near the sidewalk. The new poles nearest to the sidewalk will be about eight feet (8') back from the front boundary line which is the edge of the sidewalk.

Chair Spanos asked if the new section would be about two hundred feet (200') from the rear boundary line. Robinson, after checking the measurements, agreed that the poles would be two hundred feet (200') from the back property line.

Bont asked if any of the poles would be eliminating parking spaces. Jeff Woodward said he did not think so and that the poles would be centered in the open space near the entrance to the building.

Bont asked if there were two vehicles parked on either side of the proposed pole, would people have a difficult time entering and exiting the building. Robinson said that the way the parking lot is lined, there is enough walk space there that the pole will not obstruct walking.

Town Manager/Planner Burbank asked if the plan reflected all the onsite parking for the park. Robinson said, "Yes".

Hettinger asked if any lighting would be changed to light up the new apparatus. Robinson said, "No".

Chair Spanos asked about the sign and if the sign would be a banner or individual letters. Robinson said that the letters would be climbing obstacles, for example, a patron would have to climb up over the wooden letter "A" or slide down the wooden letter "L". Woodward clarified that the tops of the letters would be the platforms that patrons would walk on.

Chair Spanos asked if this proposed project would require any additional parking on Main Street. Robinson said, "No". Woodward said that there are a lot of parking spaces on the property. They do not anticipate drawing more business with this addition. The addition is more to keep

the people coming back who have completed the course in previous years and are looking for new challenges.

Hettinger asked if more noise would be generated. Woodward said that this part of the course would only have people walking or climbing through it and should not generate any more noise.

Bont asked the Board to discuss the sign. The project will be comprised of a very large letter sign located at the entrance that also happens to be part of the course. Bont asked the Board to address the “sign” component of the project in some way so that their opinion about the status of the sign can be incorporated into the Notice of Decision.

Hettinger said that if the Planning Board does not call the climbing structure a “sign” it will be all right. Robinson said that Alpine Adventures is treating the sign/climbing structure more like “theming”.

Hettinger asked if the letters would be made of wood and if they would be painted. Woodward said the letters would be made of natural wood.

Belanger asked how large the letters would be. Robinson said that the size of the letters was yet to be determined, but other obstacles on the course are of a substantial size.

Woodward said the tops of the letters are part of a challenge course so the tops of the letters are not huge.

Bont stated that the maximum height of a structure in the Village Center District is thirty-five feet (35'). Was the Planning Board concerned that the height of the poles was higher than thirty-five feet (35')? Woodward said that although the poles are fifty-six and a half feet (56½') high, the course itself does not run thirty five feet (35') high on the pole.

Town Manager/Planner Burbank asked if the platforms would be higher than thirty five feet (35'). Woodward said that if the Planning Board members look at the other poles in the back of the lot, the course is well below the top of the poles. The new “course” on the new poles would be at the same height as the older course on the other poles.

Robinson said there are two separate levels for Thrillville. Robinson estimated that the first level was at about fifteen feet (15') or eighteen feet (18') above ground. The second level is about ten feet (10') higher at about twenty-eight feet (28') above ground.

Town Manager/Planner Burbank asked Fire Chief Beard if having climbing structures that high was acceptable from a rescue standpoint. Fire Chief Beard said that he had no problem as long as the climbing structures do not go below thirteen feet six inches (13'6") which is the minimum height requirement to get a rescue truck onto the site.

Motion to open the public hearing.

Motion: John Hettinger Second: Ron Beard All in favor: (5-0)

Champagne asked about the “100 Foot Abutters List” that accompanied the Notice to Abutters sent out by the Town. Champagne said he thought that there were some abutters left off the list who were not invited to the meeting who should have been.

Bont explained how the abutters list is created. Using the computer program, she chooses a certain number of feet in order to capture the abutters she needs. The program that is used labels the list by stating the chosen distance used on the page. Bont then quoted RSA 672:3 to explain what determines an abutter in the State of New Hampshire.

672:3 Abutter. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.

There was a brief discussion about which lots were owned by legal “abutters” and which were not.

Champagne said that he is the largest abutter of the Alpine Adventures property. Champagne said that he does not have a problem with the ropes course. It is the general noise that comes from the Alpine Adventures Park that concerns him. Champagne said he would like a noise barrier of evergreen trees planted along the boundary between his lot and Alpine Adventures. He did not care if the trees were planted on his property or the property belonging to Alpine Adventures. Understanding that there would never be no noise coming from the park, if a noise barrier was planted, he would no longer have an issue with the park.

Woodward talked about increasing the height of the wall/fence on the right hand side of the ramp. Woodward said they have recently added four feet (4') to the height of that wall.

Champagne said that he would like to put his request for an evergreen barrier on the record. Champagne asked Robinson and Woodward if Alpine Adventures owners were willing to put in some evergreen trees, on either their property or on Champagne's property, to create both a privacy barrier and a sound barrier so the sound would not directly impact his property. Robinson said that they could come in with a backhoe or excavator and do that.

Holly Anderson said that when she and Trevor Ayotte bought the Thompson's house they understood that there were issues with both privacy and noise from Alpine Adventures. They were prepared to deal with those issues. However, in their opinion, the back of the slide is an “eyesore” that they did not anticipate; the wall that was erected is comprised of unattractive exposed plywood and 2x4's. Anderson said that she thought the owners of Alpine Adventures should realize it was also important to maintain their neighbors' view of the landscape. The slide is a two tone structure with a huge piece missing. Anderson said she understands the curb appeal on Main Street is important, but the abutters' views were also important. In this case she and her neighbors are looking at the “ugly backside of the park”. Anderson invited the representatives of Alpine Adventure to her back yard to see what she sees.

Champagne stated that same reason is partly why he is looking for Alpine Adventures to plant evergreens between them. This time of year when the leaves are gone, he has the same type of unattractive “backside view” of Alpine Adventures that Anderson and Ayotte explained.

Pauline Angwin explained that she was representing her daughters who own the house on land that abuts Alpine Adventures property. Angwin read a letter from her daughters:

Dear Carole,

Thank you for forwarding the site plan for the Alpine Adventures request for review. We are not able to attend the meeting but wanted to express our thoughts to the Planning Board.

As an abutter, we do not have objections to the addition of 4 posts in the Village Center zoned portion of the property. We would like to be informed if there are changes to this plan prior to or during the meeting.

We would like the planning board to be cautious with this property in light of the issues that occurred when the ramp was inappropriately added to the Residential Zoned portion of the property. The ramp usage has been a tremendous detriment to our property value and to the LaBrecque neighborhood in general.

Thank you for your cooperation.

Denise Angwin and Diane Angwin
7 LaBrecque Street

Motion to close the public hearing.

Motion: John Hettinger

Second: Ron Beard

All in favor: (5-0)

The Board voted on the requested waivers as follows.

7. *The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaped and open space areas will be retained.*

Robinson said that he was requesting this waiver because the impact to the ground is only four (4) posts and they do not anticipate having to change any landscaping in order to install the posts. The front portion of the lot is well landscaped so there is nothing related to this project that will change impacts to the landscaping or open space areas.

Hettinger asked about the evergreen trees that Champagne was requesting. Robinson said that although the trees were not related to this project he would be happy to work with Champagne no matter whose property the trees are planted on.

Hettinger asked if the Board should make the planting of evergreens part of this approval. Robinson said that planting trees along the boundary of the property is unrelated to this project. Chair Spanos said that Champagne and Robinson were going to meet on their own and work it out between them.

Selectman Ham cautioned the Board about making the planting of trees along the rear boundary lines a condition of approval for this application. In Selectman Ham's opinion, if the parties agree to plant the trees on Champagne's property that agreement would not have anything to do with this application.

Bont asked who was going to pay for the trees. Chair Spanos said that issue was not yet decided.

Bont asked the Planning that if the parties did not come to some resolution would they need to come back to the Planning Board for review. Chair Spanos said that the Planning Board would reserve the right to hold another hearing if the applicant and the abutter do not come to a resolution.

Bont said that the Site Plan Review is not limited to consideration of the four (4) poles that are proposed in this application. The Site Plan Review process gives the Planning Board an opportunity to review the whole picture. The Planning Board members know the Applicants are trying to say that the Planning Board's review of the Site Plan Review Application is just limited to those four poles and the climbing structures attached, but that is not really how the Site Plan Review process works.

Chair Spanos asked if the parcels are deeded separately. Robinson said that Alpine Adventures is comprised of three (3) parcels and each of the three (3) parcels were deeded separately

Hettinger said that the Planning Board should be sure that the neighbors are happy.

Chair Spanos said that the Site Plan Review Application did list all three (3) lots on the application. Chair Spanos said that the Board could grant the waiver and still make the rear screening part of the approval.

Hettinger said he agreed that the condition was contingent upon the abutter being satisfied with the rear screening.

Fire Chief Beard said that is similar to what the Planning Board did with the sign for the Holiday Inn Express & Suites Hotel.

Ham asked when Alpine Adventures was intending to build. Robinson said that they would be starting on the project right away.

Ham said that the trees wouldn't be planted until spring.

Robinson said that if the Planning Board wanted to make a condition of the approval that an evergreen barrier be planted between Champagne's lot and the park, on either side that can be worked out. Where the fence is located there are a couple of feet of land owned by NLI, Inc., on the back side of the fence. Robinson said that if the Planning Board wants to make a conditional approval providing that an evergreen barrier be built on the back boundary, "we are fine with that".

Woodward said that if the Planning Board is requiring an evergreen barrier be built as a condition before they can begin to build the poles, that would not work for Alpine Adventures.

Champagne said that he was happy to have the evergreens planted on his land so that valuable space in the park would not be taken up with trees. Planting the evergreens in the spring was okay with Champagne as long as Alpine Adventures agrees that as part of this project, they will plant an evergreen barrier. Robinson said. “Okay, we’ll do that”.

Ham asked about dressing up the back of the slide. Chair Spanos said that “dressing up the back of the slide” would be part of the Site Plan Review approval. What the representatives of Alpine Adventures are saying is that they do not want to put this information on the Site Plan Review Approval because they “think it is not pertinent to what they are doing”.

There was a brief discussion about the application process.

Motion to grant a waiver on item 7.

Motion: John Hettinger Second: Norman Belanger All in favor: (5-0)

8. <i>Existing and proposed topography of the site at two (2) foot contour intervals.</i>

Robinson said that the site was not surveyed for topography. The lot itself is a fairly level lot and the area the applicant is proposing to disrupt is a flat parking lot. All that will be disturbed is the location where they have to dig four (4) post holes.

Bont said that in the Village Center the “structure” must be five feet (5’) from the front boundary line.

Motion to grant a waiver on item 8.

Motion: John Hettinger Second: Tamra Ham All in favor: (5-0)

11. <i>The location of all buildings within fifty feet (50’) of the site and the location of all intersecting roads or driveways and utilities (water, sewer, electrical, cable, telephone) within two hundred feet (200’).</i>

Robinson said that the map they had drawn does not go out two hundred feet (200’). Robinson described the map and explained that this application does not affect the abutting lots in any way. Robinson added that the map also does not show the water, sewer, electrical and cable because these utilities will not be affected by the proposed project.

Hettinger asked if there are any utilities under where the poles will be installed. Robinson said there is a water line in the vicinity. The water line is shown on the plan and the poles are well away from that line.

Spanos asked if they would call Dig Safe. Robinson said that they have to.

Motion to grant a waiver for item 11.**Motion: John Hettinger****Second: Ron Beard****All in favor: (5-0)****24. Stormwater drainage plan showing:**

- a. The existing and proposed methods of handling stormwater runoff.*
- b. The direction of flow of the runoff through the use of arrows.*
- c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.*
- d. Engineering calculations used to determine drainage requirements.*

Robinson said that the subject property is a relatively flat piece of land. The stormwater drainage is adequate and has been. Digging four (4) post holes will have zero effect on stormwater drainage.

Motion to grant a waiver on item 24.**Motion: John Hettinger****Second: Ron Beard****All in favor: (5-0)****26. The size and location of existing and proposed public and private utility connections, including provisions for fire protection.**

Robinson said that there will be no changes to utility connections and no provisions for fire protection other than waiting for the Town's fire truck.

Hettinger asked if the poles next to the house block doorways or access. Robinson said, "No".

Motion to grant a waiver on item 26.**Motion: John Hettinger****Second: Ron Beard****All in favor: (5-0)****27. The location and type of all existing and proposed lighting for all outdoor facilities.**

A short discussion concluded that no lighting will be changed as a result of this application.

Motion to grant a waiver on item 27.**Motion: John Hettinger****Second: Norman Belanger****All in favor: (5-0)**

Chair Spanos asked Bont if the application is complete. Bont recommended that the application be accepted as complete.

Motion to accept the application as complete.**Motion: John Hettinger****Second: Ron Beard****All in favor: (5-0)**

Robinson showed pictures of the proposed ride to the Board. They discussed esthetics and noise buffers.

Motion to approve the application with two conditions.

Conditions:

1. Come to an agreement with abutter James Champagne over the planting of evergreens on the boundary line in the back of the Alpine Adventures lot for the purpose of privacy and noise reduction.
2. Create an esthetically pleasing look from the Trevor Ayotte and Holly Anderson's lot looking toward the back of the slide and fence.

Motion: John Hettinger Second: Norman Belanger All in favor: (5-0)

Bont reminded the applicant to apply for and obtain a Land Use Permit before starting to build.

B. 6:00 P.M. Case # SPR 2016-09 M105 L027 Whales Tale – NLI – Pro Surf Ride™

Application for Site Plan Review approval for expansion of use to add another attraction – Pro-Surf Ride™, walkways, deck area & 12'X32' attached mechanical building.

Applicant O.J. Robinson, President of NLI, LLC, PO Box 67, Lincoln, NH 03251 currently operates the tourist attraction called “Whale’s Tale” on property owned by NLI, LLC, 481 US Route 3, (Tax Map 105, Lot 027). Whale’s Tale is located on 17 acres and currently has 12 water attractions, two restaurants, one retail shop, a first aid station and various support buildings. The property is located in the General Use (GU) District.

*Upon a finding by the Board that the above Site Plan Review (SPR) applications meet the submission requirements of the Land Use Plan Ordinance and Site Plan Review Regulations, the Board will vote to accept the applications as **complete**, and, if the Planning Board finds the applications to be complete, then a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, an applications will stay on the Planning Board agenda until such time as it is approved, approved with conditions or disapproved.*

Rompney was seated. Fire Chief Beard was unseated.

Pro Surf Ride

Robinson and Woodward presented on behalf of Whale’s Tale. Robinson explained how the Pro Surf ride works and explained the different maps and plans that they submitted to the Planning Board. The new ride will sit relatively close to the US Route 3 side of the lot and the south end of the Whale’s Tale lot. The back section of the ride is comprised of a pump and mechanical room. The ride is thirty-two feet (32’) feet wide, fifty-two feet (52’) long and twelve feet (12’) deep. The ride itself is a preformed wave with a pool underneath it.

Woodward stated that the ride is a forty-five thousand six hundred (45,600) gallon swimming pool with a form placed inside where the water is pumped over to allow surfing. The ride has its own pump house and filter system.

Hettinger asked if the water needed to be cooled. Woodward said, “No” however, he said that he thought that, depending upon the time of year, they may heat the water.

Bont said that the plan notes read that the fill water for the ride will be taken from the onsite pond. Town water will be used for make-up water and cleaning purposes. Backwash water will discharge to town sewer via existing connections. Bont asked if this will create a water and sewer tap fee issue. Robinson said, “Correct”.

Hettinger asked how many gallons of municipal water the ride would use per day. Robinson said that the initial fill of the pool will come from onsite pond water, but after the ride is up and running the daily make-up water (which does not tend to be a lot) will come from the Town’s municipal water system. This is a surf ride which is more like a pool where people will be getting out with a wet bathing suit. Robinson said that this ride is not like one of the big water rides where gallons of water could splash out like a tube ride.

Vice Chair Romprey asked if the current town water used on site is metered. Robinson said that they are asking to use town water for “make-up” on this ride. The park currently does not use town water for “make-up” on any of its rides. The only reason they are asking for this ride is because it is not practical to pipe water over to that corner of the lot. Currently all the other rides are piped together.

Bont asked how tall the building would be. Robinson said the building is fifteen feet (15’) high at the peak, but since the pool is partially in the ground the roof does not actually stick up fifteen feet (15’). Robinson that only ten feet (10’) would be above ground.

Hettinger read on the plan that the ride would use between twenty five and eighty (25-80) US gallons per day.

Woodward asked if water tap fees were required to be paid for a swimming pool. The answer was yes. Woodward asked, if Town water is not used to fill the swimming pool, and only twenty-five (25) gallons per day was used for “make-up” water, would that still require the full pool tap fees. Town Manager/Planner Burbank said that the Planning Board does not have any say over whether or not to charge water and sewer tap fees. The Town Manager/Planner Burbank said that would be decided by his office and could be negotiated.

Motion to open the public hearing

Motion: John Hettinger

Second: Pat Romprey

All in favor: (5-0)

Stacey Conn said she was concerned about the view of Whale’s Tale from her yard. Conn would like a privacy fence along her back yard. There is a fence there today that is old, broken and in need of repair or replacing. Conn noted that she has seen lifeguards, other employees and perhaps guests acting inappropriately on the maintenance road behind her house. The maintenance road goes along the back of Conn’s lot. Conn said that recently Whale’s Tale cut down some trees, eliminating the privacy she previously experienced. In Conn’s opinion, a privacy fence could help address the issues that she raised.

Robinson said that he is also a neighbor to the Whale’s Tale. Robinson noted that there is ample vegetation between the maintenance road and Hanson Farm Road. The trees that were recently

cut were located behind Robinson's lot. Robinson believes that there is still quite a bit of vegetation between the area cleared for this ride and the lot that Conn lives on. This time of year where there are fewer leaves on the trees the vision into the park would be greater, but in the summer months when the Whale's Tale park is open, the leaves on the trees would block most of the vision to the park.

Vice Chair Romprey asked how long a fence would need to be installed to block the view Conn was referring to. Robinson said that he believes that Conn is asking Whale's Tale to erect a fence along the entire length of her property that abuts the Whale's Tale. Robinson said that if Conn can see through the trees she would be looking at the back of the utility room.

Vice Chair Romprey asked if there was a fence around the place this ride was to be located. Robinson said that there is a chain link fence around the park. Conn said that there is a fence but it has not been maintained, is broken in places and people can walk right through the fence.

Vice Chair Romprey suggested Whale's Tale install a green wire cloth available for chain link fences for both windscreen and privacy.

Motion to close the public hearing.

Motion: John Hettinger

Second: Tamra Ham

All in favor: (5-0)

The Board voted on the following requested waivers on the application:

9. Soil mapping units and unit boundaries.

Robinson said that the soil where the new ride will be located is dry river bed. This is the least intrusive item in the park because there is no foundation. Woodward said that there is no tower on this ride so deep foundations are not required.

Motion to grant waiver on item 9.

Motion: Pat Romprey

Second: John Hettinger

All in favor: (5-0)

20. Plan views of all buildings, either existing or proposed, with their use, size, location and floor elevations indicated.

Robinson said that the Planning Board was given copies of plans for the building. The back section of the building will be added on, where the pump station and maintenance room are. Robinson said that all of the other buildings have been there for years.

Bont said she did not see all of the buildings are on the plan. The plan appears to be from 2003 – 2004 and does not have all the buildings shown on it. Bont said that not having all the buildings showing on the plan makes it difficult to see how much impervious surface is in the park.

Robinson said that the second large map showing the entire property has all the buildings. Robinson said that if there was something missing he could not tell what it would be.

There was a brief period where all Board members looked at the larger maps while Robinson described each building.

Motion to grant waiver on item 20.

Motion: John Hettinger

Second: Pat Romprey

All in favor: (5-0)

21. A typical elevation view of all existing and proposed buildings indicating their height and signing.

Motion to grant waiver on item 21.

Motion: Pat Romprey

Second: Tamra Ham

All in favor: (5-0)

24. Stormwater drainage plan showing:

- a. The existing and proposed methods of handling stormwater runoff.*
- b. The direction of flow of the runoff through the use of arrows.*
- c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, detention basins and storm sewers.*
- d. Engineering calculations used to determine drainage requirements.*

Vice Chair Romprey asked if there was an existing Stormwater Drainage Plan. Robinson said that there is not a Stormwater Drainage Plan. The southern part of the property is where the water settles now and will be untouched.

Town Manager/Planner Burbank asked if this new proposed structure would change the drainage. Robinson said, “No, it will not”. Woodward said that it is a grass area.

Woodward said that the pool will catch the rain and may mitigate some of the rain runoff.

Motion to grant waiver on a, b, c and d of item 24.

Motion: Pat Romprey

Second: Tamra Ham

All in favor: (5-0)

28. Copies of all applications submitted for applicable state approvals and permits.

Robinson said that Whale’s Tale cannot apply for a pool permit with the State of New Hampshire until the Town approves it.

Motion to grant waiver on item 28.

Motion: Pat Romprey

Second: John Hettinger

All in favor: (5-0)

31. Illustration of fencing, walls and buffers.

Robinson stated that the maps show where the fence and the buffer are. It is not shown as a visual illustration, but only as a flat plane. The buffer zone is shown as vegetation.

Vice Chair Romprey asked Robinson if Whale's Tale was willing to install the green blocking mesh on the fence for privacy for its abutter, Stacey Conn.

Ham asked how high the fence is. Robinson said the fence is six feet (6') high. Conn said she thought that the fence looked like it was only about five feet (5') above the maintenance road.

Vice Chair Romprey asked if the 6 foot fence was below grade. Robinson said that the maintenance road was built up to provide both a visual barrier and a sound buffer between the two properties. Robinson described the maintenance road and said that they will take a look at the fence along the road and may put up a visual barrier behind Conn's yard along the fence.

Vice Chair Romprey asked Conn how much of the fence she thought would need to be privatized. Conn said about fifty feet (50') needs to be blocked, but the fence itself also needs to be repaired. Robinson said that he agrees, if the fence is down, it needs to be fixed.

Ham stated that the fence should be fixed and a visual buffer installed. Robinson agreed that the visual buffer should go from his property line to the box trailer on Conn's property.

Daryl Lavigne asked if there would be any music on this ride. Robinson said, "No".

Motion to grant waiver on item 31.

Motion: John Hettinger Second: Pat Romprey All in favor: (5-0)

Chair Spanos asked Bont if the application is complete. Bont recommended that the application be accepted as complete.

Motion to accept the application as complete.

Motion: Pat Romprey Second: John Hettinger All in favor: (5-0)

Motion to approve this application with four (4) conditions:

- 1. Broken fence along south side of lot to be repaired;**
- 2. State permits are obtained;**
- 3. Screening or vision buffer is installed along the fence that is on the south property line from the property line between Conn and property owned by Robinson and Thomas to a box trailer on property owned by Lavigne (about 50 feet).**
- 4. Water and Sewer tap fees are paid to the Town of Lincoln associated with water used on this ride.**

Motion: Pat Romprey Second: John Hettinger All in favor: (5-0)

Tamra Ham stepped down as the Selectmen's Representative on the Planning Board. Robinson was reelected.

C. 6:00 P.M. Roy Whitaker, Lincoln Sign Company – replacement of supersized Comfort Inn Signs with smaller, but still noncompliant Holiday Inn Express Signs – Requesting Guidance for business replacement signs prior to revising Sign Ordinance. Do all replacement freestanding signs that exceed twenty-four (24) square feet need to go to ZBA when changing out the largely noncompliant sign with a less noncompliant sign?

Roy Whitaker, representing the Holiday Inn Express, came to request guidance from the Planning Board about erecting a replacement freestanding sign at the Holiday Inn Express (location of the former Comfort Inn).

Bont said that every time someone comes in for a new sign that is noncompliant they have to go to the ZBA. Bont explained that the Town is currently on hiatus with its enforcement of the current municipal sign ordinance. The Town will have to modify the sign ordinance to be in compliance with the recent Supreme Court case, requiring sign ordinances to be “content neutral”. The amendments to the sign ordinance probably will not be adopted this year. This applicant is not the only applicant who has this problem, but he has the best case scenario to illustrate the problem to the Planning Board.

Whitaker said the existing Comfort Inn sign is large: twelve feet by twelve feet (12'x12') or one hundred forty-four (144) square feet. Whitaker said that the Planning Board at that time allowed the big nonconforming sign because that sign was the Comfort Inn's only sign. The sign that the Holiday Inn Express would like to replace the big sign with a smaller sign of ten feet by five feet (10'x5') or fifty (50) square feet. When the Holiday Inn approached the Lincoln Sign Company to create the sign, they did not pay attention to the structural size in the ordinance. They want to replace the massive flex based sign with a better looking sign, not as large, but still larger than the ordinance allows.

Whitaker said the existing twelve feet by twelve feet (12'x12') 144 square foot sign Comfort Inn sign was internally lit. Bont said that the maximum size for internally lit signs in the ordinance is twenty-four (24) square feet.

Whitaker said that the follow up story of the Comfort Inn is that after the Planning Board allowed the big sign the Clarks built the Hobo Hills Golf course sign down the street. The Comfort Inn has sign space on the Hobo Hill Golf sign as well. Bont said that the sign at Hobo Hills Golf is an “off premise” sign for the Comfort Inn and she could not find a sign permit for it. Whitaker said that the Comfort Inn had the top spot on the sign located on the Hobo Hills Golf sign on the Hobo Hills Golf property. When they swapped out the Comfort Inn sign for the Holiday Inn Express sign they had to reduce the size of the sign to make it fit on the current posts.

Town Manager/Planner Burbank said that many of the signs in Town are in violation of the Sign Ordinance portion of the Land Use Plan Ordinance. In order to be in compliance by the deadline of January 1, 2017, many businesses will have to go before the ZBA for approval of a Special

Exception for their noncompliant signs. Many of these signs are larger than the ordinance allows.

The Planning Board had a long discussion about the sign ordinance and the size of many existing signs. Town Manager/Planner Burbank said that the way the sign ordinance is currently written, makes it very difficult for the Town staff to treat all applicants fairly.

Whitaker said he thought that parts of the ordinance were too restrictive but other parts not restrictive enough. The Planning Board asked Whitaker if he was willing to help them rewrite the ordinance to fix the “gray” areas. Whitaker said he would be willing to help.

After another discussion about the Holiday Inn Express sign, the Planning Board decided to recommend that Whitaker apply for a Special Exception from the ZBA for the oversized sign.

VI. CONTINUING AND OTHER BUSINESS (PORTION ONLY) (Staff and Planning Board Member/Alternates).

D. 6:00 P.M.: Master Plan Update 2016: To all residents, property owners and interested persons – The Planning will hold a fourth Public Hearing on the proposed 2016 Update to the 2003 Master Plan.

- a. Digital draft of the proposed 2016 Master Plan update is available on the Town website at www.lincolnnh.org (link on the right hand corner of home page).
- b. Digital copy of the old 2003 Master Plan is on the Town website at www.lincolnnh.org (under Links on the top of the left hand side of the Planning Board page)

A hard copy of the Master Plan can be read at the Town Offices and at the Lincoln Public Library

- *Town Offices are open Monday – Friday 8 AM – 4:30 PM*
- *Lincoln Public Library is open Monday – Friday 10 AM – 8 PM, and Saturday 10 AM – 2 PM*

The Planning Board discussed the map to be included in the Master Plan to show the lots in the downtown area that were suggested to be added to the Village Center (VC) District.

Bont explained the maps so that everyone could understand what they were looking at.

1. **First Map:** The first map was what came out of the comments from both the Planning Board and the residents at the last Planning Board meeting.
2. **Second Map:** The second map was requested by Callum Grant and added the three (3) Common Man lots shown in *turquoise blue* and are all currently in the General Use (GU) District, to the proposed Village Center (VC) District.
3. **Third Map:** The third map was requested by Chair Spanos and included the seven (7) lots that were shown in *dark purple*, and are all currently in the General Use (GU) District, to the proposed Village Center (VC) District.

Vice-Chair Romprey said he did not agree with the proposed Master Plan's updated "Vision". Vice-Chair Romprey said that it was not possible to maintain the "Mill Town look" because the "Mill Town look" was gone 15 years ago. The Town was now a tourist town and no longer a mill town.

Hettinger said that the intention of the "Vision" was to keep only the characteristics of the Mill Town in architecture.

Robinson read the Master Plan Vision from Chapter 2:

"The Master Plan is based on a vision for Lincoln that ensures that we remain a small, attractive New England town that welcomes a diversity of visitors to our beautiful and unique White Mountain setting while providing a high quality of life for all citizens. Where the local government cultivates a vibrant economic climate that achieves sustainable economic growth; works to promote availability of housing for existing and new residents of all ages; ensures public access to the many recreational and natural resources; and promotes safety, equality, and a strong sense of place."

Vice-Chair Romprey disagreed with the "Vision" statement. Robinson said he felt that the "Vision" statement was correct and had no problem with it. Hettinger said that in the responses to the Master Plan Update surveys, which is what people requested. Hettinger wanted to hear from the residents who were present at the meeting tonight.

Motion to open the public hearing.

Motion: OJ Robinson Second: John Hettinger All in favor: (5-0)

Ham asked the Planning Board which map the Planning Board was favoring. Chair Spanos said that had not been decided.

There was a brief discussion about the maps and an explanation for the residents about which zoning district designation would be more restrictive, General Use (GU) District versus the Village Center (VC) Districts.

All residents were in favor of the second map suggested by Callum Grant that added the three (3) Common Man lots to the Village Center (VC) District.

A long discussion ensued about the maps, why the changes in residential areas were recommended and why the changes in the zoning district designation for lots behind Main Street were recommended only in certain areas.

Motion to close the public hearing.

Motion: John Hettinger Second: OJ Robinson All in favor: (5-0)

Chair Spanos polled the Board to see which maps, if any, they would like to approve for the Master Plan.

Map #2: Hettinger said he liked the suggestions from Callum Grant of adding the three (3) Common Man lots. Chair Romprey said, “No.” Vice-Chair Spanos clarified that Chair Romprey did not agree with Callum Grant’s map.

Robinson said that the proposed expansion of the Village Center (VC) District zoning designation is a contentious issue among the people who would be most affected by this recommendation. Robinson said that initially the Planning Board looked at expanding the Village Center (VC) District into the various residential districts along the Main Street. They received a lot of push back from that suggestion. Extending the Village Center (VC) District along Main Street, further south to McDonald’s and further north toward the Nordic Inn and up to the Green Acre Woodlands-Marcalus property, including the three (3) Common Man properties, has not been controversial. The Planning Board’s proposal to expand into the residential neighborhoods behind the businesses along Main Street is the proposal that they have received the most push back from. Consequently, the Planning Board has retracted from changing the zoning district designation for most of those residential areas. Robinson then suggested that more than one map could be included in the Master Plan. Robinson did not think that by including the proposed Extension of the Village Center (VC) District map the Planning Board was requiring an immediate vote at the annual Town Meeting to make zoning changes. The Master Plan is a long term, ten (10) year plan, not something that needed to be adopted within the next five (5) months. Robinson suggested the possibility of putting all (3) three maps in the Master Plan with the possibility of expanding the Village Center (VC) District and noting that the maps were discussed by the Planning Board only as a “Vision”.

Town Manager/Planner Burbank said he would caution the Planning Board that the Master Plan should be as clear as a vision could be, and if they inserted multiple maps, it is going to get confusing. People will not understand what the “Vision” was.

Vice-Chair Romprey said he feels that the whole town should vote on this. Robinson said that the whole Town does not vote on the Master Plan.

Town Manager/Planner Burbank said that if the Planning Board puts multiple maps into the Master Plan and an outside developer comes in and the developer looks at the next ten (10) year vision, they will not be sure about what the Planning Board wants because there are four (4) different maps listed. If the townspeople and the developers use the Master Plan the vision and the development can work in harmony, but if you start putting four (4) or five (5) maps in the Master Plan it becomes confusing. Town Manager/Planner Burbank said that the Planning Board saw the potential for confusion here tonight. With 3 or 4 maps at the meeting everyone was confused and there was no defined meaning.

Hettinger said that he likes the same map that the residents like, however, he advised that the map “is not etched in stone”.

Belanger said that if the Planning Board could decide upon one (1) map that decision will eliminate a lot of potential ambiguity. Belanger also thought that pushing the Village Center (VC) District back further might push the Village Center (VC) District too close to Pollard Road which could cause problems in future years.

Fire Chief Beard said he thought that the “Vision” should not just be the vision of individual members of the Planning Board, but rather it should be the peoples’ vision. If the townspeople are happy with what was selected, that is what should go into the Master Plan. It could be changed in the future and if someone wants to come in and develop property that is outside of this “Vision” they can go through the process.

Town Manager/Planner Burbank recommended that the Planning Board should choose one (1) map. Bont agreed; she said she would go with one map.

Chair Spanos said that there are three (3) options:

1. The original map;
2. The revised map with the downtown residential lots removed; and
3. The third map with three (3) additional lots added at the suggestion of a Board member.

Motion to adopt the Master Plan with the original map (1) as Land Use.

Motion: Pat Romprey

Second:

Motion fails.

Motion to include map number (3) with adoption of the Master Plan.

Motion: OJ Robinson

Second: John Hettinger

All in favor: (3-1)

Chair Spanos abstained.

Capital Improvement Plan (CIP) Update 2017

Hettinger explained that all the yearly calendar projects are listed along with five projects which are funded by bonding.

- Proposal to replace the river intake gallery (done and paid off)
- Beechwood I paving and drainage repairs. (under construction)
- West Street reconstruction (2017)
- East Branch Pemi Levee (stuck in red tape)
- Sidewalk on Pollard Road (2017)

Total dollars budgeted for fiscal year 2017 is one million three hundred thousand dollars (\$1,300,000) dollars which includes the debt service for the bonded projects. This represents a decrease of five tenths of a percent (0.5%) over what was budgeted last year. CIP has been fairly constant year after year. The town can thank Fire Chief Ron Beard for this year’s reduction because of the good deal on the new (used) fire truck that the Town was able to purchase.

Motion to open the public hearing.

Motion: John Hettinger

Second: OJ Robinson

All in favor: (4-0)

Mary Conn

Conn asked for someone to explain what she sees when she looks at the numerical list versus the spreadsheet and asked, “When something is completed why is it not taken off the list?”

Chair Spanos said that some of these projects are reoccurring. Those projects stay on the CIP so that a budget can be reestablished for the next cycle.

Conn asks who decides what type of expenditures go into the Capital Improvement Plan (CIP) versus the Operating Budget. Chair Spanos explained that Department Heads make a request based on their priorities. The CIP Committee evaluates those requests and adds the requests to the CIP text and the spreadsheet.

Conn asked if the items in the text are numbered in order based on priority. Hettinger said the items are numbered in the text so you can match them with the numbers on the spreadsheet.

Conn asked why the spreadsheet is not online. Hettinger said that the CIP report is compiled using two different programs – Excel and Word. It is hard to upload a document comprised of two parts using two separate programs.

Conn asked the Planning Board how they determine who the members of the CIP Committee are. Hettinger said that the members of the CIP Committee are appointed by each Board or Committee required to be represented on the Committee. Robinson said that each group assigns a member. The Budget Committee, the Planning Board and the Select Board all appoint a member from their Board or Committee to be on the CIP Committee. The Town Manager also is a member of the CIP Committee. The Planning Administrator and Finance Manager are staff members assigned to assist the members of the CIP Committee.

Conn asked if there were any “outside people” on the committee. Chair Spanos tried to clarify what she meant by “outside people” Conn said she actually meant residents. Conn asked if any residents who were on the CIP committee. Chair Spanos said that the Select Board, Planning Board and Budget Committee must all be residents to serve on the Boards. Conn said she understood but said that the staff members are not residents. Spanos said, “Correct, but the residents are represented in the three board and committee members.” Bont said that the staff members do not vote. They just provide information to the CIP Committee members.

Ham said that she appreciates that the CIP Committee keeps the numbers fairly even every year so there are no big jumps and thanked the members of the CIP Committee for all their hard work on the CIP each year.

Motion to close the public hearing.

Motion: John Hettinger Second: OJ Robinson

Motion to approve the 2017 CIP as presented.

Motion: John Hettinger Second: OJ Robinson

Stormwater Management Ordinance – proposed revisions

Bont explained that the Stormwater Management Ordinance was adopted to address a problem. Bont said the Planning Board has approved a lot of potential development on tiny lots.

- First, the zoning ordinance allows fifteen thousand (15,000) square foot minimum lot size.
- Second, the zoning ordinance also allows clustering on top of the small minimum lot size. Some lots are 0.24, 0.27, and 0.28 acres in size.
- Third, the lots have a fifteen foot (15') setback. Consequently, the approved lots in the South Peak area are very small with an even smaller buildable area.
- Fourth, the Alteration of Terrain permits were approved for 2,000-2,100 square feet of impervious surface on the ground (including a “gravel driveway/parking area” which is not allowed in that zone). No one in that area is building a house that small. Consequently, the lots are being totally covered with impervious surfaces, causing run off issues downhill.

The Town responded by enacting the Stormwater Management Ordinance (SMO). In the SMO, there were two threshold levels:

1. Will the project disturb more than 15,000 square feet; and
2. Will the project disturb more than 50% of the lot.

These two thresholds would apply for both a single family residence and a duplex. If the projects disturbance reached those levels the developer had to perform Stormwater Management and erosion control measures.

As soon as the Planning staff started trying to interpret and enforce this ordinance we got some pushback from applicants because we did not have the language about 50% in the applicability section of the ordinance.

Bont explained that there was a lot of discussion between the Town Manager/Planner, the Town Planning Administrator, the Town Engineer and the Town Attorney about how to revise the Stormwater Management Ordinance so that it would provide the protections we need without overreaching.

Bont wants to know if the Planning Board would be willing to propose a modification of the language for the Stormwater Management Ordinance. Chair Spanos said he thought that some of the changes were significant.

Bont said that some of the applicants do not really need a full Stormwater Management Plan but can take care of the problems with less onerous erosion control measures. Whether someone needs an Stormwater Management Plan or an Erosion Control Plan, the Town Engineer has to review the plan and the installation. When the Town Engineer performs the third party review, the applicant should pay for the Engineer's time, not the Town.

Town Manager/Planner Burbank said that the changes in the language need to be in our ordinance. There was pushback from one applicant in particular that caused problems. After negotiating the situation came out “okay”. If we clean up the language in the Stormwater Management Ordinance it will help with future issues.

Bont and Town Manager/Planner Burbank continued to explain all the issues that come up with applicants that are building on steep terrain and small lots with stormwater issues.

Spanos said that the Planning Board members should take the draft version of the Stormwater Management Ordinance home and review it and this topic will be put on an agenda at an upcoming Planning Board meeting.

CONSIDERATION of meeting minutes from:

- October 26, 2016

Motion to accept the minutes of October 26, 2016 as amended.

Motion: John Hettinger Second: OJ Robinson All in favor: (4-0)

- 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 at 8:20 PM.

Motion: OJ Robinson Second: John Hettinger All in favor: (3-0)

Respectfully submitted,

Wendy Tanner,
Planning and Zoning Recorder

Date Approved:


James Spanos, Chairman