

APPROVED

**LINCOLN PLANNING BOARD
PUBLIC HEARING AND MEETING MINUTES**

Wednesday, November 10, 2021 – 6:00 PM
Lincoln Town Hall, 148 Main Street, Lincoln NH

This hybrid meeting will be available both in person with social distancing and via the Zoom Meeting Platform to allow for town wide participation. There is room in the room for between 8 and 12 guests in addition to the Board members. The public is encouraged to participate remotely using ZOOM by going to:

Join Zoom Meeting

<https://us02web.zoom.us/j/82251484647?pwd=TXU5WUYrNnNMbmVzdnMwSndlK1lxdz09>

Meeting ID: 822 5148 4647

Passcode: 477880

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for the same link, meeting ID and passcode.)

CALL TO ORDER: by Chairman Spanos

Present: Chair James Spanos, Vice Chairman Chenard (arrived via Zoom at 6:08PM), Selectmen's Representative O.J. Robinson, Member Stephen Noseworthy, Member Paul Beaudin. Alternate Mark Ehrman (via Zoom)

Staff Present: Fire Chief & Code Enforcement Officer/Health Officer/Zoom Host and Moderator Ronald Beard, Planner Carole Bont, Planning Board Recorder Judy Sherriff (via Zoom).

Guests:

- **Taylor C. Beaudin**, nonresident, Route 175 Woodstock, NH 03262, contractor who works for Lincoln Trucking and Excavating LLC, 177 Connector Road, Lincoln, NH 03785
- **Brenton (Brent) W. Drouin**, resident, 156 Black Mountain Road, PO Box 788, Lincoln, NH 03251-0788, and owner of same. Also, owner/broker of Century 21 Mountainside Realty, 49 Main Street, PO Box 788, Lincoln, NH 03251-0788.

I. CONSIDERATION of meeting minutes from:

• **October 27, 2021**

- (Chairman Spanos, Board of Selectmen's Representative O.J. Robinson, Member Steve Noseworthy, Member Paul Beaudin, Alternate Mark Ehrman)

**MOTION to approve as amended by Selectman's Representative O.J. Robinson
Second by Member Noseworthy
All in favor.**

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

A. Review of Capital Improvement Plan Budget – prepare for Public Hearing Scheduled for November 23, 2021.

CIP Discussion

Chairman Spanos asked Member Beaudin if he would like to present the changes made to the CIP to the Planning Board. Member Beaudin mentioned that the changes in the spreadsheet are highlighted in yellow. Member Beaudin will review and prepare for the Public Hearing scheduled for November 23, 2021.

CIP Chairmanship

Member Beaudin requested a change to the “By-Laws of the Capital Improvements Program Committee of the Lincoln Planning Board” (CIP) regarding the selection of the CIP Chairperson. He proposed having the voting members of the CIP Committee decide among themselves who the chairperson will be. Selectman’s Representative O.J. Robinson agreed that the proposed change made sense. Planner Bont clarified that CIP Chairperson will be elected by the CIP Committee’s voting members.

MOTION to change the selection of the CIP Chairperson to read “The CIP Chairperson will be elected by the CIP Committee’s voting members.” by Member Beaudin

Second by Selectman’s Representative O.J. Robinson

All in Favor

III. NEW BUSINESS.

A. General Discussion re: What to Propose for Changes to Land Use Plan Ordinance (LUPO) including, but not limited to:

1. Add to definitions:
 - a. Manufactured Mobile Home Park
 - b. Campground

Discussion/Brainstorming

The Planning Board discussed the definitions and details surrounding the following:

- Storm Water
- Parking
- Cement pads
- Setback requirements
- Manufactured Housing

How Should We Address Manufactured Housing?

Selectman's Representative O.J. Robinson suggested that "Manufactured Housing" as defined in the Land Use Plan Ordinance (LUPO) should be allowed anywhere that a "Single Family [Detached Dwelling]" is allowed.

Selectman's Representative O.J. Robinson suggested that if the "Manufactured Housing" is located in a "Manufactured Housing Park" with multiple manufactured housing units on a single parcel, the property should be considered commercial [i.e., a "Business Use" which falls under the "Business Uses" schedule under the Land Use Schedule in the Land Use Plan Ordinance (LUPO)] or, which falls into the General Use [(GU) District or] zone. As a "Business Use" the Manufactured Housing Park would be required to go through the Site Plan Review process, etc.

Selectman's Representative O.J. Robinson also suggested that the term "Manufactured Housing" be taken out of the definitions altogether and that the Town just call that type of housing a single family home (i.e., "Single Family Detached Dwelling") whether the house is "Manufactured Housing" or a stick built home. "Manufactured Home Parks" should have a separate definition and fall under commercial or "Business Uses" as shown on the Land Use Schedule.

Member Beaudin suggested adding "Manufactured Home" under the definition of "Single Family Detached Dwelling". More than one manufactured home on a lot would become a "Manufactured Home Park".

The Planning Board discussed areas in Town that do not allow "Manufactured Housing":

- Small Business District (SBD)
- Village Center (VC) District
- Village Residential (VR) District
- Mountain Residential (MR) District

They believe there is a possibility that "Manufactured Housing" would be allowed in Village Residential (VR) District because there is already some "Manufactured Housing" there.

[Note: Such a change would require an amendment to the Land Use Plan Ordinance to be voted on by the voters at the annual Town Meeting.]

Chairman Spanos mentioned that manufactured housing and stick building homes [Single Family Detached Dwellings] are treated the same under Lincoln's Land Use Plan Ordinance; they are both treated as a regular residential home. (For example, the minimum lot size and the setback requirements are the same.)

What Qualifies as Manufactured Housing? RSA 674:31 Definition of Manufactured Home

Using his phone, Member Beaudin read the following definition of Manufactured Housing as used in the NH State Statutes:

TITLE LXIV
PLANNING AND ZONING
CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS
Manufactured Housing
Section 674:31

674:31 Definition. – As used in this subdivision, "manufactured housing" means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.

Source. 1983, 447:1. 1985, 104:1, eff. July 9, 1985.

Member Beaudin read the definition of Manufactured Housing in the zoning ordinance (i.e., Land Use Plan Ordinance [LUPO]).

“Manufactured Housing – Shall have the same meaning as set forth in RSA 674:31.

Chairman Spanos and Selectman’s Representative O.J. Robinson discussed long-term residential use versus short term rentals and lot coverage.

Where Should Manufactured Housing Be Permitted?

The Planning Board discussed whether Manufactured Housing should be allowed and where to allow them. Currently, Manufactured Housing is **not** allowed in the following zoning districts:

- Small Business District (SBD)
- Village Center (VC) District
- Village Residential (VR) District
- Mountain Residential (MR) District

They opined that “Manufactured Housing” should be allowed in the Village Residential (VR) District because there is some “Manufactured Housing” there already.

Vice Chairman Chenard clarified that about fifteen (15) years ago after discussions with North Country Council, the Planning Board, decided to allow Manufactured Housing in most of the zoning districts in Town due to lack of affordable housing and the need for Workforce Housing in Lincoln. (See RSA 674:32.)

TITLE LXIV
PLANNING AND ZONING
CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS
Manufactured Housing
Section 674:32

674:32 Manufactured Housing. –

I. Municipalities shall afford reasonable opportunities for the siting of manufactured housing, and a municipality shall not exclude manufactured housing completely from the municipality by regulation, zoning ordinance or by any other police power. A municipality which adopts land use control measures shall allow, in its sole discretion, manufactured housing to be located on individual lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in manufactured housing parks and subdivisions created for the placement of manufactured housing on individually owned lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in all 3 types of locations. Manufactured housing located on individual lots shall comply with lot size, frontage requirements, space limitations and other reasonable controls that conventional single family housing in the same district must meet. No special exception or special permit shall be required for manufactured housing located on individual lots or manufactured housing subdivisions unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions. Municipalities permitting manufactured housing parks shall afford realistic opportunities for the development and expansion of manufactured housing parks. In order to provide such realistic opportunities, lot size and overall density requirements for manufactured housing parks shall be reasonable.

II. Notwithstanding paragraph I or any law or rule to the contrary, no zoning ordinance or bylaw shall prohibit an owner and occupier of a residence which has been damaged by fire or other disaster from placing a manufactured home on the lot of such residence and residing in such structure while the residence is being rebuilt. The period of such occupancy shall expire in 12 months from the placement of such structure or upon the issuance of a certificate of occupancy, whichever occurs first. Any such manufactured home shall be subject to state and local requirements relating to water supply and sewerage disposal. A manufactured home that is placed on a lot under this paragraph shall not attain the status of a vested nonconforming use.

Source. 1983, 447:1. 1986, 91:2. 1987, 378:1. 1993, 158:1, eff. July 23, 1993.

(Emphasis added.)

Proposed Changes to the Land Use Plan Ordinance

Selectman's Representative O.J. Robinson again suggested that manufactured housing should be allowed anywhere that a single-family house is allowed. If it is a park with multiple manufactured housing units on a single parcel, it should go under commercial use [i.d., Business

Uses], which falls into the General Use zone [General Use (GU) District] requiring Site Plan Review approval, etc. He also suggested that the term “manufactured homes” [i.e., Manufactured Housing] be taken out of the definitions of the Land Use Plan Ordinance (LUPO). He said the Town should just call that type of home a single-family home [i.e., Single Family Detached Dwelling] whether it is manufactured or stick built.

Selectman’s Representative O.J. Robinson again said manufactured home parks [Manufactured Housing Parks] should have a separate definition and fall under commercial use [Business Uses].

Member Beaudin again suggested adding manufactured home [Manufactured Housing] under the definition of single family [Single Family Detached Dwelling]. More than one manufactured home on a lot would become a “Manufactured Home Park” [Manufactured Housing Park].

Where Should Manufactured Housing Be Permitted?

The Planning Board discussed areas in Town that do not allow manufactured homes. They believe there is a possibility that the voters would support allowing manufactured homes in the Village Residential (VR) District as there are already some manufactured housing there.

Chairman Spanos mentioned that under the current LUPO, manufactured home and stick building homes are treated the same as any other regular residential home if they are built on single family lots.

Member Beaudin discussed the definition of “manufactured housing”. He wants to include “Manufactured Housing” in the “Single Family Detached Dwelling” description.

Manufactured Housing Parks

Member Beaudin then suggested the Planning Board add a new definition of “Manufactured Home Park” (i.e., Manufactured Housing Park), which would be a lot with more than one manufactured home.

Chairman Spanos agreed and mentioned that the definitions also would be added to the Land Use Schedule. He does not believe that “commercial uses” (i.e., business uses) belong in the residential neighborhoods (i.e., residential zoning districts).

Is Land Available for Manufactured Housing Parks in the Rural Residential (RR) District?

Selectmen’s Representative O.J. Robinson asked if Manufactured Housing should be permitted in the Rural Residential (RR) District by Special Exception.

Planner Bont referred to the large Town map on the wall in the conference room showing the different zoning districts in different colors. The map also shows how small the developed area is compared to the undeveloped areas of the White Mountain National Forest and the Franconia Notch State Park.

Planner Bont said there are only two (2) small general areas in Town available for development. Those two areas are located in two (2) small strips along and right behind the southern portions of the two major roadways: (1) one strip along US Route 3 [as far north as Indian Head Resort] and (2) one strip along NH Route 112/Kancamagus Highway [as far east as the end of Clearbrook Resort on the north and The Landing at Loon on the south]. The rest of the land in

Lincoln and along those two roadways is owned by either the United States as part of the White Mountain National Forest or the State of New Hampshire as part of the Franconia Notch State Park.

Planner Bont said that in those two (2) small areas available for development, the amount of land that is available for development in the Rural Residential (RR) District is even smaller. She pointed out the areas along US Route 3 of Bog Brook Road, Parker Street. She said that much of acreage in larger parcels of land not yet developed that are in the Rural Residential (RR) District is owned by members of the Clark family.

Member Beaudin expressed his opinion that allowing the ZBA to grant Special Exceptions for Manufactured Housing Parks is important to address the current lack of affordable housing.

Where Else in Town Should Manufactured Housing Parks Be Permitted?

The Planning Board discussed possible locations in Town where Manufactured Housing Parks could be located. The Planning Board discussed specifically which areas Manufactured Housing Parks should be allowed in and which areas they should not:

- Small Business District (SBD) – No
- General Use (GU) District – Yes
- Village Center (VC) District – No
- Village Residential (VR) District – Permitted by Special Exception
- General Residential (GR) District - Permitted by Special Exception
- Rural Residential (RR) District – Yes
- Mountain Residential (MR) District – No

Planner Bont will put together proposed warrant articles for the Planning Board to consider recommending for an amendment to the LUPO.

Note: NH RSA 205-A Title XVII Housing and Development, Chapter 205-A Regulation of Manufactured Housing Parks.

RSA 205-A:1 Definitions. –

As used solely in this chapter unless the context specifically requires otherwise:

I. "Manufactured housing" includes, but is not limited to, manufactured housing as defined by RSA 674:31, and also includes any prefabricated dwelling unit which:

- (a) Is designed for long term and continuous residential occupancy;
- (b) Is designed to be moved on wheels, as a whole or in sections; and
- (c) On arrival on the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connection with utilities, and placing on support or permanent structure.

Nothing herein shall be construed to include campers or recreational vehicles within the definition of "manufactured housing".

II. "Manufactured housing park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing.

III. "Person" means any natural person, corporation, partnership, or sole proprietorship.

IV. "Tenant" means any person who owns or occupies manufactured housing and pays rent or other consideration to place said manufactured housing in a manufactured housing park.

V. "Manufactured housing park owner" means the person holding title to the manufactured housing park to be sold.

VI. "Family member" includes the owner's spouse, son, daughter, mother, father, brother, sister, grandson, granddaughter, stepchildren, stepgrand-children, or first cousins.

VII. "Final unconditional offer" means a fully executed agreement for the sale of a manufactured housing park.

Source. 1973, 291:1. 1983, 230:10, 18. 1985, 333:1. 1987, 383:1, eff. May 26, 1987.

Emphasis added.

MOTION to open for public input by Selectman's Representative O.J. Robinson
Motion approved.

Realtor Brent Drouin said he recently sold a small lot with an existing mobile home that was not worth living in. The purchaser will be fixing up the old mobile home for the winter and once a new mobile home arrives, the purchaser will remove the old one. He said this scenario will allow someone to have a less expensive housing option. It would be helpful if a purchaser could replace an old mobile home with a new one that does not have to be the same size or smaller than the old one in a zoning district where a new manufactured home is not permitted.

Manufactured Housing or Tiny Houses in a Manufactured Housing or Tiny House Park

Realtor Brent Drouin said he feels that tiny homes are going to be really popular going forward. He has heard from local investors and developers who want to build something that would make the affordable rent for the square footage cost effective to build. If the LUPO would allow developers to utilize small parcels to develop Manufactured Housing Parks or tiny house parks that would create a greater capacity for developing workforce housing.

The Planning Board held a discussion comparing permanent housing and temporary housing.

Realtor Brent Drouin reminded the Planning Board that a number of local businesses in Lincoln hire J-1 employees all of whom require temporary housing. He thinks if the Town allowed tiny houses that could help provide temporary housing for J-1 employees and other employees. Selectmen's Representative O.J. Robinson expressed concern that a developer could put in a number of tiny houses and then turn around and rent them out as short-term rentals on Airbnb which would not be helpful for workforce housing.

Note: What is a J-1 Employee?

A J-1 visa is a non-immigrant visa issued by the United States to research scholars, professors and exchange visitors participating in programs that promote cultural exchange, especially to obtain medical or business training within the U.S. All applicants must meet eligibility criteria, English language requirements, and be sponsored either by a university, private sector or government program. 353,300 J-1 visas were issued in 2019.

https://en.wikipedia.org/wiki/J-1_visa

Member Beaudin said that the issue of housing for transient and J-1 employees is important. He thinks that the businesses that use J-1 employees should come up with a plausible alternative to house J-1 and transient employees. In the short term, however, he feels that the Town should allow for the creation of Manufactured Housing Parks as a way for people who cannot afford to purchase a big lot to have affordable housing.

The Planning Board discussed various potential scenarios involving manufactured housing.

- Subdividing a lot and putting a mobile home on it.
- Adding a mobile home to a lot that already has one manufactured home and making it a mobile home park.

Currently, the minimum square footage for a lot is the same for manufactured housing as for stick built single family home in all districts where manufactured housing is permitted and would apply in both scenarios.

Realtor Brent Drouin stressed that the Town will need to work with developers to make affordable housing possible, from a financial stand point. The Town could start by granting Special Exceptions for Manufactured Housing Parks which would help the Town to gain more “workforce housing”.

What is meant by the term “workforce housing”?

A: RSA 674:58, IV defines the term “workforce housing” under two different categories: housing for sale and housing for rent. Housing for sale qualifies as “workforce housing” if it is “affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.” Rentals, in contrast, qualify as “workforce housing” if they are “affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.”

There are several exclusions contained within these definitions. Housing developments which contain restrictions excluding minors from more than 20 percent of the units – think senior-only housing – or in which more than 50 percent of the dwelling units have

fewer than two bedrooms – think apartments designed for singles or couples – do not constitute workforce housing.

<https://www.nhmunipal.org/town-city-article/legal-qa-what-municipalities-need-know-about-%E2%80%9Cworkforce-housing%E2%80%9D>

Realtor Brent Drouin also stressed that the Town is in great need of adequate parking. There are developers who would be willing to develop housing in the downtown area allowing for more workforce housing and low-income housing. This would allow workers to walk to work or businesses could offer a shuttle for their employees [both of which would also reduce the need for additional parking for employees].

Chairman Spanos said the Town could restrict the occupancy to a minimum of one hundred twenty (120) days or something similar. Member Beaudin said he is opposed to that idea as it would require additional enforcement.

Realtor Brent Drouin agreed that it would be appropriate to include a requirement that a Manufactured Housing Park be for permanent residents because people who want to rent from Airbnb would most likely not want to rent workforce housing or mobile homes.

Member Beaudin explained that his intention is to allow people with lesser means to live in Town and “get a start”.

Vice Chairman Chenard added that there is an opportunity to increase the density up at Loon Mountain Recreation Ski Area and in other areas in Town. A developer could build Multi-Family Housing and dedicate a certain percentage of the apartments to “workforce housing”. These “workforce housing” apartments cannot be sold or used for any other use and would increase the density of affordable housing. The State provides educational programs about workforce housing by NH Housing Finance Authority in Concord NH. NH Housing Finance Authority has literature available that explains this type of development.

The Planning Board agreed these are good ideas but the matter at hand is the definition of “Manufactured Housing”, “Manufactured Housing Park” and “Campground”.

Vice Chairman Chenard explained that he wanted to give the Planning Board this information as it could be an option for low-income housing and should be discussed in the future.

MOTION to close public comment by Selectmen’s Representative O.J. Robinson

Second Chairman Spanos

All in favor

Manufactured Housing Discussion Conclusion

Chairman Spanos concluded the discussion and mentioned that the Planning Board will:

- Adjust the Land Use Schedule
- Find a good definition for a Manufactured Housing Park
- Include “manufactured housing” with “single family home”.

Planner Bont wondered if there was already a definition of “Manufactured Housing Park” in the NH state statutes. Planner Bont will look up the State of NH’s definition of “campground” and provide a copy to the Planning Board members. (See attached **Appendix A**. Title XVII Housing and Redevelopment, Chapter 205-A Regulation of Manufactured Housing Parks – RSA 205-A.)

Member Beaudin added that the language in the definition should include language that says two (2) or more manufactured homes on a single parcel is considered a “park”.

Campground Discussion

The Planning Board discussed looking into the State of NH’s definition of a “campground”. It was noted that the occupants of tents, and trailers/campers are not the issue; rather the issue is with the camper and RV occupants who are living in campgrounds on a full-time basis.

Chairman Spanos added that the language in the definition of “campground” for the Land Use Plan Ordinance should include the provision that a person cannot establish residency in the Town of Lincoln at a campground.

Alternate Ehrman brought up the subject of tiny houses again. He feels that tiny houses should be considered permanent housing and allowing tiny house parks in the Town of Lincoln would help with workforce housing.

Planner Bont will look up the State of NH’s definition of “campground” and provide a copy to the Planning Board members. (See attached **Appendix B**. Title XIX Public Recreation, Chapter 216-I Recreational Campgrounds and Camping Parks – RSA 216-I.)

Chairman Spanos mentioned that in the General Use (GU) District and the Rural Residential (RR) District, campgrounds are allowed by Special Exception and the change to the LUPO would be to put “yes” in the Land Use Schedule under “Businesses Uses”. [See Land Use Plan Ordinance, Article VI District and District Regulations, Section B District Regulations, Paragraph 2 Land Use Schedule, Businesses Uses Chart on page 30.]

Planner Bont clarified that currently a “campground” is a permitted “Business Use” in the General Use (GU) District but the developer of the campground needs a Special Exception from the ZBA before proceeding. Unless the campground is already an existing campground, Site Plan Review approval also would be required.

Planner Bont said that if the Planning Board recommended changing the requirements for campgrounds by allowing a campground in the General Use (GU) District by right (“Y” for yes) instead of only by Special Exception (“SE” for Special Exception”) that would allow the developer to change the use of the existing “Manufactured Housing Park” to a “campground” without having to jump through two different hoops instead of one: (1) go through the Site Plan Review approval process before the Planning Board and (2) go through the Special Exception approval process before the ZBA. It would make sense to only have to go through one approval process.

Public Input

Chairman Spanos asked the audience if there was anyone from the public that would like to speak on the subject of campgrounds. There were no comments from the audience.

Definition of Campground:

Using his phone, Member Beaudin read a definition of “Campground” from the State RSAs: TITLE XIX Public Recreation, Chapter 216-I Recreational Campgrounds and Camping Parks, Section 216-I:1.

RSA 216-I:1 Definition.

VII. "Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 170-E:55, I.

The Planning Board agreed that the definition of campground read was a good definition. Planner Bont explained she can no longer access the NH RSAs on her computer; she thinks it is due to built-in security protection on the town hall’s computers. Member Beaudin agreed to research the RSA and send Planner Bont the information he finds.

2. Whether to Modify LUPO, Article III Applicability & Non-Conforming, Section C Nonconforming Uses, Paragraph 3 to direct expansions of non-conforming uses to the ZBA instead of the Board of Selectmen (The “Jasinski appeal process”)

Land Use Plan Ordinance (LUPO), Article III Applicability & Non-Conforming, Section C Nonconforming Uses, Paragraph 3 expressly states:

“A non-conforming use may not be expanded, except upon a finding by the Board of Selectmen or their designee that (a) the expansion reflects the nature and purpose of the existing non-conforming use so as not to constitute a different use and (b) the expansion will not have a different or detrimental impact on the neighborhood in which the use is located.

Discussion

Note: Earlier this year Appellants Lawrence & Doriann Jasinski who owned 196 Black Mountain Road (Map 130, lot 095) were told by the Planner that in order to expand the dimensional size of a nonconforming structure into the side setback area they needed a variance. By and through their attorney, they objected, citing this section of the Land Use Plan Ordinance and then proceeded to seek relief from the Board of Selectmen instead of the ZBA.

In response to this case discussed in earlier Planning Board meetings, Member Beaudin suggested taking out the language granting the Board of Selectmen jurisdiction to hear these matters out for review and replacing it with the Zoning Board of Adjustment which keeps the appeals of this type in line with the appeals scheme in the rest of the Land Use Ordinance.

Selectmen's Representative O.J. Robinson agreed that it is **not usual** for this type of issue to go in front of the BOS and should be in front of the ZBA instead. The proposed amendment to the Land Use Plan Ordinance (LUPO) would have to go before the Annual Town Meeting in March of 2022 for a vote. The Planning Board is voting to recommend the changes to the ordinance.

MOTION by Member Beaudin to take out "Board of Selectmen of their designee" and replacing it to "Zoning Board of Adjustment (ZBA)"
Second by Selectmen's Representative O.J. Robinson
All in favor

3. **Whether to Modify the Sign Ordinance portion of the LUPO:**
 - a. **To comply with US Supreme Court case *Reed v. Gilbert*, 135 S. Ct. 2218 (2015)**
 - b. **Whether the Town wants to impose the size restrictions in the "Free Standing Sign" section of the sign regulations on an "Off-Premises Sign," because the Free-Standing Sign section regulates the size of Free-Standing Signs on the business lot when the sign proposed is not on the business lot, it's "Off-Premises." If the Town wants the size regulations contained in the Free-Standing Sign section to apply to an Off-Premises Sign, then the Off-Premises Sign section should be amended to incorporate those size limits. That would eliminate this dispute in the future.**

Discussion

Planner Bont stated she did some research about what some other New Hampshire towns have adopted for their recent Sign Ordinances. Lincoln's Sign Ordinance is not separate; it is part of the Land Use Plan Ordinance. The Sign Ordinance portion of the LUPO has not been updated to comply with *Reed v. Gilbert*, 576 U.S. 155 (2015).

***Reed v. Town of Gilbert*, 576 U.S. 155 (2015)**

United States Supreme Court clarified when municipalities may impose content-based restrictions on signage. The case also clarified the level of constitutional scrutiny that should be applied to content-based restrictions on speech

The First Amendment to the United States Constitution prohibits states from enacting laws that abridge the freedom of speech.^[7] Municipal governments may not "restrict expression because of its message, its ideas, its subject matter, or its content".^[8] Laws that regulate speech based on the expressive content of the speech are presumptively unconstitutional; such restrictions are only permissible when they are narrowly tailored to serve a compelling state interest.^[9] For the purposes of the First Amendment, government regulation of speech is considered "content-based" when it targets speech because of ideas or messages that are expressed.^[10] Furthermore, some laws may still be considered "content-based" even though they appear to be facially content-neutral.^[11] Laws are considered "content-based" if they cannot be "justified without reference to the content of the regulated speech" or if they were adopted "because of disagreement with the message [the speech] conveys".^[12]

In 2005, Gilbert, Arizona adopted a municipal sign ordinance that regulated the manner in which signs could be displayed in public areas. The ordinance imposed stricter limitations on signs advertising religious services than signs that displayed "political" or "ideological" messages. When the town's Sign Code compliance manager cited a local church for violating the ordinance, the church filed a lawsuit in which they argued the town's sign regulations violated its First Amendment right to the freedom of speech.

Writing for a majority of the Court, Justice Clarence Thomas held that the town's sign ordinance imposed content-based restrictions that did not survive strict scrutiny because the ordinance was not narrowly tailored to further a compelling government interest.^[1] Justice Thomas also clarified that strict scrutiny should always be applied when a law is content-based on its face.^[2] Justice Stephen Breyer and Justice Elena Kagan both wrote opinions concurring in the judgment, in which they argued that content-based regulations should not always automatically trigger strict scrutiny.^[3] Although some commentators praised the court's decision as a victory for "individual liberty",^[4] other commentators criticized the Court's methodology.^[5] Some analysts have also suggested that the case left open several important questions within First Amendment jurisprudence that may be re-litigated in future years.^[6]

https://en.wikipedia.org/wiki/Reed_v._Town_of_Gilbert

The First Amendment and Your Town's Sign Regulations
Addressing Reed v. Town of Gilbert Step-by-Step

Planner Bont suggested that the Planning Board go through the list of questions she provided in the article she put in the members Planning Board packets for tonight's meeting and ask the questions for each category of sign in the Town's ordinance. The handout in the packet for the Planning Board members was:

New Hampshire Town & City Magazine: November/December 2019

I Saw the Sign

Natch Greyes, Municipal Services Counsel

Is the Regulation Content Based?

What about Traffic Control Devices?

Does the Regulation Control Duration of Display?

Does the Ordinance Overregulate (or Underregulate) Certain Signs?

Does the Ordinance have all the 'Required' Elements?

Check to be sure your sign code has all the 'required' elements of a sign code:

- The code should contain a purpose statement that, at the very minimum, references traffic safety and aesthetics as purposes for sign regulation.
- The code should contain a message substitution clause that allows the copy on any sign to be substituted with noncommercial copy.
- The code should contain a severability clause to increase the likelihood that the code will be upheld in litigation, even if certain provisions of the code are not upheld.
- In preparing the purpose statement, it is always best to link regulatory purposes to data, both quantitative and qualitative. For example, linking a regulatory purpose statement to goals of the local master plan, such as community beautification, increases the likelihood that the code will survive a challenge.
- If traffic safety is one of the purposes of the sign code (it should be), consult studies on signage and traffic safety to draw the connection between sign clutter and vehicle accidents.

Does the Ordinance Continue to Properly Regulate Municipal Property?

Planner Bont also mentioned that the Sign Ordinance in the Land Use Plan Ordinance, in general, is not "content neutral" as required by the US Supreme Court in **Reed v. Town of Gilbert**.

Member Beaudin asked if the Town could hire North Country Council to review the LUPO and give the Planning Board recommendations. Planner Bont said she would contact Executive Director Michelle Moren-Grey from North Country Council and ask her if there is a free generic sign ordinance the Planning Board could use and ask what the cost would be for them to review, section by section, the current ordinance to see if it does or does not abide by **Reed v. Town of Gilbert** and what suggestions they have to make it abide.

Chairman Spanos expressed his concern that neither the NHMA or the APA has not yet come up with a template to share as a result of **Reed v. Town of Gilbert** and spending money at this time may not be a good idea. Other Planning Board members responded to his concern and noted that it has been going on for six (6) years since the court decision and meanwhile Planner Bont has lots of applications for sign permits to review. Member Beaudin suggested keeping the LUPO the same for now. Enforcement is not currently happening due to the case **Reed v. Gilbert**. Once the template is completed then the Planning Board can make appropriate changes.

Selectmen's Representative O.J. Robinson suggested that there is a difference between what is written in the LUPO and how the Planning Board applies it. If the sign ordinance is in accordance with the **Reed v. Town of Gilbert** guidelines and the content of the sign is not

discussed, then all that is needed are the details regarding the sign's location, dimensions and height, etc. The wording on traffic control signage cannot be changed. For example: if a sign at a drive-thru restaurant says "DO NOT ENTER" it cannot be changed to advertise a product or change the intended traffic message.

Member Beaudin discussed the part of the LUPO for off-premise signs as it relates to regulating content.

Planner Bont clarified the page of the LUPO with the definitions of Off Premise Signs is page 69.

p. Off-Premises Sign

- i. **Description:** A sign that serves as advertising for a business, and that is not located on property of the business that is being advertised.
- ii. **Standards:** Businesses located where an onsite sign would not be visible from main roads are allowed one Off-Premise Sign by special exception with the ZBA determining whether the business is not visible from main roads.

Tourist Attractions are allowed one off-premise sign by special exception.

Otherwise, all Off Premises Signs are prohibited, except by special exception as provided in Article VIII of this Ordinance.

q. Off-Premises Directional Sign

- i. **Description:** A sign for the purpose of directing the general public to a business, activity, service or community event that is not located on property of the business providing the direction.
- ii. **Standards:** Off Premises Directional Signs are not allowed, except real estate direction signs (See Art. VI-B, E, 10, w – Real Estate Off Premises Direction Sign) or by special exception as provided in Article VIII of this Ordinance.

Planner Bont explained that in the two off-premise sections alone, content is distinguished (i.e., "serves as advertising for a business" and an exception to the general rule is carved out by allowing "tourist attractions" to have one off-premise sign by special exception whereas other types of businesses cannot.

Planner Bont said some other portions of the sign ordinance in the LUPO are not content neutral (i.e., the ordinance distinguishes real estate signs and public events banners). There are many provisions of the sign ordinance that are content-specific.

Member Beaudin again said that North Country Council could help with the various sections within the ordinance.

The Planning Board decided to move on to the general discussion of the Stormwater Management Ordinance and skip the following sections of the Sign Ordinance on the agenda.

- Whether the Town wants to impose the size restrictions in the "Free Standing Sign" section of the sign regulations on an "Off-Premises Sign," because the Free-Standing

Sign section regulates the size of Free-Standing Signs on the business lot when the sign proposed is not on the business lot, it is an “Off-Premises.”

- If the Town wants the size regulations contained in the Free-Standing Sign section to apply to an Off-Premises Sign, then the Off-Premises Sign section should be amended to incorporate those size limits. That would eliminate this dispute in the future.

**MOTION to move onto General Discussion re: What to Propose for Changes to the Stormwater Management Ordinance by Selectmen’s Representative O.J. Robinson
Second Member Beaudin**

All in favor

B. General Discussion re: What to Propose for Changes to Stormwater Management Ordinance, *including, but not limited to:*

- a. Define “Area of Disturbance

Stormwater Management Ordinance Discussion

Chairman Spanos started the discussion regarding defining the “Area of Disturbance”. Planner Bont mentioned that the Town is currently using the State of New Hampshire’s definition of “area of disturbance”.

Selectmen’s Representative O.J. Robinson recalled that at the last meeting when the Planning Board discussed the definition, the Planning Board was going to come up with a definition that delineated between a “permanent disturbance” and a “temporary disturbance” so that a “temporary disturbance” does not get included in the total area disturbed providing there is an erosion control plan to deal with the temporary disturbed area.

Planner Bont told the Planning Board that Town Engineer Ray Korber was available to join the meeting if he was needed.

Member Beaudin said he did not feel Town Engineer Korber was needed at this time. Selectmen’s Representative O.J. Robinson agreed and wanted to discuss ideas and once the Planning Board agreed on the language then the Board could bring in Town Engineer Korber for his input.

The Planning Board reviewed the issues previously discussed regarding the Stormwater Management Ordinance (SMO). “Permanent Disturbance” vs. “Temporary Disturbance” and “Pervious Surfaces” and Impervious Surfaces” were discussed.

**MOTION to open to public comment by Selectman’s Representative O.J. Robinson
Second Chairman Spanos**

All in favor

Contractor Taylor Beaudin said he is no longer a Lincoln resident but he is still a contractor currently working on four (4) lots for development in the Town of Lincoln. Contractor Beaudin explained that the lots he is working on are not steep areas and none have any erosion issues. He is wondering how the Town came up with the fifty percent (50%) or fifteen thousand square foot

(15,000 SF) threshold amount for the area of disturbance and if that was a guideline used by the State of New Hampshire.

Chairman Spanos explained that the Town used the Stormwater Management Ordinance from the Town of Moultonborough, NH, and made tweaks to that document.

Member Beaudin mentioned that the State of New Hampshire has guideline and takes into consideration various conditions of the lot related to soil composition and slope.

Planner Bont explained that the Town of Lyme uses the State guidelines and the calculations are fairly difficult due to the calculations required to determine the steepness or grade of the slope and factoring in the different types of soils as determined by a State Certified Soil Scientist. The process overall ends up being a lot more expensive for the home owner as the homeowners need to hire a soil scientist and then someone to calculate the slope.

Member Beaudin stated that in his opinion the Stormwater Management Ordinance (SMO) is being triggered where it is not necessary. The lots are flat lots. He does not understand how there can be erosion on a flat lot. Member Beaudin brought up a scenario in which a homeowner comes in with a detailed erosion control plan and a detailed landscape plan showing how they are going to end up with a final result. He feels that permits are taking a long time to be issued due to the SMO.

Chairman Spanos asked Member Beaudin if the homeowners Member Beaudin is working with have requested a waiver. Member Beaudin said he cannot give an answer to that as he said he does not have direct contact with the owners.

Member Beaudin wondered how homeowners are notified about the waiver process. Planner Bont responded and mentioned that when she talks with homeowners, she informs them of the waiver process in case the homeowners want to request or require one.

Member Beaudin suggested adding information regarding waivers on the Land Use Authorization Permit application. He feels there could be more effort to educate the developers and the homeowners regarding the waiver process.

Member Beaudin asked what the process for approving building permits consisted of. Fire Chief Beard explained that if the numbers are close the Town Engineer will review the plans.

Member Beaudin asked if he applies for a Land Use Authorization Permit and he is proposing to disturb an area slightly over the fifty percent (50%) or fifteen thousand square foot (15,000 SF) threshold limit, what would the process look like. Planner Bont explained that she would give the Applicant an Application for the Waiver form to fill out, as well as a request for a list of abutters and a fees and costs sheet. Once she received all of that, she would then prepare a legal notice for the newspaper, prepare a notice for abutters, notify abutters by certified mail, return receipt requested, put the issue on the Planning Board's Agenda, and Town Engineer Ray Korber

would weigh in. Notice must be published in the newspaper at least ten clear days prior to the hearing.

Member Beaudin wondered how long the waiver process takes. Member Beaudin added that there are not very many projects that are held up for permitting due to the SMO requirements. Planner Bont pointed out that some of the delays are related to the Applicants' project engineers taking time to review the Town Engineer's comments and then not getting back to the Town Engineer with a response in a timely manner. Mr. Beaudin expressed his opinion that the delays are sometimes a result of Town Engineer Korber not responding in a timely manner.

Member Beaudin discussed his idea of a way that would possibly speed up the permit process. He suggested having the applicant's engineer submit plans where the engineer states on the plans that the project meets the SMO. That would take out a step in the process. If down the road there is a problem it would fall on the homeowner and the homeowner's engineer who submitted the plans.

Planner Bont explained that if a problem with the stormwater runoff was a result of no stormwater management plan or an inadequate plan did arise, the Town as well as the property owner would be sued. Member Beaudin did not agree. According to Member Beaudin, the Town does not have a Building Inspector so the Town could not be sued; the Town can be sued for anything.

Selectmen's Representative O.J. Robinson explained that the SMO issue is different because problems within the home [due to failure to comply with the State Building Code] only effects the homeowner. However, if water from stormwater runoff is being displaced onto someone else's property it becomes an issue for the homeowner, the effected landowner AND the Town.

How Long Should It Take to Get A Land Use Authorization Permit?

Realtor Brent Drouin added his thoughts on the length of time it takes to receive building permits in Lincoln. For example, he recently applied for a building permit in the Town of Thornton and after spending thirty (30) minutes with the "clerk" (i.e., Planning Board/Zoning Board Assistant) to review the checklist and then a few days later the Planning Board reviewed his application and he had a permit within a week. He is wondering how long it should take for one permit to be reviewed and approved by the Town.* (See Appendix C.)

Planner Bont explained that there is not one specific person who has time to drop everything they are working on to review each and every application package while the applicant is standing there when the application comes in.

Member Beaudin added that Board of Selectmen member Jack Daly has addressed this issue. There is a person in Franconia who could do that work.

Realtor Brent Drouin said he feels the Town owes it to the local businesses, homeowners and contractors to shorten the length of time it takes to review and issue permits.

Selectmen's Representative O.J. Robinson admitted he does not have an answer for Brent regarding the length of time it should take to review and issue a permit. He went on to say he can understand, appreciate, and sympathize with the frustrations that many people are feeling about delays in issuing permits. They have spent time recently to work on streamlining certain aspects of the application process with employees' roles and splitting things up. There is not anything conclusive at this time but the Town is aware of the frustrations and are looking to remedy the situation.

Member Ehrman discussed goal setting to help shorten the time it takes to issue permits. He feels that there is too much work being done by too few people. He mentioned that Planner Bont is having to do more than she should when it comes to the clerical and administrative part of the application process. There has been a big increase in volume and the Town should pay for non-professional clerical personnel to handle the most routine applications that do not involve professional input. He feels that treating the big complicated projects and the small simple projects the same is not productive. Fees can be adjusted and hiring one or more part-time or full-time staff would be a good start. He thinks the Town needs to set goals and fix procedures to decrease the time it takes to review and issue building permits.

Selectmen's Representative O.J. Robinson recalled the Planning Board did not want to give the Town staff permission to use their discretion on issuing permits for flat lots that were simple and straightforward. Member Beaudin explained that he did not want paid staff to issue simple permits because he does not think it is appropriate for them to make such decisions.

Member Beaudin said he believes that the four (4) projects he is currently working on would have benefitted from a staff member having permission to issue the building permits. He feels easing up by allowing an additional ten percent (10%) area of disturbance would greatly help the situation.

Return to Discussion re: Stormwater Management Ordinance

Chairman Spanos expressed concern that the definition of "area of disturbance" is not in the Storm Water Management Ordinance. Planner Bont recalled Town Engineer Korber suggesting that the Town use the State of New Hampshire's definition and the Planning Board approving that suggestion.

The Planning Board found and reviewed the memo dated Oct. 13, 2021 presented at a Planning Board meeting from Town Engineer Korber, Planner Bont and Town Attorney Malia and sent to the Board to review.

Fire Chief Beard explained that Town Engineer Korber will be asked to review any plans that start at forty-five (45) percent and above to check the calculations and if the plans are over the threshold limit, find ways to reduce the disturbed area. He went on to explain that Town Engineer Korber looks at every single application's site plan for fifteen (15) minutes but when a plan is close to the threshold it gets a more detailed review and this is where things can slow down due to communication lags back and forth with engineers and contractors.

Again, Member Beaudin suggested increasing the thresholds. This began a group discussion regarding flat lots vs. sloped lots and soil testing.

Selectmen's Representative O.J. Robinson read from the definition of disturbed area from the memo mentioned above:

"Disturbance is building, grading, mining, excavation, construction, removal of top soil, removal of stumps, stockpiling of earth material or any activity that results in a temporary or permanent change to the pre-existing ground conditions, contours, or both."

Member Beaudin suggested taking the word "temporary" out of the definition. Chairman Spanos agreed that taking the word "temporary" is an easy way to fix the issue. Member Beaudin suggested that a timeline could be set to stabilize a temporary disturbance and if it is not stabilized beyond that timeline, it becomes a "permanent disturbance".

The Board discussed the length of the timeline and the definition of "stabilized" and "reclaimed". The Board agreed that "stabilized" would be considered something that does not erode.

Selectmen's Representative O.J. Robinson suggested leaving what was written and adding "a temporary disturbance that is or can be stabilized within seven (7) days can be excluded from the calculation of the total disturbance". He also suggested having Mr. Korber come up with a definition of "stabilized" which referred to "no erosion".

Fire Chief Beard added that the definition could be reworded to include:

"prior to removal of stormwater prevention measures the site will be stabilized within seven (7) days."

Chairman Spanos suggested a silt fence placement around temporary piles of earth materials would also be "temporary disturbance" which could be "stabilized" and could be taken out of the "total disturbance".

Member Beaudin suggested that there will be need for follow up and enforcement to be sure that the area is indeed "stabilized".

Selectmen's Representative O.J. Robinson directed the Planning Board to take a look at the back of the Memo at paragraph number 3 where it says:

“A temporary disturbance may be excluded from the calculation for the area of disturbance as long as the area of temporary disturbance

(a) can be restored to its original pre-development condition within a specified time period and

(b) not result in the offsite erosion with sedimentation”.

Member Beaudin suggests removing (a) and leaving (b).

The Planning Board agreed that (a) should read “can be stabilized within seven (7) days”.

A discussion ensued regarding how this change would be helpful in reducing the total disturbance calculation.

Planner Bont reminded the Planning Board that the reason for the SMO was because people were building very large homes on very small lots. If the homeowners simply reduced the size of the home, they would eliminate some of the issues around meeting the threshold for disturbed area.

Member Beaudin mentioned that projects that require stormwater runoff prevention took much longer to receive their permits.

IV. Other Business

The Planning Board members had copies of the following documents:

An application for Land Use Authorization Permit was submitted by Murdock MacDonald, Real Estate Manager for SmartLink, 85 Rangeway Road, Building 3, Suite 102, Billerica, MA 01862 on behalf of T-Mobile to modify the existing wireless facility owned by US Cellular, Attention: northeast Region #4252349, PO Box 31339, Chicago, IL 60631-0339 located at 60 Loon Mountain Rd (Map 126, Lot 020-000-CT 00001) #4252349 on property owned by Loon Mountain Recreation Corporation, 60 Loon Mountain Road, Lincoln, NH 03251.

According to the Telecommunications Section of the Land Use Plan Ordinance (LUPO), Site Plan Review is required for colocation in the General Use (GU) District. When informed of this by Planner Bont, the Applicant said he did not believe Site Plan Review should be required because the project qualifies as an “Eligible Facilities Request” under Section 6409(a) of the Spectrum Act of 2012. He attached documentation further explaining why his project should be deemed an “Eligible Facilities Request” and information on Section 6409(a).

Applicant said Section 6409 of the attached document titled “Middle Class Tax Relief and Job Creation Act of 2012” was the implementation of the law itself. The document titled “6409(a) documentation” was a declaratory ruling adopted by the FCC that clarified the rules and provisions of Section 6409(a). Lastly, the document titled “4LN0434B_EFR memo_102621” was a breakdown of how those rules and provisions of Section 6409(a) apply to his specific project.

The proposed modification:

- Did not propose a height increase of more than 10% or 20' of the existing tower height (Per the Applicant's email to Planner Bont, there will be no increase in height.)
- Did not propose more than four (4) new cabinets
- Did not entail any excavation or deployment outside of the current site of the tower
- Did not defeat any concealment elements of the existing facility

Applicant Murdock MacDonald requested permission to forgo the Site Plan Review process for these reasons.

Planner Bont forwarded all of the documentation and Applicant's request to Town Attorney Peter Malia to solicit his legal advice and asked if any changes to the Land Use Plan Ordinance needed to be made.

Town Attorney Peter Malia advised Planner Bont to tell the Planning Board to leave the ordinance as is and based on the documents submitted, the project as proposed did not require Site Plan Review. However, it was up to the Planning Board to make the final decision.

Chairman Spanos stated "They are co-locating and do not need to come in for Site Plan Review."

**MOTION the cell tower does not need to come in for Site Plan Review by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor**

Member Beaudin requested that the Stormwater Management Ordinance (SMO) discussion continue and be put on the next agenda

V. PUBLIC PARTICIPATION AND OTHER BUSINESS:

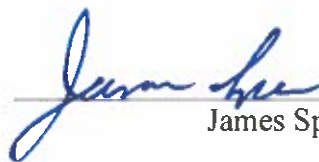
There are no public comments or opinions.

**Motion to adjourn by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor**

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: December 8, 2021



James Spanos, Chairman

Appendix A
TITLE XVII
HOUSING AND REDEVELOPMENT
CHAPTER 205-A
REGULATION OF MANUFACTURED HOUSING PARKS
Section 205-A:1

205-A:1 Definitions. –

As used solely in this chapter unless the context specifically requires otherwise:

I. "Manufactured housing" includes, but is not limited to, manufactured housing as defined by RSA 674:31, and also includes any prefabricated dwelling unit which:

- (a) Is designed for long term and continuous residential occupancy;
- (b) Is designed to be moved on wheels, as a whole or in sections; and
- (c) On arrival on the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connection with utilities, and placing on support or permanent structure.

Nothing herein shall be construed to include campers or recreational vehicles within the definition of "manufactured housing".

II. "Manufactured housing park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing.

III. "Person" means any natural person, corporation, partnership, or sole proprietorship.

IV. "Tenant" means any person who owns or occupies manufactured housing and pays rent or other consideration to place said manufactured housing in a manufactured housing park.

V. "Manufactured housing park owner" means the person holding title to the manufactured housing park to be sold.

VI. "Family member" includes the owner's spouse, son, daughter, mother, father, brother, sister, grandson, granddaughter, stepchildren, stepgrand-children, or first cousins.

VII. "Final unconditional offer" means a fully executed agreement for the sale of a manufactured housing park.

Source. 1973, 291:1. 1983, 230:10, 18. 1985, 333:1. 1987, 383:1, eff. May 26, 1987.

Appendix B
TITLE XIX
PUBLIC RECREATION
CHAPTER 216-I
RECREATIONAL CAMPGROUNDS AND CAMPING PARKS
Section 216-I:1

216-I:1 Definition. –

In this chapter:

I. "Approved disposal system" means a system:

- (a) Constructed prior to July 1, 1967; or
- (b) Constructed in accordance with plans submitted to and approved by:
 - (1) The former New Hampshire water supply and pollution control commission; or
 - (2) The department of environmental services.

II. "Campsite" means a parcel of land in a recreational campground or camping park rented for the placement of a tent, recreational vehicle, or a recreational camping cabin for the overnight use of its occupants.

III. "Campground owner" means the owner or operator of a recreational campground or camping park, or their agents.

IV. "Dependent vehicle" means a recreational vehicle which does not have toilet and lavatory facilities.

V. "Individual sewage disposal system" means any sewage disposal or treatment system, other than a municipally-owned and operated system, which receives either sewage or other wastes, or both.

VI. "Portable sanitary service vehicle" means a vehicle used to transport septage or waste water from a recreational vehicle to a sanitary station.

VII. "Recreational campground or camping park" means a parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 170-E:55, I.

VII-a. "Recreational camping cabin" means a structure on a campsite, 400 square feet or less, calculated by taking the measurements of the exterior of the cabin, including all siding, corner trim, molding and area enclosed by windows, but not the roof or porch overhang, or log overhang at corners. It shall be designed not for use as a permanent dwelling but as a temporary dwelling for recreational camping and vacation use.

VIII. "Recreational vehicle" means any of the following vehicles:

- (a) Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (b) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (c) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- (d) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

IX. "Sanitary station" means an approved facility used for accepting and disposing of wastes from

recreational vehicle holding tanks, portable recreation toilets, or portable sanitary service vehicles.
X. "Tent" means a portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes.

Source. 1989, 343:1. 1996, 228:108. 2000, 130:1-3. 2001, 49:1, eff. Aug. 10, 2001. 2019, 346:137, eff. Jan. 1, 2020.

Section 216-I:2

216-I:2 Density Requirement. – A minimum of 600 square feet shall be provided for each tent site and a minimum of 1,000 square feet shall be provided for each recreational vehicle and recreational camping cabin campsite, with or without connections to an approved sewage disposal system.

Source. 1989, 343:1. 2000, 130:4, eff. May 8, 2000.

Section 216-I:3

216-I:3 Water Supply. – An accessible, adequate, safe and potable supply of water shall be provided in each recreational campground or camping park. Where a public supply of water of sufficient quantity, quality, and pressure is available, connection shall be made to the supply and that supply shall be used exclusively. When a satisfactory public water supply is not available, a private water supply system may be used if approved by the department of environmental services.

Source. 1989, 343:1. 1996, 228:108, eff. July 1, 1996.

Section 216-I:4

216-I:4 Disposal System. –

- I. An approved disposal system shall be provided in all recreational campgrounds or camping parks.
- II. Septage or waste water shall be discharged from recreational vehicles or portable recreational toilets into portable sanitary service vehicles, individual sewage disposal system connections, or sanitary stations.
- III. Flush toilets or other approved toilet facilities, such as self-composting toilets or incinerating toilets, shall be provided in all recreational campgrounds or camping parks.
- IV. The storage, collection, and disposal of refuse in recreational campgrounds or camping parks shall be conducted in a manner that will prevent health hazards, rodent harborage, insect breeding, accident or fire hazards.
- V. A sanitary station shall be provided for disposal of waste from recreational vehicle holding tanks, portable recreational toilets and portable sanitary service vehicles. This requirement shall not apply to those recreational campgrounds or camping parks that have individual sewage connections to every campsite. Existing recreational campgrounds or camping parks which do not comply with this paragraph shall comply within 5 years of the effective date of this paragraph.
- VI. A recreational camping cabin which has water plumbed to it shall have a connection to an approved sewage disposal system.

Source. 1989, 343:1. 2000, 130:5, eff. May 8, 2000. 2011, 52:1, eff. July 8, 2011.

*** Appendix C.**

Town of Thornton

2021-12-06

Planner Bont read what Brent Drouin said about how he received a “building permit” from Thornton in a short period of time. Because what he said was confusing, Planner Bont called the Town of Thornton.

Planning Board/Zoning Board Assistant Kerrin Menici told Planner Bont Brent Drouin must have come into the Zoning Department with his Zoning Compliance Application. He would have spoken with the Zoning Compliance Permit Contact who probably did spend a half hour with him reviewing his application to see if it was “complete” on its face. Apparently, the application was complete. The application was then given to the Zoning Compliance Officer who looked at it and will follow through with the applicant in the field during the construction of and at the end of the project. Brent Drouin’s application was then put on the agenda for the Board of Selectmen. At their regular Board of Selectmen’s Meeting, the Board of Selectmen also reviewed the application for completeness. After the BOS determined that the application was “complete”, they determined whether or not to issue a Zoning Compliance Permit. The BOS must have decided to approve the application and issued the Zoning Compliance Permit at their Wednesday night meeting.

Kerrin Menici told Planner Bont that completed applications have to come into the Zoning Department and be considered “complete” at least a week before the next scheduled BOS meeting to go on the agenda for the following BOS meeting. The BOS meets every other week on Wednesdays.

The Thornton Planning Board only handles applications for Subdivisions, Site Plan Reviews, Voluntary Lot Mergers and Requests for Waivers of the Land Use Regulations.

According to Planning Board/Zoning Board Assistant Kerrin Randall who works for the Town of Thornton, the Town of Thornton has two (2) separate departments (1) for Planning and (2) for Zoning. The Planning Department and Zoning Department combined has five (5) people who work on these matters.:

1. Planning Director
2. Planning Board/Zoning Board Assistant
3. Zoning Compliance Permit Contact
4. Zoning Compliance Officer
5. Zoning Enforcement Selectmen's Representative

This information is taken from Thornton's website. <https://www.townofthornton.org>

Planning Department

Staff Contacts

Name	Title	Phone
Kerrin Randall	Planning Board/Zoning Board Assistant	(603) 726-8168
Kathy Menici	Planning Director	(603) 726-8168 ext 129

The Planning Department performs the administrative functions for the Planning Board. For questions and information regarding Planning Board processes, please contact the Planning Director or the Planning Board/ZBA Assistant.

For Planning Board applications, forms and meeting information, please visit the [Planning Board](#) page.

Planning Board Forms & Applications

Attachment	Size
 Voluntary Merger Application	130.27 KB
 Site Plan Review Application	346.59 KB
 Site Plan Review Checklist	172.33 KB
 Subdivision Application	345.54 KB
 Subdivision Checklist	169.72 KB
 Land Use Regulations Waiver Request	153.18 KB

Zoning Department

Zoning Compliance & Enforcement

Permits for Construction

If you are a builder, developer or a homeowner who wants to build, renovate, remodel, demolish or remove any structures please acquire a Zoning Compliance Permit.

Permits are issued upon approval of the applications by the Board of Selectmen. No construction shall start prior to approval and receipt of the permit. Please refer to the [Application Deadlines](#) for the permit timeline. Upon submission of a completed application, the construction site must be staked out where the proposed structure(s) will be located and the 2 nearest boundary lines to the proposed structure(s) must be clearly marked and identifiable.

Please see the [fee schedule](#) for details on fees.

Approved Zoning Compliance Applications are valid for 2 years from the date of approval.

The Town requires a Zoning Compliance Application form for assessing purposes and does not require Town building inspections or issue occupancy permits. The Town does not issue any permits for mechanical, electrical or plumbing. The purpose of a Zoning Compliance Application is to help ensure zoning compliance as directed in the Zoning Ordinance, ensure construction complies with applicable local, state and federal laws and codes, helps protect property values town-wide and ensures that assessments represent "fair and equitable taxation." The property and construction process are subject to inspection by the Town's Zoning Compliance Officer and/or the Zoning Enforcement Representative.

Applications for Commercial Development, Multi-family Dwellings and Home Occupations shall be reviewed and approved by the Thornton Planning Board prior to an application for construction being submitted to the Board of Selectmen, as required by Regulations and the Zoning Ordinance. Please contact the [Planning Director](#) for details.

Zoning Department

Staff Contacts

Name	Title	Phone
Roy Sabourn	Zoning Enforcement Selectmen's Representative	(603) 726-8168
Desiree L. Mahurin	Zoning Compliance Permit Contact	(603) 726-4232 Ext 112
Shawn Magoon	Zoning Compliance Officer	(603) 726-8168 Ext 110

