

LINCOLN BOARD OF SELECTMEN

MEETING MINUTES

JULY 11, 2016

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

APPROVED

Board of Selectmen Present: O.J. Robinson, Jayne Ludwig and Tamra Ham

Staff Present: Police Chief Smith and Recording Secretary Wendy Tanner.

Public Present: Paul Beaudin, Patti Jo Ouellette, Michael Snyder, Alyssa Yolda, Roy Whitaker, Steve Noseworthy, Attorney Michael Conklin, Jim Welsh and Debbie Celino.

I. CALL TO ORDER at approximately 5:30

Chairman Robinson called the meeting to order at 5:30 P.M.

II. REVIEW AND APPROVAL-MINUTES OF THE PREVIOUS MEETING

- June 27, 2016

MOTION to approve the minutes of June 27, 2016 as amended.

Motion: Jayne Ludwig **Second:** OJ Robinson **Two in favor.**

Selectman Tamra Ham abstained from the vote.

MOTION to approve the non-public minutes of June 27, 2016 as presented.

Motion: Jayne Ludwig **Second:** OJ Robinson **Two in favor.**

Selectman Tamra Ham abstained from the vote.

III. WESTERN WHITE MOUNTAIN CHAMBER OF COMMERCE Return on Investment

Study discussion

Western White Mountain Chamber of Commerce, Executive Director Alyssa Yolda and Vice President of the Board of Directors, Roy Whitaker gave information to the Board about their Destination Marketing Program and a Return on Investment study that was conducted over the 2015-2016 winter period. Recently they changed their funding model that at one time brought in \$70,000 dollars and now with the change to a \$2.00 per party, per room fee, increased that funding to \$125,000.

A study partnering with Dr. Daniel Lee and Mark Okrant with the Oak Lee Consulting Group, LLC that does all of the research and analysis for the Division of Travel and Tourism through Institute for New Hampshire of Study at Plymouth State University revealed that travelers to the Western White Mountain region (Lincoln, Woodstock, Franconia and Sugar Hill) spent \$43,500,000 dollars in the timeframe of December 2015 and February 2016. Of that amount, \$2,900,000 dollars was a direct result of the Chambers promotional activities. For that same time period the Chamber spent \$81,058 for promotional ads. That means, for every dollar that was invested in promoting the Western White Mountain destination \$36 dollars was returned to the area.

Chairman Robinson said that the 2.9 million dollar figure is encouraging feedback from the survey.

The Chamber would like to create pole banners and asked if they could place them in the Town of Lincoln mixed in with the banners that Lincoln currently has. The Select Board had already made the decision to replace banners starting with the banners that are torn or wearing with new banners and continuing to replace as needed. The Select Board said that the Chamber was welcome to put their banners on the poles that the town did not use. That would place three different types of banners on the poles creating a variety of banners in the town. The Select Board thought it was a worthwhile promotion to fly the Chamber banners in Lincoln.

The Select Board thanked Alyssa Yolda and Roy Whitaker for their time and they left the meeting.

IV. ALPINE ADVENTURES COMPLAINT

Chairman OJ Robinson excused himself for this discussion and sat in the audience.

A letter dated June 21, 2016, a letter dated July 3, 2016 and an email dated July 11, 2016 was read into the minutes. (See attached)

The Select Board encouraged neighbors of Alpine Adventures that believe their property values have been affected to apply for an abatement. As far as the Disorderly Actions Ordinance, if the noises are between 7:00 AM and 10:00 PM it does not apply. There was a discussion about the noise ordinance and how things have been handled in past meetings.

Selectman Ludwig asked if there had been after hours parties on the premises. OJ Robinson said that in the past there have been employee cookouts after the business closes.

Selectman Ludwig would encourage the property owners to talk to Town Manager Burbank and fill out a noise complaint. Selectman Ham will follow up with Town Manager Burbank regarding further noise investigation and neighbor communication.

OJ Robinson said that Alpine Adventures agreed to put up a sound wall on the east side of the ramp. Alpine Adventures held off spending the money on the wall pending the outcome of this meeting.

The Select Board discussed having the owners of the Alpine Adventures communicate with the neighbors to give them a heads up when an after-hours party or extra noise at the business may transpire.

Selectman Ludwig asked OJ Robinson, who was representing Alpine Adventures, about the possibility of moving the slide. Robinson mentioned that there is no current place where facilities exist for the slide.

V. CHAINSAW NOISE COMPLAINT – LAHOUTS and The GREAT AMERICAN SKI COMPANY

Michael Snyder from One Love Brewery explained that the activity of chainsaw carving, while it is an excepted activity, he does not believe it belongs in the downtown area. It has been disrupting business at his restaurant. Chairman Robinson would like to research if there have been any site plan reviews for a change of use at Lahout's Ski Shop or The Great American Ski Renting Company, before passing judgment. Both of these businesses have exhibited chain saw carvers over the past two summers.

Police Chief Smith talked to Tom Hyland of The Great American Ski Renting Company and was told that the outside vendors are a part of his store. Lahout's Ski Shop owners gave a similar response. These vendors have not received a vendor's license and claim to be performing these displays under the retail licenses of their respective stores.

Mr. Snyder stated that the chainsaws are running all day.

Police Chief Smith will talk to the store owners. Chairman Robinson said, as a town, the first step would be to look at the site plan approvals for each of the retail stores but to let the store owners know we are doing that because we have received a complaint that the noise is disruptive to other businesses.

Selectman Ham thanked Mr. Snyder for his patience. After Police Chief Smith talks to the store owners, he will follow up with Mr. Snyder.

☐ **Town Managers Report**

Town Manager Burbank is on vacation, no report was given.

☐ **Selectmen Topics**

CIP (Capital Improvement Program)

The first meeting for the CIP Committee will be on July 19, 2016.

Selectman Ludwig questioned what the procedure would be to list an item on CIP. Chairman Robinson said that you would first see if the item you would like listed is associated with a specific department and then it could be added by going to the department head. For example, "burying the lines on Main Street" where there is no department for that, the request would be given directly to the CIP Committee. Chairman Robinson also mentioned that "burying the lines on Main Street" already is on the CIP but has not been funded since its inception. A letter should be sent to the CIP Committee requesting your item be reviewed to consider funding the project.

Aging Rock Walls

Selectman Ludwig asked what we were doing about aging rock walls in town. Chief Smith said that recently an old rock wall gave way. One man was severely injured when several boulders in the wall dislodged.

Riverfront Park

Selectman Ludwig asked if Woodstock Selectmen had contacted the Lincoln Select Board on making the Riverfront Park a community park for both towns. No response has been received as yet.

July 4th Parade and Fireworks

The weekend went well; the parade was one float longer than last year. There were mixed feelings about the fireworks, most were positive and that they were the best in years. The confetti from the parade was fun and messy but also biodegradable and virtually disappeared after the first rain.

Bears and Dumpsters

Police Chief Smith said that the area behind the Lincoln Center North Shopping Center is getting new bear proof dumpsters. We will visit that area again to ensure all is well.

Hanson Farm Road

Hanson Farm Road is still in the engineering process. There was a discussion about open versus closed drainage systems along the sides of Hanson Farm Road. A brief discussion ensued about drainage in front of specific houses and on which side of the road drainage would be placed. Chairman Robinson will have engineer Ray Korber contact Paul Beaudin to discuss drainage in front of his property on Hanson Farm Road.

Riverfront Park

Claire Humber, the Director of Resort Planning and Design at SE Group out of Burlington Vermont, is coming to look at the proposed plan for the park on Tuesday the 19th of June, 2016 at 9:00 AM.

Sidewalk on Pollard Road

Right now the priority project is the Hanson Farm Road drainage project. Once Hanson Farm Road engineering is final, the town's engineer, Ray Korber, will complete the Pollard Road sidewalk design.

Vehicle Registrations

The Select Board reviewed the monthly update from Town Clerk, Johnna Hart on vehicle revenue. The report showed June being up over the previous year and up year to date \$15,000 for vehicle registrations.

Yield Tax Levy

A letter was reviewed from the State of New Hampshire directing the town to collect \$2,664.54 from New Jefferson Holdings, LLC for the tree cutting that was done on the Forest Ridge land. The state is directing the Town of Lincoln to collect these taxes.

☐ Public Participation

Black Mountain Road

Paul Beaudin asked for an update on the Black Mountain Road project and asked if the Town was planning to update all or part of Black Mountain Road. Chairman Robinson said that it would only be going a short distance down Black Mountain Road. Beaudin then asked if the town owned Black Mountain Road down to where there once was a gate. Chairman Robinson said that it is a town road through the defined section called Beechwood I. The maintenance of Black Mountain Road was discussed and where the town's responsibility begins and ends.

VI. MULTI-USE RECREATIONAL TRAIL EASEMENT FROM GREEN ACRES WOODLANDS, INC.

Attorney Michael Conklin explained to the Select Board that Green Acres Woodlands, Inc. is about to sell a parcel of land that the town pedestrian/bike path crosses. Before the land sale goes through they would like to get in place an easement for that pedestrian/bike path. Attorney Conklin handed copies of the multi-use recreational trail easement to the Select Board. FORCO prepared the easement.

The plan was reviewed by Attorney Conklin and Select Board showing the pedestrian/bike path. The easement states that the location of the path does not affect the setbacks of the lot but any building would have to abide by the town's setback regulations for that particular zone.

Selectman Ludwig was concerned that there is no stipulation to keep some greenery between any building and the pedestrian/bike path. Chairman Robinson confirmed that there is nothing in the easement stating that, and that every tree on the lot could potentially be cut down.

Chairman Robinson read an email from Peter Malia into the record (copy attached).

MOTION to approve and sign the Multi-Use Recreational Trail Easement from Green Acre Woodlands, Inc. pending review from counsel.

Motion: Jayne Ludwig Second: Tamra Ham All in favor.

VII. PROPERTY TAX EXEMPTION *Discussion*

An email from Finance Manager Helen Jones and the Elderly Exemptions attachment were read into the record (see attached).

Patti Jo Ouellette stated that the only reason she questioned the abatement was that in the past 100% of the abatement was received by her mother. A brief discussion ensued about the length of time that passed since the abatement had last been reviewed and if income was required on the form. Ouellette questioned why the abatement would have been granted at 100% for the past 5 years and now only 50% of the abatement was granted, nothing had changed.

Chairman Robinson explained that this change was universally applied. What was done in the past was sometimes done because it was always done that way. The town as a group, the Town Clerk, town Finance Manager and Town Manager learned about the rules more explicitly we saw that some things were not being applied properly so changes were made.

The Select Board thanked Patti Jo Ouellette for her time.

VIII. OLD/NEW BUSINESS

IX. NONPUBLIC SESSION *Pursuant to RSA 91-A: 3II (a,c,e,d)*

MOTION to enter non-public session at 7:13 PM

Motion: OJ Robinson Second: Jayne Ludwig All in favor.

MOTION to come out of non-public session at 7:30 PM

Motion: OJ Robinson Second: Jayne Ludwig All in favor.

X. ADJOURNMENT

After reviewing the weekly accounts payable and with no further business to attend to, the Board made the following motion.

MOTION: "To adjourn."

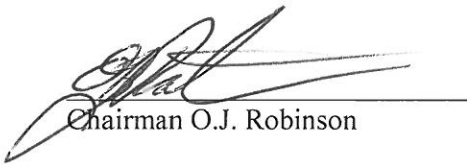
Motion: Tamra Ham Second: OJ Robinson All in favor.

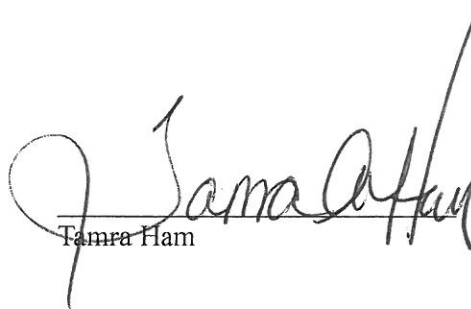
The meeting adjourned at 7:37 P.M.

Respectfully Submitted,

Wendy Tanner

Approval Date 7 / 25 / 16


Chairman O.J. Robinson


Tamra Ham

Jayne Ludwig

RECEIVED

JUN 24 '16

Town of Lincoln
New Hampshire

June 21, 2016

Butch Burbank
148 Main St
Lincoln, NH 03251

Butch Burbank,

For the purpose of this document, Donna Thompson, David Thompson, Patrick F. Gagne, Vilma J. Gagne, James Champagne and Susan Champagne will be referred to as "The Neighbors of Alpine Adventures".

Since the "ramp" was approved to be placed on the property of Alpine Adventures by the Lincoln Planning Board on December 11, 2011, there have been well documented issues related to noise and the inability for the neighbors of Alpine Adventures to carry on a "normal life".

We, The Neighbors of Alpine Adventures, would like to have the approval dating to December 11, 2011 re-examined to make sure the current use of the ramp is in line with what was approved on that date. What was requested was as follows "Randy Farewell said that he was adding a ramp that customers are able to ski, bike, or snowboard down and land on a large airbag." There was no request, nor approval for use of inner tubes or any other items to assist with sliding down the ramp! While this may seem like a minor wording item, it makes all the difference with regard to noise. Anyone skilled enough to ski, bike or snowboard down the ramp is much less likely to scream at the top of their lungs as they descend the ramp. Individuals descending the ramp on skis, snowboards or bikes are likely participating as part of some training or because they already have a significant amount of experience using one of those methods of travel. The skill required to descend the ramp with one of the items would also suggest a much more limited amount of participants even if some of those individuals did scream. Opening up the use of the ramp to inner tubes enables anyone willing to pay the entrance fee to ride down the ramp regardless of skill level or ability and for many riders it is their first time down something like this leading them to scream very loud. The numbers of participants also varies greatly between the individual with the skills to ski, snowboard or bike down the ramp vs. sitting on a inner tube which requires no skill.

The Neighbors of Alpine Adventures therefore believe the only conclusion is that the current use of the ramp for inner tubes is not what was requested by Mr. Farewell nor approved by the Lincoln Planning Board on December 11, 2011. We would therefore like to request that the use of the ramp by anything other than what was requested and approved at that meeting cease immediately.

The Neighbors of Alpine Adventures also believe the Disorderly Actions Ordinance applies to this situation. Section III a. of the ordinance states "Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities". Several town employees and members of town government visited the area and commented how loud it was.

In the many public and private meetings held regarding this issue, on the record comments " in hindsight the Planning Board likely should have held a public hearing. ", "Town Manager Burbank stated that he has sat on the Thompson's porch twice and they do have a valid complaint.", "Both Selectman feel quite sorry for the abutters in this situation". Well, we The Neighbors of Alpine Adventures believe there is something that the town of Lincoln can and is obligated to do.

- 1.) Only allow the use of the ramp by skis, snowboards or bikes as this is what it was approved for.
- 2) Enforce The Town of Lincoln, NH Disorderly Actions Ordinance that was signed on August 23, 2004.
- 3) Adjust the assessed tax value of the abutter's properties to reflect the reduced market value of the properties.

These actions can and should be taken immediately by the town, but the long term financial impact to the abutters will only be improved by the permanent removal of the slide.

In past meetings, the representatives from Alpine Adventures have claimed that any change in use of the slide would hurt their business, but have not quantified that. They also suggested that legal action may need to be take on their part if they were now required to change or remove the slide.

What happens to the abutters of Alpine Adventures where a real reduction of their property value is actually happening? While that has not yet been quantified, it's not due to a lack of trying. The Thompson's have had their property for sale since last fall and they have yet to sell, even though they have reduced the asking price several times. The abutters have been financially impacted and the improper approval of the slide is directly responsible for the reduction of their property value.

The 3 steps outlined above need to happen as soon as possible and we request a long term solution to the real financial impact to the abutters.

Sincerely,

Donna Thompson

David Thompson

Patrick F. Gagne

Vilma J. Gagne

Susan Champagne

James Champagne

Date: Mon, 11 Jul 2016 13:36:10 +0000
From: Peter Malia
Reply-To: Peter Malia
Subject: Alpine Adventures
To: Tamra Ham, Jayne Ludwig

Tamra and Jayne:

To refresh your recollection, you might want to go onto the Town's website and review BOS meeting minutes from September 14, 2015.

So, the Selectmen have already decided not to take enforcement action against Alpine Adventures regarding the use of inner tubes. You decided that issue back in September of last year, and there is no need to revisit it.

However, they now are alleging a new complaint, which is a violation of the Town's Disorderly Actions Ordinance. If you are so inclined, you could refer that complaint to the Town Manager to investigate. I could then work with Butch on that.

As far as their reduced property values are concerned, they are welcome to file for an abatement, which is the process that has to be used. The abatement application form is available on the Town's website.

Peter

Peter J. Malia, Jr. | Attorney

P.O. Box 290 Fryeburg, Maine 04037

Physical Address: 376 Main Street

Phone: (207) 935-2061 | Fax: (866) 225-8160

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From: Peter Malia
Sent: Monday, July 11, 2016 9:26 AM
To: 'OJ Robinson'; Jayne Ludwig
Cc: Wendy Tanner
Subject: RE: Multi-Use Recreational Trail Easement

Selectmen:

When you are presented with the Trail Easement tonight, if you are satisfied with it, you can go ahead and sign it. I have suggested a few changes, and as long as those changes are made prior to tonight's meeting, it will be acceptable to me. I am waiting for a revised copy showing the changes that I suggested. A couple of things to note regarding the Trail Easement. You will notice that the Town holds the Grantors harmless from claims by the general public arising out of use of the trail, unless caused by the negligence of the Grantors. Also, you will notice that the Town agrees that the Trail Easement will not affect the Grantors' setback lines or computation of density requirements. Both of those seemed to make sense to me, but I wanted to point them out to you.

Also, on an unrelated matter, I noticed that the renewed Alpine Adventures complaint is on tonight's agenda. I just reviewed my file, and I know that OJ has a conflict of interest on this one, so I will send a separate e-mail to Tamra and Jayne.

Peter

From: Peter Malia
Sent: Monday, July 11, 2016 9:01 AM
To: 'OJ Robinson'; Jayne Ludwig ; Tamra Ham
Cc: Wendy Tanner
Subject: Multi-Use Recreational Trail Easement

Selectmen:

Mike Conklin will attend tonight's meeting to explain this agenda item. Basically, an easement has been drafted to the Town for the trail which of course already exists, as it crosses the Green Acre Woodlands property, Map 122, Lot 1.

Let me know if you have any questions.

Peter

HASTINGSMALIA P.A.

Peter J. Malia, Jr. | Attorney
P.O. Box 290 Fryeburg, Maine 04037
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Phone: (207) 935-2061 | Fax: (866) 225-8160

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From: finance
Sent: Thursday, June 30, 2016 1:21 PM
To: OJ Robinson, Jayne S. Ludwig , Tamra Ham
Cc: Butch Burbank
Subject: Qualification.doc

Good Afternoon,

Attached you will find the information for elderly exemptions for joint tenants and tenants in common.

Our interpretation has come from classes we went to, Town Clerks from Ashland & Newmarket.

So for Patti Jo, she would need to include her income as per their deed they are joint tenants. If their combined income exceeds \$40,000 they would get no exemption. She can exclude her income and only use her mother's and they will receive 50% of the exemption.

Helen & Johnna

July 11, 2016
Board of Selectmen's Meeting
Please PRINT Legibly

Patti Jo Ouellette
(Print Name)

Michael Snyder

Alyssa Yolda

Steve N

Roy Whitaker

Debbie Celino

Tom Welsh

Roy Whitaker

Michael Conklin

Paul Beaudin

P. J. Ouellette
(Sign Name)

Alyssa Yolda

Steve N

Debbie Celino

Tom Welsh