

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES****APPROVED****WEDNESDAY, FEBRUARY 22, 2017 – 6:00PM****LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

Present: Chairman Jim Spanos, OJ Robinson - Selectmen's Representative, John Hettinger, Ron Beard (alternate & Fire Chief), Callum Grant (alternate)

Members Excused: Vice-Chairman R. Patrick Romprey, Paula Strickon, Norman Belanger (alternate)

Members Absent: None

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

Guests:

- **Stacey Berger** – of White Mountains Helicopter, LLC, P.O. Box 17, Warren, NH 03279.
- **Susan Chenard** – resident of Lincoln, 11 Liberty Road, Lincoln, NH 03251, Resort & Second Home Property Specialist, Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785 – working with Jan Wolowski.
- **Dennis M. Ducharme** – President, RRP, RiverWalk at Loon Mountain, LLC, 33 Brookline Road, PO Box 636, Lincoln, NH 03251-0636.
- **Ian Grant** - Project Manager for Clark's Trading Post, 116 US Route 3, PO Box 1, Lincoln, NH 03251-0001.
- **Tamra Ham** – resident of 98 US RTE 3, Lincoln NH, 03251 (Tax Map 109, Lot 002) and Selectman for the Town of Lincoln.
- **Myles Moran**, resident of 11 O'Brien Avenue, Lincoln, NH 03251 (Tax Map 117, Lot 024) whose address is PO Box 184, Lincoln, NH 03251-0184 and Principal/Broker for Moosilauke Realty, 104 Main Street, North Woodstock, NH 03262
- **Justin Roshak** - guest, 121 Toad Hill Road, Franconia, NH, student intern at the Littleton Courier newspaper.
- **Stephen B. Tower, Surveyor** – surveyor, of Sabourn & Tower Surveying and Septic Design, PLLC, 70 Lost River Rd, North Woodstock, NH 03262.
- **Jan Wolowski** – property owner of 12 Plummer Hill Drive, Lincoln, NH 03251.

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

Chairman Spanos called the meeting to order at 6:00 PM.

Callum Grant and Ron Beard were seated.

- II. CONSIDERATION** of meeting minutes from:

- February 1, 2016

MOTION to approve the minutes of February 1, 2016 as amended.

Motion: John Hettinger Second: Callum Grant All in favor: 3-0

Ron Beard abstained from the vote

III. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates):**A. 6:00 PM Conceptual - Stephen B. Tower, Surveyor, Sabourn & Tower Surveying and Septic Design PLLC –for Jan Wolowski, – 14 Plummer Hill Drive & L/O Plummer Hill Drive – (Map 114 Lot 069, Map 114, Lot 070).****Presentation of Conceptual:**

Surveyor Stephen Tower, representing Jan Wolowski, explained that Wolowski would like to make some changes to his property on Plummer Hill Drive (Map 114, Lot 069 and Map 114, Lot 070). Tower was not sure what the Planning Board would allow. Tower handed out two maps:

1. Map showing: Existing Conditions Sketch
2. Map showing: Conceptual Subdivision Sketch

Existing Conditions Sketch:

Tower described the areas marked in red on the first map handout “Existing Conditions Sketch”. On the Existing Conditions Sketch, the red bounded area highlights the two existing properties. Also, shown on the Existing Conditions Sketch is a 100’ x 100’ foot area marked in blue that is part of the life estate of Catherine B. Labrecque on 14 Plummer Hill Drive (Map 114, Lot 070000-MH-00000); Catherine B. Labrecque has a life-estate which means she has the right to live on the parcel until her death or until she moves away permanently. Catherine B. LaBrecque and her son David J. Labrecque currently live in a mobile home on the lot within the 100’X100’ life estate area. [The tax bill goes to David J. LaBrecque c/o Catherine B. LaBrecque, 14 Plummer Hill Drive, PO Box 24, Lincoln, NH 03251-0024. David J. LaBrecque has to move out within 90 days of Catherine B. LaBrecque’s decease or upon Catherine’s permanently vacating the property.]

Conceptual Subdivision Sketch:

Tower handed out a second map “Conceptual Subdivision Sketch” and explained that the red bounded area shows the proposed subdivision concept. Wolowski’s plan is to reconfigure and subdivide the two lots into three lots.

Tower explained the concerns associated with the nature of the right of way or private road which is partially a thirty foot (30’) wide deeded right of way to the lots. On the map, the first part of Plummer Hill Road is a deeded right of way. The second part of the road is a twenty-foot (20’) “proposed joint use area”. As part of this proposal, Wolowski would like to build a new home on one (1) of the three (3) lots, designated as “Lot 2” of the Conceptual Subdivision Sketch.

Fire Department Access & Failed Culvert:

Fire Chief Beard said that the Fire Department cannot enter the property with a fire truck because of the failing culvert. Surveyor Tower said that Wolowski’s plan would have enough room to include a turnaround at the top of the hill to accommodate a fire truck. Fire Chief Beard said that the current culvert would not support the weight of the fire trucks to get up to the top of the hill. Surveyor Tower agreed that the culvert is in need of replacement.

Water & Sewer Lines:

Surveyor Tower also added that the sewer and waterlines are in bad condition as well. Town Manager/Planner Burbank said that the previous owners of the property had pressed the Town to

take care of the sewer and water lines going up Plummer Hill Drive. Burbank said that because the lines are private and are located on a private road on private property, by law, the Town cannot work on private lines or private property.

Legal Ownership of the Fee Simple Under Plummer Hill Road

Surveyor Tower said that part of the actual right-of-way going up Plummer Hill Drive is not owned by Mr. Wolowski. The bottom of Plummer Hill Drive is, in fact, still owned by the Parker Young Paper Company that owned the whole area at one time. Wolowski is in the process of purchasing that right of way so that Wolowski will have the legal right to replace the culvert and fix the sewer and water lines.

How Does Planning Board Perceive Proposed Plan?

Surveyor Tower asked the Planning Board if they thought that the three-lot subdivision concept made sense and if the Planning Board thought a three-lot subdivision as proposed was something that could be approved.

Chair Spanos cautioned Surveyor Tower that the Planning Board cannot get into specifics because this meeting is only a conceptual meeting.

Sewer Lines:

Hettinger asked if the pitch of the property would allow the sewers to drain by gravity. Tower said that the sewers were draining by gravity right now.

Hettinger asked that if Wolowski was planning to put two more homes on the current sewer line. And if so, was there enough room in the right-of-way easement area to accept more homes. Is size of the sewer line in the Plummer Hill Drive right-of-way large enough to accept two (2) or three (3) more homes? Surveyor Tower said that he was not sure.

Wolowski said that he is only proposing one more home than what is there now.

Although the plans call for three (3) houses on three (3) lots, for the short term the plan is to build only one (1) new house on Lot 2 as shown on the Conceptual Subdivision Sketch.

Realtor Susan Chenard said that Horizons Engineering reached out to Nate Hadaway, Public Works Director of the Town Public Works Department. Horizons Engineering engineers “are looking at the culvert with the water and sewer underneath being done together so that it gets done right”.

Surveyor Tower said he was not sure what the capacity of the sewer line was.

Grant asked Surveyor Town if Wolowski’s intention was to replace the entire sewer line anyway. Wolowski agreed that part of the upgrade would be “to fix the entire line”.

Town Manager/Planner Burbank said that conceptually this proposed plan sounded good, but he wanted Surveyor Tower and his client Wolowski to understand that an upgrade of the private road and the water and sewer lines would **not** trigger Plummer Hill Drive becoming a Town maintained road. If the owners are willing to keep Plummer Hill Road as a private drive, Town Manager/Planner Burbank said that it would make him happy just to see that culvert replaced and done correctly.

Would Plummer Hill Road Ever Become a Town Maintained Road?

Chair Spanos said that in order for Plummer Hill Road ever to become a Town road the

minimum width would have to be fifty foot (50') right of way. He said he believed that the current Plummer Hill Road was too narrow to ever become a Town road.

Fire Chief Beard said that from his perspective as Fire Chief the road would need to be wide enough for a fire truck, but not necessarily a full fifty-foot (50') right of way.

Tower said that when Mr. Wolowski does the work on the culvert, Wolowski could widen the road a little and move it back into place.

Chair Spanos asked if the Planning Board could approve a waiver of the road width and design requirements in the subdivision regulations or if Wolowski would have to go to the ZBA for a variance. There was a discussion about whether the subdivision as proposed would require a waiver or a variance. They also discussed whether or not the Planning Board could give the waiver or if varying the width of the road would have to go before the ZBA.

Town Manager/Planner Burbank reiterated that Fire Chief Beard was concerned about whether the Fire Department would be able to drive a truck up Plummer Hill Road because of the condition of the culvert underneath the road.

How Would the Life Estate Impact the Proposed Plan?

Fire Chief Beard asked Surveyor Tower how the life estate works. Is it legally possible to make the changes to the lot lines on the part of the land that is subject to the Labrecque life estate?

Surveyor Tower said he was not sure and said that Wolowski's attorney would be "looking into it". Chair Spanos said he thought that the life estate lot essentially subdivided the land during the duration of the life estate.

Robinson asked if there is enough area in front of the garage as shown on the Conceptual Subdivision Sketch for a hammerhead. Fire Chief Beard thought that the hammerhead would have to be further up the road beyond the garage. Fire Chief Beard said that if the hammerhead was designed for his longest piece of equipment the hammerhead would take up a lot of real estate. The Fire Department's longest piece of equipment is forty-five feet (45') to forty-six feet (46') long. Fire Chief Beard thought that the smaller Engine 1 would be the next longest piece of fire apparatus and would be a better fit for that residential area.

Bont read aloud the Site Plan Review Regulations Article XVII

ARTICLE XVII **WAIVING OF REQUIREMENTS**

Upon written request by the applicant or upon the motion of any regular member, the Board may vote to waive, in whole or in part, any provision of these Regulations. A waiver may be granted when in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to an informed evaluation of the site in question, and such waiver would not adversely compromise the purpose or intent of these Regulations.

Chair Spanos asked Mr. Wolowski to contact Bont for information on the process to file an Application for a Subdivision or how to Request a Waiver from the Planning Board or an Application for a Variance from the ZBA.

- B. Conceptual – Stacey Berger, White Mountains Helicopter, LLC, PO Box 17, Warren, NH 03279, possibly at RiverWalk, LLC, 22 South Mountain Drive, PO Box 69, Lincoln, NH 03251 (Map 118, Lot 044) and on or near property owned by CLP Loon Mountain, LLC, 60 Loon Mountain Road, Lincoln, NH 03251 (Map 126, Lot 001 & 020)**

Presentation:

Dennis Ducharme of the RiverWalk, LLC, and Stacey Berger of White Mountains Helicopter, LLC, presented a Conceptual to the Planning Board with a proposal to offer scenic helicopter tour rides and land the helicopter behind the RiverWalk Resort towards the Pemigewasset River.

Berger said that she was more familiar with the air space around Lincoln which is not as complex as the land spaces. Berger said that she and Bont had looked at Land Use Plan Ordinance and the Site Plan Review Regulations. Berger said it seemed her proposal might be a problem in the Village Center (VC) District. If that is the case, Berger asked if there might be another property nearby that would be allowable to use.

Bont said that on page 28 of the Land Use Plan Ordinances, the Land Use Schedule for Public Uses indicates that airports and heliports are possible uses in the Rural Residential (RR) District and General Use (GU) District by Special Exception. This means that the proposed project would have to go to the ZBA for the Special Exception.

2. LAND USE SCHEDULE (Continued)

PUBLIC USES	S.B.D.	G.U.	V.C.	V.R.	G.R.	R.R.	M.R.
Libraries	N	Y	Y	Y	Y	Y	N
Houses of Public Worship Related Religious Functions	N	Y	SE	SE	SE	Y	N
Museums & Cultural facilities	N	Y	Y	SE	SE	Y	N
Schools	N	Y	SE	Y	Y	Y	N
Health Care Facilities	SE	Y	SE	N	N	Y	N
Recreational Facilities	SE	Y	Y	SE	Y	Y	Y ¹
Airports & Heliports	N	SE	N	N	N	SE	N

¹ Recreational Facilities are permitted only if they are passive in nature, e.g., continuation of existing cross-country ski trails, including structures (buildings) which are accessory use in nature in support of said passive recreational use

Bont explained that the RiverWalk property is located in two (2) zoning districts: (1) Village Center (VC) District; and (2) General Use (GU) District. The General Use (GU) portion of the lot is the portion located closest to the East Branch Pemigewasset River and is in the one hundred (100) year floodplain. Heliports are not allowed in the Village Center District and are allowed by Special Exception in the General Use (GU) District.

Chair Spanos asked whether the helicopter tour rides would be a service offered periodically or would the service be offered on a regular schedule. Berger said that helicopter tours would be by appointment and the number of tours would depend upon how popular the tours became.

Chair Spanos asked Berger if her plan was to offer helicopter tours full time. Berger said the helicopter tours would be “by appointment on an ongoing basis”.

Hettinger asked for the reason for the helicopter rides. Berger said the reason for offering tours was strictly for sightseeing.

Ducharme of RiverWalk said that Berger currently runs the helicopter tours service out of the Town of Warren. She currently offers tours up to Mount Washington. Ducharme said that a helicopter tour is costly, but that RiverWalk would like to offer the helicopter tours as an occasional special event and then on and off on an “as called basis” to other guests in the hotel.

Hettinger said that several years ago, someone tried to get permission to offer helicopter tours in Town and the whole Town was against the idea because of the noise factor. Berger said that the noise “is a subjective thing”.

Hettinger said that proposed development across the river from the RiverWalk Hotel will be all expensive homes.

Chair Spanos asked Berger if the FAA regulated how low someone could fly a helicopter over Main Street. Berger said the FAA rules that apply to how low aircraft can fly is not necessarily the same for helicopters; helicopters have to fly in such a way “just not to present a hazard to anybody”.

Chair Spanos asked Berger if she would have to build a pad in order to land the helicopter. Berger said that she could land the helicopter on the grass. Berger said she would put fencing around the landing area so that people would not tend to walk there, if necessary, but if the landing area is staffed properly safe landing and takeoff should not be an issue.

Callum Grant asked Berger what type of equipment she would need and if Berger anticipated refueling at the site. Berger said that her helicopter is a four (4) seat, Robinson R44. They schedule refueling every two (2) hours. The helicopter can carry up to three (3) hours of fuel, but to be safe they refuel every two (2) hours. The fuel is in a truck.

Ducharme asked if the Hobo Railroad (Map 112, Lot 019 – 64 Railroad Street) had ever tried to get Planning Board approval to offer helicopter rides in Town before. Hettinger said that he believed so. Bont said that she understood that the person who tried was Ian Grant and he was sitting in the audience tonight. Berger asked if Ian Grant got the opportunity to try flying a helicopter near the downtown. Ian Grant said “Yes, they had a helicopter at Hobo Railroad.” Ian Grant said that when he proposed the helicopter rides out of the Hobo Railroad site the residents had a problem with the noise on West Street.

Hettinger said that Dartmouth Hitchcock Medical Center lands a “Life Flight” or Dartmouth-Hitchcock Advanced Response Team (DHART) helicopter here in the downtown area for emergencies and to pick up of patients. Berger said that the DHART helicopter is a much bigger aircraft than the four seat Robinson R44 that White Mountains Helicopter LLC is planning to use.

Fire Chief Beard asked Berger what category of helicopter the Robinson R44 is. Berger said it is a small aircraft. Fire Chief Beard said he thought that the DART helicopter was between a Class 1 and Class 2. (The DHART helicopter is an Airbus Helicopter H135-Series.)

Performance Class 1 Helicopter

A helicopter with performance such that, in case of critical power-unit failure, it is able to land on the rejected takeoff area safely continue flight to an appropriate landing area, depending on when the failure occurs (ICAO).

Performance Class 2 Helicopter

A helicopter with performance such that, in case of critical power-unit failure, it is able to safely continue flight, except when the failure occurs prior to a defined point after takeoff or after a defined point before landing, in which case a forced landing may be required (ICAO).

Bont asked Berger if the flights would be daytime flights only. Berger said that the flights would be offered between the hours of 11 AM and 4 PM for scheduled 30 minute rides. Ducharme thought there would probably be about six (6) liftoffs per day.

Town Manager/Planner Burbank asked Fire Chief Beard what would be required to meet the necessary Fire Department's fire safety standards. Fire Chief Beard said that he would require access to the landing site as well as compliance with NFPA 407 and NFPA 30, for refueling.

Callum Grant asked Berger if she had done any research about potential flight paths in and out of that location to minimize sound. Berger said that her intention was to fly over the power lines as much as possible. Callum Grant said that following the power lines from the Town of Warren would mean coming in from the southwest and up the river, in and out.

Hettinger asked if a helicopter landing pad would have to meet NFPA standards. Fire Chief Beard said that helicopter landing pads are governed by the FAA and require different size landing pads depending on the size and category of aircraft. Fire Chief Beard explained that a Class 3 helicopter requires a much smaller landing pad whereas a Class 1 helicopter requires a one hundred foot by one hundred-foot (100' x 100') landing pad. A Class 2 helicopter requires a sixty foot by eighty-foot (60' x 80') landing pad. Berger said that her helicopter landing space in Warren is certified by the FAA and is only twenty feet by fifty feet (20' x 50').

Town Manager/Planner Burbank asked Berger if her helicopter landing space had to be a concrete pad of a certain size or could it be a grassy area. Berger and Fire Chief Beard said that it can be a grassy area. Fire Chief Beard explained some of the specific details of landing pads depending upon the size of the helicopter and angle of approach.

Chair Spanos said that a request for a Special Exception has to go to the ZBA and then come back to the Planning Board for Site Plan Review approval.

Bont said she has tried to set up joint meetings with the ZBA and the Planning Board in the past because it is allowed by statute, however, in the past the ZBA has not been amenable to joint meetings.

There was a brief discussion about the requirements for filing for the waiver or variance.

Bont had created a larger map showing the subject property (RiverWalk, Map 118, Lot 044) in relationship to its neighbors and the zoning district designations. She showed the map to Berger and the Planning Board. They discussed the space needed for the helicopter landing area. One potential location for the landing area was in the Village Center (VC) District, right on the line of the General Use District. That potential location for the landing area would require a Variance and a Special Exception.

Ducharme mentioned that in the future he planned to construct a cable to go across the East Branch Pemigewasset River for a ski chair lift. Ducharme said that the helicopter could not fly or land near there. Ducharme said that perhaps they could look at other possible locations in Town where the helicopter could land and guests could be shuttled to and from that location.

Callum Grant asked about the potential impact this location might have on the Jean's Playhouse Theater nearby. Would noise be an issue for performances at the theater? Ducharme said that he believes Jean's Playhouse Theater is relatively far away from this area of RiverWalk and they always take that into consideration. Ducharme is on the Board of Directors for Jean's Playhouse Theater. A few months ago, RiverWalk shot off fireworks at the RiverWalk; they had to shoot the fireworks off before the theater event started.

Fire Chief Beard asked about the path of the helicopter's approach. Were powerlines and wind considered? Berger said it depends upon the situation, but the prevailing winds will be studied.

Town Manager/Planner Burbank asked if Berger anticipated offering helicopter tour rides year-round. Ducharme said the helicopter tour rides would be offered in Spring, Summer and Autumn.

Members of the Planning Board also discussed the pros and cons of flying over areas that are densely populated versus sparsely populated areas. They also discussed flying in close proximity to power lines, larger buildings and wooded areas.

Robinson said that in his opinion it makes more sense for Berger to try to locate the landing area in the General Use (GU) District portion of the RiverWalk lot instead of in the Village Center (VC) District portion of the lot. Perhaps Berger could apply for a waiver from the Planning Board or a Special Exception from the ZBA rather than a Variance from the ZBA.

Robinson said that in order to prevail with a request for a Variance, Berger would have to prove "hardship". However, if Berger located the helicopter landing area in the portion of the RiverWalk lot that was in the General Use (GU) District, Berger would need to request a Special Exception. It would be easier to meet the requirements for a Special Exception. The reason the Town requires a Special Exception for a helipad in the General Use (GU) District would be that the Town does not want to disallow helipads, however, the Town does not want to say Berger can put a helipad anywhere in the General Use (GU) District either. The Town wants to take a look at the specific site Berger is requesting. Therefore, Berger can locate a heliport in the General Use (GU) District by Special Exception. The Town can then say, "It makes more sense to put the heliport here rather than there, even if both locations are in the General Use (GU) District." The ZBA gets to look at the location and determine whether the proposed location is acceptable (i.e., meets the requirements for a Special Exception). Robinson said he recommends that Berger and Ducharme locate the helicopter landing area within the General Use (GU) District area of the RiverWalk property.

Fire Chief Beard said that there is one building near the proposed helicopter landing site and it is a sewer pump station. There was a long discussion about the area and land itself.

The racetrack in Woodstock (White Mountain Motorsports Park, 463 Daniel Webster Highway, North Woodstock, NH 03262) was mentioned as a possible landing site as well.

Chair Spanos asked if anyone had any issues with the concept. There were no further comments.

IV. NEW BUSINESS:

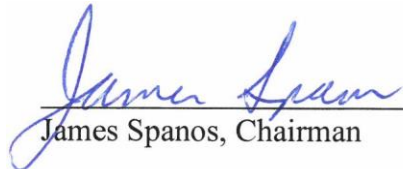
- V. PUBLIC PARTICIPATION AND OTHER BUSINESS:** Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

VI. ADJOURNMENT**Motion to adjourn at 6:48 PM****Motion: Callum Grant****Second: John Hettinger****All in favor: 4-0**

Respectfully submitted,

Wendy Tanner,
Planning and Zoning Recorder

Date Approved: 3/22/17


James Spanos, Chairman