

**LINCOLN PLANNING BOARD  
REGULAR MEETING MINUTES  
WEDNESDAY, JANUARY 22, 2014 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

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**Present:** Chair R. Patrick Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, Selectmen's Representative OJ Robinson, Paula Strickon,.

**Members Excused:** Norman Belanger (alternate), and Taylor Beaudin (alternate).

**Members Absent:** None.

**Staff Present:** Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank.

**Guests:** None.

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**I. CALL TO ORDER:** by Chairman Pat Romprey at 6:00 P.M.

*Chair Pat Romprey called the meeting to order. Taylor Beaudin and Norman Belanger were excused.*

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**II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:**

- January 8, 2014

**Motion to review the January 8, 2013 minutes at the next meeting.**

**Motion: Robinson.**

**Second: Hettinger.**

**Motion carried (4-0).**

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

*No continuing business.*

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**IV. NEW BUSINESS -WORK SESSION BETWEEN PLANNING BOARD MEMBERS**

- A. Review 2003 Lincoln Master Plan to Work on Master Plan Update – The Planning Board reviewed Chapters 1 and 2 of the 2003 Master Plan.**

**[This meeting is a "work session" therefore there will be no public participation in the discussion.]**

*How often should a Master Plan be updated?*

*RSA 674:3, II includes language that recommends a revision to the Master Plan every 5-10 years. A good rule of thumb is to ask: "Have conditions in town changed sufficiently since the*

*last master plan to warrant a reexamination of the policies and recommendations?" This would especially apply if significant zoning amendments/proposals were being considered because the zoning ordinance is supposed to implement the Master Plan. If the zoning amendments are being proposed are at odds with the Master Plan, either the Master Plan needs updating to reflect the new circumstances or the zoning amendments will not be consistent with the Master Plan.*

***What is required for an update?***

*RSA 674:3 states that "In preparing, revising or amending the Master Plan the planning board may make surveys and studies, and may review data about existing conditions, probable growth demands, and best design methods to prevent sprawl growth in the community and region. The board may also consider the goals, policies, and guidelines of any regional or state plans, as well as those of abutting communities."*

***Options for Assistance to Prepare the Update:***

*Bont explained that the Town could also hire someone to do the whole Master Plan or you could hire someone to do just certain portions of the Master Plan. For example, you could hire someone to do a map of a build-out. Bont explained that she thought that a build out might be a good tool to have to look at the big picture because relatively speaking Lincoln does not have that much land relative to its geographic size that is actually developable.*

*We did get an estimate from North Country Council, Inc. (Regional Planning Commission) for the build out for Lincoln. However, at the moment NCC is in an uproar with staff turnover and looking for a new director. Until they settle down and get their staff, looking for a new director. There is hope in that they had 27 applicants for the job and they do have two new planners on staff that might be okay.*

***Review of the Master Plan***

*The Planning Board reviewed the first two chapters of the Master Plan adopted 2003. The Planning Board had started a review of the Master Plan first with Matthew Henry and then with Michael Asciola. There are two chapters here with changes proposed when the two previous Planners were here:*

- 1. Chapter I: Vision*
- 2. Chapter II: Land Use*

***Chapter I: Vision, Paragraph D. Economic Development***

***Second Goal, Objective #2: Lincoln should continue to explore creating a Tax Increment Financing (TIF) District to continue to improve the financing of infrastructure in the Village Core.***

*Burbank asked if Lincoln was still looking to create Tax Increment Financing Districts (TIF) as a tool for funding necessary infrastructure improvements. Should that goal still be in the Master Plan under the "Goals and Objectives" section under Development.*

***What is a TIF?*** (NH OEP publication entitled "Tax Increment Financing" Spring 2007 (Updated Fall 2012))

"The (F)inancing of public improvements with the (I)ncremental (T)axes created either by new construction, expansion or renovation of property within a defined portion (district) of the community."

"Suppose your historic downtown needs improvements to maintain the existing tax base and also to attract new investments. Further suppose that this historic downtown is approved as a tax increment finance district at Town Meeting. After the TIF is established, the existing tax value of that district would continue to be distributed in the regular way (60-70% to schools, 6-8% to County, and the rest to the Town).

"For example, suppose that over the next three years several properties within the TIF are extensively renovated and there is now \$2 million of additional tax value. A portion of the taxes from that new incremental value would be dedicated for use within the TIF district, rather than the normal general revenue distribution.

"Once public improvements in the district have been paid for, the increased tax value of the district would become part of the general revenues of the town and benefit everyone. *Nothing is taken away from anyone, because the TIF district uses new money that is created by new investments. Existing tax dollars are unused and untouched.* And because 100% of the funds are available, bonds can be paid off much quicker than if general funds were used, which in most New Hampshire towns represent less than 30% of each new tax dollar (the rest going to the county and schools)."

*Romprey and Hettinger noted that the idea of creating TIFs has been raised several times over the years, but has not come to fruition. Burbank recommended that they keep it in their Master Plan because Lincoln still has some major development to go. Even if it is not in the Master Plan, it is probably not excluded. Developers might see it in the Master Plan if they read it.*

### ***Chapter I: Vision, Paragraph E. Housing***

#### ***First Goal, Objective #3: Continue to provide housing for the elderly.***

*Strickon suggested adding the word "disabled" so it reads "elderly and disabled". Lincoln Green is for elderly and disabled. Other members of the Planning Board agreed. There was a time when they thought Lincoln Green might become condominiums and not for the elderly and disabled. Now there are new owners. They are continuing with the old purpose, but that is "not chipped in granite".*

*Lincoln Green is now owed by:*

*Lincoln Green Co.  
c/o Boston Land Company  
411 Waverly Oaks Road, Suite 313  
Waltham, MA 02452-8414*

*Romprey believes that the New Hampshire legislation passed about three years ago that locked the purpose of the Lincoln Green building into housing for the elderly and disabled. Robinson asked what he meant by saying they were "locked in". According to Romprey, the use that is designated there now is the only use they can have. The lot on which Lincoln Green was built was a substandard sized (i.e., nonconforming) lot to start with so they had to have a variance to build it as "The Center" that it is now. It would not qualify for condominiums or apartments under the statute; it has to remain housing for elderly and disabled.*

*Robinson asked if the building did qualify to become condominiums, would it have to include subsidized apartments. Romprey thinks that would require Planning Board's Site Plan Review for a change in use and also would have to go back to the ZBA.*

*Assessment card says the building was built in 1982. The building sits on 5.0 acres. The building has 33 one bedroom apartments & 2 two bedroom apartments. There are restrictions on the property. The card also says: "Section 8 Restricted & adjusted value for elevator rents & operations in effect until 2013. Low income apartments." Zoning was not adopted until 1986.*

*According to the website [www.LowIncomeHousing.us/NH/Lincoln.html](http://www.LowIncomeHousing.us/NH/Lincoln.html), Lincoln Green on RRI and East Spur Road (24 Lincoln Green Road) Lincoln NH is a low income apartment building. The government gives funds directly to the apartment owner. The property owners charge lower rent for low income persons. This apartment building is available for low rent, senior housing apartments with subsidized government low income rates.*

*Burbank asked if a community could control the use of a piece of property, mandating its use for elderly and disabled housing through the Master Plan. Romprey responded that this is exactly what Lincoln did. According to Romprey, if you go back three years ago to the Town Meeting Minutes you will see relevant legislation enacted over a two year period that prevents the property owners from "wholesaling that building as a condo development". In Romprey's opinion, it was passed long enough ago that it is not challengeable now.*

*Hettinger remembered that at one time the Planning Board discussed keeping an area open where the town-owned property of 18 acres back is located behind JJ Hardware for a possible senior and disabled housing development. The area they discussed is the same spot where the skate board park is now proposed.*

*The Planning Board is not interested in expanding the number of zones where this type of housing was allowed at this time.*

**Chapter I: Vision, Paragraph E. Housing*****First Goal, Objective #4: Provide affordable housing that will not adversely affect the character of the area.***

Romprey opined that he would prefer Lincoln try to avoid any type of Title II housing or what is known as subsidized housing. He does not mind if there is housing for the disabled and elderly, but under Title II the tenants could be anybody, meaning the tenants of Title II housing do not necessarily come from the Lincoln area. If their name is at the top of a statewide list then they are shipped in from wherever they were living before when their name reaches to the top of the list. In Romprey's opinion, Lincoln would prefer to avoid importing residents with no ties to or interest in the community.

Robinson asked if Romprey was referring to Section 8 Housing. Romprey thought that Title II housing was similar to Section 8 Housing, however, his understanding is that Title II is fully subsidized and the landlord has to take whomever they put on the list.

**What is "Public Housing" in New Hampshire? (See Attachment A.)**

Burbank explained that almost any kind of housing can qualify for Section 8 assistance. Any landlord can participate by renting to someone who receives assistance through the Section 8 program. Section 8 housing is subsidized housing. It is income based. For example, if he is the landlord. Someone applies to be his tenant. He accepts them as his tenant. They receive assistance from the federal government to pay the monthly rent.

Robinson explained that Section 8 is partially subsidized and income related. The federal government subsidizes the rent. For example, if the rent is \$1,000, the federal government may pay \$800 of the rent and the tenant would be responsible for the remaining \$200.

Robinson explained that is different than what Romprey is describing as Title II housing. Romprey wants to do additional research. Robinson does not think there is any need to investigate how Section 8 housing works. If you have an apartment you can rent it out as a Section 8 no matter what the zoning is. If the zoning allows an apartment it allows Section 8.

**Chapter I: Vision, Paragraph E. Housing*****Second Goal, Objective #3: Maintain a strong building code and enforcement program.***

Robinson pointed out that the last time the Planning Board reviewed this section the Board crossed out "Objective #3: Maintain a strong building code and enforcement program". He asked the Board if they wanted to add this objective back in. Robinson believes that one of the town's objectives should be to have strong mandatory building code enforcement program with third party engineering review of projects for safety compliance.



*Burbank asked if they wanted their police of third party review to apply to multi-family houses and commercial buildings. Hettinger said that originally the Planning Board intended to have the policy of third party review apply to commercial buildings. Bont reminded them that according to the State Fire Marshall's Office, any multifamily building that has more than two dwelling units also qualifies as a commercial building – i.e., more units than a duplex.*

### ***What is Lincoln doing now?***

*Burbank emphasized that the Master Plan should reflect our current process. Lincoln did not adopt NH RSA 155-A – the statute that allows the town to enforce the NH State Building Codes. Even if Lincoln did not adopt the statute that allows for local enforcement, the NH State Building Code is still in effect. That means Lincoln is deferring to the State Fire Marshall's Office to do enforcement. If a complaint comes in the context of a building code issue, Lincoln is either deferring to the State Fire Marshall's Office or requiring developers to go through a third party review process. Burbank explained that presently in Lincoln on our applications for Land Use Permits we collect the license numbers of the building tradesmen. When the Planning Department issues a Land Use Permit, we put language on the permit that refers the applicant and the property owner to the New Hampshire State Building Code. When the project is complete and before we inspect or issue a Land Use Compliance Certificate, we have the licensed architect or building tradesmen or the contractor sign the Construction Control Affidavit, taking responsibility for complying with the NH State Building Codes.*

*If the project is a "commercial project" (i.e., anything that is not a single family home or duplex) then the builder has the option of either paying the New Hampshire State Fire Marshall's Office to do the inspections or hiring an independent third party inspector to inspect the building throughout the construction phases. That third party inspector will then sign off that the building has been built in compliance with the New Hampshire State Building Code.*

### ***Should Lincoln Adopt NH RSA 155-A?***

*Romprey reminded the Planning Board that in 2013 they voted not to adopt NH RSA 155-A New Hampshire Building Code and NH RSA 673:1, II & V on the advice of several people. Romprey tried to remember why the Planning Board removed this objective. Bont suggested that probably they removed it because Lincoln is not allowed to give out building permits because Lincoln had not adopted NH RSA 155-A for local enforcement of the New Hampshire Building Code.*

*Burbank suggested that perhaps the Planning Board could put in the Master Plan that Lincoln would like to see the adoption of a NH RSA 155-A New Hampshire Building Code. This would be the time to write it into the Master Plan.*

*Romprey reminded the Planning Board that if they adopt enforcement of the NH State Building Code they are "opening the door to letting State Agencies into our business". That is one of the reasons the Planning Board was reluctant to adopt it. Romprey and Robinson suggested that the Planning Board put in a supportive generic statement. Strickon objected. "You cannot put a generic statement under 'Objectives'. It does not work that way. Objectives are specific."*

*Burbank suggested changing the objective as follows: "Our objective is to strive to comply with State Building and Life Safety Codes."*

*Robinson suggested that the primary objective should be to ensure safe construction. The Planning Board should not care about limiting it to housing. Safe construction should be a goal for single or multi-family family housing, a six story hotel or a garage. We want to encourage safe construction methods through the application of third party review process when appropriate.*

*Burbank encouraged the conversation. Since he has been town manager (and as a former Fire Chief) he has seen photographs of multi-family dwelling unit construction here that are "as scary as I have ever seen". Burbank asked the Planning Board to consider, philosophically, whether the town should take on the obligation to "care" about whether buildings are built to NH State Building Codes. Today, when the contractor comes in for a permit to build a multi-family dwelling, we tell the developer that he can either chose to invite the State Fire Marshall in to do the inspections or hire a third party architect/engineer to make sure the project meets the state wiring codes, etc. Does the Planning Board believe that is enough?*

*Rompney answered that under the current permitting process, the only way the Town would catch violations of the State Building Code would be if a contractor goes in as to do renovations and opens up the walls, like he did, which is how he found "the other stuff". That is the only other way these failures will get picked up is if the building burns down.*

*Burbank encouraged the Board to change the wording of the goal because it has changed a little from what they wrote back in 2003 – 11 years ago. The trend should be reflected in the revised Master Plan.*

*The Planning Board decided to change the goal as follows:*

*"To ensure safe construction methods through a third party review process as appropriate."*

#### **Chapter I: Vision, Paragraph F. Public Facilities**

##### ***Second Goal, with objectives #1-#2.***

**"Goal:** Coordinate future municipal facilities and services with the existence of federal, state and local financial resources.

##### ***"Objectives:***

- 1. Integrate the Town's annual budget process with long-range operational planning and the capital improvement program.***
- 2. Maintain the level of coordination and cooperation between the Town of Lincoln and other public service authorities."***

*The second goal and the two objectives above were crossed out in the drafts from 2011-2012. Robinson asked why they were crossed out. Although there are not a lot of state and federal*

*resources available at this time, when and if monies became available we certainly should coordinate with them for future projects.*

*Burbank agreed that the trend for the next decade is that there will be less and less government assistance for local projects, however, as funds become available Lincoln should tap into them.*

*The Planning Board agreed to put the second goal back in.*

***Second Goal, with objectives #1-#2.***

**“Goal:** Coordinate future municipal facilities and services with the existence of federal, state and local financial resources.

*Robinson suggested putting the objectives back in as well. Hettinger pointed out that the Lincoln is using the CIP program now and has been for a number of years. (The CIP was adopted in 1998.) Robinson reported out we coordinate with state and federal financial resources. The Planning Board agreed.*

***Chapter I: Vision, Paragraph G. Public Facilities***

***First Goal, with objectives #1-#4.***

**Goal:** Continue to provide community residents with affordable and quality services to meet community needs.

***Objectives:***

1. Maintain and improve appropriate municipal services: fire protection, highways, parks and recreation, police, solid waste disposal, education, water and sewer.
2. Stabilize and contain the growth of the tax rate.
3. Extend water and/or sewer services in to areas where there are environmental limitations to on-site sewage disposal and/or wells.
4. Promote underground installation of utility conduits, cables and wires.
5. Protect the quality of surface and ground water to insure the public health of the community.

*Strickon objected to putting the word “education” between solid waste disposal and water and sewer. The board agreed to change Objective #1 to:*

***Chapter I: Vision, Paragraph G. Public Facilities***

***First Goal, with Objective #1.***

- 1. Maintain and improve appropriate municipal services: education, fire, police, and emergency management services (EMS) protection, highways, parks and recreation, solid waste disposal, water and sewer.**



*The Planning Board reviewed:*

**Chapter I: Vision, Paragraph G. Public Facilities**

***First Goal, with Objective #3.***

**Goal:** Coordinate and harmonize existing municipal services and infrastructure providers in order to provide citizens with a high quality and efficient infrastructure and service network.

***Objectives:***

1. Lincoln's population fluctuations, due to visitors and seasonal residents, places unique pressure on existing and future services and infrastructure. Planning for these fluctuations to ensure that adequate municipal services and infrastructure are maintained will be one component of an overall municipal system that will be needed to preserve Lincoln's existing high quality of life.

*Strickon and Burbank both commented that Lincoln's year round population fluctuates drastically which ties in well with the objectives. The population will continue to fluctuate because of the recreational character of the town. They expect the permanent population to increase incrementally as people retire to their second homes, but the seasonal population will still continue to fluctuate wildly.*

*Bont speculated that the increase is probably due to an increase in the number of retirees moving in to live here permanently in what used to be their second homes. When she worked for North Country Council (NCC) she used a lot of the demographic data compiled for the CEDS. The CEDS includes demographic data compiled for each town. It includes information about the mean age for people living up in northern NH which has been steadily climbing. The median age in northern NH towns is around 42-43. The number of children in the schools is dropping drastically, as are younger adults because the jobs are not here. Burbank commented that the good news is that most retirees are buying/building homes and condos and are not looking for elderly housing.*

*[In 2010 Census the resident population for Lincoln was 1662, up from 1271 in 1990. There has been a 31% increase in resident population over the past ten years. The resident population increased by 391 people in 10 years or 39 people per year. This contrasts with the estimated seasonal population of 30,000 people during peak seasonal times. The median age in Lincoln is 45.9 years compared to the median age in New Hampshire of 41.1 and the median age in the US is 37.2. New Hampshire is one of seven states recording a median age of 40 or older. According to the US Census Bureau, In the US in 2010, the median age increased to 37.2 from 35.3 in 2000, with the proportion of older Americans increasing. The 1.9-year increase between 2000 and 2010 was a more modest increase than the 2.4-year increase in median age that occurred between 1990 and 2000. The aging of the baby boom population, along with stabilizing birth rates and longer life expectancy, have contributed to the increase in median age.]*

North Country Council (NCC) helps to develop and maintain a Comprehensive Economic Development Strategy (CEDS) which is an economic development strategic plan to diversify and strengthen regional economies for the northern tier of New Hampshire. The CEDS includes analysis of the regional economy and serves as a guide for establishing regional goals and objectives, developing and implementing a regional plan of action, and identifying investment priorities and funding sources. The Comprehensive Economic Development (CEDS) Committee identifies and prioritizes local and regional projects including them in the CEDS document, thereby making them eligible for EDA funding.

*Rompney suggested changing the word "highways" to "roads". Bont reminded them that "highways" is a legal term of art used in New Hampshire statutes. The state uses the terminology "Highways" not "Roads". Towns are primarily concerned with Class VI Highways are not maintained by the Town whereas Class V Highways are maintained by the Town.*

New Hampshire RSA 229:5 Classification sets out the seven different classes of highways in the state:

1. **Class I** – all portions of the turnpikes and the national system of interstate and defense highways, and all existing or proposed highways on the primary state highway system, excepting all portions of highways within the compact sections of the cities and towns listed in RSA 229:5, V., which aren't part of the state or national turnpike system or are defense highways.
2. **Class II** – all existing or proposed highways on the secondary state highway system, excepting all portions of such highways within the compact sections of the cities and towns listed in RSA 229:5, V.
3. **Class III** – all recreational roads leading to, and within, state reservations designated by the General Court.
4. **Class III-a** – boating access highways from any existing highway to any public water in this state.
5. **Class IV** – all highways within the compact sections of cities and towns listed in RSA 229:5, V., which are not Class I or II highways.
6. **Class V** – all other traveled highways which a town has the duty to maintain regularly and shall be known as town roads.
7. **Class VI** – all other existing public ways, including all highways discontinued as open highways and made subject to gates and bars, except Class III-a roads, and all highways which have not been maintained and repaired by the town for travel thereon for 5 or more successive years.

*Burbank asked if traffic was a settled issue here in town. There have been a number of traffic studies on Main Street. There was one study only three or four years ago. Robinson explained that as a result of the last big traffic study the State put in a big long left turn lane down the center. The recommendations of the study also called for future traffic lights. Burbank asked if what was in the Master Plan was adequate for the next ten years. The Planning Board agreed that it was adequate "unless everything goes absolutely crazy".*

*The Planning Board then reviewed:*

**Chapter I: Vision, Paragraph I. Recreation****First Goal, with Objective #1-6.**

The citizens of Lincoln understand and appreciate the outstanding recreational opportunities in this region with the White Mountain National Forest and the Franconia State Park. The town works hard to maintain its own recreational facilities and programs, and serves the people well through frugal budgeting and lots of volunteer hours.

**Goal:** Assure the availability of adequate recreational opportunities and facilities for residents and tourists of all ages and all income levels.

**Objectives:**

1. Increase public awareness of existing recreation resources in town.
2. Utilize existing town-owned recreation/conservation lands.
3. Preserve and expand the network of public trails for hiking, biking and walking purposes.
4. Assure that the town owns suitable land to allow for the expansion of recreational facilities.
5. Insist that all state road enhancement projects accommodate bicycle lanes.
6. Develop a multi-purpose path and riverfront park with links to Main Street for the enjoyment of residents as well as tourists.

*Strickon recommended taking out the word "frugal". "Frugal" suggests that the very last thing we are going to pay for is recreation. It sounds a bit like we are planning to stiff everyone in the Recreation Department. Strickon also suggested changing "lots of volunteer hours" to "volunteerism" to read as follows:*

The citizens of Lincoln understand and appreciate the outstanding recreational opportunities in this region with the White Mountain National Forest and the Franconia State Park. The town works hard to maintain its own recreational facilities and programs, and serves the people well through ~~frugal~~ budgeting and ~~lots of volunteerism~~ hours.

*Under objectives #4:*

"4. Assure that the town owns suitable land to allow for the expansion of recreational facilities."

*Romprey suggested that the Planning Board list what the recreational facilities are. For example, should we list swimming holes?*

*Burbank informed the Planning Board that the Town of Lincoln owns a lot more land than he thought, but the land is segmented; it is not in one spot and it is not ideally located. The town currently owns so much land that he has mentioned to the Board of Selectmen that they might want to put some of this property back on the tax rolls.*

*Hettinger suggested that the Board might want to include a list of recreational assets based on their experience with developers since the last Master Plan was developed. He thought it would be desirable to include a statement to address this problem.*

*The Planning Board complained that when some of the private developers like South Peak come in, the Planning Board has had to figuratively “twist their arms” to allow the town an easement to allow the public to use the public J. Henry Trail. The developer finally agreed to do so, but then the developers never followed through with drafting and recording the actual easements.*

*Later, “The Rapids” came in and the private developer refused to let anyone other than their property owners use the “Old Swimming Hole”. The private developer just wanted the Old Swimming Hole for his own people. Our townspeople have been using the “Old Swimming Hole” and have had access to all of these spots for hundreds of years. Hettinger recommend that the Planning Board include a statement in the Master Plan that says Planning Board should work with these people to denying our citizenry access to these natural wonders that they have traditionally used.*

*Romprey advised that the wording would be tricky, perhaps requiring a lawyer to draft the language, however, Burbank reminded the Planning Board that the Master Plan is not law. It is not a mandate. It is a plan and vision. Robinson said that if the Town’s vision is to maintain access to these long established traditional recreational facilities and areas the Planning Board should try to maintain access to them. Strickon suggested that if such a statement were in the Master Plan the Planning Board could refer these private developers to the goal in the Master Plan. Burbank reminded the Planning board that they are just stating their vision. What does this group today envision for the next ten years?*

*The Planning Board agreed to the following changes:*

*Was this:*

- 4. Assure that the town owns suitable land to allow for the expansion of recreational facilities.*

*Change to this:*

- 4. Assure that the town owns suitable land (and maintains and pursues proper easements) to allow for the (continued use) of recreational facilities.*

*Bont asked how many traditional swimming holes were there. Romprey said there were three traditional swimming holes.*

- 1. Old Hole on The Rapids property where the old gaging station levee is;*
- 2. Gravity Hole next up stream which is behind Lincoln Station with a parking area and about 6-8 parking spots; and*
- 3. Lady’s Bathtub further upstream.*

*Robinson explained that the developers of the development near the swimming hole called “Gravity Hole” have “actually have been decent about it. They made it easy to get there. There is a parking lot there. There are six or eight parking lots”.*

*The land surrounding and including the swimming hole called “The Lady’s Bathtub” was purchased by the Pemi River Conservation Society led by Dr. Rodney A. Felgate. [Dr. Rodney A. Felgate, MD, Linwood Medical Associates, 115 Main Street, Lincoln, NH 03251] His group purchased that property, but has not paid property taxes on it for years. As an abutter to CRVI South Peak, TRS, Inc. property he has been noticed frequently for various projects but the property owner refuses to pick up the notices from the Post Office. All of the notices addressed to are returned. This is the last known address for the Society.*

*[Pemi River Preservation Society, Lost River Road, North Woodstock, NH 03262  
Map 122, Lot 005 – LO Main Street (Lady’s Bathtub)]*

*Burbank has been talking to the Board of Selectmen about taking the property to deed for unpaid taxes. Robinson explained that the Board of Selectmen had talked about taking the land for unpaid taxes several years ago and were advised not to take the land because of the potential for drowning liability. Burbank informed the Planning Board that he and Susan Whitman, Town Clerk have looked into it. They are thinking about recommending to the Board of Selectmen to take it by tax deed. Robinson informed the Planning Board that there are no longer any members in the Pemi River Preservation Society. He heard through a third party that the intention of Dr. Felgate is that he would just let this play out and let the town take it for unpaid taxes. Then you would have your public access to the Lady’s Bathtub.*

*Hettinger informed the board that at one time Dr. Felgate was very interested on working on the Village Core committee, but he did not have the time. He was very interested in the town maintaining access to various recreational areas. Burbank explained that the town does not have to put the parcel up for tax sale, because we are a tax lien town. The town just goes to deed and just takes the property, after proper notice. The town does not have to sell it. Town can own it forever. I don’t even know how much acreage there is. There is a little parking area.*

*[See Appendix A – Map of Lot. The property tax maps list the property as 0.72 acres and 0.62 acres – calculated with an Easement. A significant portion of this lot is in the river. The two different acreage amounts reflect a conflict in two surveys that overlap – the property boundary line into the river overlaps with the boundary line for Map 118 Lot 039 owned by CVRI South Peak TRS, Inc.]*

*Robinson thinks the parking area is owned by Riverfront Condo Association, but the Town has an easement for public access. He thinks the Town owns a little section along the river.*

*Burbank informed the Planning Board that the Town owns 27 acres in total that goes along NH Route 112 between the road and along the East Branch Pemigewasset River and fans out and comes across by the Loon Bridge.*

*Robinson asked if town owned land included where the bike path is. Burbank explained that the fact that the town owned land was brought to his attention by HEB. The Town owned land goes along the East Branch Pemigewasset River. The town also owns a strip along the other side of the river. In some places the Town owns river banks on both sides of the river. The Town is*



*trying to work out what needs to happen with ownership in connection with the plans for the Loon Bridge.*

*Rompney noted that when Loon built parking lot "C" on the south side downstream on the Loon side next to Loon Bridge there was a question of ownership. Bont showed the Planning Board the tax maps where the land was located along NH Route 112 and East Branch Pemigewasset River.*

*Hettinger told the Planning Board that the town lot was supposed to connect from Cooper Memorial Bridge to the lots behind the Lodge at Lincoln Station. There is an old cross country ski trail that is on all of the maps that runs along the river behind the Lodge at Lincoln Station to Cooper Memorial Bridge. Then there is the White Mountain Trail that goes down to the White Mountain Attractions.*

*Robinson commented that between the Gaging Station and Gravity, there is no functional trail there. Hettinger informed the board that there is still a functional trail there. It is just overgrown. He has walked it and the trail is still there. Walk up behind the Lodge at Lincoln Station. The trail comes up right on the east side of the Lodge at Lincoln Station. You have to cross and come out to the Kanc by Roger's Ski Discount Store. Roger was going to give us a right of way to go out that way. The Lodge at Lincoln Station when they first granted us the rights to put the trail there used that trail because all they had to do was cut the trees and put a little fill in there. There are beautiful cross country ski trails there that show on those old Loon maps. It goes right down behind the Lodge. The homeowners' association voted to let the Town have the easement for the trail, but then Cooley started working on them to give him a new entrance to the Lodge at Lincoln Station down to his property and "they shut us off". Something transpired between those two – Cooley and the Lodge at Lincoln Station – because suddenly the Lodge at Lincoln Station no longer was willing to give us access. I even got the state's regulations out because they were worried about liability. As long as you don't charge there is no liability.*

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**VII. 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.

*No public input.*

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**VIII. ADJOURNMENT**

**Motion to Adjourn.**

**Motion: Spanos.**

**Second: Hettinger.**

**Motion carries unanimously by all members present (4-0)**

*The meeting was adjourned by at 7:16 pm.*

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Respectfully submitted,

Carole Bont, Planning and Zoning  
Administrator

Dated: February 12, 2014

  
R. Patrick Romprey, Chairman

See Appendix A, B & C Attached.

## Appendix A

### What is “Public Housing” in New Hampshire?

1. Public Housing in New Hampshire is publicly owned and managed rental units for low-income households.
2. Some units are reserved only for seniors or people with disabilities.
3. It is a project-based subsidy that stays with the unit. Most units cost 30% of the household's adjusted gross income. Some units have a low, fixed rent amount. The rent paid is based on the tenant's income.
4. There is a single access point for applying, often for a large number of units. Tenants need to apply at a public housing authority to get on the waiting list.

### What is Project Based Section 8 Housing?

1. Project Based Section 8 housing is a government-funded program that provides rental housing to low-income households in privately owned and managed rental units.
2. The subsidy stays with the building; when tenants move out, they no longer have the rental assistance. Most units rental cost will be 30% of a tenant's household adjusted gross income.
3. There may be a variety of housing types available through this program including single-family homes, townhomes, or apartments.

### How does it work?

They apply to each individual property that participates in the program. Some units may be reserved for households that are elderly or disabled. Often times they apply for a waiting list that may be several months long. Once they are selected from the waiting list, they may be offered a unit; however, there may be a limited number of available units to choose from.

### How do they qualify?

To qualify they must fall within the Department of Housing and Urban Development's required income limits for the program. Example of rent at 30% income: household with one full-time worker at \$7.25/hour might pay \$348 per month. Waiting lists for Project Based Section 8 units can often be long or closed.

### Is there anything that can keep prospective tenants from getting into Project Based Section 8 units?

Ask the property manager what their screening criteria are, and if there are any issues that automatically disqualify prospective renters. They may conduct a credit, rental, and criminal history checks for each adult that will be occupying the unit. Tenants apply at the individual property. Each owner keeps a separate waiting list.

**What is Section 8 Housing Choice Voucher Program in New Hampshire?**

1. Section 8 Housing Choice Voucher Program in New Hampshire is a government-funded program that helps low-income households pay rent on private, market-rate rental units.
2. A renter finds a unit (within certain requirements); a housing authority pays a portion of the rent directly to the property owner.
3. This is a tenant-based subsidy (The subsidy goes with the tenant).

The Housing Choice Voucher Program, or Section 8, is a federally-funded program that helps low-income, elderly and disabled individuals pay their housing costs whether they are renters or homeowners. The program is run through the U.S. Department of Housing and Urban Development and administered at the state level. This assistance comes in the form of vouchers that help reduce monthly housing payments.

To determine if families or individuals meet the qualifications to receive Section 8 in New Hampshire applicants must have a household income that does not exceed the HUD income limits, meet HUD's citizenship and immigration requirements and provide copies of Social Security cards for every member of the family who is at least six years old. To qualify for Section 8 an applicant's household income must fall below 50 percent of the median income of the surrounding metro area or county --- if the median income is \$46,000, their household's total yearly income must be less than \$23,000. The median income figure varies from state to state.

**What is Title II Housing? Title II of the Americans With Disabilities Act (ADA)?**

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services. The requirements of Title II of the Americans with Disabilities Act, applies to the operations, programs and services provided by State and local governments. Title III of the ADA, applies to public accommodations, commercial facilities, and private entities.

**Appendix B.****TITLE LXIV PLANNING AND ZONING  
CHAPTER 673 LOCAL LAND USE BOARDS****Establishment of Boards****Section 673:1****673:1 Establishment of Local Land Use Boards. –**

- I. Any local legislative body may establish a planning board, the members of which shall be residents of the municipality.
- II. Any local legislative body may establish any or all of the following: a heritage commission, a historic district commission, an agricultural commission, and a housing commission.
- III. Any local legislative body may provide for the appointment of an inspector of buildings. The local legislative body may fix the compensation for any inspector who is so appointed.
- IV. Every zoning ordinance adopted by a local legislative body shall include provisions for the establishment of a zoning board of adjustment. Members of the zoning board of adjustment shall be either elected or appointed, subject to the provisions of RSA 673:3.
- V. Every building code adopted by a local legislative body shall include provisions for the establishment of the position of a building inspector, who shall issue building permits, and for the establishment of a building code board of appeals. If no provision is made to establish a separate building code board of appeals, the ordinance shall designate the zoning board of adjustment to act as the building code board of appeals. If there is no zoning board of adjustment, the board of selectmen shall serve as the building code board of appeals.

**CHAPTER 155-A NEW HAMPSHIRE BUILDING CODE****Section 155-A:2****155-A:2 State Building Code. –**

- I. All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

\* \* \* \*

- V. Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 or RSA 47:22 any additional regulations provided that such regulations are not less stringent than the requirements of the state building code and the state fire code. VI. For any municipality which has not adopted an enforcement mechanism under RSA



674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA 674:51 may contract with a local enforcement agency or a qualified third party for these services as an alternative to establishing the position of building inspector under RSA 674:51, III(c), and such agency or third party shall have the same authority as a building inspector as provided in that section. VII. The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the state building code and state fire code. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

- VI. For any municipality which has not adopted an enforcement mechanism under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA 674:51 may contract with a local enforcement agency or a qualified third party for these services as an alternative to establishing the position of building inspector under RSA 674:51, III(c), and such agency or third party shall have the same authority as a building inspector as provided in that section. VII. The contractor

#### **Appendix C – See attached Map**