

**Lincoln DRB Regular Meeting Minutes**  
**Wednesday, December 07, 2022**  
**6:00 pm, Burnham Hall, Lincoln, VT**

**\*\*PENDING APPROVAL\*\***

DRB Members present: Emmet Moseley-EM (Clerk), Brian Frazier-BF (Chair), Nicole Lee-NL (Vice Chair), Steve Halnon-SH, James Needham-JN

Members of the public present in person and via zoom: See attached exhibit sign in sheet of interested parties making public comment.

**1. Call To Order 6:05pm**

1.1. Establish quorum is present-all members present

1.2. Agenda adjustments and approval Motion to hear Lincoln preschool application at 6:15 rather than 6:45. Applicant not present. Not voted on.

1.3. Members feel it's early to start the Clark Airstrip portion of the hearing given that the public agenda stated it would be later on in the hearing-Nicole Lee stepped away to contact the applicant.

**2. Public Comment –**

[Opportunity to briefly (5 min. max.) present issues, ideas, and concerns on current issues, events and topics not found elsewhere on this agenda. Some issues may require more agenda time scheduled for a later meeting date]

[If time allows public comment on agenda items MAY be heard if present issues, ideas allowed by the chair or by unanimous assent of the board members present.]

2.1- None.

**3. (16:00) Public Hearing for Waiver Application #22-093**, as requested by Eric Hartman (EH), Harvestar LLC on behalf of Kerry Malloy for solar panels on a wooden structure, Parcel I.D. # 01070340.000 at the Lincoln Cooperative Preschool 876 East River Road, Lincoln, VT (\*\*)

3.1 EH-Swears oath.

3.2 BF-We are missing names and addresses of adjoining properties.

EH- They have been notified-we have them here

3.3 BF- we need a more detailed map of the property-utilities easements, right of way, property boundaries.

3.4 BF- should we have a more detailed discussion when we meet again? Members agree.

3.5 NL- How much relief are you looking for?-EH hard to say-still working on that.

BF- we will send you via ZA what you'll need for the next hearing  
BF- Motion to carry the waiver application to the Jan 4th Hearing 6:30, at the town hall.  
EM- Second.  
5-0-0 Motion Carried.

#### **4. 6:32 Pm (28:42) Public Hearing for Conditional Use Application #22-095**

VHB on behalf of Kyle and Katie Clark for the "Personal Landing Area", Parcel I.D. 17070163.100 at 432 Orchard Road North, Lincoln, VT (\*\*)

4.1 Peter Smier (PS) of VHB, Brian Dunkie (BD) of Dunkiel Saunders, Malachai Brennan (MB) of Dunkiel Saunders, Representing Clarks. Sworn in

4.2 Claudine Safar (CS) of Monaghan Safar and Ducham, representing Marilyn Ganahl, objects to hearing starting early Agenda starting BD will ask for the environmental court to pause the appeal process-until the conditional use process plays out.

4.4 BD-in the event of another appeal to the conditional use decision, the hearings would be consolidated.

4.5 PS-strip is located in a meadow surrounded by wooded areas.

4.6 BF-will the lower end be raised? Could you submit something showing a side view? How will that slope be maintained? It's shown in figure 2.01. Attached to the application.

4.7 BF- How deep will you excavate? PS 10 feet at the deepest. BF-What's going to be used for backfill? How do we accommodate changes in the plan due to conditions uncovered during excavation?

NL- is there a construction package we could see? PS-Not yet.

NL- can you send documentation of how you would approach some of those contingencies?

4.8 PS-We understand that If there are major adjustments to the project applicant may need to re-apply.

4.9 AZ-When was the area cleared of trees? PS-This passed year in accordance with the forestry management plan.

EM- Were trees cleared in preparation for the landing strip?

4.10 BF- how much more land is slated to be cleared- PS.87 acres.

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4.11 BF-Have Emergency-services been notified? PS-Personal Communication with Dan Ober (Fire Chief) indicated no concerns. BF Could we see that in writing? Plane crashes and Lithium battery fires aren't commonplace here.

**7:25 (1:30)** 4.12 BF- How are view sheds impacted by trees dropped? Could we see something in writing from your forester indicating tree harvesting was part of the management plan?

4.13 EM- How do we insure that a private airstrip remains as such when the Clarks own an aviation company? Does the definition of Private Landing strip mean it can't be used for company purposes?

BD- The applicants will commit to following the statutes that regulate the defined use of private landing strips. Ie that only the people listed as operators (and who reside on the property) are allowed to takeoff and land there.

4.14 State stormwater permits will have to be secured before the project can comply.

BF- Are there Deer wintering areas in abutting properties?

4.15 NL- You have left the use type blank in your application, what conditional use type do you think this falls into?

BD- We are asking for conditional use for a private landing area, which is not a defined use type in the Lincoln Zoning Ordinance.

**7:57pm (1:51)- Caludine Safar (CS)-Representing Marylin Ganahl (MG)**

4.16 Safar/Ganahl Memo. Entered into evidence as Exhibit #3.

- Cites successive application doctrine-doesn't feel that the application is substantially different from previous application. Established in case law not as statutes.
- Zoning regs do not list aviation as a permitted or conditional use. So in their opinion it's not a valid use for conditional use.
- Raises concerns with water quality, impacts on roadways earth shaping equipment, Views on Orchard Road South/Willard's Woods.
- Suggests proposed grading extends into town right of way, suggests this has safety implications for traffic on Orchard Road.
- Plane flights could impact the quality of life of neighbors-therapeutic riding etc.

**8:40 (2:32): 4.17 Marylin Ganahl (MG) -sworn in-practices therapeutic riding with about 100 individuals 13 horses and 9 dogs sometimes used for these purposes.**

BF- how close are the parts of your property that you use for riding etc? Can you see the landing strip from any part of your property?

MG-No

BF: Could you for example hear a chainsaw in the area of the landing strip from your property?

MG-No likely not.

CF: Suggests DRB/Towns can consider noise as a factor in our deliberations but cannot regulate noise after the project is constructed.

**8:54pm (2:48) 4.18 Interested Party Comments.**

Mr. Schnieder: 192 Orchard Road-Very concerned about noise-worried that once permitted, town/residents will have no control.

8:56 Stephanie Atkins- 155 east river road: Concerned about noise, number of flights feels that planes will fly low over her home.

8:57 Marylin Ganahl: Many people in the community are opposed to airstrip, worried that this will bring lots of air traffic, impacting the rural nature.

9:00 Christine Fraioli 379 Orchard road: Worried about excessive noise.

9:01 Michelle Hall Quaker Street. Worried about planes flying over her home, feels that she's in the potential flight path. Worried about safety and impact on wildlife.

**9:07 (3:00)** Brian Dunkeil and Peter Smier. .

4.19 Proposed runway grading extends to within approx 10 feet of the town right of way on Orchard Road. Reps suggest runway/grading will comply with setbacks.

- Will consult with wetlands experts to confirm no disturbance.

- Re: Successive application doctrine, feels that because the appeal is pending-case is not "final" original application was for 1500 feet. This is for 1000.

-Re: Interim zoning- suggests that because the application was filed in October, Interim Zoning was warned in November.

-Suggests that impacts of the project are not adverse or undue.

-Suggests that noise/impacts of flights are the sole purview of FAA.

9:29 Jackie Tuxill: 1490 Elder Hill Road:

-Concerned about property values, feels the total impacts need to be considered

9:30 Louise Rickard Elder Hill Road:

9:32 NL Motion to Continue at 6:30 on January 4th at Lincoln Town Office.

## **5. Approval of Minutes from 11.2.2022 or Amend/Approve (\*)**

NL-motion to approve minutes-seconded

Approved 5-0-0

## **6. Old Business (\*\*)**

None

## **7. New Business (\*\*)**

7.1. Meeting Hearing time limits and time structure of meeting-most likely will omit times on the agenda.

7.2. Winter weather meeting procedures-

1. Brian volunteers to be the person who mans the town office to start the meeting.

7.3. Allison will stay on until April as an alternate.

**8. Adjournment (\*)**

Motion to Adjourn EM seconded 5-0-0

9:51 Meeting Adjourned