



WATERVILLE VALLEY PLANNING BOARD
Summary of the Minutes for the
Regular Planning Board Meeting
Held on Thursday May 11, 2017 at 8:00 am
FINAL

Home of Waterville Valley Resort

- **Chairman Terry Waite called the meeting to order at 8:00 am**
- **Roll Call and seating of alternates**
 - Full members in attendance: Chairman Terry Waite, Richard Rita, John Recine, Nancy Knight, Bill Larson Ex-Officio
 - Alternate Members in Attendance:
 - Members Absent: Wendi Rathgeber
 - Alternate Members Absent: Cindy Piekos
 - Alternates Seated:
 - Public in Attendance: Tina Koppel (Wig Wag representative), Tim Smith (General Mgr. Waterville Valley Resort), Mark & Kris Bellerose (residents)
- **Review and Acceptance of Minutes from April 13 , 2017 Meeting**
 - Mr. Larsen made a motion to accept the regular meeting minutes of April 13, 2017 with amendments.
 - Motion seconded by Mr. Rita
 - Motion carried by unanimous vote
- **NEW BUSINESS**
 - **NONE**
- **PUBLIC HEARING**
 - Skateboard Park (WVSR) ~ 39 Village Road. Presented by Tim Smith
 - Mr. Waite made a motion to accept the application as complete; motion seconded by Mr. Recine. All in favor with the understanding the board might request more information as the application is being considered for approval.
 - **PUBLIC HEARING** opened at 8:07 am.
 - Mr. Waite questioned the site plan showing the park abutting the parking area shared by the Town Square, Snowy Owl and Black Bear Lodge. The skateboard park is shown as being on a vacant lot. Tim Smith answered the lot is 18 acres abutting the above mentioned businesses. Mr. Larsen asked if the land had been designated as parking to which Mr. Smith answered he believed so. The land is owned by Waterville Company and Mr. Recine asked what the parking issue is due to this being private land. Mr. Waite answered the zoning ordinance requires a certain amount of parking spaces be reserved for businesses. Mr. Waite continued

38 this was the first time the Planning Board had an application in front of them for the
39 skateboard park.

- 40 ▪ Mr. Waite said the skate park never had parking requirements since it started as a
41 temporary facility the normal application process didn't happen. After 15 years of
42 operation it should be seen as permanent. Any improvement on a non-residential
43 property requires a site plan approval.
- 44 ▪ Mr. Larsen added in previous approvals (surrounding businesses) that land was to
45 be used as parking for those businesses. The main issue, in spite of that, they have
46 been allowing the skateboard park to be there. Now the question is what is the
47 procedure that allows them to roll back rules that were established with an
48 approval. Somehow they need to undesignate it for parking. The skateboard park
49 cannot be temporary forever. Mr. Decoteau added this was per town counsel.
- 50 ▪ Mr. Larsen said a pivotal issue is the question of how to handle this land. Previously
51 it was allocated for parking, but based on observations over the past 15 years,
52 there might have been some parking in that area. Mr. Waite added the board had
53 asked, last year, for a letter from Jim Mayhew that there doesn't appear to be a
54 problem with parking in that area. He added that right now the skateboard park
55 cannot be there as it still needs approval.
- 56 ▪ Resident Marc Bellerose, lives at Black Bear Lodge and has a clear view of the
57 skateboard park. He submitted pictures of the debris surrounding the skateboard
58 park. He sees a lot of activity from his porch; young males (18 to 25 years of age)
59 drinking, littering, the odor of marijuana coming from the park. Mr. Bellerose said
60 these issues need to be addressed. He added that most of these people, using the
61 skateboard park, are coming into town from outside of the Valley.
- 62 ▪ Mr. Larsen said this raises another question – the mountain isn't interested in running
63 skate camps any longer so what is their responsibility relative to maintaining that
64 area. Mr. Smith agreed it was their responsibility. The skate park manager left their
65 employ late last year. They do need to get better management in that area.
- 66 ▪ Mr. Rita commented the planning board would like to see the park be permanent.
67 The bottom line is first they have to decide if it will be permanent or removed. Also
68 safety and health need to be brought up. The Town also has a responsibility if there
69 is known under-age drinking and drug use going on there.
- 70 ▪ Mr. Waite said at this point they have to focus on how to address the parking
71 easement issue. From looking at the plan he cannot tell what the easements are.
72 A suggestion on how to deal with this; letters from the businesses that have the
73 easement which are affected by the skateboard park being there.
- 74 ▪ Discussion on temporary versus permanent according to the Town's Zoning
75 Ordinances.
- 76 ▪ Mr. Larsen asked if the businesses that have the parking easements agree the
77 parking spaces utilized by the skateboard park are not needed, will that unburden
78 the restrictions on that land. If that area is not needed for parking why are they
79 tying up land for parking?
- 80 ▪ Mark Decoteau read from the parking chart (page 25) in the Zoning Ordinance
81 "the number of parking spaces may be increased by the Planning Board when
82 judged necessary for public safety; request for reduction in the parking
83 requirements must be accompanied by a parking analysis deemed by the
84 planning board to adequately document the reduced need." The letter from the
85 businesses stating they don't need this area satisfies the requirement for the
86 reduction, along with the police department's support. Changing the existing
87 easements should take care of this issue. There is enough flexibility in the ordinance
88 to change the number of parking spaces to be adequate for Town Square.

- 89 ▪ Mr. Larsen commented he's concerned about Waterville Company challenging
- 90 using the land for parking.
- 91 ▪ Mr. Decoteau suggested letters from the public safety dept., and the businesses
- 92 involved, to state that parking isn't an issue. He also suggested a new easement
- 93 from Waterville Co. to the ski area allowing them to use that land for the
- 94 skateboard park, and a contingent approval saying if it was necessary for other
- 95 uses then the park comes down. These items should meet the criteria they have
- 96 talked about. Add another contingency that this is only for the skateboard park,
- 97 giving a rational for accepting letters from the businesses and dept. of public
- 98 safety.
- 99 ▪ Mr. Waite agreed this might be the only route that is open. If the application is
- 100 removed and Mr. Smith said the park is temporary it would become a code
- 101 enforcement issue.
- 102 ▪ Mr. Larsen said the Zoning Ordinance doesn't mention much about temporary
- 103 structures. They need to be sure they are interpreting this correctly. There is no such
- 104 thing as temporary use of land.
- 105 ▪ Tim Smith added this is very important to their resort structure. He said unless they
- 106 can expedite items such as this, they will fall behind as a resort area.
- 107 ▪ Discussion on the process as it applied to the horse tent/stable.
- 108 ▪ Mr. Waite added it was his understanding that any improvement to, or
- 109 development of, land requires a site plan approval. The question being is the
- 110 skateboard park considered an improvement to the property. Because of its use
- 111 and attraction he would be of the opinion it would be an improvement. Mr. Waite
- 112 asked Tim Smith how he would like to proceed on this application.
- 113 ▪ Mr. Smith answered he will let the planning board tell him what is needed. The
- 114 parking analysis and easement changes would be costly and he would have to
- 115 judge if it would be worth keeping the skateboard park there. Mr. Waite doesn't
- 116 see the parking study as being a huge issue. The planning board can't turn a "blind
- 117 eye" to the parking easement issues. Mr. Decoteau added these are nonspecific
- 118 easements. He asked the board if the aforementioned letters would be sufficient.
- 119 Mr. Waite answered the letters, with one from Waterville Co. stating if those parking
- 120 spaces are needed in the future the skateboard park would be removed.
- 121 ▪ Mr. Decoteau suggested getting a release from Waterville Company stating they
- 122 don't need an easement to do this. They are letting him use the land and no
- 123 easement is needed.
- 124 ▪ Mr. Waite said, for the record, he would like the parking spaces where, the
- 125 skateboard park is located, to be shown on the plan, also outline it on the other
- 126 plans (landscape plan, etc.). A hard letter from Chief Noyes, a statement with
- 127 regard to what they plan for oversight and clean up to address the abutter
- 128 concerns. Mr. Larsen said there have been previous agreements requiring
- 129 landscape and clean up/policing the area. This is not the first time this issue has
- 130 come up. Mr. Waite said due to lack of detail on the plans they would like to see
- 131 photos in the application package.
- 132 ▪ Tim Smith hoped to have the letter in time for the June meeting. Now that the
- 133 application has been approved as complete the board has 60 days to act. He
- 134 expressed concern that Black Bear Lodge could be the delay due to the
- 135 resignation of the manager.
- 136 ▪ The skateboard park can be used as the applicant is taking serious steps toward
- 137 getting the site plan approval completed.
- 138 ▪ Mr. Recine asked about Mr. Waite's landscaping requirement (regarding the
- 139 application before the board). Mr. Larsen answered, as part of an application, a
- 140 landscaping plan is required.

- Discussion on landscaping for businesses around the parking area in question.
- **PUBLIC HEARING CONTINUED** until the June meeting (9:35am)
- Prior to the June 8th meeting, the planning board will have a work session to meet with town counsel regarding the appropriate time to use site plan review. Mr. Larsen requested asking about how other towns use this process.
- Mr. Larsen expressed concern that Tim Smith left the meeting thinking all he needed to do was supply the board with the requested letters to get site plan approval. Mr. Waite replied he was also asked to supply them with more information on the plans.
- Mr. Decoteau reminded the board they cannot discuss the skateboard park with town counsel when they have their work session, due to having a completed application in front of them.

○ **OLD BUSINESS**

• **North Country Council contract**

- Mark Decoteau reported that Tara Bamford (North Country Council) did respond to him. He asked her about the parking and signage issues. The \$10k number will cover the scope of work for both of those topics (review). Mr. Waite questioned it being only those two topics. Mr. Larsen added he thought parking and everything else would be covered by that amount and the board would take on the signage issue.
- Mr. Decoteau suggested separating those out and it would be a lesser amount for just the parking. Mr. Larsen repeated he thought she was going to do a general review of all of the ordinances.
- Mr. Decoteau reminded the board Ms. Bamford did a general cleanup last year. She did review the ordinances and numerous changes were made. He then suggested she do parking and lighting versus parking and signs. Mr. Larsen suggested the board take on signage with assistance from town counsel. He asked if they can write a statement that says the Select Board reserves the right to approve all signs on public property and reject them for any reason. If they can get that they can avoid the controversy.
- Mr. Decoteau said town counsel will cover signs and Ms. Bamford will do lighting and parking. Mr. Decoteau will have Ms. Bamford write up a scope-of-work document with pricing. The Select Board will approve or disapprove and they can move forward.
- Mr. Larsen offered to start a review of signs. They do need to discuss what the planning board wants to accomplish. Mr. Decoteau suggested work shop meetings to cover these items. This item will be added to new business for the June meeting.
- Discussion on when to meet with Ms. Bamford (work shop or regular meeting). It is determined they will wait until she is prepared and then will meet with her.
- **Shared Parking; Restricted Parking/Resident Electronic Participation in meetings/Research on Lighting – all to be tabled for now.**
- Mr. Decoteau said Shared Parking relates back to what Tara's recommendations are. This flows into the parking (removed from old business).
- Electronic Participation in meetings; this falls under Right-To-Know Laws which does not address this issue. There is no specific discussion about this. This would be something that the planning board can make up as part of their Rules of

Procedures. Mr. Waite said he doesn't believe a back and forth conversation should be allowed.

- Discussion on rules during a Public Hearing and accepted applications.
 - Key points on the possibility of accepting printed emails, and reading those that are received during a public hearing.
 - Mr. Waite asked about the process of adding this to the Rules of Procedure for the planning board. Mr. Larsen said they could also make a rule if a comment was to be made to the planning board it should be sent to one email address, outside of a planning board member, and that email will be read into the record.
 - Mr. Decoteau said an individual planning board member cannot receive that communication. They should not be receiving emails on their personal computers regarding a planning board issue. There cannot be a guarantee that an email will be received by the planning board during a meeting. Office staff might be busy, computers might be down, etc.
 - Mr. Decoteau will send the rules of procedure to town counsel and ask where a good place is to add electronic procedure.
- Research on Lighting. Discussion on why there isn't more solar-powered lighting around town. Mark reported NHEC is not going to put up any additional carriage lights. If a street light was to be put up, at this point, it would be a traditional pole with down-facing lights. A specific plan would have to be given in order to determine cost. At this point there is no plan for additional lighting installation. The Town Core group is working on this. There is no budget for it although there is a recommendation in the Pedestrian Plan for it. They would have to go outside of NHEC to continue with the carriage lights. Mark is under the impression they do not want to go in that direction. Mr. Waite responded it would depend on what the Town Core group comes up with. This item can be removed from the agenda. Mr. Larsen stated he feels this is not a Planning Board issue.

○ **COMMITTEE REPORTS**

- Ms. Knight informed the board it is highly unlikely they will get a matching grant. The idea of closing drainage ditches and sidewalks was eliminated. They have settled on entrance signage.
- Mr. Larsen cleared up they are not authorized to use the half that was voted on if the grant was received.
- Mark said the Select Board approved having an engineer come in and do a plan for the entrance sign and look at one of the way-finding signs. At this point in time, the plan is to create a design and include the cost in the 2018 budget request. This is not the \$60,000 match which will be returned at the end of 2017.

○ **COMMUNICATIONS**

- NONE

234 ○ **TICKLER FILES**
235 ➤ Research on lighting
236 ➤ C1 Density; Shared Parking; Restricted Parking; Extension of Boulder Path
237 ➤ One meeting/month for public hearing/applications; second work session for other
238 items.
239
240 • **Adjournment**
241 Mr. Larsen made a motion to adjourn the meeting 10:29 am.
242 Ms. Knight seconded the motion
243 All in favor
244
245 Respectfully submitted,
246 *Mary Pelchat*
247 Planning Board Assistant
248 Waterville Valley Town Office
249