

PLANNING & ZONING DEPARTMENT

PLANNING BOARD AGENDA **REVISED** PLANNING BOARD 1ST MONTHLY MEETING (WORK SESSION) & PUBLIC HEARING

Wednesday, December 13, 2023 – 6:00 PM

Planning Board Public Meeting

*Lincoln Town Hall, 148 Main Street, Lincoln NH

*Hybrid meeting available both in person & via Zoom Meeting Platform to allow for town wide participation. A quorum of Planning Board members must be physically present at the meeting. Although there is space in the large conference room for 8-12 guests in addition to the Board members, the public is welcome to participate remotely using ZOOM. Planning Board Meetings can be attended in-person at the Town Hall Building. Recordings of all Planning Board meetings can be found at www.youtube.com (Lincoln NH Planning Board Meeting 12-13-2023). Zoom access is for your convenience; use at your own risk. If any technical difficulties or if ZOOM should go down, the meeting will NOT be rescheduled.

Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

Meeting ID: 817 0076 6161

Passcode: 179696

Find your local number: <https://us02web.zoom.us/u/kblNuPaMIG>

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

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

- II. CONSIDERATION** of meeting minutes from:

- November 8, 2023 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Alternate Danielle Black.

- III. NEW BUSINESS**

A. PUBLIC HEARING ON PROPOSED CAPITAL IMPROVEMENTS PLAN (CIP) FOR 2024

- A. Public Hearing re: Proposed Capital Improvement Plan Budget.

B. MINOR SUBDIVISION – SUB 2023-07 M117 L004 Thomas Tremblay, Trustee – Lot Line Adjustment/Boundary Line Adjustment between two abutting properties both owned by Tremblay

Thomas Tremblay submitted an application for a minor subdivision (a/k/a Lot Line Adjustment [LLA] or Boundary Line Adjustment [BLA]) will be submitted to the Planning Board to adjust the rear boundary line between the following two (2) properties.

Applicant/Property Owner/Agent: Thomas P. Tremblay, Trustee
Thomas P. Tremblay Revocable Trust
PO Box 235
Lincoln, NH 03251-0235

Applicant's Surveyor:

Gardner Kellogg
Kellogg Surveying & Mapping, Inc.
254 Mann's Hill Road
Littleton, NH 03561.

Properties:

(1) 189 Main Street (Map 117, Lot 004)

- a. Property is located within the General Use (GU) District and is 0.77 Acres or 33,541 SF.
- b. Lot has two structures on it – one structure with a restaurant/take out business known as “Half baked, Fully Brewed” and a second structure with a mixed use – a Single-Family Residence upstairs and a Coldwell Banker Real Estate Office on the ground floor.
- c. Minimum lot size is 15,000 SF or 0.344 Acres.
- d. Front, side and rear setbacks are fifteen feet (15') from property boundary line.
- e. The maximum lot coverage in the General Use (GU) District is 70%.

(2) 19 Louann Lane (just changed to 3 Meadow Lane) (Map 117, Lot 017)

- a. Property is located within the Rural Residential (RR) District, is 0.46 Acres or 20,038 SF.
- b. Lot has a single-family residence with an attached garage on the lot.
- c. Minimum lot size is 15,000 SF or 0.344 Acres.
- d. Front, side and rear setbacks are fifteen feet (15') from property boundary line.
- e. The maximum lot coverage in the Rural Residential (RR) District is 50% for nonresidential uses.

Proposal: Application for BLA between 2 adjacent lots. 189 Main Street fronts on NH Route 112/Main Street/Kancamagus Highway. 3 Meadow Lane (f/k/a 19 Louann Lane) fronts on what was formerly known as Louann Lane Extension (R/W) and is now known as Meadow Lane (R/W). The 2 lots share a rear boundary line. The purpose of the BLA is to shift the rear boundary line of 189 Main Street slightly towards Main Street, giving the rear lot (189 Map Street) (Map 117, Lot 017) an additional 0.04 Acres of land increasing the size from 0.46 acres to 0.50 acres and reducing the size of 189 Main Street (Map 117, Lot 004) from 0.73 Acres to 0.69 Acres.

Discuss whether to shift Zoning District Boundary Line to align with adjustment in property boundary lines. If yes, need Warrant Article for Zoning District Amendment for March 12, 2024 Town Meeting.

IV. 6:00 PM CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

A. CONTINUED WORK SESSION – PROPOSED CHANGES TO ZONING ORDINANCE

Continue Work Session to Review and Possible Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including but not limited to Creating two (2) General Use (GU) Districts by changing the characteristics of the General Use (GU) District in different parts of Town and the Village Center (VC) District.

1. :Create Two (2) General Use (GU) Districts:

a. General Use Route 3

Along portions of Connector Road & US Route 3/Daniel Webster Highway &
Connector Road and Liberty Road

b. General Use Downtown

Along both ends of Lincoln Village along Main Street/NH Route 112/Kancamagus Highway and along both sides of East Branch Pemigewasset River.

2. Revise Characteristics of Village Center (VC) District

- a. Consider possible changes in minimum lot sizes per Hotel Room
- b. Consider possible changes in height restrictions in the downtown along Main Street/NH Route 112/Kancamagus Highway.

3. Consider adding Short-Term Rentals Ordinance to LUPO as recommended by the Board of Selectmen (Proposed by Board of Selectmen) (To recommend or not recommend).

4. Consider adding “Adequate Useable Space” Definition to Definition Section of LUPO & to Site Plan Review Regulations and to Subdivision Regulations

[Note: already in Article VIII Board of Adjustment, Section A. Board of Adjustment related to appeals for a Special Exceptions] (Recommended by Town Attorney)

5. Heads Up. Planner to make required Zoning Ordinance Amendments in order to Adopt the New Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS). A Flood Insurance Study (FIS) is a report prepared by the Federal Emergency Management Agency (FEMA) that summarizes an analysis of the flood hazards in a community. The analysis used to prepare a Flood Insurance Study (FIS) is also used to prepare a Flood Insurance Rate Maps (FIRMs), which is a map that shows the flood hazard areas in a community.

[Note: Changes will be made prior to Town Meeting per NH RSA Section 674:57.]

6. Revise Definition of Multi-Family Housing

7. Add Definition of Dwelling Unit

**B. Kamlesh Patel d/b/a Green Wood, LLC – Second Request for an Extension of Site Plan Review Approval
Fairfield Inn/Home2 Suites Hilton: Case #SPR 2018-07 M122 L001**

Applicant/Engineer: Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 agent for property owner Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102. Thomas Greer retired and William Walsh, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 is the successor Applicant.

Property Owner: Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102

Property: Pollard Road #LO (Map 122, Lot 001) northeast of the intersection of Forest Ridge Drive and NH Route 112 (Kancamagus Highway). The property is located in the General Use (GU) District.

Proposed Project:

Application of Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc, for Kamlesh Patel d/b/a Green Wood, LLC, requesting Site Plan Review approval to change the use of one vacant lot of 6.35 acres and to make site improvements to include a 96-unit hotel and 5-unit condominium residential structure with parking for 121 cars for a total of 95,390 square feet of impervious surface. The project includes a gravel wetland for stormwater treatment & two infiltration systems to limit the total volume of runoff.

APPROVAL GRANTED WITH CONDITIONS:

On July 22, 2020, the Planning Board **GRANTED** the Application for Site Plan Review for the above-referenced project with the **FOLLOWING CONDITIONS:**

1. The Owner/Applicant shall provide a Mylar with three full sets of plans with all updates to the Town;
2. The Owner/Applicant shall relocate the cross walk closer to the intersection with NH Route 112/Kancamagus Highway to connect the two ends of the bike/pedestrian pathways on either side of Forest Ridge Drive. The Owner/Applicant shall provide written approval by the NHDOT regarding the crosswalk.
3. The Owner/Applicant shall submit all necessary information and documentation on the proposed fire protection system as required by the Town. Information may include but not be limited to: a basis of design report describing the design and operations of the system, calculations, plans and details. System shall meet all Town and NFPA codes and requirements. Information and documentation shall be prepared by a fire protection engineer licensed in the State of New Hampshire. Fire suppression system shall be reviewed and approved by the Town and the NH State Fire Marshalls Office.
4. The Owner/Applicant shall provide information to the Town and the Town's Engineer to verify the sewer capacity of the Main Street sewer. Information shall be as required by the Town's Engineer. Sewer capacity shall be sufficient to accept flows from the proposed development.
5. The Owner/Applicant shall provide performance bonding which is payable to the Town for all on-site improvements (i.e., the construction, drainage and all associated site development work, including all of the utilities, stormwater, and grading), in order to ensure that the Owner/Applicant will complete all site work in accordance with the plans. In the event the bond is called by the Town, the Planning Board shall schedule and hold a public hearing to consider revocation of the Site Plan Approval per RSA 676:4-a. No further work may proceed on site, and no further Land Use Authorization Permits shall issue without Planning Board approval in the event the bond is called and the above-referenced revocation proceedings are initiated. The amount of the bond shall be based on the Owner/Applicant's engineer's estimate of \$1,700,000.00 construction costs for the project which includes a 15% contingency. The applicant can request release of the bond once all conditions have been met from the Planning Board.

Statutory Vesting (RSA 674:39)

The provisions of RSA 674:39 protect approved and recorded subdivision and site plans from subsequent changes in planning board regulations and zoning ordinances. They also protect municipalities from having development that is based on outdated regulations and ordinances, or from development work that has dragged on for years in a less-than-half completed state.

In the first instance, every approved and recorded subdivision or site plan is exempt from all subsequent changes in subdivision and site plan regulations and zoning ordinances for a period of five years after the date of approval (except those regulations and ordinances that expressly protect public health, such as water quality and sewage treatment), provided that:

- Active and substantial development has begun in accordance with the approved plat within 24 months after the date of approval;
- Development remains in full compliance with public health regulations;
- The subdivision plat or site plan conforms to the planning board's regulations in effect at the time of approval.

C. Review Pemi Base Camp Letter

SPR 2022-20 M121 L050 South Peak LLC (Mark Bogosian d/b/a) & Loon Mountain Recreation Corporation (Brian Norton, President and General Manager)

Do changes to the Pemi Base Camp since the 2004 approval for Pemi Base Camp Ski Warming Hut in South Peak by the Planning Board amount to what would be considered "a substantial change or expansion of use" such that the Pemi Base Camp needs another Site Plan Review approval? Planning Board voted "yes" (3-2). Review files and response from Attorney for Loon President & General Manager Brian Norton.

Write letter explaining all of the changes that were made that constitute a “substantial change or expansion of use”.

D. Planning Board to appoint Jack Daly as a second Town of Lincoln representative to North Country Council, Inc.

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.