

APPROVED

PLANNING BOARD
PLANNING BOARD 2ND MONTHLY MEETING
Tuesday November 22, 2022 – 6:00 PM
***Lincoln Town Hall, 148 Main Street, Lincoln NH**

*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

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/kblNuPaMlG>

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: Chairman James Spanos

Members Present: Chairman James Spanos, Selectmen's Representative OJ Robinson and Member Paul Beaudin, II.

Excused: Vice Chair Joseph Chenard, Member Stephen Noseworthy and Alternate Mark Ehrman.

Staff Present: Planner Carole Bont.

Guests:

- **Kathryn J. (Jeanne) Beaudin**, resident, co-owner with Paul Beaudin II, of 2 Louis Lane (Map 117, Lot 069), PO Box 872, Lincoln, NH 03251 (present only to verify the ZOOM was working) (via Zoom).

For Site Plan Review for Café Monte Alto at 49 Main Street Matter:

- **Brenton ("Brent") Drouin**, resident (**APPLICANT**) and owner of 156 Black Mountain Road, PO Box 788, Lincoln, NH 033251-0788 (Map 130, Lot 097) and d/b/a BDBC Holdings, LLC, owner of 49 Main Street #A (Map 112, Lot 055000-00-0000A) and (Map 112, Lot 055000-00-0000B). Owner and broker of Century 21 Mountainside Realty, 49 Main Street, PO Box 788, Lincoln, NH 03251-0788.
- **Robert (Bobby) Graves**, nonresident, (**APPLICANT**) of 35 Weston Woods Circle, Campton, NH 03223, owner of Cafe Monte Alto, 85 Main Street, Plymouth, NH

03264, with a mailing address of Cafe Monte Alto, was formerly 35 Weston Woods Circle, Campton, NH 03223, is now PO Box 732, Plymouth, NH 03264-0732.

For SUBDIVISION LEGARE Conley & McManus Mansion Hill Matter:

- **Gary Casinghino**, resident (ABUTTER) and co-owner with Denise Raiche-Casinghino of 9 Valley View Lane, Lincoln, NH 03251.
- **Ethan J. Conley**, nonresident (APPLICANT), 16 Kayla Avenue, Salem, NH 03079 with Kyle R. McManus has a purchase and sale agreement to purchase Mansion Hill #LO (Map 114, Lot 049) currently owned by Raymond A. Legare, Pauline A. Legare & Susan L. Smith, c/o Susan L. Smith, 107 Howe Hill Road, Benton, NH 03785.
- **John J. Cote**, resident (ABUTTER), co-owner with Tertia M. Cote of 67 Mansion Hill Drive, PO Box 205, Lincoln, NH 03251-0205 and co-owner of Tertia M. Cote Real Estate, PO Box 205, Lincoln, NH 03251-0205.
- **Kyle R. McManus**, nonresident (APPLICANT), Owner and Principal of Total Construction Solutions, LLC, 2 Mockingbird Lane, Kingston, NH 03848 together with Ethan J. Conley has a purchase and sales agreement to purchase Mansion Hill #LO (Map 114, Lot 049) currently owned by Raymond A. Legare, Pauline A. Legare & Susan L. Smith, c/o Susan L. Smith, 107 Howe Hill Road, Benton, NH 03785 and 2907 Southeast Eagle Drive, Port St. Lucie, FL 34984.
- **Frank Pasciuto**, resident (ABUTTER) and co-owner with Virginia Marie Pasciuto, of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Virginia Marie Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676.
- **Virginia ("Ginie") Marie Pasciuto**, resident (ABUTTER) and co-owner with Frank Pasciuto of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Frank Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676.
- **Denise Raiche-Casinghino**, resident (ABUTTER) and co-owner with Gary Casinghino of 9 Valley View Lane, Lincoln, NH 03251.
- **Delintsiotis Vasilios**, resident, co-owner with Anthi Delintsiotis of 158 Pollard Road (Map 114, Lot 062) and owner of:
 - 176 Pollard Road (Map 114, Lot 057);
 - 123 Main Street (Map 113, Lot 095) (El Greco's Pizza).

For CONCEPTUAL FOR SITE PLAN REVIEW for The Patel Group HOTEL Matter:

- **David R. Jordan, P.E., L.L.S., LEED AP, (APPLICANT'S ENGINEER)** Director of Site Engineering – Land Development, Greenman-Pederson Inc (GPI), 44 Stiles Road - Suite 1, Salem, NH 03079.
- **Christine Mooney, Esq.**, nonresident (ABUTTER) of 88C Atlantic Avenue, Lynbrook, NY 11563 and 211 Evers Lane, Oceanside, NY 11572 and co-owner with John Mooney of 227 Main Street #205 (Map 117, Lot 117000-0A-00205 (a unit at the Nordic Inn) (via Zoom).

- **Andrew (Drew) Queen**, nonresident (**APPLICANT'S ARCHITECT**), of BMA World, BMA Architectural Group, 12 Middle Street, Amherst, NH 03031.
- **Thomas Tremblay**, resident (**APPLICANT'S REAL ESTATE AGENT**) at 19 Louann Lane (Map 117, Lot 017), owned by Thomas Tremblay, Trustee of Thomas P. Tremblay Revocable Trust, PO Box 235, Lincoln, NH 03251-0235, and owner of the following properties:
 1. 189 Main Street (Map 117, Lot 004) (0.77 Acres) (has Coldwell Banker Real Estate Office & Half-Baked Bakery)
 2. Louann Lane #LO (Map 117, Lot 016) (0.43 Acres) (vacant)
 3. 19 Louann Lane (Map 117, Lot 017) (0.62 Acres) (has a single-family residence & LouAnn Lane [50' R/W])
 4. Louann Lane #LO (Map 117, Lot 018) (0.58 Acres) (vacant)
 5. Louann Lane (LO) (Map 117, Lot 019) (1.15 Acres) (vacant)
 6. Louann Lane (LO) (Map 117, Lot 025001) (0.46 Acres) (vacant)
 7. 31 O'Brien Avenue (Map 117, Lot 025002) (0.48 Acres) (single family residence)
 8. 30 O'Brien Avenue (Map 117, Lot 025003) (0.47 Acres) (detached garage & unpermitted accessory apartment above)
 9. (1.8 Acres) (single family residence with detached garage & unpermitted accessory apartment above)
- **Carol Wesemann**, nonresident, (**ABUTTER**) of 8 Island Court, Unit 406, South Easton, MA 02375 and owner of condo unit at 21 Riverside Terrace #4B (Map 118, Lot 039001-04-0000B (via Zoom).

Other PARTICIPANTS:

- **"i-Phone"** – is an unidentified participant #1 who named their computer handle, "i-Phone" (via Zoom).
- **Kathleen's I-Pad**, is an unidentified participant #2 who named their computer handle, "Kathleen's I-Pad" (via Zoom).
- **Km04's I-Phone** is an unidentified participant #3 who named their computer handle, "Km04's I-Phone" (via Zoom).
- **Maureen Polimeno**, nonresident, Managing Broker for Polimeno Realty, 137 Main Street, PO Box 28, North Woodstock, MH 03262.

II. CONSIDERATION of meeting minutes from:

- **October 26, 2022**
 - Chairman James Spanos, Selectmen's Representative O.J. Robinson, Stephen Noseworthy, Paul Beaudin

Motion to approve by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

- **November 9, 2022**
 - Chairman James Spanos, Vice Chair Chenard, Stephen Noseworthy

No quorum to vote as the required number of attendees (i.e., 3) are not present. Chairman Spanos tables the consideration of the meeting minutes from November 9, 2022.

III. NEW BUSINESS

A. SITE PLAN REVIEW

#SPR 2022-17 M112 L055A BDBC Holdings LLC and Bobby Graves d/b/a Café Monte Alto – SITE PLAN REVIEW

- a. **Application for Site Plan Review** approval for a restaurant in the Village Center (VC) District.
- b. **Applicants:** (1) Bobby Graves d/b/a Café Monte Alto, 85 Main Street, Plymouth, NH 03264 with a mailing address of 35 Weston Woods Circle, Campton, NH 03223 (tenant); and (2) Brenton (Brent) Drouin d/b/a BDBC Holdings, LLC, PO Box 788, Lincoln, NH 03251-0788 (property owner).
- c. **Property Owner:** Brenton (Brent) Drouin d/b/a BDBC Holdings LLC, PO Box 788, Lincoln, NH 03251-0788 (owner of both business condominiums Units A and B).
- d. **Subject Property:** A portion of property known as 49 Main Street #A (Map 112, Lot 055000-00-000A) and 49 Main Street #B (Map 112, Lot 055000-00-000B), with several business tenants including Property Partners, Cobb Hill Construction, Photography Studio, Cobb Hill Construction and Brent Drouin d/b/a Century 21 Mountainside Realty located in the **Village Center (VC) District**. The proposed restaurant is to be in 1,400 SF in a portion of 49 Main Street #A
- e. **Proposal:** Application of Site Plan Review approval for Café Monte Alto (a change in use from “consumer service” to a “restaurant” business use). The space would include tables and seats for dinning for a total of twenty-eight (28) seats with an emphasis on coffee.
- f. **Parking:** Applicant to show adequate onsite parking or restaurant in addition to parking for current customer service businesses.

Discussion re: Whether Members Should Recuse Themselves from Hearing:

Selectmen's Representative O.J. Robinson begins by stating that he is an abutter and will be as impartial as he can be. Robinson is a co-owner of Alpine Adventures and the property d/b/a NLI, Inc., at 43 Main Street (Map 112, Lot 053) and 45 Main Street (Map 112, Lot 054). Robinson asks for input from other Planning Board members about

whether he should recuse himself. The members indicate they believe Robinson can be impartial. Robinson also explains his situation to applicants Drouin and Graves and asks if they believe he should be recused. Applicants Drouin and Graves are okay with Robinson remaining on the Board for their application.

Motion to allow Selectmen's Representative O.J. Robinson to stay in the meeting by Member Beaudin
Second by Chairman Spanos
All in favor

Chairman Spanos discloses that he has a business relationship with Mr. Graves, although not in connection with this matter. He adds that he and Mr. Graves have not discussed Mr. Graves' application whatsoever. Chairman Spanos believes that he could be impartial in this matter. The Board members who are present and the applicants have no objections to Chairman Spanos remaining on the Board for their application.

Motion to allow Chairman Spanos to remain in the meeting by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

Presentation:

Parking: Mr. Graves discusses having an adequate number of parking spaces for the proposed restaurant use as well as for the existing retail, customer service uses currently operating in the rest of the building.

Mr. Graves notes that he is seeking approval for up to twenty-eight (28) seats for Café Monte Alto. He provided a spreadsheet containing the square footage relevant to each business in the building showing gross vs. net and the breakdown calculations for necessary parking for all businesses but the coffee shop. The square footage for the coffee shop is broken down separately.

Mr. Graves submits plans and spreadsheets with the following information:

- (1) Gross Interior Square Footage;
- (2) Public Retail Space Square Footage (versus nonpublic storage space);
- (3) Existing Parking Spaces;
- (4) Required Number of Parking Spaces per retail unit; and
- (5) Required Number of Parking Spaces for his proposed restaurant use.

Food License: Mr. Graves discusses his State of New Hampshire Food License Application which has been approved and is pending inspection.

Floor Plan: Mr. Graves provided a floor plan of the café space as well.

Dumpster: Chairman Spanos asks if the dumpster is going to be added to the site or is a dumpster already there. Mr. Graves answers "the dumpster is already there" and adds

that if more capacity is needed, they will increase the dumpster's capacity. The dumpster is a bear proof dumpster.

Motion to open to public comment by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor

No comments made.

Motion to close public comment by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor

The Planning Board reviews every element on the Site Plan Review Application Checklist. Selectmen's Representative O.J. Robinson asks if the lines for the parking spaces are as presented on the layout provided. Mr. Graves replies that the lines are very similar but instead of being straight, the lines are on a 45-degree diagonal and there are six (6) spaces. The angled parking is safer than the head-on parking. He showed the Board the photograph of the parking spaces he submitted for his Conceptual Hearing.

Chairman Spanos confirms with Planner Bont that all abutters have been notified.

Motion to accept the Application for Site Plan Review approval as "complete" by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor

Motion to approve the Application for Site Plan Review as presented by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor

B. MINOR SUBDIVISION

**#SUB 2022 M114 L049 LEGARE TRUSTEES+CONLEY – MINOR
SUBDIVISION**

Application for Minor Subdivision of vacant land at the top of Mansion Hill (and at the end of Manson Hill Drive, Valley View Land and White Birch Lane) dividing one (1) lot into two (2) lots.

Applicant/Property Owner(s):

Raymond A. Legare & Pauline A. Legare, Trustees
Raymond A. & Pauline A. Legare Trust
c/o Susan L. Smith
107 Howe Hill Road
Benton, NH 03785.

Raymond A. Legare & Pauline A. Legare, Trustees
Raymond A. & Pauline A. Legare Trust
2907 Southeast Eagle Drive
Port St. Lucie, FL 34984

Agent: Ethan Conley
16 Kayla Avenue
Salem, NH 03079

Surveyor: James M. Lavelle, LLS
2 Starwood Drive
Hampstead, NH 03841

Property: Mansion Hill #LO (Map 114, Lot 049) (16.7 Acres) (**Rural Residential (RR) District**) - minimum lot size is 15,000 SF or 0.34 Acres)

Proposal: To create two (2) parcels:

1. Map 114, Lot 049.3: Create one (1) lot of 6.81 Acres;
2. Map 114, Lot 049: Create one (1) lot of 10.10 Acres;

Presentation:

Authorized Agent for Property Owner:

Mr. Ethan Conley presents himself as the Agent for Mr. and Mrs. Legare and written authorization for Mr. Conley to act as the Legare's agent is on the face sheet of the Subdivision Application. Member Beaudin asks if there is a separate letter from Mr. and Mrs. Legare stating that Mr. Conley is acting as their agent. The Planning Board discusses the issue and concludes that the statement, on the face sheet of the Application for Minor Subdivision signed by the Legares, regarding Mr. Conley acting as their agent is sufficient and they are comfortable proceeding.

Goal of Subdivision:

Mr. Conley states that the goal of the proposed subdivision is to split the single, one (1) large lot of 16.91 Acres (Map 114, Lot 049) approximately in half; split into two (2) smaller lots as described in the proposal above.

1. Map 114, Lot 049.3: Create one (1) lot of 6.81 Acres, fronting on Mansion Hill Drive and Valley View Lane;
2. Map 114, Lot 049: Create one (1) lot of 10.10 Acres, fronting on White Birch Lane;

Does Lot Created Have Direct Access to Class V or Better Road?

Mr. Conley states that access to the lower lot on Mansion Hill (Tax Map 114, Lot 049) will be from White Birch Lane. The Planning Board reviews the survey maps presented by the Applicant and discusses the access from White Birch Lane which is a Class V Town road. It appears from the survey map that the lower lot (Map 114, Lot 049) does **not** have direct access to White Birch Lane (i.e., "a Class V or better road").

[Note: There is a gap between the end of White Birch Lane and Map 114, Lot 049 as shown on the survey map. However, the Town ROW does not end where

the paved roadway ends; the Town ROW actually touches the subject lot (Map 114, Lot 049).]

Planning Board discusses the end of what appears to be the end of White Birch Lane is merely the end of the pavement for White Birch Lane and that the ROW actually reaches Map 114, Lot 049. From where the pavement ends, there is a private gravel road that reaches way back into the subject parcel. There is a private gate further into the lot as well.

Chairman Spanos asked how wide the Town ROW was. Mr. Conley said the pavement is twelve (12) feet wide. Chair Spanos wanted to know how much road frontage (if any) would the new lot have on White Birch Lane.

The Planning Board reviews the survey map and Member Paul Beaudin uses his cell phone to compare the survey to the interactive tax maps available online through the Town's website. The Board discusses where the pavement ends in relation to the Right of Way (ROW). Chairman Spanos mentions that the ROW on the survey map presented to the Planning Board is not clear. Chairman Spanos states that the Planning Board cannot approve a subdivision that creates a lot that is "landlocked."

The Planning Board reviews the online interactive tax maps again and discusses the ROW. The Board concludes that Map 114, Lot 049 as subdivided does have direct access to a Class V or better road via White Birch Lane.

Planner Bont clarifies that the Applicant's survey shows two (2) abutting lots owned by John Chamberlain:

- (1) former Map 114, Lot 050; and
- (2) former Map 114, Lot 048.

Although the survey does not show it, those two abutting lots were previously merged and there is no longer a separate lot called "Map 114, Lot 048". Because Map 114, Lot 048 is now merged with Map 114, Lot 050, combined the lot should be referred to as 26 White Birch Lane (Map 114, Lot 050) on the survey map, like it shows on the current interactive tax maps.

This clarification proves to the Planning Board that the subdivision is indeed **NOT** landlocked as Map 114, Lot 049 has direct access from White Birch Lane.

Chairman Spanos asks Mr. Conley to have his surveyor correct the Map for the record. Member Beaudin asks for Mr. Conley to also correct his map to reflect what the Town's Tax Map shows as the ROW does not end at paved area as shown on Mr. Conley's map. Planner Bont reviews the requested changes to the map with Mr. Conley. She feels showing the pavement on the map is helpful and would like to see the ROW more clearly marked as distinguished from the pavement.

1. Label the end of the ROW and distinguish it from the end of the pavement on the survey.
2. Label the gate on the survey with measurements.
3. Show how wide the White Birch Lane ROW is and how wide the pavement at the end of White Birch Lane is on the survey.

Chairman Spanos asked how wide the Town ROW for White Birch Lane was. Mr. Conley said the pavement is twelve (12) feet wide. Chair Spanos wanted to know how much road frontage (if any) would the new lot have on White Birch Lane.

Chairman Spanos again asked how wide is the Town ROW for White Birch Lane. Mr. Conley said the pavement is twelve (12) feet wide, but the Town ROW is 33 feet plus 24 feet for a total of 57 feet. Chair Spanos asked if his calculation included adding up the two right angles. Mr. Conley said he did not plan on putting a road in there. Chairman Spanos said, "You are still going to have to have access to the [newly created] lot somehow."

Mr. Conley said the newly created lot will share the same access off White Birch Lane with John Chamberlain who owns Map 114, Lot 050 (incorrectly shown on the survey map as Map 114, Lot 050 and Map 114, Lot 048; those two lots were merged in 2017). White Birch Lane is a Town ROW; however, White Birch Lane is just not paved all of the way to the end where White Birch Lane abuts the proposed new lot (Map 114, Lot 049).

Wetlands and Setback Areas Around Wetlands

Member Beaudin inquires about the wetlands and the wetland setbacks as shown on the survey map. Mr. Conley responds by showing Member Beaudin the setbacks and the wetlands noted on the survey map. Both areas are represented by dots. The Planning Board discusses the legend on the map and would like to see the wetlands marked more clearly as distinguished from the setback area from the wetlands, using the customary fern symbol to represent the wetland itself. On the survey map now, the wetlands are not distinguishable from the setback from wetlands.

Subdivision Regulations for the Town of Lincoln, New Hampshire

5.02 Submission of Documents:

a. Preliminary Layout/Plan:

3. As a minimum a site survey map, a site location map, and a soils map will be submitted, together with other data required.
4. **The site survey map will include:** existing buildings, historic sites and structures; existing streets with street names or route designations; name of subdivision; name(s) and address(es) of applicant(s); name(s) and address(es) of owner(s), if other than the applicant; names and addresses of all abutters; name(s) and seal(s) of consultants, if used; natural features; north point; percentage of area (site) in fields and in woods; property lines; size of site in acres (to include number of acres in Village Residential District and number of acres in Mixed Use District, if site is located so that both districts are involved); topographic contours; watercourses (both year round and seasonal); **wells, private (existing) and/or municipal water sources, existing or planned within one hundred and fifty yards (150) of the site; wetlands.**

Motion to open to public comment by Selectmen's Representative O.J. Robinson
Second by Member Beaudin
All in favor

Audience member Mr. Frank Pasciuto, resident (ABUTTER) from 16 Valley View Lane, mentions that he is in favor of the minor subdivision and will be purchasing the newly created lot of 10.10 acres (Map 114, Lot 049) to preserve the green space behind his house.

Motion to close public comment by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

Application Review

The Planning Board reviews the Application for Minor Subdivision, the Subdivision Checklist and Request for Waivers including the following Waiver Requests.

Waiver Requests:

1. **Waiver for Topographical Contours and Watercourses both Seasonal and Year-Round.**

Motion to Grant the waiver (#1) by Selectmen's Representative O.J. Robinson
Second by Member Beaudin
All in favor

2. **Waiver for Wells, Municipal Water Sources Within One Hundred Fifty (150) Yards of Site.**

The Planning Board discusses the presence of an existing pump house on the lot of 10.10 acres. It is noted that the other well locations are not shown. Mr. Conley clarifies that all of the other wells are decommissioned wells. Member Beaudin feels that Mr. Conley needs to show the other wells on the survey and note them as "decommissioned" wells on the survey for future identification.

Mr. Conley will be adding the wells as "decommissioned" to the final plans.

A waiver was not granted.

3. **Waiver for Soils**

Motion to Grant the waiver (#3) by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

4. Bearings and Distances of Entire Property and Lot Lines, Based on an On-the-Ground Survey, Plus Topography in 5-Foot Intervals.

The Planning Board determines the only request for a waiver was for the topography in five-foot intervals; the rest has been provided.

The Planning Board reviews the next few waiver requests and determine they aren't applicable either:

5. Waiver of Statement of Responsibility and Liability for Streets, Roads, and their maintenance.

6. Estimate of Costs of Required Improvements and Statement Concerning Bond or Other Security (see 5.02(b)(4)).

7. WSPCC Subdivision Approval

8. State Driveway Permit, if Any

The Planning Board determines the following waiver is not applicable:

9. Legal Documents for Homeowners' Association or Other Arrangements for Property and Utility Management.

Discussion of Conditions of Approval:

1. Merge Map 114, Lot 050 and Map 114, Lot 048 on the survey; the two merged lots are now called Map 114, Lot 050. [Note: See Grafton County Register of Deeds Plan #15218, recorded 12/15/2016.]
2. Add and label the decommissioned wells on the survey for future identification.
3. Label the ROW areas [as distinguished from the paved areas] for Mansion Hill Drive, Valley View Lane and White Birch Lane].
4. Delineate the actual streams and brooks versus actual wetlands to be shown on plans separate from the Wetlands with setbacks noted. Label the stream shown on the plan with word "stream" on the southeast part of property
5. Change Wetland icon to distinguish between the wetlands and the setback areas around the wetlands on the map. Use the customary "fern" as the symbol for wetlands.
6. Label gate on the survey.

Motion to accept the Application as Complete with the waivers granted by Member Beaudin

Second by Selectmen's Representative O.J. Robinson

All in favor

**Motion to approve the Minor Subdivision with conditions [list above] by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor**

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

A. CONCEPTUAL => SITE PLAN REVIEW

#CON 2022-14 M118 L002.1 Presby d/b/a T&T Mountain Investments LLC – The Patel Group – New Hotel – A Second Conceptual After Some Adjustments Subsequent to First Conceptual.

Property Owner: Thaddeus (Thad) Presby d/b/a T&T Mountain Investments, LLC, 244 Main Street, Franconia, NH 03580 (a portion).

Property Owner: Mark Bogosian d/b/a Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 (a portion)

Applicant with Purchase & Sale Agreement to Purchase Subject Lot: “The Patel Group” – **Ashok Patel** d/b/a Jamsan Hotel Management, Inc. (Vice President) and d/b/a Ossipee Hospitality, LLC (Manager, Agent & Member) and one of several owners of Holiday Inn Express & Suites, Lincoln East, 21 Railroad Street (Map 112, Lot 017) owned by AMBA Hotel, LLC, 440 Bedford Street, Lexington, MA 02420 with Bharat Patel (Agent & Director/Officer of AMBA, LLC)

Realtor/Agent: Thomas Tremblay, President of Coldwell Banker Lifestyles, 189 Main Street, PO Box 235, Lincoln, NH 033251-0235.

Property History: On May 3, 2022, Planning Board approved subdivision to subdivide 1 lot into 3 lots on Main Street/NH Route 112, just northeast of Town Hall. Original lot was 5.43 acres. Applicant subdivided it into three (3) parcels in the **Village Center District (VC)**:

- (1) **Map 118, Lot 002001-00-00000 (aka Lot 2.1):** 133,500 SF (or 3.06 Ac) – has a large easement area for the benefit of Southern Peaks Development LLC (Parking for InnSeasons at South Mountain located at 23 Inn Season Drive Map 118, Lot 047) & is the location of a portion of Cooper Memorial Drive Right of Way (66 feet wide); still owned by Thaddeus (Thad) Presby d/b/a T&T Mountain Investments, LLC, 244 Main Street, Franconia, NH 03580.
- (2) **Map 118, Lot 002002-00-00000 (aka Lot 2.2):** 61,753 SF (or 1.42 Ac) & is location of a portion of Cooper Memorial Drive Right of Way (66 feet wide) shared access shown off from Cooper Memorial Drive; now owned by Mark Bogosian d/b/a Main Street Lincoln Investments, LLC. And...

- (3) **Map 118, Lot 002003-00-00000 (aka Lot 2.3):** 41,384 SF (or 0.95 Ac) shared access shown off from Cooper Memorial Drive now owned by Mark Bogosian d/b/a Main Street Lincoln Investments, LLC;

Two new lots were created. Improvements to these lots, extension of municipal water & sewer lines & extension of utilities will be required. The plan included shared access easements to Lot 2.2 and Lot 2.3.

Planning Board discussed two (2) elements that were not addressed on the plan: Sewer Location and Hammerhead Location. Those and other elements are to be addressed during Site Plan Review.

Subject Property: Map 118, Lot 002001-00-00000 (aka Lot 2.1) (133,500 SF or 3.06 Acres) (49,214 SF of the lot is “buildable”); the lot is subject to the following easements:

- a. Permanent Easement for the benefit of Southern Peaks Development, LLC, BlueGreen Corporation, 4960 Conference Way No. #100, Boca Raton, FL 33431 (owner of BlueGreen Vacations South Mountain Resort, Ascend Resort Collection, a/k/a InnSeasons at South Mountain Resort at 23 Inn Season Drive) (Map 118, Lot 047). Easement used for parking for BlueGreen Vacations South Mountain Resort per Site Plan Review approval in 2014.
- b. Cooper Memorial Drive R.O.W. sixty-six feet (66') wide (See Book 3352, Page 186 and Plan #12,578, see note #5). Cooper Memorial Drive is a private roadway for benefit of Loon Mountain Recreation Corporation and South Peak Resort.
- c. Planning Board approved subdivision of the lot on May 3, 2022; this means the subdivision took place after April 1, 2022, so the lot still appears as one lot in Town records until April 1, 2023, even though the one lot is now three lots. See Grafton County Register of Deeds Plan #16432.

Proposal: Five Story Residence Inn by Marriott Hotel with 135-140 possible guest rooms

1. Garage Level: Parking garage with 80 parking spaces & Mechanicals
2. Level 1: 115 Parking & Lobby (& pool);
3. Level 2 with 45 Guest Rooms;
4. Level 3 with 45 Guest Rooms; and
5. Level 4 with 45 Guest Rooms.

Presentation:

Mr. Andrew Queen, Applicant's project architect, discusses the aesthetics of the proposed hotel as members of the Planning Board noted aesthetics as a concern at the last conceptual meeting. He has provided two (2) color schemes to the Planning Board to discuss as well as a plan for parking spaces based on the proposed number of guest rooms, and lot coverage has been delineated. The calculations indicate that the lot coverage is below the maximum allowable lot coverage of 70% in the Village Center (VC) District.

Discussion:

Lounge Use Is Separate from Hotel Use and Has Associated Parking Requirements:

Member Beaudin asks if the number of parking spaces will include Lounge on the top floor as they aren't currently included.

Mr. Queen asks if there is a formula to calculate how many of the people visiting the Lounge will be guests already staying at the hotel.

Chairman Spanos explains that there is no formula. The Lounge/Restaurant is considered a separate use from the hotel use because people not staying at the hotel can visit the Lounge.

Mr. Queen wonders if the Lounge was only available to guests and it could only be accessed by a hotel key card if that would eliminate the need for more parking spaces. The Planning Board agrees that if the Lounge was only for hotel guests there would not be a need for additional parking spaces. Mr. Queen will consider that option.

Location of Hotel Parking and Maximum Building Height:

Chairman Spanos asks about the number of levels in the hotel and how many levels of the proposed hotel are for guest rooms versus parking garage.

Mr. Queen explains that there will be five (5) levels in the hotel. There will be two (2) underground parking garage levels and three (3) floors of guest rooms that are visible from Main Street. The mid-level area that has a parking garage is on the street level in the front also includes the lobby and pool.

In the Village Center (VC) District the following height restrictions shall apply:

1. The maximum structure height shall be thirty-five feet (35') measured from ground level to the primary eaves on the uphill side of the structure.
2. There shall be **no more than four (4) floors used as living space** above or below ground level as measured through any vertical plane of the building.

Mr. Queen said the primary eave on the uphill side is located on Main Street and is under thirty-five (35) feet with a grade that falls away to the back. Some of the parking levels will be tucked into the hillside in the grading. There will be seventy (70) parking spots located in the mid-level area and eighty (80) parking spots in the lower level. The lower-level parking spaces will be at approximately eight hundred fourteen feet (814') above sea level) at grade.

Water and Sewer:

A water and sewer capacity study must be completed. Mr. Queen has been in contact with Town Engineer, Raymond Korber.

DOT Approval:

All access from Main Street requires NH DOT District 1 approval.

Stormwater Management:

The project will need to follow the Stormwater Management Ordinance.

Fire Truck Access:

The Fire Chief will need to approve the area required for the fire truck to turn around.

NH State Fire Marshal's Office Issues the Building Permit:

Planner Bont mentions, that with larger buildings, the State Fire Marshal's office will handle the building permit process based on the recommendation of the Town Fire Chief.

Town of Lincoln Issues the Land Use Permit:

The Town of Lincoln issues the Land Use Permit.

Parking Easement:

Selectmen's Representative O.J. Robinson asks if the parking easement from the abutting property has been agreed to. Mr. Queen clarifies that they will not be using the abutting parking easement. Planner Bont notes that it is not clear how much of the easement is possibly involved. The apportionment of the parking within the easement will have to be sorted out.

(Note: The easement is for the benefit of land owned by Dennis Ducharme d/b/a Southern Peaks Development, LLC at 23 Inn Season Drive (Map 118, Lot 047). The burdened estate of the easement is the land currently owned by Thaddeus Presby d/b/a T&T Mountain Investments, LLC – the subject lot proposed for the Applicants' hotel. Only a portion of the area described in the easement currently has parking spaces on it for the South Mountain Resort – a/k/a Bluegreen Vacations South Mountain, Ascend Resort Collection.)

Snow Removal:

A plan for snow removal will be required. Selectmen's Representative O.J. Robinson raises a concern about the conceptual plan as the parking spaces depicted are very close together and the parking lot for the Applicant's hotel almost touch the abutter's parking lot within the abutter's easement which could be problematic as it relates to snow removal. The Planning Board discusses a possible option to totally remove the snow (i.e., putting the snow in a truck and hauling the snow off the premises) vs. plowing the snow into a pile on site). Mr. Queen understands the issue.

Dumpster:

The dumpster will need to be located on the plans.

Lighting:

A lighting plan will be required.

Design Schemes:

Mr. Queen distributes three (3) different design schemes to the Planning Board for discussion. Chairman Spanos clarifies that this discussion is not binding. Mr. Queen describes the three (3) schemes and adds the one (1) that “the office” likes the most is the “Dutch Gable style” but all three (3) design schemes are good options.

Member Beaudin notes that many of the buildings in Town have cupolas on top and the Town tries to keep that type of look. Mr. Queen replies that it is worth looking into that type of look.

Color Schemes:

There are a couple of color schemes provided that include:

- (1) yellow/white clapboard with granite on base and some accent areas; and
- (2) red brick, with tan and white.

Hotel Entry:

Chairman Spanos asks about the hotel entry. Mr. Queen replies that the Main Street entry will mainly accommodate pedestrian traffic. They are doing some tweaking on the design and the entry may or may not be as prominent as shown on the current drawing. Most of the guests and their cars will enter from below and behind the building where the main entry and the parking is located.

Outdoor Spaces:

Member Beaudin suggests creating some type of outdoor space for guests. Mr. Queen mentions that the brand standards do have outdoor spaces but that hasn't been determined yet.

Signage:

Planner Bont reminds the Planning Board that the signage needs to be reviewed as part of the Site Plan Review process as it is part of the Design Plan.

Building Materials:

Mr. Queen states this building will be a steel construction which means it's non-combustible and the exterior siding would be a cementitious clapboard siding, ideally painted by the manufacturer. This would be a completely maintenance free exterior. The

color for the roof is show as a green classic shingle but could be up for discussion. The granite might be real quarried granite or a masonry product.

Sprinkler System:

Mr. Queen states there will be a complete sprinkler system built per the NH State Building Code and NH Fire Code requirements.

Grade:

Member Beaudin asks about the grade of the building from the Main Street side. Mr. Queen states that he would like to get it lower than eight hundred thirty feet (830') above sea level.

Next Steps:

Mr. Queen describes the next steps for the project. He explains that they will be really getting into the engineering of the site and work on drainage, and traffic.

Member Beaudin adds that he sees a possible problem with traffic on Cooper Memorial Drive as it provides the only access in and out of the property. He mentions that when Loon Mountain is open and the residents of South Peak are using Cooper Memorial Drive it will be difficult to get onto Main Street and will cause a backup on Cooper Memorial Drive.

The Planning Board talks about the traffic issue.

Mr. Queen feels the aesthetic of the building is moving in an appropriate direction and he will be back soon for Site Plan Review.

B. UPDATE RE: DRAINAGE PROBLEM BETWEEN RAYMOND BERGLUND, 11 SCHOOL STREET (MAP 113, LOT 098) AND JAYNE LUDWIG, 12 PLEASANT STREET (MAP 113, LOT 092) AND PLANS FOR SOLUTION FROM PLANNING BOARD MEETINGS OF JUNE 8, 2022 AND AUGUST 10, 2022.

On June 8, 2022 and then August 10, 2022, Raymond (Ray) Berglund, owner of 11 School Street, (Map 113, Lot 098) updated the Planning Board on the drainage issues between his property and the property of Jayne Ludwig at 12 Pleasant Street (Map 113, Lot 092). Berglund planned to put a fence between 12 Pleasant Street and 11 School Street. His plan entailed creating a retaining wall in the rear of the 11 School Street property with an above ground drainage run off system to force water down to a dry well. He was going to add French drains as well. He was going to install fencing after the drainage problems are fixed and the fence would be seven (7) inches onto the property of 11 School Street which will still allow both properties to access their garages. He was to email the plans to Planner Bont. Mr. Berglund asked to have this matter put on the agenda for September, 2022. On October 26, 2022, at the last Planning Board meeting Jayne Ludwig asked the Planning Board to request a status update as nothing has been done to date. The parties attended the

Planning Board on November 9, 2022, but the Board did not have a quorum. The parties were asked to come to the next meeting on November 22, 2022.

Discussion:

The Planning Board discusses postponing this issue as the parties involved are not present.

Selectmen's Representative O.J. Robinson suggests including a letter from Mr. Berglund in which he addressed the concerns and the outstanding issues that need to be resolved between the two (2) parties (see attached).

Planner Bont explains the current situation with the Planning Board.

1. Planner Bont mentions that there is a propane tank that belongs to Ms. Ludwig which is on Mr. Berglund's property. Mr. Berglund would like the tank removed from his property and Ms. Ludwig does not want to move it.
2. Planner Bont says she understands that there is a fence between the properties and it is currently twelve (12) inches onto Mr. Berglund's property. He would like the fence to be seven and a half (7.5) inches onto his property and not twelve (12) inches so that both parties can maintain the buildings on their respective properties. Ms. Ludwig wants the fence to be twelve (12) inches on Mr. Berglund's property.

Planner Bont explains that she understands from the parties that these two (2) issues are the source of disagreement; the parties have reached an impasse. The parties are stuck.

Planner Bont explains there is a water drainage issue and in order for the scheme to fix the water issue to work, according to Mr. Berglund the propane tank needs to be relocated from Mr. Berglund's property onto Ms. Ludwig's property.

The Planning Board discusses the fence and how Mr. Berglund was putting the fence up as a courtesy to his neighbor. The fence is not required.

Member Beaudin says the remaining issue is the drainage problem and Member Beaudin feels that is the only issue the Planning Board needs to be concerned with. The tank and the fence need to be worked out between the two (2) parties.

Selectmen's Representative O.J. Robinson asks what the Planning Board's jurisdiction over a neighbor dispute with two (2) properties who have both increased or changed the permeable area would be. The Planning Board discusses the area of disturbance which may or may not be over fifty (50) percent of the total lot. The total area of disturbance would have to be determined by a surveyor/engineer.

The Planning Board agrees to notify both parties and let them know that the Planning Board will not take up this matter until they are both present for the meeting.

V. NEW BUSINESS

A. PUBLIC HEARING – CAPITAL IMPROVEMENTS PLAN (CIP).

A. Public Hearing re: Proposed Capital Improvement Plan Budget from 2023 to 2028.

Motion to open to public comment by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

No comments from the public.

Motion to close public comment by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor

Motion to approve the Capital Improvement Plan for 2023 to 2028 as presented by
Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

B. Update from the court on New Hampshire Municipal Association

Selectmen's Representative O.J. Robinson reads the update from the courts dated April 21, 2022. "Municipalities can adopt sign codes that impose more stringent regulations or prohibitions for off-premise signs as opposed to on-premise signs."

The Planning Board discusses and will consider adding off-premise signs back into the Sign Ordinance.

Member Beaudin likes Planner Bont's earlier comments regarding approving signs at the Site Plan Review instead of at a later date. Planner Bont reiterates that this a requirement of the Site Plan Review Regulations.

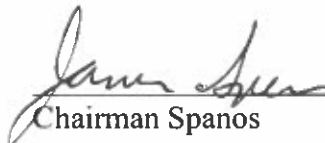
VI. ADJOURNMENT

Motion to adjourn by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: December 14, 2022


Chairman Spanos

