

APPROVED

**PLANNING BOARD
PLANNING BOARD MEETING
WEDNESDAY, June 28, 2023 – 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=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

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 by Chairman James Spanos

Planning Board Members Present: Chair James Spanos, Vice-Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin (via Zoom), Alternate Danielle Black

Planning Board Member Excused: Alternate Mark Ehrman

Board of Selectmen Members Present: Chair OJ Robinson, Vice-Chair Tamra Ham, Member Jack Daly.

Staff Present: Town Manager Carina Park, Planner Carole Bont, Deputy Fire Chief/Code Enforcement Officer Ryan Fairbrother (via Zoom) and Assistant Fire Chief/Health Officer Michael Weden (via Zoom)

Consultant: Raymond Korber, P.E. (KVPartners, LLC)

Guests Present:

1. Mark Bogosian
2. James Burns (via Zoom)
3. Susan Chenard
4. James ("Mike) Conn
5. Michael Donahue, Sr. (via Zoom)
6. Derek Lick, Esq.
7. Scott Miccile, Longfellow
8. Andrew Nadeau
9. Brian Norton (via Zoom)

10. Billy Sullivan (via Zoom)

11. Jon Warzocha

1. Mark Bogosian, nonresident, (APPLICANT and ABUTTER) d/b/a:

- **FC-Loon, LLC**
 - 367 Main Street, Falmouth, MA 02540
- **Longfellow Design Build**
 - 367 Main Street, Falmouth, MA 02540
- **Longfellow Design Build**
 - 866 Main Street, Osterville, MA 02655
- **Longfellow Design Build NH**
 - 9 Riverside Terrace Drive 2C, Lincoln, NH 03251
- **Loon Slopeside, LLC**
 - c/o Longfellow Design Build NH, 9 Riverside Terrace Drive 2C, Lincoln, NH 03251
 - Owned by Loon Slopeside, LLC
- **Main Street Lincoln Investments, LLC**
 - 866 Main Street, Osterville, MA 02655
- **New Hampshire Adventures Real Estate, LLC**
 - Mailing Address: 850 Main Street, Falmouth, MA, 02540
 - Principal Office: 481 US Route 3, Lincoln, NH 03251
- **New Hampshire Restaurant Group, LLC**
 - 367 Main Street, Falmouth, MA 02540
- **New Hampshire Waterpark Adventures LLC**
 - Mailing Address: 850 Main Street, Falmouth, MA, 02540
 - Principal Office: 481 US Route 3, Lincoln, NH 03251
- **South Peak, LLC & South Peak Resort**
 - 367 Main Street, Falmouth, MA 02540
- **The Rapids at South Peak LLC**
 - 866 Main Street, Osterville, MA 02655
- **Waterside Companies LLC**
 - 850 Main Street, Falmouth, MA 02540

1. Mark Bogosian, nonresident, (APPLICANT and ABUTTER) d/b/a and owning the following properties:

A. South Peak Resort Holdings:

- 1. Mark Bogosian, a developer who owns the following under his own name, Mark Bogosian c/o Longfellow Design Build, Inc., 866 Main Street, Osterville, MA 02655:**
 - a. 43 Crooked Mountain Road (Map 121, Lot 011) (0.56 Acres)**
- 2. Mark Bogosian, a developer who owns the following property under the name "Loon Slopeside, LLC":**
 - a. 9 Riverside Terrace #2C, (Map 118, Lot 039001-02-0000C) (sold 6/2/2023 to Anthony J. Reo (Book 4802/Page 041) for \$715,000)**
- 3. Mark Bogosian, a developer who owns the following properties d/b/a "FC-Loon, LLC". At the time of his purchase of the main South Peak Resort development; he also purchased the FC-Loon LLC and therefore now owns "FC-Loon, LLC" and its assets:**
 - Crooked Mountain Road #100 (Map 118, Lot 018)
 - Crooked Mountain Road #101 (Map 118, Lot 019)
 - Crooked Mountain Road #102 (Map 118, Lot 020)
 - Crooked Mountain Road #103 (Map 118, Lot 021)
 - Crooked Mountain Road #104 (Map 118, Lot 022)
 - Crooked Mountain Road #105 (Map 118, Lot 023)
 - Crooked Mountain Road #106 (Map 120, Lot 001)
 - Crooked Mountain Road #107 (Map 120, Lot 002)
 - Crooked Mountain Road #108 (Map 120, Lot 003)
 - Crooked Mountain Road #109 (Map 120, Lot 004)
 - Crooked Mountain Road #110 (Map 120, Lot 005)
 - Crooked Mountain Road #111 (Map 120, Lot 006)
 - Crooked Mountain Road #112 (Map 120, Lot 007)
 - Crooked Mountain Road #113 (Map 121, Lot 049)
 - Crooked Mountain Road #114 (Map 121, Lot 051)
 - Crooked Mountain Road #115 (Map 120, Lot 022)
 - Crooked Mountain Road #116 (Map 120, Lot 021)
 - Crooked Mountain Road #117 (Map 120, Lot 023)
 - Crooked Mountain Road #118 (Map 120, Lot 024)
 - Crooked Mountain Road #119 (Map 120, Lot 025)
 - Crooked Mountain Road #120 (Map 120, Lot 026)
 - (Added after purchase of FC-Loon, LLC)
 - Crooked Mountain Road #121 (Map 120, Lot 027)
 - Crooked Mountain Road #122 (Map 118, Lot 035)
 - (Added after purchase of FC-Loon, LLC)
 - Crooked Mountain Road #123 (Map 118, Lot 036)
 - (Added after purchase of FC-Loon, LLC)
 - Crooked Mountain Road #124 (Map 118, Lot 037)
 - (Added after purchase of FC-Loon, LLC)
 - Crooked Mountain Road #125 (Map 118, Lot 038)
 - 24 Crooked Mountain Road (Map 121, Lot 021)
 - (Added after purchase of FC-Loon, LLC)
 - South Peak Road (Map 121, Lot 060)
 - (Added after purchase of FC-Loon, LLC)
 - South Peak Road (Map 121, Lot 071)
 - (Added after purchase of FC-Loon, LLC)

- ~~South Peak Road (Map 117, Lot 128)~~
 - ~~(Added after purchase of FC Loon, LLC)~~
 - sold 10/3/2022 to Lot PR8 LLC, 55 Hosmer Street, West Boylston, MA 01583 for \$370,000 – assessed for \$195,700.
4. Mark Bogosian, a developer who owns the following properties d/b/a “**South Peak LLC**”) as purchased from CRVI South Peak TRS, Inc. All properties currently owned by South Peak, LLC, 367 Main Street, Falmouth, MA 02540 are as follows:
- **South Peak Road** (Map 118, Lot 039) (95.71 Acres)
 - **Parcel 2 #LO** (Map 118, Lot 040) (93.93 Acres)
 - **Parcel 1 #LO** (Map 119, Lot 003) (32.1 Acres)
 - **LO SS East Branch River** (Map 119, Lot 004) (53 Acres)
 - **179 South Peak Road** (Map 121, Lot 028) (0.76 Acres)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - **170 South Peak Road** (Map 121, Lot 046) (0.46 Acres)
 - **Crooked Mountain Road #LO** (Map 121, Lot 050) (0.56 Acres – site of Pemi Base Camp)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - **139 South Peak Road** (Map 124 Lot 040) (0.72 Acres)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - **144 South Peak Road** (Map 124, Lot 046) (0.72 Acres)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - **South Peak L/O** (Map 124, Lot 066) (28.28 Acres)

B. Village Shops:

- Mark Bogosian, a developer who owns the following properties d/b/a “**Main Street Lincoln Investments, LLC**”) as purchased from Village Shops, ICH. Property currently owned by Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 is as follows:
 - **25 South Mountain Drive #16** (Map 118, Lot 046) (3.47 Acres)

C. The Rapids:

- Mark Bogosian, a developer who owns the following properties d/b/a **The Rapids at South Peak, LLC**, 866 Main Street, Osterville, MA 02655 the development known as “The Rapids” was purchased in 2022 from Weston (Wes) Graves & Russell (Russ) Cooley d/b/a Lincoln South Mountain Partners, LLC:
 - **Main Street #LO** (Map 118, Lot 003) (Has 3 Billboards: Indian Head Resort, Century 21 & RiverWalk.) purchased in 2022-07-01. For \$4,200,000.

D. The Paper Mill Dump Site (just north of the Town Offices):

- Mark Bogosian, a developer who owns the following properties d/b/a **Main Street Lincoln Investments, LLC** 866 Main Street, Osterville, MA 02655 purchased from Thaddeus Presby d/b/a T&T Mtn Investments, LLC who subdivided the property into three lots; subdivided lot (Map 118, Lot 002) was known as Main Street #D LO. Bogosian d/b/a Main Street Lincoln Investments, LLC purchased 2 of the 3 newly subdivided lots (Map 118, Lot 002.1) and (Map 118, Lot 002.2) in 2022-06-24 for \$1,200,000. Lots have toxic waste on the lot buried by the papermill:

- A portion of Main Street #D LO (Map 118, Lot 002001 [1.42 Acres])
- A portion of Main Street #D LO (Map 118, Lot 002002) [0.95 Acres]

E. The Pemigewasset River Base Camp – Loon Mountain Recreation Corporation owns the Building Only. Mark Bogosian d/b/a South Peak LLC owns the land underneath the building, AND...

- Mark Bogosian is ALSO doing business as a caterer operating out of the Pemi Base Camp now d/b/a NH Restaurant Group, LLC, 367 Main Street, Falmouth, MA 02540 and on 11-16-2022 requested a Restaurant Beverage/Wine license at 75 Crooked Mountain Road (the Pemi Base Camp building) owned and operated by Loon Mountain Recreation Corporation on land owned by Mark Bogosian d/b/a South Peak, LLC. He is providing catering services in the temporary structure on:
 - 75 Crooked Mountain Road (Map 121, Lot 050) (0 Acres – Pemi Base Camp building only) owned by the Loon Mountain Recreation Corporation.

F. Alpine Adventures

- Alpine Adventures was purchased by Mark Bogosian d/b/a New Hampshire Adventures Real Estate, LLC, 850 Main Street, Falmouth, MA 02450, on 5/26/2023 (Book 4802, Page 433) for \$1,290,200 from N.L.I., Inc., formerly owned by ten (10) investors including: OJ Robinson & Jeffrey C. Woodward d/b/a N.L.I., Inc. and prior to that N.L.I., LLC, PO Box 67, Lincoln, NH 03251-0067.
 - 41 Main Street – Alpine Adventures (Map 112, Lot 052) Store/Shop (0.11 Acres).
 - 43 Main Street – House (Part of Alpine Adventures (Map 112, Lot 053) House, (0.79 Acres).
 - 45 Main Street – (Part of Alpine Adventures) (Map 112, L054) (0.22 Acres) includes portions of climbing structure, & 2 ½ story mixed use buildings (Alpine Adventures retail downstairs, apartment(s?) upstairs).

G. Whales Tale Waterpark

- Whales Tale Waterpark real estate was purchased by Mark Bogosian d/b/a New Hampshire Adventures Real Estate, LLC, 850 Main Street, Falmouth, MA 02540 [and the business was purchased by Mark Bogosian d/b/a New Hampshire Waterpark Adventures, LLC and d/b/a Whales Tale Waterpark, LLC]. The real estate and the business were formerly owned by ten (10) investors including OJ Robinson & Jeffrey C. Woodward d/b/a N.L.I., Inc. and prior to that N.L.I., LLC, PO Box 67, Lincoln, NH 03251-0067.
 - 481 US Route 3 (Map 105, Lot 027) sold on 5/26/2023 (Book 4802, Page 428) for \$3,838,733).
 - Mailing Address: 850 Main Street, Falmouth, MA, 02540
 - Principal Office: 481 US Route 3, Lincoln, NH 03251

2. **James (Jim) W. Burns**, nonresident, 64 Governors Road, Milton, MA 02186 (**AGENT FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC AND FC-LOON LLC**) (via Zoom)
 - Co-owner with Jeanne L. Burns, 64 Governors Road, Milton, MA 02186 of
 - 12 Mountain Brook Circle #2 (Map 116, Lot 012000-02-00006)

Acting as:

 - A. Business Development for South Peak Resort, now owned by:
 - Mark Bogosian d/b/a FC-Loon, LLC, 367 Main Street, Falmouth, MA 02540; (30 Lots); and
 - Mark Bogosian d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (6 Lots).
 - B. Manager of The Village Shops Shopping Center, newly purchased by:
 - Mark Bogosian d/b/a Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 where Longfellow Design Build Osterville, 866 Main Street, Osterville, MA 02655 is also located.
 - C. Business Development for Longfellow Design Build owned by:
 - Mark Bogosian d/b/a Longfellow Design Build, 367 Main Street, Falmouth, MA 02540.
 - D. Business Development for Longfellow Design Build NH, owned by:
 - Mark Bogosian d/b/a Longfellow Design Build NH, located at 9 Riverside Terrace Drive 2C, Lincoln, NH 03251 (property owned by Mark Bogosian d/b/a Loon Slopeside, LLC) (Map 118, Lot 039001-02-0000C).
3. **Susanne (Susan) A. Chenard**, resident of 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069). Alternate member of the Zoning Board of Adjustment (via Zoom).
4. **James (“Mike”) Conn**, resident, (**ABUTTER**) of 9 West Street, Lincoln, NH 03251, and co-owner with Joan Conn of 9 West Street (Map 112, Lot 030) and 15 West Street (Map 112, Lot 033) (via Zoom).
5. **Michael (Mike) J. Donahue, Sr.**, nonresident, (**ABUTTER**) 68 Potato Hill Road, Woodstock, NH 03293 and owner of J&M Donahue, Inc. (Excavating & Concrete), 1162 Daniel Webster Highway, PO Box 56, Woodstock, NH 03293-0056, and winning bidder for contract to develop the Lincoln Industrial Park in exchange for two (2) lots and rights of first refusal (RFR) for the other lots. He is a co-owner with Bobbi Anne Donahue of the first two lots on the right on Arthur Salem Way in the Lincoln Industrial Park: (1) “Lot 1” Map 109, Lot 025 (0.49 Acres) and (2) “Lot 3” Map 109, Lot 024 (0.48 Acres) (via Zoom).
6. **Derek Lick, Esq.**, nonresident, (**ATTORNEY FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC AND FC-LOON LLC**), Sulloway & Hollis, PLLC, 9 Capitol Street, Concord, NH, 03301-6310.
7. **Scott Miccile, P.E.**, nonresident, (**AGENT/ENGINEER FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC & FC-LOON, LLC**) Civil Engineering & Land Development Director for Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540.

8. **Andrew Nadeau, LS, PLS**, nonresident (**AGENT/SURVEYOR FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC AND FC-LOON LLC**) President, Principal Surveyor of Horizons Engineering, Inc., 34 School St., Littleton, NH 03561 working for Applicant Mark Bogosian d/b/a South Peak Resort developer and working for Applicant Loon Mountain Recreation Corporation.
9. **Brian G. Norton**, nonresident, of 20 Gray Road, Campton, NH 03223, (**ABUTTER**), President and General Manager of Loon Mountain Resort, 60 Loon Mountain Road, Lincoln, NH, 03251; Loon Mountain Resort is owned by Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan, 49770 (via Zoom).
10. **William (Billy) Sullivan**, resident, (**ABUTTER**) Machine Shop General Manager and sales/marketing representative for Quik Loc (QL) Manufacturing and son of (1) Kevin J. Sullivan & (2) Delia M. Sullivan – two principals of Sully & Sons Holdings, LLC, PO Box 665, Lincoln, NH 03251-0665. that owns both Quik Loc (QL) Manufacturing and business property at 21 Arthur Salem Way (Map 109, Lot 020) (via Zoom).
11. **Jon Warzocha, P.E.**, nonresident, (**AGENT/ENGINEER FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC AND FC-LOON LLC**) Horizons Engineering, CEO of Horizons Engineering, 34 School Street, Littleton, NH 03561 working for Applicant Mark Bogosian d/b/a South Peak Resort developer and working for Applicant Loon Mountain Recreation Corporation.

II. CONSIDERATION of meeting minutes from:

- **June 14, 2023 (Wednesday)**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black.

Motion to skip meeting minutes by Member Noseworthy

Second by Selectmen's Representative O.J. Robinson

All in favor

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

Mark BOGOSIAN:

- A. **South Peak Resort Revised Master Plan:** Presentation of Proposed Revisions to the Master Plan for South Peak Resort. The Revised Master Plan to include ski lifts designed to service ski trails on South Peak which is part of the Loon Mountain Ski Resort owned by Loon Mountain Recreation Corporation with a number of ski-in, ski-out ski trails to be located within the boundaries of South Peak Resort created to provide access to hotel guests and dwelling units within the South Peak Resort.

1. **Planning Board has invited the Board of Selectmen to attend the presentation.**

2. **Proposed Revisions to be discussed.**

Presentation:

Mr. Mark Bogosian discusses having put a pause on the eight (8) lot subdivision in order to update the Town of Lincoln, NH on the South Peak Resort's Master Plan, out of respect for the Planning Board. Attorney Derek Lick discusses the Master Plan that was approved in 2006 and how it has progressed over time. He is focusing on how the proposed eight (8) lot subdivision fits into the Master Plan. He has provided documents to review with the Planning Board.

- **2006 Town Approved Narrative of the Master Plan:**
Attorney Lick explains that this document is an exact copy of the text in the original 2006 Master Plan divided into sections that are updated.
- **Two Sets of 11 x 17 Plans:**
- **Fourteen Page Packet:**
Attorney Lick explains that this packet contains original materials that were submitted in 2006, to the Planning Board, when the Master Plan was approved. They are basically concept plans to give a general idea where the project was going to go.
- **Phases of Development:**
Attorney Lick describes the remaining portion of this packet contains the phases of development over time. Also included is an update sheet showing the current open space. It's a crude, generic description of the open space.
- **Questions Page:**
Attorney Lick explains that this page touches on the key issues that came up at previous Planning Board Meetings.

2006 Town Approved Narrative of the Master Plan

Attorney Lick describes the document as the base document for projects moving forward and that there is a June 2023 supplement and there will probably be more supplements moving forward.

How the Density was Calculated:

Attorney Lick reviews the packets (mentioned above) starting with the description of the 300-310 acres that were the original part of the development. The approved acreage was actually three hundred and sixty-two (362) acres which was reviewed in January of 2006. The allowable density at the time was nine hundred and one (901) dwelling units which was calculated by dividing the three hundred ten (310) acres by the minimum lot size of fifteen thousand square feet (15,000 SF) (the minimum number of sq. ft. required per dwelling unit) giving them a total of nine hundred one (901) dwelling units.

Attorney Lick continued that the developers then added the Halisey Lot and it brought the number of allowable dwelling units up to a total of one thousand fifty-

one (1,051) dwelling units [i.e., adding another one hundred fifty (150) dwelling units].

Note: The Halisey Lot is comprised of:

1. *Map 119, Lot 004 (LO SS East Branch River) (53 Acres) in General Use (GU) District. "Halisey Property".*

Attorney Lick then continued that the final total number of one thousand eighteen (1,018) allowable dwelling units came to be after the developers' engineers removed acreage that was not suitable for building. [*Land that is not suitable for building includes but is not limited to perennial streams and waterbodies.*]

Dwelling Units Developed to Date:

Attorney Lick said the Town approved a final total of one thousand eighteen (1,018) dwelling units. Currently, two hundred twenty-two (222) dwelling units have been approved and those dwelling units consist of condos and single-family lots. That leaves seven hundred ninety-six (796) dwelling units to be developed based on the Master Plan. Attorney Lick adds that the eight (8) unit subdivision proposed is taking the place of an already approved and pre-existing seven (7) lot subdivision and if it is approved will result in a net gain of only one (1) additional dwelling unit lot.

Resort Access:

Attorney Lick turns to **page 5** which discusses resort access. In this section roads are discussed as well as a roundabout which has not been developed but may be developed in the future. The next few pages (7 and 8) focus on amenities that were discussed for the next phases and talk about hotel use, resort use, terrain park, tennis courts, plaza with retail facilities. He notes that these amenities will be presented as the phases progress.

Town Ordinances:

Attorney Lick describes **page 9** to the end of the document. He explains that it discusses the Town ordinances and how they would factor then into the projects.

Water & Sewer Infrastructure:

Attorney Lick asks the Planning Board to turn to **page 24** which discusses water and sewer infrastructure. He notes there is an agreement made with the Town in June 2006 that there be adequate capacity. There was an issue with the water pressure above a certain elevation and it has been addressed. The prior developer did not resolve the issue. Mr. Bogosian has worked with the Town, by setting aside money in the form of a line of credit, to help resolve the water pressure issue. Mr. Bogosian has made an agreement with the Town to share in the funding of a large capacity water tank to be built by the Town that will fix the water pressure issue and provide water service for the Town. Currently, they are waiting for approval from the National Forest Service. If it is not possible to

build the larger tank with the Town, Mr. Bogosian will install a smaller tank that will address the water pressure issue for South Peak Resort.

Road Plans, Open Space, Infrastructure:

Attorney Lick reviews **page 25** which talks about what ultimately needs to be provided in the Master Plan such as road plans, open space, and infrastructure. The previous developer was to have made infrastructure improvements before approval. There was a traffic study and they determined what needed to be done. In 2019 and 2021 the Town agreed that the infrastructure improvements would meet the project needs at full build-out and it was approved.

Relief Through Variances Still Required:

The following pages discuss the Zoning Board of Adjustment (ZBA). Attorney Lick refers to **page 28** in which the previous developer acknowledges that he would likely have to come to the ZBA to seek variances for certain items that he was considering developing.

Building Heights:

One of the issues was building heights as they were aware that their building heights were higher than what was allowed by the Town.

Building Setback Requirements:

The second issue was building setbacks. It was understood that if there were issues with building setbacks, they would have to be reviewed by the Planning Board and ZBA.

Cluster Developments:

Attorney Lick acknowledged because there were going to be condos, a hotel and other services, that type of development was anticipated to be developed in a cluster-type development. Setbacks would not be met in every instance as those types of uses needed to be close together. The original Master Plan accepted that that could be the case.

Parking Requirements:

Thirdly, the parking requirements were analyzed but it was expected that by the time they finally get around to developing the project there would need to have a more thorough review of the parking plan. South Peak Resort plans to review the parking plan as they move forward with projects.

Where Did Attorney Lick's Information About Master Plan Come From:

Attorney Lick describes how he put the information together that he just reviewed with the Planning Board. He got the Microsoft Word version from Horizons Engineering and added supplements.

Two Sets of 11 x 17 Plans

Attorney Lick reviews the plans that were submitted with the initial application which contains concepts and explains, generally, what they were looking for. He talks about **pages 4, 7, 8 and 9** which shows what was there currently, in the road and water networks, that were envisioned as a general concept. It was meant to show the Planning Board where things were presently and what they were planning.

Mixed Use Areas with Various Densities:

Pages 5 and 6 showed what was to be mixed use and different densities. He notes that on the plans there is a yellow area showing 56 sites that were approved at the time the Master Plan came to the Town. It was showing what was already there and expanded it out westward.

Common Open Space

Attorney Lick talks about **page 5** which addresses common open space. In 2006 they determined that they would have 9 acres of common space set aside. Attorney Lick addresses previous concerns raised by the Planning Board regarding where open space was going to be and how it was calculated, etc.

How Was Density and “Open Space” Calculated for Initial Master Plan?

Attorney Lick explains that when this South Peak Resort Master Plan was initially approved, the density was determined by taking the total number of acres and then determining how many fifteen thousand square foot (15,000 SF) lots can fit into that number of acres.

Lot Coverage

Attorney Lick explains there was also a requirement that no more than 70% of any lot could be covered with non-permeable space.

The previous developer from 2006 and Mr. Bogosian both agree with that requirement and so (in their opinion) this qualifies as “open space” on each and every lot.

Attorney Lick explains that the nine (9) acres of required “open space” was based on the size of the original lot and not with Halisey Lot added to it. The addition of Halisey Lot brings the required acreage for “open space” to eleven (11) acres. Attorney Lick notes that the South Peak Resort development has well above eleven (11) acres of “open space” and always will have.

Resort Amenities

Attorney Lick discusses **pages 10 and 11** which shows what they were thinking about with regards to amenities. **Pages 11, 12 and 13** show some schematics regarding the hotel, retail, skier services, etc. to give some sense of where they

were heading. Attorney Lick explains that before any hotel is built, they will come in before the Planning Board to discuss the design, etc.

Attorney Lick refers the Planning Board to **page 16** of the plans. He thinks is the most important issue at this meeting as it gives the idea of what the lots will look like combined together as of 2004 (prior to the 56 subdivided lot on the east). This is the entire acreage in which Mr. Bogosian is allowed to build his cluster development.

Attorney Lick moves to **page 17** which walks through what happened first in 2005 which was Phase I with subdivided single-family lots over towards the east.

Page 18 shows the development over by the Riverside Condos which was approved in 2007. Attorney Lick recalls that 200 dwelling units for the Riverside Condos were approved and only 40 condo units were built.

Page 19 shows the Crooked Mountain Woods subdivision from 2007 which was approved and as intended they will be built in phases.

The ski lift was approved in 2007 as well.

Page 21 shows in 2011, additional subdivided lots were approved for single-family homes.

Page 22 show a small additional subdivision approved in 2014 which are located down by the river.

Page 23 (titled 2022) is discussed by was *inaudible on recording*.

Page 24 The following page discusses the Fireside Condos that were approved a couple of months ago.

Attorney Lick concludes by saying that as of today this is what the property looks like showing how the property has been subdivided over time. The South Peak developers are filling in the center starting with the eight (8) unit subdivision to be discussed next. They are working on the hotel, retail area, etc. and over towards the west they are planning more residential units, and ski in ski out areas.

Phases of Development

1. Attorney Lick discusses the eight (8) lot subdivision and how it is going to be a reworking of a prior approved seven (7) lot subdivision.
2. Next, Attorney Lick discusses an area along the river that is undeveloped and “is likely to stay mostly undeveloped”.
3. Attorney Lick shows where the water tank will be which will remain undeveloped.
4. Attorney Lick describes that on the far right there are ski trails. They have reached an agreement with Loon Mountain that by easement they have the right to use the ski trails.
5. Attorney Lick said that Horizons Engineering determined that the area that comprises the ski trails provides in excess of sixty-one (61) acres of “open

space". This ski trails recreational "open space" is not counting all of the "open space" on the individual lots or anything to the west, including the Halisey parcel. He notes that they wanted to show was that there is a fair amount of open space and that open space is significantly more than what was discussed in 2006. Because of the nature of the project there will be additional ski trails coming along. He thinks that they will be able to meet the requirements the Planning Board needs.

Mr. Bogosian comments that they only included in this calculation lands that are landlocked and there is no development opportunity. He notes there are numerous areas within South Peak Resort such as on top of Hemlock Drive that they have no intentions or plans to develop and at this time they have 61 acres noted as "open space".

Attorney Lick describes **page 27** as a high-level concept *inaudible* that includes the Pemi Base Lodge. Attorney Lick reaches the last page and it shows the entire concept that was put together with Mr. Bogosian and his design team filling in where they could possibly put things. Attorney Lick describes the ski area with a beginner's slope which has been contemplated for the location of the hotel and parking area.

Mr. Bogosian comments that his plan for the area off to the west is still unknown but he is on board with the details of the Master Plan so far and will continue to update the board as they go. He hopes that with all of the research and organizing that has been done it will make it easier to understand the projects moving forward and have an accounting of the number of units built.

Attorney Lick describes the research process that they went through and how they were able to work with Horizon's Engineering to create this baseline.

Questions Frequently Asked Section

Attorney Lick handed out a sheet called "Frequently Asked Questions" prior to the meeting. He referenced that the Green Space has been addressed.

Open Space has been addressed.

Water and Sewer was approved in 2006.

Traffic – Nothing additional needed to be done.

Cooper Memorial Bridge has had a safety analysis done and it is safe for construction vehicles to use the bridge. Mr. Bogosian is working with Loon Mountain Ski Area and the Cooper Memorial Bridge will ultimately get rebuilt.

Attorney Lick completes his presentation to the Planning Board.

Planning Board Questions/Discussion

Chairman Spanos refers to the approved one thousand eighteen (1,018) total units and asks if a one hundred (100) room hotel is built, will that number come off the total of one thousand eighteen (1,018) dwelling units.

Attorney Lick answers that the one hundred (100) rooms will be counted toward the total number of units approved.

Board of Selectmen Member Jack Daly asks if they have set a limit on the number of bedrooms they will allow per dwelling unit.

Mr. Bogosian explains that they don't have a limit and there are enough allotments for the foreseeable future. In the event that they come to a situation with the number of bedrooms, *inaudible* they will be proactive and not reactive.

Inaudible or no sound at minute mark 36.28-

NOTE: The internet kept going dropping and some of the conversation was lost.

(Topics discussed are the water tank, the size of single-family homes, the number of bedrooms per single family home and the size of the lots.)

Member Beaudin asks that the Planning Board have time to review all of the information submitted at this meeting prior to making any decisions on the eight (8) lot subdivision or the Master Plan.

Attorney Lick replies that there are no decisions to be made on the Master Plan update.

Member Beaudin discusses an email from Planner Bont regarding advice the Town received from a New Hampshire Municipal Association Attorney about how to proceed with reviewing the Master Plan as there was never any Site Plan Review for any of this project.

A discussion begins regarding the project approval process and the guidelines set in the Master Plan.

Attorney Lick replies that he is happy to review all of the Master Plan information with the Planning Board, an attorney or Town staff. He adds that the proposed eight (8) lot subdivision is a rejiggering of an already approved seven (7) lot subdivision and there's nothing of any materiality to the Master Plan that in any way would affect that eight (8) lot subdivision.

Member Beaudin discusses the how things change over time and he doesn't think anyone anticipated the number of people that are using South Peak and Loon Mountain and the great effect it is having. Member Beaudin refers to a memo from the Technical Review Committee regarding the eight (8) lot subdivision and what needed to be done.

Chairman Spanos asks to hold off the discussion regarding the subdivision as it will be next on the agenda.

Mr. Bogosian and Member Beaudin discuss the importance of the Master Plan and how the development effects the community.

Mr. Bogosian is willing to continue the hearing for the eight (8) lot subdivision until the Planning Board is able to review and discuss the Master Plan. The Planning Board discusses whether or not to move forward with the hearing for the eight (8) lot subdivision as there are some issues brought up by Town Engineer, Ray Korber, and the Technical Review Committee.

The Planning Board discusses if the subdivision should be heard at the next meeting. Member Beaudin asks Mr. Bogosian if two (2) weeks is enough time for the Planning Board and the Technical Review Committee to review the proposed subdivision and the Master Plan.

Member Beaudin would like to have a public hearing regarding the Master Plan to see if the public has any questions or comments about the South Peak Resort project.

Mr. Bogosian would like to return in two weeks (July 12, 2023) for the proposed eight (8) lot subdivision.

B. SUB 2023-03 M118 L039+S Peak LLC + FC-Loon LLC – Crooked Mountain Road 8 lots (CMR8) – Subdivision Application – CMR8 (8)

Applicant: Mark Bogosian
367 Main Street
Falmouth, MA NH 03561

Property Owner: (1) Mark Bogosian d/b/a FC-Loon, LLC
367 Main Street
Falmouth, MA 02540

(2) Mark Bogosian d/b/a South Peak, LLC
367 Main Street
Falmouth, MA 02540

Authorized Agent: Scott P. Miccile, P.E., Civil Engineering & Land Development Director
Longfellow Design Build, Inc.
367 Main Street
Falmouth, MA 02540

Surveyor: Andrew J. Nadeau, L.L.S.
Horizons Engineering, Inc.
34 School Street
Littleton, NH 03561

Properties (8) are all within South Peak Resort and in the General Use (GU) District:

1. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC (95.71 Ac).
2. **Map 121, Lot 051** (Crooked Mountain Road #114) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.48 Ac).
3. **Map 118, Lot 022** (Crooked Mountain Road #115) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.57 Ac).
4. **Map 118, Lot 021** (Crooked Mountain Road #116) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.66 Ac).
5. **Map 118, Lot 023** (Crooked Mountain Road #117) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.37 Ac).
6. **Map 118, Lot 024** (Crooked Mountain Road #118) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.41 Ac).
7. **Map 118, Lot 025** (Crooked Mountain Road #119) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.35 Ac).
8. **Map 118, Lot 026** (Crooked Mountain Road #120) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.54 Ac).

Proposal: A total of eight (8) new lots will be created along existing road frontage. Seven (7) existing lots along this frontage approved in 2007 will be merged with remaining land of Map 118 Lot 39 and re-subdivided with new configurations. Infrastructure improvements to these lots such as extension of municipal water & sewer lines & extension of utilities will not be required as such infrastructure is already in place.

Application for Subdivision:

Proposes to divide portions of the (8) lots listed above in one (1) eight (8) lot subdivision:

1. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC, (95.71 Ac).
2. **Map 121, Lot 051** (Crooked Mountain Road #114) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.48 Ac).
3. **Map 118, Lot 022** (Crooked Mountain Road #115) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.57 Ac).
4. **Map 118, Lot 021** (Crooked Mountain Road #116) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.66 Ac).
5. **Map 118, Lot 023** (Crooked Mountain Road #117) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.37 Ac).
6. **Map 118, Lot 024** (Crooked Mountain Road #118) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.41 Ac).
7. **Map 118, Lot 025** (Crooked Mountain Road #119) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.35 Ac).
8. **Map 118, Lot 026** (Crooked Mountain Road #120) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.54 Ac).

Eight (8) new lots created on Crooked Mountain Road to be as follows:

1. **Map 118, Lot 039.20** (0.40 Acres)
2. **Map 118, Lot 039.21** (0.39 Acres)

3. **Map 118, Lot 039.22** (0.49 Acres)
4. **Map 118, Lot 039.23** (0.51 Acres)
5. **Map 118, Lot 039.24** (0.27 Acres)
6. **Map 118, Lot 039.25** (0.25 Acres)
7. **Map 118, Lot 039.26** (0.32 Acres)
8. **Map 121, Lot 051** (0.64 Acres)

***NOTE: Minimum Lot Size in General Use (GU) District is 15,000 SF or 0.344 Acres.
3 proposed lots are less than the minimum lot size.***

The noticed April 12, 2023 public hearing was continued to the next scheduled Planning Board meeting on May 10, 2023. The May 10, 2023 public hearing was continued to June 14, 2023. The June 14, 2023 was continued to June 28, 2023, at which time the Planning Board invited the Board of Selectmen to attend so both boards will hear Applicant's presentation about the proposed amended Master Plan for South Peak Resort.

In addition, the Applicant will move forward with their presentation of the proposed eight (8) lot subdivision at that time.

**Motion to Continue hearing until July 12, 2023 per Mr. Bogosian's request by
Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor**

IV. NEW BUSINESS

A. Discussion between Board of Selectmen & Planning Board re: Town of Lincoln Industrial Park on Arthur Salem Way comprised of the following lots:

1. **Map 109, Lot 017 - #LO Bern Dibner Dr – owned by Town of Lincoln, 148 Main Street, PO Box 25, Lincoln, NH 03251-0025 – Industrial Park Roads**
2. **Map 109, Lot 018 – Arthur Salem Way Lot #2 – owned by Town of Lincoln, 148 Main Street, PO Box 25, Lincoln, NH 03251-0025 – Industrial Park**
3. **Map 109, Lot 019 – Arthur Salem Way Lot #4 – owned by Town of Lincoln, 148 Main Street, PO Box 25, Lincoln, NH 03251-0025 – Industrial Park**
4. **Map 109, Lot 020 – 21 Arthur Salem Way Lot #6 – owned by Sully & Sons Holdings LLC – Industrial Park. Sully & Sons Holdings, LLC's Board of Directors are:**
 - a. **Agent: Attorney Michael F. Conklin, 264 Main Street, PO Box 849, North Woodstock, NH 03262-0849**
 - b. **Member: Kevin J. Sullivan 2016 Revocable Trust dated 11/22/2016, 21 Arthur Salem Way, PO Box 665, Lincoln, NH 03251-0665**
5. **Map 109, Lot 021 – Arthur Salem Way Lot #8 – owned by Town of Lincoln, 148 Main Street, PO Box 25, Lincoln, NH 03251-0025 – Industrial Park**

6. **Map 109, Lot 022** – Arthur Salem Way Lot #7 – owned by Town of Lincoln, 148 Main Street, PO Box 25, Lincoln, NH 03251-0025 – Industrial Park
7. **Map 109, Lot 023** – Arthur Salem Way Lot #5 – owned by Town of Lincoln, 148 Main Street, PO Box 25, Lincoln, NH 03251-0025 – Industrial Park
8. **Map 109, Lot 024** – Arthur Salem Way Lot #3 – owned by Michael Donahue Sr. & Bobbie Ann Donahue, 68 Potato Hill Road, Woodstock, NH 03293 – Industrial Park and
9. **Map 109, Lot 025** – Arthur Salem Way Lot #1 – owned by Michael Donahue Sr. & Bobbie Ann Donahue, 68 Potato Hill Road, Woodstock, NH 03293 – Industrial Park.

Presentation

Ms. Ham clarifies that the project should be called the “Business Park” and not the “Industrial Park”.

Selectmen’s Representative O.J. Robinson starts the presentation and discusses that the Board of Selectmen (BOS) has talked with the attorney about the deed restrictions that are currently in the deeds of the lots that have been sold. Moving forward he suggests they could change the wording of the restrictions in the deed to those lots. He adds that it would be fair to have the other two land owners brought into the discussion so that there aren’t conflicting or discriminating deed restrictions. He would like to hear the Planning Board’s thoughts on the matter. He suggests one of the following options:

- Do nothing. Leave the deed restrictions as they are currently.
- Determine which restrictions to remove and have a public hearing to discuss with the two other property owners.

Discussion: BOS Chair/Selectmen’s Representative O.J. Robinson reads the list of eight (8) lot restrictions in the two (2) deeds to Michael Donahue and the one deed to Sully & Sons Holdings, LLC to:

- a. the conveyed lot can only be used for light industrial and commercial purposes which conform in all ways to the applicable state and local ordinances provided that any particular use must also be approved by the Town of Lincoln which approval shall not be unreasonably withheld.
- b. any commercial or light industrial use of this lot or the structures thereupon must be of the type expected to require regular on-site staff supervision and employment. No use primarily intended for storage or other unattended purposes will be allowed;
- c. any change of business type utilizing the herein conveyed property will require the prior, written approval of the Town of Lincoln;
- d. outside storage of materials will be limited to those storage uses approved by the Town of Lincoln which approval shall not be unreasonably withheld;

- e. maintenance of the grounds and structures will be subject to the intermittent review and approval of the Town of Lincoln or its representative;
- f. grantee, its successors and assigns will provide a site plan reflecting the expected construction and use of the property deeded herein to the Town of Lincoln for approval within one (1) year of the property's transfer to grantee;
- g. grantee, it's a [sic] successors and assigns will complete that construction and development detailed in the approved site plan within eighteen (18) months of site plan approval by the Town of Lincoln; and,
- h. no storage of materials deemed to be hazardous waste by the New Hampshire Environmental Protection Bureau and the United States Department of Environmental Protection shall be allowed.

In BOS Chair/Selectmen's Representative Robinson's opinion, the most questionable restriction is ("b.") which refers to any commercial light industrial use of this lot or the structures thereupon must be of the type expected to require regular on-site staff supervision and employment.

BOS Chair/Selectmen's Representative Robinson comments that part of (b) is the most controversial or questionable restriction. He adds that if you look at the history and the discussion in the formation of these lots there was a lot talk about self-storage units. The board members who were discussing these restrictions were adamant that these lots were not to be used for self-storage as there were a lot of self-storage units being built at that time across the nation and in the Lincoln area. It was felt that self-storage would not promote commerce and industry in the Town.

BOS Chair/Selectmen's Representative O.J. Robinson notes that this restriction "b" goes beyond self-storage and the phrase "to require regular on-site staff, supervision and employment" can be construed that other people working in the building trades (e.g., carpenters, plumbers, electricians) cannot conduct their business on the business park site and therefore would be excluded under the strict interpretation of number "b".

Planning Board Chair Spanos asks if the restriction also was intended to provide jobs and benefits to people working in Town. The Planning Board and the Board of Selectmen discusses the intent of the restriction.

BOS Chair/Selectmen's Representative O.J. Robinson continues to read through the list of restrictions for the lots. He comments that any and all of the restrictions can be changed but he feels that "b" stating that regular on-site staff supervision and employment would mean no self-storage units or does it mean no electricians, no plumbers, no masons, no general contractors, no trades people because they're not working at the business park, working on-site where their clients' homes are.

Chairman Spanos suggests some changes and both the Board of Selectmen and the Planning Board discusses.

- Take a portion of this parcel for multi-unit residential rather than a business park.

Discussion:

BOS Chair/Selectmen's Representative O.J. Robinson understands that there is controversy in that as people have invested in land and businesses in this park and want to keep it that way and not be surrounded by playgrounds, kids, traffic, etc.

The Planning Board and BOS discuss some options for changing the lots.

Selectman Daly suggests hearing from the two property owners who are present at the meeting to get their opinions on the matter.

Member Beaudin, who is speaking as a Planning Board member and a long time Lincoln resident, says he is opposed to changing this to anything but a small business park. He feels some of these deed restrictions have added to the reasons these lots have not sold because they did not qualify. He thinks if the deed restrictions were changed the lots may sell a little faster. He comments that there is a need for electricians, carpenters, and other trades in Lincoln. He adds that a small business park benefits the Town more than affordable housing would. He concludes by saying to change this to anything other than a business park is the wrong thing to do. The Planning Board and BOS discuss Member Beaudin's comments.

Member Beaudin suggests a motion that the Planning Board supports changing item "b" of the restrictions and keep the land as a small business park.

Selectwomen Ham comments that a motion isn't necessary as this is a kind of rudimentary discussion. She would hate for the Planning Board to make that decision tonight without giving the two owners the opportunity to come in.

Member Beaudin disagrees with Selectwomen Ham and he discusses the role of the Planning Board. He feels his motion is a relevant one and that it is for the Planning Board to decide not the BOS. The discussion continues on how the boards will be handling the matter as the all of the parties involved have not had a chance to speak.

Mr. Donahue could not get his Zoom to work so he could comment, so he calls into the meeting and Selectman Daly puts him on speaker phone to talk to the two boards. Mr. Donahue said he has had a hard time listening to the meeting due to technical difficulties.

Town Manager Park reviews the three (3) options Selectmen's Representative O.J. Robinson noted earlier in the meeting.

Mr. Donahue said he would like to know more and understands what they are trying to do and is willing to come in to discuss. Mr. Sullivan (via Zoom) said he really likes the location of the business park, as a location for his business, but would not want any residential housing in that area. He would love to see more people using it for their businesses in the local area.

Chairman Spanos asks if anyone else would like to comment on this matter.

Alternate Black comments that she is in favor of changing “b” to omit the restriction for employees to work on-site.

Chairman Spanos asks what kind of marketing has been done.

Selectwoman Ham replies that they have put off marketing until they had a chance to talk about at this meeting. The properties were listed for sale prior to the pandemic approximately four (4) years.

Member Beaudin comments that there are several people interested in the property but due to the deed restrictions they do not qualify. The Planning Board and BOS discuss changing item “b” in the restrictions.

Mr. Sullivan’s position is that he is ok with changing “b” to just say no self-storage units as long as no residential units are involved.

Selectmen’s Representative O.J. Robinson discusses his thoughts on the process moving forward. The Planning Board and BOS discuss their thoughts on how to move forward. They all agree that the business park is good for people who would like to have a small business in Lincoln.

B. ADA Compliance for Parking Spaces – ADA National Network: Information, Guidance and Training with Disabilities Act

Planner Bont has distributed the ADA Compliance for Parking Spaces to the Planning Board so they have the information necessary, in case something comes before them.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS: No public comment.

Return to Minutes

Motion to return to the meeting minutes from June 14, 2023 by Vice Chairman Chenard

Second by Selectmen’s Representative O.J. Robinson

All in favor

Motion to approve the minutes by Selectmen’s Representative O.J. Robinson

Second by Vice Chairman Chenard

All in favor

VI. ADJOURNMENT

**Motion to adjourn by Vice Chairman Chenard
Second by Selectmen's Representative O.J. Robinson
All in favor**

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: July 12, 2023


Chairman Spanos