

**APPROVED**

**PLANNING BOARD**  
**PLANNING BOARD 2ND MONTHLY MEETING**  
**WEDNESDAY, March 22, 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/j/81700766161?pwd=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

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

(See also Town website [www.lincolnnh.org](http://www.lincolnnh.org) for same link, meeting ID and passcode.)

**I. CALL TO ORDER** by Chairman James Spanos

**Members Present:** Chair James Spanos, Vice Chair Joseph Chenard (arrives at video minute mark 12:47), Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, and Member Paul J. Beaudin, II, Alternate Danielle Black.

**Excused:** Alternate Mark Ehrman

**Staff Present:** Planner Carole Bont

**Consultant Present:** Raymond H. Korber, P.E., of KVPartners, LLC

**Guests:**

- **"Adam" no last name and no address given (via Zoom).**
- **Paul Angelico**, nonresident, (**ABUTTER**) 33 Manchester Lane, Stony Brook, NY 11790, co-owner with Kelly Feese, of a vacant single-family home lot at Crooked Mountain Road Lot #101 (Map 118, Lot 019) [still listed as being owned by Mark Bogosian d/b/a FC-Loon, LLC, 367 Main Street, Falmouth, MA 02540] (via Zoom).
- **Dr. Janelle L. Bard**, ("**Janelle's I-Phone**") nonresident, owner of Lincoln Wellness Center, 6 South Mountain Drive, PO Box 688, Lincoln, NH 03251-0688 located at 6 South Mountain Drive (Map 113, Lot 001) owned by Janelle Bard d/b/a/ Kua Kauka, LLC, Main Street, PO Box 688, Lincoln, NH 03251 (via Zoom).
- **Regan Bloss**, nonresident, Senior Account Executive Capital Markets for KCSA Strategic Communications, 261 Madison Ave. 9th Floor, New York, NY 10016.

- **Mark Bogosian**, nonresident, (**APPLICANT and ABUTTER**) d/b/a Longfellow Design Build, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 and 866 Main Street, Osterville, MA 02655.

**A. South Peak Resort Holdings:**

1. Mark Bogosian, a developer who owns the following under his own name, **Mark Bogosian**:
  - South Peak Road (Map 121, Lot 057)
  - 43 Crooked Mountain Road (Map 121, Lot 011)
2. Mark Bogosian, a developer who owns the following property under the name **“Loon Slopeside, LLC”**:
  - 9 Riverside Terrace #2C, (Map 118, Lot 039001-02-0000C)
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 LLC)
  - Crooked Mountain Road #121 (Map 120, Lot 027)
  - Crooked Mountain Road #122 (Map 118, Lot 035)
  - (Added after purchase of LLC)
  - Crooked Mountain Road #123 (Map 118, Lot 036)
  - (Added after purchase of LLC)
  - Crooked Mountain Road #124 (Map 118, Lot 037)
  - (Added after purchase of LLC)
  - Crooked Mountain Road #125 (Map 118, Lot 038)
  - 24 Crooked Mountain Road (Map 121, Lot 021)
  - (Added after purchase of LLC)
  - South Peak Road (Map 121, Lot 060)
  - (Added after purchase of LLC)
  - South Peak Road (Map 121, Lot 071)
  - (Added after purchase of LLC)
  - South Peak Road (Map 117, Lot 128)
  - (Added after purchase of LLC)

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.
- 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 Holdings:**

- Mark Bogosian, a developer who owns the following properties d/b/a “**Main Street Lincoln Investments, LLC**”) as purchased from Village Shops, ICH, LLC and from T&T Mountain Investments, LLC. All properties currently owned by Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 are as follows:
  - 25 South Mountain Drive #16 (Map 118, Lot 046) [3.47 Acres]
  - A portion of Main Street #D LO (Map 118, Lot 002002 [1.42 Acres] and Map 118, Lot 002003 [0.95 Acres].
- **James (Jim) Burns**, nonresident, 64 Governors Road, Milton, MA 02186 (**Agent for APPLICANT**), co-owner with Jeanne L. Burns of 12 Mountain Brook Circle #2 (Map 116, Lot 012000-02-00006) (via Zoom) acting as:
  1. 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).
  2. 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.
  3. Business Development for **Longfellow Design Build** owned by:
    - Mark Bogosian d/b/a Longfellow Design Build, 367 Main Street, Falmouth, MA 02540.
    - Mark Bogosian d/b/a Longfellow Design Build 866 Main Street, Osterville, MA 02655
  4. 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).
- **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).

- **Mike Ciolino**, nonresident, (**EMPLOYEE OF APPLICANT**) Marketing & Communications for Mark Bogosian d/b/a Longfellow Design Build, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 and 866 Main Street, Osterville, MA 02655 (via Zoom).
- **John (Jack) Daly**, resident (**ABUTTER**), of 186 Black Mountain Road, Lincoln, NH 03251, co-trustee with Donna Daly of John & Donna Daly Living Trust, PO Box 450, Lincoln, NH 03251-0450 owners of 186 Black Mountain Road (Map 130, Lot 097), and member of the Board of Selectmen.
- **Tossaporn Dussadee**, resident(?) of 151 Main Street, PO Box 1445, Lincoln, NH 03251-1445 (**residential tenant**) of 151 Main Street (Map 118, Lot 063) owned by Arthur Drivas d/b/a Seminole, 151 Main Street LLC, 71 Plymouth Street, Hampton, NH 03842. **Colleague of Aloundeth Phengsisouvong**.
- **Maureen Faherty**, nonresident (**ABUTTER**), of 17 Bayberry Lane, Cohasset, MA 02025, co-owner with Terrance F. Faherty of 36 Yellow Birch Circle (Map 121, Lot 031).
- **Terrance F. Faherty**, nonresident (**ABUTTER**), of 17 Bayberry Lane, Cohasset, MA 02025, co-owner with Maureen Faherty of 36 Yellow Birch Circle (Map 121, Lot 031) (via Zoom).
- **Kelly D. Feese** nonresident, (**ABUTTER**), 33 Manchester Lane, Stony Brook, NY 11790, co-owner with Paul Angelico of a vacant single family house lot at Crooked Mountain Road Lot #101 (Map 118, Lot 019) [still listed in the Town records as being owned by Mark Bogosian d/b/a FC-Loon, LLC, 367 Main Street, Falmouth, MA 02540] and owner of 9 Riverside Terrace #2D (Map 118, Lot 039001-02-0000D) (Part of the Riverside Condominium Association) (via Zoom).
- **Jeannie Fay**, nonresident, (**EMPLOYEE OF APPLICANT**) Business Development Executive for Mark Bogosian d/b/a Longfellow Design Build, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 and 866 Main Street, Osterville, MA 02655 (via Zoom).
- **Andrew (Drew) Goddard**, nonresident, (**ABUTTER**), 1 Sanctuary Drive, Stratham, NH 03885, (contractor, Agent/Director/Officer/Manager & d/b/a:
  1. **Copley Properties, LLC** (2013) (formerly Copley Investments, LLC) 1 Sanctuary Drive, Stratham, NH, 03885.  
Copley Properties, LLC, is currently owner of:
    - a. 330 South Peak Road (Map 118, Lot 0390003)
    - b. 326 South Peak Road (Map 118, Lot 0390002)
  2. **179 South Peak, LLC** (2018) 1 Sanctuary Drive, Stratham, NH 03885  
179 South Peak, LLC is currently owner of:
    - a. 179 South Peak Road (Map 121, Lot 028)

3. **Copley Homes, LLC** (2018) (formerly Copley Investments 401K Plan, LLC)  
1 Sanctuary Drive, Stratham, NH 03885

Copley Homes, LLC is currently owner of:

- a. 164 South Peak Road (Map 122, Lot 008)

4. **Copley Rentals, LLC** (2020) (owns no properties at this time)

- **William (Bill) Grogan**, nonresident (**ABUTTER**) of 9 Running Brook Circle, Natick, MA 01760 who owns 3 Riverside Terrace, Unit 1A (Part of the Riverside Condominium Association) (Map 118, Lot 039001-01-0000A) (via Zoom). Wife is Allison Lauretti of 9 Running Brook Circle, Natick, MA 01760.
- **Fiona Adele (Adele) Janssen**, resident (**ABUTTER**) of 8 Yellow Birch Circle, PO Box 901, Lincoln, NH 03251-0901 who co-owns 8 Yellow Birch Circle (Map 121, Lot 038) with Dominic Janssen.
- **Dominic Janssen**, resident (**ABUTTER**) of 8 Yellow Birch Circle, PO Box 901, Lincoln, NH 03251-0901 who co-owns 8 Yellow Birch Circle (Map 121, Lot 038) with Fiona Adele (Adele) Janssen.
- **Andrea Karpinski**, nonresident (Assistant Director Distribution Strategy & Analytics - Senior Product Strategist, Retail Segment, Lincoln Financial Group, 150 N Radnor Chester Rd Ste A305, Wayne, Pennsylvania, 19087 (via Zoom).
- **Rachel Kesselman**, nonresident (**ABUTTER**) of 138 Day Street, Newton, MA 02466 who co-owns 3 Riverside Terrace Unit #1D (Part of the Riverside Condominium Association) (Map 118, Lot 019001-01-0000D) with Michael Kesselman of the same address.
- **Allison Lauretti**, nonresident (**ABUTTER**) of 9 Running Brook Circle, Natick, MA 01760 whose husband William (Bill) Grogan owns 3 Riverside Terrace, Unit 1A (Part of the Riverside Condominium Association) (Map 118, Lot 039001-01-0000A) (via Zoom).
- **Derek D. Lick, Esq.**, nonresident (**ATTORNEY FOR APPLICANT**), Sulloway & Hollis, PLLC, 9 Capitol Street, Concord, NH 03301.
- **Scott P. Miccile, P.E.**, nonresident, (**AGENT FOR APPLICANT**) Civil Engineering & Land Development Director, Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540 and Longfellow Design Build, Inc., 866 Main Street, Osterville, MA 02655.
- **Hailey Medeiros**, nonresident, (**ARCHITECTURAL DESIGNER FOR APPLICANT**) Architectural Designer, Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540 and Longfellow Design Build, Inc., 866 Main Street, Osterville, MA 02655.
- **Beth Miller, RA, LEED AP**, nonresident (**EMPLOYEE OF APPLICANT**) Architect, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 and 866 Main Street, Osterville, MA 02655 (via Zoom).
- **Sally Miller**, nonresident, (**ARCHITECT FOR APPLICANT**) Project Architect, Bull Stockwell Allen, 300 Montgomery, Suite 600, San Francisco, CA 94104 working for both Loon Mountain Recreation Corporation (LMRC) and/or possibly Mark Bogosian.

- **Andrew J. Nadeau LLS PLS**, nonresident (**SURVEYOR FOR APPLICANT**)  
President, Principal Surveyor of Horizons Engineering, Inc., 34 School Street, Littleton, NH 03561
- **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). Loon Mountain Recreation  
Corporation owns:
  1. Kancamagus Highway (Map 001, Lot 002000-BG-00000)
  2. Connector Road (Map 110, Lot 007000-BG-00000)
  3. 143 Pollard Road (Map 114, Lot 005)
  4. 100 Pollard Road (Map 117, Lot 051)
  5. 75 Crooked Mountain Road (Pemi Base Camp) (Map 121, Lot 050000-BG-00000)
  6. South Peak Road (Map 122, Lot 007)
  7. 60 Loon Mountain Road – Java J (Map 126, Lot 001)
  8. Black Mountain Road #LO (Map 126, Lot 002)
  9. 60 Loon Mountain Road – Deli (Map 126, Lot 018000-MC-0000A)
  10. 60 Loon Mountain Road – Food/L (Map 126, Lot 018000-MC-0000C)
  11. 60 Loon Mountain Road (Map 126, Lot 020)
  12. 52A Loon Mountain Road (Map 126, Lot 020000-BG-00000)
  13. L/O Route 112 (Map 127, Lot 306)
  14. US Route 112 (16 Acres) (Map 127, Lot 307)
  15. Main Street #Gazebo (Map 127, Lot 308)
- **Aloundeth Phengsisouvong**, resident (**APPLICANT**) (d/b/a Brother 168 LLC &  
d/b/a Thai Nine), of 151 Main Street, PO Box 1445, Lincoln, NH 03251-1445 (both  
residential and commercial tenant) of 151 Main Street (Map 118, Lot 063) owned by  
Arthur Drivas d/b/a Seminole, 151 Main Street LLC, 71 Plymouth Street, Hampton,  
NH 03842) and owner of the Thai Nine Restaurant located at 151 Main Street and a  
commercial tenant of 136 Main Street (Map 118, Lot 048) owned by Robert (Bob)  
Stahler d/b/a Stamps and Mail, LLC, 13 Hiltz Drive, North Woodstock, NH 03262.
- **Andrea Pool**, nonresident, (**ABUTTER**) former member of Board of Directors for  
South Peak Resort Community Homeowners Association, 11 Blossom Lane,  
Wayland, MA 01778 and co-owner with Andrea Pool of 8 Riverside Terrace #2H  
(Map 118, Lot 039001-02-0000H) (Part of the Riverside Condominium Association)  
(via Zoom).
- **Arlan (Andy) L. Pool**, nonresident, (**ABUTTER**) former member of Board of  
Directors for South Peak Resort Community Homeowners Association, 11 Blossom  
Lane, Wayland, MA 01778 and co-owner with Andrea Pool of 8 Riverside Terrace  
#2H (Map 118, Lot 039001-02-0000H) (Part of the Riverside Condominium  
Association) (via Zoom).

- **Ashley Pratt, nonresident, (APPLICANT'S EMPLOYEE)** Sales for Mark Bogosian d/b/a Longfellow Design Build, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 and 866 Main Street, Osterville, MA 02655 (via Zoom).
- **Kelly Ovitt Puc, Esq., nonresident, (ATTORNEY FOR APPLICANT)** Sulloway & Hollis, PLLC, 9 Capitol Street, Concord, NH 03301 (via Zoom).
- **Arthur Remillard, nonresident (ABUTTER)** of 9 Point Way, Sutton, MA 01590 and co-owner with Debra Remillard of 8 Hemlock Drive (Map 121, Lot 008) and 7 Hemlock Drive (Map 121, Lot 005).
- **Benjamin (Ben) P. Rogers, nonresident, (ABUTTER)** of 898 East 4<sup>th</sup> Street, Boston, MA 02127 and co-owner with Kristin L. Rogers of 165 South Peak Road (Map 121, Lot 024) (via Zoom).
- **Paul Rogers, resident, (ABUTTER)** 9 Riverside Terrace #2E owner as co-Trustee with Maureen E. Parkin of the Paul Rogers-Parkin Family Trust, PO Box 758, Lincoln, NH 03251-0758 (Map 118, Lot 019001-02-0000E).
- **Douglas (Doug) Smith, resident, (ABUTTER),** of 76 Loon Brook Road, PO Box 941, Lincoln, NH 03251-0941 owned by Albert S. Smith & Myrna Smith, Trustees of the Albert S. Smith & Myrna Smith Joint Revocable Trust, PO Box 1122, Lincoln, NH 03251-1122, 1413, Lincoln, NH 03251-1413 and President of Westwood Homeowners' Association, PO Box 1413, Lincoln, NH 03251-1413 (via Zoom).
- **Robert (Bob) Stahler, nonresident, (APPLICANT/PROPERTY OWNER),** d/b/a Stamps and Mail, LLC, 13 Hiltz Drive, North Woodstock, NH 03262, owner of 136 Main Street (Map 118, Lot 048) the old post office building (formerly operated as a retail/rental ski/snowboard shop by JBEGOOD, LLC).
- **Sirat Sutthhaluang, resident(?)** of 151 Main Street, PO Box 1445, Lincoln, NH 03251-1445 (residential tenant) of 151 Main Street (Map 118, Lot 063) owned by Arthur Drivas d/b/a Seminole, 151 Main Street LLC, 71 Plymouth Street, Hampton, NH 03842. **Colleague of Aloundeth Phengsisouvong.**
- **Jon Warzocha, P.E., nonresident, (AGENT/ENGINEER FOR APPLICANT)** 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 Abutter Loon Mountain Recreation Corporation.
- **Carol Wesemann, nonresident, (ABUTTER),** 8 Island Court, Unit 406, South Easton, MA 02375 owner of 21 Riverside Terrace #4B (Map 118, Lot 039001-04-0000B) (Part of the Riverside Condominium Association) (via Zoom).

## II. CONSIDERATION of meeting minutes from:

- **February 8, 2023 (Wednesday) - Revisions**
  - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin.

**Motion to skip over meeting minutes until Vice Chairman Chenard has a chance to research it by Member Beaudin**  
**Second by Member Noseworthy**

**Four (2) in favor, One (1) opposed (Selectmen's Representative O.J. Robinson)**

- **March 8, 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 approve as amended by Member Beaudin**  
**Second by Selectmen's Representative O.J. Robinson**  
**All in favor**

**Motion to go back to February 8, 2023 minutes for review by Selectmen's Representative O.J. Robinson**  
**Second Vice Chairman Chenard**  
**All in favor**

**Motion to approve as amended by Selectmen's Representative O.J. Robinson**  
**Second by Selectmen's Representative O.J. Robinson**  
**Four (4) in favor, One (1) opposed (Vice Chairman Chenard)**  
**Motion passes**

### **III. NEW BUSINESS**

#### **A. SUB 2023-01 M118 L039+L037+L038 Subdivision Application – Fireside Condos (41) Dwelling Units**

##### ***SUBDIVISION***

Notice is hereby given in accordance with RSA 676:4 that one (1) **Application for Subdivision** will be submitted to the Planning Board during a regular meeting on Wednesday March 22, 2023 at 6: PM.

**Applicant:** Mark Bogosian, 367 Main Street, Falmouth, MA 02540

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

**Agent:** Scott P. Miccile, P.E., Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540

**Property Owners:**

(A) **Mark Bogosian d/b/a FC-Loon, LLC**, 2365 Rice Boulevard, Suite201, Houston, TX 77005

(B) **Mark Bogosian d/b/a South Peak, LLC**, 367 Main Street, Falmouth, MMA 02540



**Properties 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 118, Lot 036** (Crooked Mountain Road #123) owned by Mark Bogosian d/b/s FC-Loon, LLC, (0.40 Ac).
3. **Map 118, Lot 037** (Crooked Mountain Road #124) owned by Mark Bogosian d/b/a FC-Loon, LLC (0.38 Ac).
4. **Map 118, Lot 038** (Crooked Mountain Road #125) owned by Mark Bogosian d/b/a South Peak, LLC (0.36 Ac).

**Proposal:** A total of one (1) new lot will be created which will include forty-one (41) proposed condominium units referred to as the “Fireside Condos”. Improvements to this lot, extension of municipal water & sewer lines & extension of utilities will be required for the development of residential condominium development and will also require Site Plan Review Approval.

**Application for Subdivision** proposes merging three (3) lots listed above into Map 118, Lot 39 and dividing a portion of Map 118, Lot 39 one (1) one (1) lot subdivision:

- **Three (3) existing lots merged into Map 118, Lot 39:**
  1. **Map 118, Lot 036** (Crooked Mountain Road #123) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.40 Ac).
  2. **Map 118, Lot 037** (Crooked Mountain Road #124) owned by Mark Bogosian d/b/a FC-Loon (0.38 Ac).
  3. **Map 118, Lot 038** (Crooked Mountain Road #125) owned by Mark Bogosian d/b/a South Peak, LLC (0.36 Ac).
- **One (1) new lot created along Crooked Mountain Road to be as follows:**
  1. **Map 118, Lot 039.19** (6.32 Acres)

**B. SPR 2023-03 M118 L039+M118 L036+L037+L038 South Peak LLC+FC-Loon LLC  
- Site Plan Review Application – Fireside Condos forty-one (41) units –  
Infrastructure**

***Site Plan Review - Infrastructure***

**Presentation**

Mr. Jon Warzocha, of Horizons Engineering explains the basics of what the project entails. It’s a condominium sub-division which includes forty-one (41) total condominium units in nineteen (19) buildings located on two short access roads off of Crooked Mountain Road. Out of the nineteen (19) buildings there will be a mix of five (5) triplex buildings, twelve (12) duplexes and two (2) singles. Water and sewer service will be off of Crooked Mountain Road. Fire access and emergency vehicle turnaround geometry has been reviewed. He states this is a fairly straightforward project and would like to see what questions the Planning Board has. Mr. Warzocha adds that state permit applications have been filed. There are no wetlands impacted as part of this and they are looking at an Alteration of Terrain Permit (application has been filed).

They will have a review with DES and the full set of design drawings for water and sewer have been submitted to the Town's Engineer for review.

### **Questions**

**Test Pits:** Chairman Spanos asks about test pit number four (#4) and number five (#5) and what the plans are for those. Mr. Warzocha replies that they are stormwater test pits for stormwater treatment and infiltration measures.

**Master Plan:** Member Beaudin asks about the Master Plan and would like to know if there is any written documentation in addition to the Plans presented. Mr. Warzocha and Member Beaudin discuss the Master Plan requirements. Member Beaudin explains that the Master Plan is in the written documentation as well as plan drawings. Mr. Warzocha states that the Town has the approved Master Plan. Member Beaudin replies that it is not complete and not signed. Mr. Warzocha explains that The Master Plan will be updated as projects progress. He adds that the original Master Plan has a vested approved number of units. Member Beaudin discusses that there are significant differences from what was originally approved and what has been put in.

### **Planned Phased Development:**

Member Beaudin explains that in order to have a Planned Phase Development two things the Town needs. The first thing is a Developer Agreement which the Town and the Board of Selectmen (BOS) have and the second is a completed Master Plan.

Mr. Warzocha disagrees with Member Beaudin and states that the Town has issued a Master Plan Approval for the number of units.

Planner Bont explains that at the Grafton County Registry of Deeds there is no Master Plan attached to the deed that references the Master Plan as an Appendix. However, she asked Horizons Engineering Inc., for a copy of the Final Master Plan in 2013 and several times thereafter and has never received it. She has only received bits and pieces and drafts of the Master Plan.

Mr. Warzocha responds that he can't speak for what happened in the past but a Master Plan is an agreement with the Town and is not something that would be recorded with the Registry of Deeds. He adds that it is a local agreement to confirm compliance with the zoning ordinance as it relates to density.

Member Beaudin comments that there are specific requirements for Planned Phase Development and the Applicant had been told previously that he would be required to provide a Master Plan.

Mr. Bogosian joins the discussion and says they aren't asking for Master Plan approval tonight only a sub-division. He has brought a plan that shows the most accurate plan that they currently have.

Member Beaudin thinks the drawing of the Master Plan is great but the part that is missing is the written documentation.

Mr. Warzocha feels that the density approval for the project takes into account things like water, sewer, and traffic. Member Beaudin disagrees and reminds Mr. Warzocha and Mr. Bogosion that the traffic portion is not complete.

Mr. Warzocha has significant concern asks if it is the Planning Board's position that the previous Master Plan approval does not stand.

Member Beaudin discusses that there is a need to update the Master Plan. Mr. Warzocha says that this is a moving target and there is a plan in place and there are one thousand eighteen (1,018) units vested for the project, which the Town has approved. At the time of the approval the Town evaluated the traffic, water and sewer impacts. The infrastructure was in place to carry the approved number of units. He notes that all along the plan with the Planning Board was to provide a tracking table to show the number of units proposed.

Member Beaudin, Mr. Warzocha and Mr. Bogosian discuss the master planning process. In summary, Member Beaudin states that they don't have a Master Plan and they don't have an updated one. Mr. Bogosian states that they don't plan on creating a new Master Plan but to update the original and show their intentions as the current owner. He offers to provide a written document that states their intentions showing the next steps they plan to make over a ten to fifteen (10-15) year span.

Selectmen's Representative O.J. Robinson joins the discussion and adds that there is a Master Plan and a Developer's Agreement. The Town may not have a signed original Master Plan from 2006 but they do have drafts of the Master Plan and they aren't drastically different from the original plan. The drafts did include traffic, water, sewer and green space. He sees it as a flexible plan and the changes weren't to the Master Plan but to the specific sub-division within the Master Plan that was targeted for single-family homes in which they added seventeen (17) more lots in an area that was made for single-family homes. This was a new sub-division within the perimeter of an old sub-division but it fits in with the Master Plan. He adds that the Master Plan wasn't for one thousand eighteen (1,018) random units the water and sewer were based on x number of single-family homes, x number of condominiums, and x number of hotel rooms.

Selectmen's Representative O.J. Robinson continues that adding a larger water tank in a different location is really not a change to the Master Plan it's still providing what it was supposed to do by supplying adequate water pressure to the area designated in the Master Plan.

Selectmen's Representative O.J. Robinson comments that there has been a mutual understanding of the Master Plan for the last ten (10) years and this project is in line with it. He would like to move forward and not spend more time discussing the original Master Plan.

Chairman Spanos adds that the previous developer did change an area that was designated for single family homes to condominiums. He feels that the update to the Master Plan map is a little too vague.

Mr. Bogosian tells the Planning Board that he could, as they get clarity on how they are going to move forward with development projects, give the Planning Board updates instead of a final plan. He notes changes in the market conditions can cause them to shift plans and since it's a fifteen (15) year plan making a final plan is not possible but updates can be done. He asks the Planning Board what the process for updating minor changes to the Master Plan would look like.

Vice Chairman Chenard joins the conversation and states that the Master Plan is not set in stone. It's a living agreement between the Town and the developer which changes as it evolves. Each phase is added based on its own merits aside from the whole plan. This is a single phase and not the entire plan. He suggests adding to and updating any changes to the Master Plan.

Mr. Bogosian discusses that over time they may change the plan by making minor changes. Not major changes to the Master Plan, for example the number of units. He would like to know what avenue he can take to make amendments moving forward.

Member Beaudin reads questions that were submitted by Town Engineer, Ray Korber.

- How does this proposal differ from what was contemplated under the 2006 Master Plan?
- How are changes to density, open space, abutter impacts, ownership management infrastructure, neighborhood character, traffic, etc. addressed?

Member Beaudin suggests that Mr. Bogosian take the original Master Plan and use it for a template and add what they think they may want to do in the future as well as what they are proposing at this meeting. He adds that if they include the density then that would probably suffice. He states that his job is to make sure the developer is making the abutters, the general public and the Planning Board aware, as much as possible, what their intentions are and how it will affect any of the abutters. The Master Plan also helps the Town plan for water, sewer and other infrastructure. He doesn't feel it's a big deal but thinks it needs to be done prior to the approval.

Mr. Bogosian asks if this can be looked at as a staged approach. They have been working on the Cooper Memorial Bridge, wetland studies, etc. and if they have solid answers they would be thrilled to share them but things are in a state of continual progress. They are not looking to change the overall concept of the approved Master Plan. They will follow the development agreements and continue along that path.

Member Beaudin adds that the developer agreement and the basis of design can be included in the Master Plan which will show roads, traffic, open spaces, infrastructure plan, hydrological plan, stormwater management plan, etc.

Mr. Warzocha asks Member Beaudin and the entire Planning Board a question. He asks "When this Master Plan approval was granted originally was the ordinance different at that point in time or is it the same today?"

Chairman Spanos answers that he thinks it is "substantially similar".

Member Beaudin, Mr. Warzocha and Mr. Bogosian discuss some examples of previous construction project approvals. Mr. Warzocha feels that his idea of a Master Plan differs from Member Beaudin and gives an example. He notes that the approval that stands today, that has one thousand eighteen (1,018) units, is valid and stands. They are providing the Planning Board with the highest level of detail that's required for these small projects. When they get a bigger project, they will provide a more detailed plan. His position today is that they are following exactly what has been approved.

Member Beaudin reiterates that he feels the Master Plan is needed.

Mr. Bogosian asks how the Town wants to handle minor changes. Member Beaudin replies that it depends on how much the changes affect the Master Plan. Mr. Bogosian responds that in this case these minor changes do not affect the Master Plan. He feels there should be a separate conversation that needs to continue about the Master Plan. Member Beaudin points out some differences in the Basis of Design that affect calculations for water and sewer, etc. Mr. Bogosian asks how Member Beaudin how they should show modifications under the existing Master Plan? He gives an example, instead of a single-family house they change it to a duplex. Member

Beaudin says they would include the Basis of Design as part of the Master Plan, you update the Basis of Design, you update your water infrastructure, part of the Master Plan, which includes the tank that's going to be put in and adjust for the water usage, etc.

Vice Chairman Chenard comments that they should look at this phase on its merits and decide on it. He goes on to say this is a living plan.

Mr. Warzocha explains that with other Master Plan projects that he's involved with, when things change, they make an amendment that gets attached to the original documentation. They do not create a new Master Plan. Member Beaudin comments that what Mr. Warzocha said makes sense but would like to see more documentation addressing the changes.

Mr. Warzocha lists the things that are not changing from the original approved Master Plan:

- Traffic overall
- Water allocation
- Sewer allocation
- Open Space allocation
- Unit count

#### **Track of Housing Inventory Against Density Permitted:**

Chairman Spanos clarifies that what they are looking for is a way to keep track of inventory.

#### **Open Space:**

Member Beaudin states that they need the open space identified on the plan and Mr. Warzocha replies that wasn't required in the approval.

Andrew Nadeau from the audience raises his hand and Chairman Spanos allows him to speak. Andrew Nadeau recalls the history of the Master Plan as he has been involved with the research for Mr. Bogosian. He was present in 2007 and has seen the actual records of the dates that the documents were submitted to the Town and what he doesn't have is an acknowledgement from the Town. They have been working off of the Master Plan since 2006.

Andrew Nadeau said regarding the Open Space, the Master Plan does not specifically where and how much Open Spaces there is going to be. He notes that the Member Beaudin's request for a delineating surveying of Open Space was not the intent of the Master Plan.

Mr. Bogosian explains that on every single-family lot they have "do not disturb" areas (thirty (30) feet between houses) that has to remain natural. Chairman Spanos asks if the Association documents specify that. Mr. Bogosian replies "correct" and states the association will continue to do that.

Member Beaudin read the sub-division regulations 5.05 under Open Space states that Land Use Ordinance for the Town of Lincoln "areas of open space shall have sufficient legal restrictions recorded in the Town's land records to ensure permanence use as open space.

Mr. Warzocha replies that may be now but that wasn't when the approval was granted. Member Beaudin doesn't think that has changed.

Selectmen's Representative O.J. Robinson clarifies that what Member Beaudin was reading is regarding sub-division regulations not Master Plan. Member Beaudin replies that they are

looking at a sub-division. Selectmen's Representative O.J. Robinson agrees they are looking at sub-division but notes that they have been talking about the Master Plan for over one (1) hour.

Selectmen's Representative O.J. Robinson asks if Mr. Warzocha, Mr. Bogosian, and Mr. Nadeau can bring in the most recent Master Plan that they think the Town approved. The response from the three men is "yes". Selectmen's Representative O.J. Robinson would like Planner Bont, Chairman Spanos and Vice Chairman Chenard to take a look at it to assess it. He adds that for the effectiveness of this discussion they're talking about a document that the past Planning Board has seen and approved.

Mr. Derek D. Lick, Esq, legal counsel for the applicant, states that they have provided to Planner Bont and the Town of Lincoln, NH, after a prior meeting with the exact Master Plan as they believe it to be. Planner Bont replies that what she was sent was only a small portion of what she was expecting to get. The "Master Plan" sent to her by Attorney Lick should have several appendices, only one appendix of which is included in the "Master Plan" she received from Attorney Lick.

**Conclusion to discussion:**

**An agreement to schedule a meeting to review the Master Plan and amendments with the Planning Board and Mr. Bogosian's team was made.**

**Bond:**

Vice Chairman Chenard asks if the Planning Board should require a bond. He adds that the state says the Town shall or may require bonding. This would be done to protect the Town from having to pay for the completion of the project in case the developer did not complete the development.

**Sub-division Requirements:**

Member Beaudin reads "the responsibility for maintenance operation, replacement, protection of the water, sewer, roads."

**Letters:**

Member Beaudin mentions that they have received some letters that ask for the sub-division requirements regarding water, sewer and roads to be spelled out. Chairman Spanos responds that they will address the letters during the Public Comment section of the meeting.

**Responsibility Noted:**

Member Beaudin feels there should be some explanation on the Master Plan that details the responsibility for maintenance operation, replacement, protection of the water, sewer, roads. Mr. Bogosian responds that the HOA for the Fireside Condos will be responsible once construction is complete. Member Beaudin specifies that the Sub-division Regulations require a note on the plans stating the HOA will take responsibility once completed. Vice Chairman Chenard adds that sometimes the needs change and individual pumps are required for water. Planner Bont clarifies that DES does not allow individual water pumps.

### **Certification of Approval:**

Member Beaudin states that under the Sub-division Regulations that a certification of approval of the sub-division by the State of New Hampshire Water Supply Inclusion Control Commission. He adds that's supposed to be put on the plan as well. Mr. Warzocha replies that it is usually a condition of approval and when they get the approvals, they will send approvals to the state after they receive Town approval for the sewer design. He notes that Mr. Korber has sewer designs for this project but has not yet reviewed them. Before the sewer can be constructed they need state approval for water and sewer. Member Beaudin asks Mr. Warzocha if he has read the Sub-division Regulations to know what kind of notes are supposed to be on the plan. Mr. Warzocha says he has certainly looked at the regulations and Mr. Korber will usually provide comments including what he wants to see for notes on the plans. As the Town's Engineer he is providing them with what they need to do to comply with the requirements.

There is a discussion regarding notes for maintenance and operations and the need for them to be on the plans and on the deed.

Mr. Bogosian explains that they plan to put in the street and get it all the way down and completed before any units are sold.

### **Basis of Design:**

Member Beaudin feels the Basis of Design needs to be revisited between the Planning Board and South Peak so they have an updated Basis of Design. Mr. Warzocha explains that the bedroom count is within the bedroom count in the Basis of Design report. The elevations are certainly within complying with the Basis of Design report. Pipe size, and flows are all complying. He reiterates that on the sub-division plan each road has to be completely built with water, sewer, and drainage in with everything constructed before the units. Chairman Spanos notes that they can't get a Land Use Permit until that is done. Mr. Bogosian clarifies that he is referring to occupancy of units. Nothing will be sold until the street is in and finished. A discussion regarding the issue of Bonding begins and the problems they have witnessed in the past when the street, water and sewer were not completed.

### **Review of Questions from Town Engineer:**

Chairman Spanos reads questions from the application (see attached.). *Some questions are skipped as they have already been addressed. Unanswered questions and answers follow:*

- **Will the development be visible from Main Street?**

**Answer:** There is no clear answer between the Planning Board and the South Peak team. Some feel you may be able to see it from Main Street. It is agreed that in the winter, at night, while lights are on, they may be visible from Main Street.

The Planning Board asks Mr. Korber why he is asking this question. Mr. Korber explains that when he reviewed the 2006 Master Plan and the plan for Fireside Condos, the area where the condos will be was designated as a "low density area" on the Master Plan and will now be "high density". He adds that looking at forty-one (41) units vs. single-family house is different from what was on the Master Plan footprint. A cluster development might have a visual aesthetic concern for the general public.

The Planning Board discusses visual easements cluster developments and green space. Vice Chairman Chenard states his opinion that when you have a cluster development you

have more green space than single-family homes. Mr. Korber says that would be an accurate statement when a cluster development is within the same footprint of a given parcel. Mr. Korber adds this is a fundamental change from the Master Plan and they need to consider the impact to the general public.

Member Beaudin asks Mr. Warzocha if this can be part of the amendment to the Master Plan. Mr. Warzocha says they can certainly address this and determine what density was proposed, specifically, in this area. This will be captured within the amendment.

- **Mr. Korber suggests the Planning Board review the proposed plan to see if this is consistent with the Master Plan or if it's an acceptable amendment to the Master Plan and move forward with the project.**

Mr. Korber feels they are making more work by continually updating the larger plan that they want to generate.

Member Beaudin disagrees with Mr. Korber's suggestion and feels having a written plan and plans is necessary as board members change and developers change.

Mr. Korber discusses the document he has before him and feels that even though it is not signed it is the Master Plan from 2006. It is a twenty-two (22) page document that has a narrative that talks about building heights, density, etc.

A discussion regarding the Master Plan begins focusing on traffic studies that were done. The traffic studies are part of the Master Plan and are in an appendix that is missing.

- **Mr. Korber will email (two (2) documents) what he has on file and believes to be the guiding documents under the Master Plan to Planner Bont, Mr. Warzocha and Mr. Bogosian. A copy of the Basis of Design will also be sent to all parties for review.**

Mr. Korber suggests that Mr. Warzocha and Mr. Bogosian come to the next technical review team meeting and review the two (2) documents and make sure the Town staff has the same shared understanding that these are the Master Plan Documents and then come before the Planning Board and explain what was found and is the best available information on the Master Plan. Then ask the Planning Board if they accept this as the original Master Plan to move forward with. He feels that a lot of time has been spent discussing what is and what is not the Master Plan and he thinks it's important to get that off the table first and foremost.

Mr. Warzocha agrees with what Mr. Korber suggests and will propose what amendments he feels are necessary and what stands.

Member Beaudin feels the Basis of Design was part of the original Developer's Agreement and it's binding on its successors and assigns. He feels that needs to be reviewed and part of the process and he thinks he and the Town have copies of that document.

- **What is the sequence of construction and the schedule to complete the build out of the Fireside Condo project?**

**Answer:** Mr. Bogosian states they want to start putting in infrastructure and streets in one at a time. Next build a grouping of ten to twelve (10-12) units and more based off of sales. They will begin on the Lower Road first.



- **How will construction vehicles access the site?**

**Answer:** Mr. Bogosian responds that they will use the Cooper Memorial Bridge.

Member Beaudin asks if this is a Site Plan Review question. Chairman Spanos replies they are kind of lumped together. Member Beaudin asks questions regarding the signs that were supposed to be put up saying “no construction vehicles” from Westwood that were put up and taken down. He is aware that there still have been construction vehicles going through there this winter. Mr. Jim Burns who works for South Peak LLC and Mr. Doug Smith, President of the abutting Westwood Acres HOA, have been working on the signs in question. Mr. Burns lists the five (5) things they are working to accomplish with the signage.

- (A) Update the signage for Cooper Memorial Bridge. They are process of finalizing a design.
- (B) *Inaudible*
- (C) Send a letter to any contractors in the area to notify them that they should be using Cooper Memorial Bridge rather than going through Westwood.
- (D) Updated Google to make sure analytics for GPS direct to Cooper Memorial Bridge.
- (E) South Peak to pay for the signs

Member Beaudin suggests that they put signs on both sides of Cooper Memorial Bridge and the beginning of Westwood Acres Resort. Mr. Bogosian replies that they are working with Westwood Acres Resort HOA President Mr. Doug Smith on the signage.

Member Beaudin asks Mr. Brian Norton from Loon Mountain if Loon’s off-road vehicles use that. Mr. Brian states that the vehicles are registered and do go through Westwood Acres. Member Beaudin thinks the off-road vehicles aren’t allowed to run parallel with the road and that there an RSA that says they can’t.

- **Will proceeding with local projects in South Peak be contingent on completing this one?**

**Answer:** Mr. Warzocha replies “no”. This is a “stand-alone project”. No other project is contingent on this one being complete first.

### **Town of Lincoln, NH Sub-Division Checklist:**

Chairman Spanos reads the Sub-Division checklist aloud (see attached).

### **Open Space:**

Member Beaudin has a question regarding the Proposed Open Space. He wonders if the requirement for open space should be applicable as it is a requirement of the sub-division regulations. Chairman Spanos notes that they are showing building location so you can tell what space is open. Member Beaudin states that open space is supposed to be defined on the plan as required by the sub-division regulations. Andrew Nadeau states the Applicant is not proposing any open space for the sub-division.

A discussion regarding open space begins.

Attorney Derek D. Lick addresses the question regarding Open Spaces. He notes when the Master Plan was approved in 2006, the way they got to the number of units allowed was to look at the project as a whole and do the math at that point in time to determine how much Open Space is required and they then backed into one thousand eighteen (1,018) units. Open Space has been determined on the Master Plan by looking at the entire parcel and they've already determined density by the unit distribution. Attorney Lick thinks it presents a problem when they start breaking out the amount of Open Space for each project because they will no longer be following the Master Plan.

Mr. Warzocha comments that if they stick to the one thousand eighteen (1,018) units there's going to be enough open space to meet the criteria period, end of story. You don't have to dedicate it anywhere because of the size of the parcel vs. the unit count, there's enough space there.

Vice Chairman Chenard recalls that on the Master Plan there are large areas that due to the steep grade and terrain can't be built on and are considered Open Spaces. A man from the audience provides the math calculation for determining Open Space and it comes out to a total of three hundred fifty (350) acres of open land. Chairman Spanos asks the Planning Board if that explanation is acceptable to everyone. Member Beaudin responds "that's fine".

#### **Rights-of -Way (ROW):**

Member Beaudin asks if the Rights of Ways (ROWs) are fifty (50) foot.

Mr. Warzocha responds that they aren't ROWs because it's all one (1) condo lot.

Member Beaudin asks about the road ROW.

Mr. Warzocha explains that the roads are all one (1) common lot that is owned by the association so there's no specific ROW for the road, it's all common land. The main road will be fifty (50) feet but the individual condo roads are just part of the condo sub-division, it's all one (1) thing.

Member Beaudin reads from the Subdivision Regulations 5.065 Roadway Standards: "all minimum ROWs for all streets shall be fifty (50) feet."

Mr. Warzocha clarifies that it is not a ROW but the association gives owners the right to access it. The condo association owns the driveway, land and all the buildings.

The Planning Board discusses condos, roads and ROWs.

#### **Statement of Responsibility and Liability for Streets and Roads and their Maintenance:**

Chairman Spanos asks if they have anything to add to this as it isn't answered on the checklist. Mr. Warzocha explains that it is the maintenance is the responsibility of the association when the project is completed. The Planning Board discusses the need for the condo documents to state that they are responsible for the road maintenance upon completion of the construction. They will make this a condition for approval.

#### **Abutter Notification:**

Chairman Spanos asks Planner Bont if all of the abutters have been notified. Planner Bont replies "yes!"

**Motion to accept application for Sub-division as complete by Vice Chairman Chenard**  
**Second by Selectmen's Representative O.J. Robinson**  
**All in favor**

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

**Abutter Concerns:**

Chairman Spanos reads a number of letters and emails from abutters (see attached).

Chairman Spanos speaks to the letters regarding squabbles and problems between the HOA and the declarant. He notes that those are not considered Planning Board issues. He appreciates people taking the time to send the emails and letters but that is an issue for the HOA and the applicant to talk about.

Selectmen's Representative O.J. Robinson states it would be inappropriate for this board to talk about, discuss or even have their decision affected by any squabbles between the members of the HOA and the developer/applicant. He adds that even more so, accusations that in the future, funds of the HOA might be misused. To be asked to turn this down based on a possibility that there might be misused funds from the HOA is nothing they should even be considering or talking about. If the applicant wants to respond they will listen but he feels that the Planning Board should not be talking about this or considering any of the things that are really outside of their purview.

Member Beaudin comments that there is one (1) more letter to read and Chairman Spanos acknowledges Member Beaudin and would like to read it during the Other Business portion of the meeting as it is a letter that is not related to this project and is a general letter. Member Beaudin is adamant that the letter be read at this point in the meeting as it does refer to development in general and begins to read the letter from Janice Lee Osgood dated March 14, 2023 (see attached). Member Beaudin comments that the most the Planning Board can do in regards to the letter and emails voicing concerns is to address the issues such as traffic, water and sewer and road responsibilities which will be discussed during Site Plan Review.

Mr. Bogosian responds that they are doing everything they can to continue to keep the HOA informed. They hosted an event in February, 2023 which they invited everybody to the One Love building located next to their office. They were prepared to talk about the project and explain what was going on with it. Some of the people that wrote letters were in attendance and had an opportunity to meet with numerous members of South Peak and their team. He states they will continue to try to communicate efficiently with the HOA and the entire South Peak community. He understands that there will be some people that are not going to be one hundred percent (100%) happy.

**Motion to close public comment by Vice Chairman Chenard**  
**Second by Member Beaudin**  
**All in favor**

### **Discussion regarding Conditions of Sub-division Approval:**

A lengthy discussion begins with the Planning Board, South Peak team and Mr. Korber regarding the conditions to be set for Sub-division Approval. The focus of this discussion is whether or not this Sub-division Approval is contingent on the meeting to amend the Master Plan between the Planning Board and South Peak.

### **Motion to Approve the Sub-division by Member Beaudin with the following conditions:**

- 1. Notes on plans showing responsibility for the maintenance, operation and replacement protection of the water, sewer, drainage and the roads.**
- 2. Subject to all state and Town regulations and approvals**

**Second Vice Chairman Chenard**

**All in favor**

Chairman Spanos calls for a five (5) minute break.

Chairman Spanos calls the meeting back to order.

### **C. SITE PLAN REVIEW:**

Notice is hereby given in accordance with RSA 676:4 & 676:7 that an **Application for Site Plan Review approval for two access roads design including grading, drainage and utilities infrastructure, for a 41-unit residential condominium development proposed above referred as the “Fireside Condos”** within the General Use (GU) District will be submitted to the Planning Board during a regular meeting Wednesday March 8, 2023 at 6:00PM.

**Applicant:** Mark Bogosian, 367 Main Street, Falmouth, MA 02540

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

**Agent:** Scott P. Miccile, P.E., Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540

### **Property Owners:**

(F) **Mark Bogosian d/b/a FC-Loon, LLC**, 2365 Rice Boulevard, Suite 201, Houston, TX 77005

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

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

- 1. Map 118 Lot 036** (Crooked Mountain Road #123) owned by Mark Bogosian d/b/a FC-Loon, LLC (0.40 Ac).
- 2. Map 118 Lot 037** (Crooked Mountain Road #124) owned by Mark Bogosian d/b/a FC-Loon, LLC (0.38 Ac).
- 3. Map 118 Lot 038** (Crooked Mountain Road #125) owned by Mark Bogosian d/b/a FC-Loon, LLC (0.36 Ac).
- 4. Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC (95.71 Ac)

Upon a finding by Board that application meets submission requirements of Land Use Plan Ordinance & Subdivision Regulations and Site Plan Review Regulations, Board will vote to accept above applications as **complete**, and, if Board finds application to be complete, then a

public hearing on the merits of proposal will follow immediately. Should a decision not be reached at public hearing, this application will stay on Planning Board agenda until such time as it is either approved or disapproved.

**Presentation:**

Mr. Warzocha acknowledges that much of the plan has already been discussed and is ready to answer questions from the Planning Board.

**Questions:**

**Water Pressure and Fire Protection:**

Member Beaudin discusses the water pressure issues at South Peak and wants to see a condition of approval to be that there is the minimum working water pressure on all levels of the condo units.

Mr. Warzocha thoroughly explains the details of the high-water pressure system and the goal for the pressure at the street will be thirty-five (35) psi. He adds that the Fireside Condos will be well below nine-hundred fifty (950) feet in elevation and will not rely on the new tank.

Mr. Bogosian agrees that a condition for water pressure, for the condos and for fire protection, is fair.

Mr. Warzocha states that the bottom line with this development is to work with Mr. Korber and the Fire Chief on the water main design and design criteria.

Member Beaudin asks how they will verify the water pressure.

Mr. Korber comments that they always look at available fire flow and pressure when they do their technical review. He suggests if the Planning Board wants to put a condition of approval it could read, "Approval is subject to Town Engineer review." This condition will cover a number of technical requirements. He confirms Mr. Warzocha's comment that the Fireside Condos will be below the nine hundred fifty (950) feet in elevation. The criteria set in 2006 for the high-pressure system is the best available information for this particular development for that criteria. There is also a study that was done by Westin and Sampson which was documented in a 2020 report that, in their language, the High House elevation they would recommend not exceed one thousand (1,000) feet in elevation. Mr. Korber certainly expects the Lincoln water system will deliver sufficient pressure to the Fireside Condo units. More specific details would be addressed during their technical review.

Member Beaudin adds that, in talking with Fire Chief Beard, he noted that there was enough pressure but not enough volume.

Mr. Korber replies that it may be the case and if so, they should take it very seriously and require a hydraulic analysis at this location. There is an updated hydraulic model from Westin and Sampson that can be used for this particular site and any other site.

**Bonding:**

Member Beaudin and Vice Chairman Chenard express concerns regarding the possibility of unfinished roads becoming a burden on the Town. Mr. Bogosian comments again that all the roads will be in prior to the sale of any condos.

**Number of Bedrooms:**

Member Beaudin comments that on the architectural drawings there is a possibility of three to five (3-5) bedroom condo units and wants to know what they are intending to build.

Mr. Bogosian responds that it will depend on the real estate market.

Member Beaudin feels that there are to be not more than four (4) bedrooms until the tank is installed based on the Basis of Design and the Developer Agreement.

Selectmen's Representative O.J. Robinson responds that this has already been discussed and the number of bedrooms will be noted when the calculations for gallons per day are done. Mr. Bogosian will update this in the Master Plan with more clarity in Basis of Design so it is clear.

Member Beaudin argues that in looking at the Basis of Design, the Planning Board should not only consider the number of dwelling units, but it needs to look at the actual demand on water resources. The actual demand on water resources is based on the number of bedrooms actually built, versus the number of bedrooms proposed when the Basis of Design was created. It's also when it triggered the need for a tank which is not installed yet. That Basis of Design was figured out based on the installation of a water tank after twenty-seven (27) four-bedroom units, which has been far exceeded due to the excessive number of bedrooms in the houses built to date. The Basis of Design was predicated on the houses having a maximum of four bedrooms. Almost none of the houses built to date up there have been four-bedroom houses.

Selectmen's Representative O.J. Robinson and Mr. Warzocha respond that the trigger for the tank was for the Upper Pressure Zone. The Fireside Condos are not in the Upper Pressure Zone. The Fireside Condos are in the Main Zone and not in that booster zone.

Member Beaudin wants to know when the tank will be installed.

Selectmen's Representative O.J. Robinson replies that the Town's application is moving forward as fast as the US Forest Service will allow.

Member Beaudin asks what date the Forest Service is planning to have it done.

Selectmen's Representative O.J. Robinson responds that they have met with all parties involved and are working to get this done as efficiently and quickly as possible but it is still up to the Forest Services review process. The Town is hiring contractors to do the work which will hopefully make the process move quicker than if the Forest Service were to do the work.

Member Beaudin asks if they have a timeline.

Mr. Bogosian explains that they are expecting the tank to be completed before the units of Fireside Condos are started. If that is not the case and there are hiccups with the Forest Service, South Peak will install their own tank.

Selectmen's Representative O.J. Robinson clarifies that the twenty (27) house limit that Member Beaudin mentioned was just in the High Pressure Boosted Zone between the high-pressure valve to the east of where Hemlock Drive comes into Crooked Mountain Road to the high-pressure zone just past the Pemi Base Camp. The rest of the area is unaffected by that and is on the Forest Ridge tank.

Mr. Warzocha explains that the new tank provides is better fire flow and storage for the Town. He adds that it will also, to some extent, improve fire flow and not domestic flow. He will be

working with Fire Chief Beard on that. Domestic water flow above the Pressure Reducing Valve (PRV) will be increased but it will not have an affect on domestic water flow below the PRV.

#### **Bridge Inspection Report:**

Member Beaudin asks if the Town has received the inspection report for the Cooper Memorial Bridge. Planner Bont answers that she has received a summary. Mr. Bogosian replies “yes” and explains that as they get more information they will be happy to provide it.

#### **Application Review:**

Chairman Spanos reads the Site Plan Application (see attached)

**Motion that the board all has the application in front of them and we just look at the items that they have not provided by Selectmen’s Representative O.J. Robinson**

**Chairman Spanos replies “sure that’s fine”.**

#### **Lighting:**

Alternate Black notes concern with outside lighting. Selectmen’s Representative O.J. Robinson asks the South Peak Team if there will be any street lighting. Mr. Bogosian says they will have dark sky lighting on a pole in the driveway. Mr. Warzocha notes they don’t have a final landscaping and lighting plan. The HOA will be responsible for maintaining the lights. Mr. Bogosian confirms that all lighting will be down lighting and be dark sky compliant.

#### **Building Design, Signage, Lighting, Parking:**

Vice Chairman Chenard asks if they will be reviewing the building designs, signage, lighting, parking, etc., as they do with most developments. Mr. Warzocha and Mr. Bogosian respond that they have provided the information addressing those items.

#### **Parking:**

Mr. Warzocha states that there is no parking lot but each unit will have designated parking spaces and garages with parking in front of them.

The Planning Board discusses parking requirement. Chairman Spanos asks how many parking spaces will be provided to each unit.

Mr. Warzocha replies that there will be multiple spaces depending on how far they are from the setbacks. Some could be four (4) or less. They realize that is a need and a desire for buyers.

Vice Chairman Chenard asks if there will be overflow parking.

Mr. Bogosian replies that they will have overflow parking somewhere on South Peak Resort property. There is a need within the South Peak community for overflow parking in general.

Planner Bont explains that the Town’s regulation is two (2) parking spaces for unit. The Planning Board clarifies that the parking spaces will depend on the number of bedrooms.

## **LAND USE PLAN ORDINANCE**

### **ARTICLE V**

#### **GENERAL REGULATIONS**

##### **Section A. PARKING AND OFF-STREET LOADING.**

2. *All proposed new construction shall provide for adequate off-street parking spaces in accordance with the following standards, subject to modification by the approval of a special exception pursuant to Article V, Section A,3. A single parking space is defined as being one hundred seventy (170) square feet in area and having additional adequate area for maneuvering.*
  - a. *Residential (including dwellings, timeshare units, quarter share units, accessory apartments or other similar types of occupancy as determined by the Planning Board) – two (2) spaces for each residential unit for the first three (3) bedrooms and then one additional parking space for each additional two (2) bedrooms.*

Member Beaudin states that the parking spaces should be identified on the drawings.

Mr. Bogosian suggest a condition that they will have to have parking that meets the Town's requirements prior to receiving the Land Use Permits. Mr. Bogosian describes the area on the plans that will be designated for guest parking.

Mr. Bogosian will provide a full parking plan and allocation for the parking spaces for the units in the sub-division and where guest parking will be located.

#### **Dumpsters:**

Member Beaudin asks if they will have solid waste disposal containers.

Mr. Bogosian will have one dumpster for this HOA with the overflow going to the main South Peak dumpster.

#### **Department of Public Works (DPW):**

Member Beaudin asks Planner Bont if the DPW has seen the plans.

She replies "no". She adds that they have been given the copies but have not yet reviewed them.

Mr. Korber mentions that during the technical review they engaged with Director of Public Works Nate Hadaway, Fire Chief Beard and Deputy Fire Chief Ryan Fairbrother to make sure that all of their issues are addressed. It is part of the technical review process. Water and sewer will be addressed by DPW Nate Hadaway.

#### **Propane Tanks:**

Selectmen's Representative O.J. Robinson asks if the propane tanks are buried.

Mr. Bogosian responds "they are buried".

Alternate Black asks if they have considered incorporating one thousand (1,000) gallon tanks instead of the five hundred (500) gallon tanks to reduce the impact.

Member Beaudin suggests they talk to the Fire Chief to see what he recommends.



**Motion to accept the application as complete by Selectmen's Representative O.J. Robinson  
Second by Vice Chairman Chenard  
All in favor**

**Motion to open to Public Comment by Selectmen's Representative O.J. Robinson  
Second Member Beaudin  
All in favor**

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

**Conditions Subject to Approval of Site Plan:**

- 1. Technical Review Team Review;**
- 2. Lighting will be Dark Sky compliant;**
- 3. Parking Plan, with numbered parking spaces, parking table (including to be submitted with the application for the Land Use Permit);**
- 4. Additional State and Town regulations that are required [to be complied with].**

**Performance Bond Discussion:**

Mr. Korber suggests that the Planning Board has a discussion on whether applicant should have a performance bond or not.

Mr. Bogosian suggests that they are not going to sell any units until the project is complete and would like to have a contingency stating that a unit cannot be sold until the road the unit is on is complete.

Mr. Korber explains that a performance bond is there in case the developer walks away from the project and the project is not complete.

Mr. Bogosian adds that if the project is not complete it would be the bank or the new buyer that would be taking it over.

Mr. Korber notes that there are people in the surrounding community that probably don't want to look at an uncompleted project that looks like a construction site.

Member Beaudin asks if those bonds are based on a percentage of the project's total cost.

Mr. Korber replies there are a couple of ways to do it. There can be a performance bond based on the entire value of the project (or a portion of it) or figure out what the restoration costs would be to basically restore the site to something that is suitable and amenable to the abutting property owners.

Mr. Warzocha discusses that the project is within a HOA and in this case the road length is a small footprint project with not much road and in a dense area and not two (2) miles of road.

The Planning Board discusses other sub-divisions that have had bonds and the problems even if the HOA is responsible. They decide that a letter of credit would suffice and Mr. Korber will request a cost estimate and then figure out what the pay items need to be. They will review the cost estimate to make sure it is in alignment with current construction pricing and figure out the amount.

Selectmen's Representative O.J. Robinson comments that they would be most interested in the cost to restore the property and not to build condo and finish roads. Mr. Korber agrees that it is basically putting the site back to some level of restoration as you can never get back to the original state.

After discussing, the parties all agree that a restoration cost vs. a completion cost will be determined. Mr. Bogosian and his team will work with Mr. Korber on determining the cost of restoration and Mr. Bogosian will get a letter of credit.

**5. Provide a Letter of Credit to cover the cost of restoring the site determined by Mr. Korber**

**Motion to approve Site Plan with the five (5) conditions listed above by Member Beaudin  
Selectmen's Representative O.J. Robinson  
All in favor**

**D. SPR 2022-19 M118 L048 Robert Stahler dba Stamps And Mail, LLC – Change of  
Use from retail to restaurant Boga Tea Garden**

<b>Applicants:</b>	(1) Aloundeth Phergsisonvong (d/b/a Brother 168 LLC & d/b/a Thai Nine) PO Box 1445 Lincoln, NH 03251-1445 (tenant)
	(2) Robert Stahler d/b/a Stamps and Mail LLC 13 Hiltz Drive North Woodstock, NH 03262 (property owner)
<b>Property Owner:</b>	Robert Stahler d/b/a Stamps and Mail LLC 13 Hiltz Drive North Woodstock, NH 03262 (property owner)
<b>Surveyor:</b>	Gardner Kellogg, Surveyor Kellogg Surveying & Mapping, Inc. 254 Manns Hill Road Littleton, NH 03561

**Subject Property:** 136 Main Street (Map 118, Lot 048) located in the **Village Center (VC) District.**

**Proposal:** Application for Site Plan Review approval to convert retail business use in the old post office building (formerly operated as a retail/rental ski/snowboard shop by JBEGOOD, LLC) into a restaurant business use to be known as Boba Tea Garden (a "restaurant" business

use). The space would include tables and seats for dining for a total of twenty-two (22) seats with an emphasis on coffee.

Applicant to show adequate onsite parking for restaurant.

**Potential Conflict of Interest Addressed:**

**Vice Chairman Chenard asks the Planning Board if they think he has a conflict of interest as he does some snow plowing for the applicant. The Planning Board does not feel he should step down due to this relationship.**

**Presentation:**

Mr. Aloundeth Phengsisouvong discusses the above-mentioned application. He describes his business and the non-alcoholic beverages he will provide and would like to expand by moving to the location described above. He provides plans for the Planning Board to review.

**Questions and Comments:**

**DOT Permit:**

Planner Bont informs Mr. Phengsisouvong that he will need to contact and get a driveway permit from New Hampshire Department of Transportation (DOT) as they are requesting a change of use. She gave him a copy of the email she received from NH DOT.

**Delivery Trucks:**

Member Beaudin asks if they will have delivery trucks delivering products.

Mr. Phengsisouvong explains that he will be able to get goods on his own and transport ingredients from his Thai Restaurant nearby.

The Planning Board discusses the two (2) curb cuts and how they would be helpful if a delivery truck needed to deliver goods. Member Beaudin explains that when Mr. Phengsisouvong talks to the NH DOT that he asks about both curb cuts and get two (2) driveway permits to allow trucks to avoid backing out on to the highway.

**Parking:**

The Planning Board reviews Phengsisouvong's site plan and agrees that there is plenty of parking.

**Dumpsters:**

Member Beaudin explains that they will require a "Bear Proof Dumpster".

**Handicap Accessibility:**

Alternate Black comments that they have handicap parking but it is not handicap accessible along the patio area where it rises. She notes that the surface is crumbling and not a smooth surface and wonders if it should be resurfaced as it is a liability. The Planning Board discusses options for improving access to that area.

**Motion to accept the application as complete by Member Beaudin**

**Second by Vice Chairman Chenard**

**All in favor**

Selectmen's Representative O.J. Robinson has suggestion having a condition that there are to be no delivery trucks of large size to this building. The Planning Board discusses this issue and how it relates to the curb cuts. The Planning Board agrees they will put in a condition that there will be no delivery trucks delivering to the site and if they get permission from NH DOT for two (2) curb cuts they can come in and ask for a waiver.

**Trash Truck/Dumpster Location:**

Selectmen's Representative O.J. Robinson discusses the location of dumpster and how it would require the trash truck to back out onto Main Street. The Planning Board agrees it is not an issue to be concerned with as there is room for the truck to turn around.

**Motion to open to public comment by Member Beaudin**

**Second by Selectmen's Representative O.J. Robinson**

**All in favor**

**Motion to close public comment by Member Beaudin**

**Second by Selectmen's Representative O.J. Robinson**

**All in favor**

**Motion to approve with the condition that there will be no big delivery trucks allowed to deliver to the site.**

**Second Vice Chairman Chenard**

**All in favor**

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

**A. Review of What Information Planning Board Wants Re: Pemi Base Camp**

Planner Bont updates the Planning Board and informs them that she was spoken with Loon Mountain Recreation Corporation's President and General Manager Brian Norton and he is trying to get a hold of the former President and General Manager Rick Kelly who was present when the Pemi Base Camp came about.

Planner Bont also spoke with the New Hampshire Liquor Commission mentioned there is a problem as the Permit for Assembly is not in the same name. The Fire Chief grants the Permit for Assembly which is based on the size of the building and the amount of people that can fit in the building. The Permit for Assembly is only kept for a few years. Planner Bont provides the Planning Board with a copy of the alcohol permit and it is listed under the Loon Mountain Corporation name for the past couple of years. Brian Norton continues to work on answering the questions the Planning Board has.

Member Beaudin comments that the only thing Loon Mountain needs to do is to come in for Site Plan Review. He states that Mr. Bogosian has nothing to do with this; Bogosian is just the current food service caterer and the owner of the land under the temporary building leased to the Loon Recreation Corporation. Member Beaudin wonders why Loon Mountain Recreation Corporation can't come in for Site Plan Review.

Selectmen's Representative O.J. Robinson clarifies that the Planning Board has made a decision to find out what Loon's permit says they can do and as a board it needs to be determine if Loon meets the requirement for Site Plan Review.

Member Beaudin provides some history on the situation. He states that Loon owns the building and Mr. Bogosian owns the property. In 2004 as building permit was issued and the building was built in 2007. They paid the water and sewer tap fee points in 2007 and there weren't any bars or kitchens included in that assessment. He adds that in the meeting minutes from November 10, 2004 there is nothing that mentions a fabric structure but it was approved on the building permit issued in 2007 and noted on the permit it says date of approval granted by the Planning Board on November 10, 2004. This structure was never deemed to be what it is today and what is was approved for in 2004. He questions if it was ever approved by the Planning Board. He feels they should come in for Site Plan Review because it has changed from the original concept and wonders why they can't come in for Site Plan Review and the Town is missing out on water and sewer fees.

Selectmen's Representative O.J. Robinson responds and notes that the Planning Board has never called anyone in before for any business that has been in business for nineteen (19) years and there's nothing in their approval process that shows they are breaking the rules on this or that. There is nothing that limits what their hours are. It was approved as a food service facility. There may be different tables and chairs than there was twenty (20) years ago and when sinks were put in, they paid for them.

Member Beaudin argues that the changes warrant Site Plan Review and gives examples where others have come in for approval for bands. The Planning Board has a back and forth discussion. Planner Bont comments that she has given all the questions the Planning Board has to Brian Norton and he is trying to answer them.

Member Beaudin is adamant that he comes in for Site Plan Review for what he has now. Selectmen's Representative O.J. Robinson comments that Mr. Norton has asked what it is that he is doing that does not meet the Site Plan Approval that they have been working under for nineteen (19) years. He adds that the Planning Board needs a solid legal answer to that if they are to bring him in.

**V. ADJOURNMENT**

**Motion to adjourn by Selectmen's Representative O.J. Robinson  
Second by Vice Chairman Chenard  
Four (4) in favor and One (1) opposed**

Respectfully submitted,

*Judy Sherriff*  
Recording Secretary

Date Approved: April 12, 2023

  
Chairman Spanos

## Planning

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**From:** Planning  
**Sent:** Friday, April 7, 2023 11:13 AM  
**To:** Paul Beaudin II (pj\_b@roadrunner.com)  
**Subject:** FW: Fireside Condos, Planning Board Hearing

**Importance:** High

Not sure if I sent this one or not. Just got out of a meeting – interruption.

### **Carole Bont Planner**

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148 Main Street  
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[planning@lincolnnh.org](mailto:planning@lincolnnh.org)  
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Monday – Friday 8:00 AM – 4:00 PM

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**From:** alanrich68@gmail.com <alanrich68@gmail.com>  
**Sent:** Wednesday, March 22, 2023 3:50 PM  
**To:** Planning <planning@lincolnnh.org>  
**Subject:** Fireside Condos, Planning Board Hearing  
**Importance:** High

To the Lincoln Planning Board,

We are writing to join in the letter dated March 21, 2023 from Tony and Rosemary Dodek, requesting a deferral of any Planning Board action with respect to the Application for Subdivision and Site Plan Approval for Fireside Condos at South Peak Resort.

***We respectfully request that the Planning Board defer taking action with respect to the Application for Site Plan Review for the proposed Fireside Condos until such time as Mark Bogosian (the “Applicant”) has met with various members of the South Peak community to address several areas of concern that have arisen since the Applicant became the successor Declarant under the Association.***

Tony and Rosemary Dodek's letter to the Planning Board clearly states the issues that we have with any approvals at this time.

Thank you,

Alan Rich, Riverside Terrace Homeowners Association Board Of Director  
Ann Rich  
21 Riverside Terrace Drive, Unit 4A  
Lincoln, NH 03251

