

**APPROVED**

**TOWN OF LINCOLN, NH  
PLANNING BOARD MEETING  
Wednesday, April 14, 2021 – 6:00 PM  
Lincoln Town Hall, 148 Main Street, Lincoln NH**

**Due to the current COVID-19 situation, the Town Office is closed to the public. This meeting will be available only via the Zoom Meeting Platform to allow for town wide participation. The public is encouraged to participate remotely using ZOOM by going to:**

Join Zoom Meeting

<https://us02web.zoom.us/j/87413583055?pwd=QmVmY2FsWG9Cb0h2L2lmNGxqVEVnQT09>

**Meeting ID: 874 1358 3055**

**Passcode: 364729** Or dial by your location 1-929-205-6099 US (New York)

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

**Present:** Chairman James Spanos, Vice Chairman Joe Chenard, Board of Selectmen's Representative O.J. Robinson, Member Steve Noseworthy, Member Paul Beaudin and Alternate Mark Ehrman.

**Staff Present:** Town Planner Carole Bont and Fire Chief & Code Enforcement Officer/Health Officer/ZOOM Host & Moderator Ronald R. (Ron) Beard.

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

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**II. CONSIDERATION OF THE MEETING MINUTES**

**MOTION:** "To skip over consideration of the meeting minutes of March 24, 2021."

**Motion:** Member Beaudin

**Second:** Member Robinson

**Motion carries.**

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

**SPR 2021 M124 L040 Loon Mountain Recreation Corporation – Discussion re: Loon Bridge Parking Area.**

**On August 28, 2011, Tropical Storm Irene dumped 10 inches of rain over Lincoln, causing the East Branch of the Pemigewasset River to flood and undermine the bridge abutments of the “International Bridge” to the Loon Mountain Ski Area, rendering Route 112/The Kancamagus Highway impassable east of the Resort. NH DOT closed the bridge on August 28, 2011 and then a portion of the bridge collapsed on August 31, 2011.**

**CLP Loon Mountain, LLC d/b/a Loon Mountain Recreation Corporation was the owner of Loon Mountain Ski area at that time. At issue was the “International Bridge” on Loon Mountain Road from the Kancamagus Highway across the East Branch Pemigewasset River to the Loon Mountain Ski Area. NH DOT replaced the washed-out portion of the bridge with a temporary bridge structure and then a permanent replacement was designed with funds provided by FEMA, the State of New Hampshire and the Town of Lincoln.**

**The replacement bridge could not be constructed in the same location as the old bridge. In order to build in the new location, the Town of Lincoln and CLP Loon Mountain, LLC swapped parcels of land so the bridge could be constructed in the new location. The land swap was submitted to the Planning Board at a Planning Board meeting on March 28, 2014 and approved by the Planning Board.**

**Discussion with the Planning Board about former parking areas near the bridge that were relocated to the swapped lands.**

**Presentation:**

Loon Mountain Recreation Corporation (LMRC) General Manager Jay Scambio and Vice President of Operations Brian Norton were in attendance on behalf of LMRC. Mr. Scambio stated that he welcomes these discussions with the Board regarding the operations of LMRC.

Mr. Scambio stated that LMRC has been utilizing the northeast/northwest sides of the International Bridge for a long time however not to the scale the lots are used now. The lots were not used on a daily basis in the past and the use of the lots is still relatively low. Brian Norton stated that he did reach out to NHDOT related to the right-of-way and use of the lots. The NHDOT does not have any objection to LMRC's use of the lots.

Chairman Spanos clarified that on March 28, 2014 the Planning Board recommended the land swap be approved and the Select Board approved the land swap between the Town and LMRC.

Member Beaudin stated that he does not believe that the east side was part of that land swap. He believes how LMRC is utilizing this lot is considered “a change of use”. He added that the use of a handicap ramp to access the lot on the east side may not be the best access to the lot. Member Beaudin stated that he does not see a problem with parking on this side but as it is “a change of use”, he recommended that LMRC present a Site Plan for the lot and that the Site Plan be presented to, and be reviewed and approved by the Planning Board.

Mr. Scambio stated that there was a “change of use” because a hurricane came and knocked the bridge down so things had to be changed. LMRC assisted in changing things and swapping land with the Town so the bridge could be rebuilt. He added that the “change of use” was not generated by LMRC, it was generated by an act of nature.

Further, Mr. Scambio stated that LMRC could provide a set of plans if needed. He stated that there is a curb cut in place to access the lot and that the Town does not maintain the lot during the winter season. Mr. Scambio explained that the lot has only been used 28 times over the past two years/730 days. It is only used on high volume days.

Planner Bont asked the Board to clarify what the process should be in this instance. Is the Board looking for a revision to the previously granted Site Plan Review approval? Chairman Spanos stated that he would like to hear from the other members of the Planning Board before making any determination.

Chairman Spanos questioned how many cars are parked on this lot on these high-volume days. Mr. Norton replied that after reviewing the car count data, on a high-volume day there were 45-50 spaces filled, however, that lot was only filled about half of the time it was used. He added that LMRC did hire the Lincoln Police Department on these high-volume days when the lot was being utilized for traffic control at the bridge. Member Ehrman questioned what the maximum capacity is for the lot. Mr. Norton replied that 45-50 vehicles is the maximum capacity.

Selectmen’s Representative Robinson stated that the use of this parking area has been ongoing for 6-7 years. If LMRC is required to go through Site Plan Review, a review of the drainage, traffic etc. would be required. However, the Planning Board already knows all of this because parking in that location is not a new use.

Selectmen’s Representative Robinson recommended an amendment to the land swap agreement that shows the entrance, boundaries, number of parking spaces etc. This amendment could be done in front of the Planning Board and signed by the Select Board to formalize the use of the area via the land swap agreement. Vice Chair Chenard and Planner Bont agreed with this approach and additionally the amendment should include an “As-Built Plan”.

Chairman Spanos polled the Board to see what their preference is for the appropriate course of action in order to make a recommendation to LMRC.

- *Member Beaudin would like a Site Plan Review.*
- *Member Noseworthy would like to amend the land swap agreement.*
- *Vice Chair Chenard would like to amend the land swap agreement.*
- *Member Robinson would like either the amendment to the land swap agreement or the add-ons to the as-built plan.*
- *Alternate Ehrman favors the easiest and simplest approach which is likely the land swap agreement or some other notable documentation*
- *Chairman Spanos is in favor of the land swap agreement*
- *Planner Bont would like some sort of a as-built plan showing the layout of the parking lot*

Mr. Scambio stated that the simplest approach is to re-survey the land and lay it out on a map as an "As-Built Plan" which could then be attached to the amended land swap agreement.

**MOTION: "To amend the land swap agreement with an as-built plan showing the parking area for 50 spaces."**

**Motion: Member Robinson**

**Second: Vice Chair Chenard**

**Motion carries (4-1) with Member Beaudin voting nay.**

Vice Chair Chenard questioned the use and ownership of the South Mountain parking area. Planner Bont advised that the Board has been provided with all of the documentation provided by LMRC which spells out that current and future owners of the land convey all future use of the land to LMRC indefinitely. Member Beaudin would like to ensure that this documentation stays with the town's LMRC files in the event that ownership of the land does change. Planner Bont has the information filed in several different places within the town's files.

The Board thanked Mr. Scambio and Mr. Norton for meeting with them.

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### **III. NEW BUSINESS**

#### **A. SPR 2018-05 M112 L002 &L003 – DelRegno+Patel – REQUEST FOR EXTENSION OF SITE PLAN REVIEW APPROVAL**

- 1. Attorney Gabriel Nizetic, attorney for Dipak Patel d/b/a Hampton Inn requests a one-year extension of Planning Board Site Plan Review Approval to April 10, 2022 in accordance with Article IX, Section 1 of the Lincoln Site Plan Review Regulations and/or Section 4.07 of the Subdivision Regulations. All progress was halted due to DOVID mandated lockdowns. More time is needed to determine the most economically feasible way to satisfy conditions #1 and #3 concerning the fire suppression system and adequate water source capacity. There are three (3) alternatives proposed but more time is needed to evaluate which would be the most cost-effective alternative in order to satisfy financing requirements.**
- 2. Properties located in the Village Center (VC) District:**
  - a. #LO Main Street Lot 2 & Bill (Map 112, Lot 003) currently owned by MANI, LLC, 87 Wallace Hill Road, Franconia, NH 03580 (formerly owned by Victor DelRegno, Trustee, Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412); and**
  - b. #LO Main Street Lot 3 (Map 112, Lot 002) currently owned by MANI, LLC, 87 Wallace Hill Road, Franconia, NH 03580 (formerly owned by Victor DelRegno, Trustee, Toreign III Realty, 6718 Fox Hollow Drive, West Palm Beach, FL 33412).**



3. **The Planning Board granted approval on April 10, 2019 with six (6) Conditions of Approval to change the use of two adjacent lots in the same ownership (9.e., two existing vacant lots with three rental billboards) and to make the site improvements to include a new 4-story 93-room Hampton Inn & Suites, paved parking lot for hotel and a separate 15,000 square foot lot, five new stormwater infiltration systems and connections to municipal water, municipal sewer and electric. The proposed project also required a boundary line adjustment or subdivision.**

**Presentation:**

*Applicant and his attorney did not appear. Planner Bont presented the applicant's request to the Planning Board.*

**Request for Extension of Application for Site Plan Review Approval per the Request of Applicant Dipak Patel, d/b/a The Hampton Inn**

**Property:** Main Street (Lot 3) #LO (Map 112, Lot 002); and Main Street (Lot 2) #LO (Map 112, Lot 003). The property is located in the Village Center (VC) District.

**Project:** Applicant had a purchase and sale agreement with the property owner of two (2) adjacent lots and requested Site Plan Review approval for a change of use to change the use of the two (2) adjacent properties in the same ownership (i.e., two existing vacant lots with three rental billboards) and to make site improvements to include a new four (4) story ninety-three (93) room Hampton Inn & Suites, paved parking for the hotel and a separate 15,000 square foot lot, five new stormwater infiltration systems and connections to municipal water, municipal sewer and electric. The proposed project also required a boundary line adjustment or subdivision.

**History:** On April 10, 2019, the Planning Board granted Site Plan Review Approval with six conditions of approval. On March 11, 2020, the Planning Board granted an extension to April 10, 2021 because of the requirement for creating capability to provide water for fire suppression. On March 17, 2021, Applicant submitted a request for a second extension of Planning Board Site Plan Review Approval. The application stated:

All progress was halted due to COVID mandated lockdowns. More time is need to determine the most economically feasible way to satisfy conditions #1 and #3 concerning the fire suppression system and adequate water capacity. There are three (3) alternatives proposed but more time is needed to evaluate which would be the most cost-effective alternative in order to satisfy financing requirements. It has come to the applicant's attention that the Town is making upgrades to the existing water delivery infrastructure which should enable Applicant to tie in, fully comply, and reduce project costs.

**Discussion:**

The Board reviewed this request for an extension. Planner Bont stated that the biggest obstacle to the project is the Town's current water and sewer capacity. Fire Chief Beard has been in contact with the applicant a few times recently regarding the water issue. Further discussion regarding the current water situation ensued.

**MOTION: "Per the applicant's request, to grant an extension to meet the conditions of the site plan review application until April 10, 2022."**

**Motion: Member Beaudin**

**Second: Vice Chair Chenard**

**All in favor**

#### **IV. OTHER BUSINESS AS PRESENTED**

Member Beaudin would like an update on the work flow pertaining to the processing of Land Use Permits. He stated that he has continued to receive phone calls from an applicant complaining about the delay of his Land Use Permit. He added that he understands the staff is giving verbal approvals now which is not appropriate. Member Beaudin would like to see the Planning Board take a more active role in the planning process as he stated, they're elected officials and it is their job according to RSA. He would like to see them be involved in the day-to-day operations of the Planning Board. He added that there are a ton of people that are not happy with the Planning Board. He believes the Planning Board should take over the operations. Chairman Spanos asked Member Beaudin what he would propose. Member Beaudin replied that to start, he would like to see the status of all completed/incomplete permits and possibly look at utilizing North Country Council.

Planner Bont stated that the complainant to which Member Beaudin is referring to did not receive a verbal approval. The Planning Department does not give out verbal approvals. She added that she has been working on Mr. Beaudin's complainant Land Use Permit all day despite the fact that he has outstanding fees due to the Town. In addition, Mr. Beaudin's complainant's Land Use Authorization Permit Application was not accurate. She explained that the Applicant listed only four (4) bedrooms on his application and he paid bedroom impact fees for only four (4) bedrooms, but when she reviewed the plans, she discovered that there were five (5) bedrooms shown on the plan. Furthermore, the Applicant did not list or pay for an additional sink that was also shown on the plans. The Land Use Authorization Permit for Mr. Beaudin's complainant is nearly complete, but Planner Bont is waiting on an opinion from Engineer Korber as well as the additional water tap fees and bedroom impact fees the applicant owes the Town before he can be issued his permit.

Member Beaudin stated it would have been nice to know this twelve (12) weeks ago. Planner Bont replied that with Member Beaudin's cut to the budget and the fact that there is not enough staff to manage the workload, she is not sure what Member Beaudin wants her to do. Member Beaudin replied that he is sick of hearing that and if Planner Bont would like to go into non-public to discuss staff he would be happy to do so but he doesn't think Planner Bont wants to go into non-public to discuss that. He added that he would like to see some results.

Member Ehrman stated that the onus is on the applicant to provide the correct information and correct amount of fees. He stated that he is allowed to disagree with Member Beaudin on this matter and that Member Beaudin should stop going on and on about this and stop haranguing

Planner Bont. Member Ehrman stated that everyone does not agree with Member Beaudin. Member Robinson stated that he does not agree with Member Beaudin. Member Beaudin stated that if members of the Planning Board do not want to do their job, maybe they should not be on the Planning Board.

**MOTION: "To adjourn the meeting at 7:10 pm"**

**Motion: Member Robinson**

**Second: Member Ehrman**

Member Beaudin stated that the Planning Board is copping out. Member Ehrman stated that he is happy to give Member Beaudin the last word.

Member Noseworthy stated that he has been involved in the planning process for years and that it is not a snap operation. He added that many Towns operate in the same manner and applicants are not always going to be happy that they do not get what they want when they want it. He apologized and added that that is just not the way the world works.

**Motion carries.**

Respectfully submitted,

*Brook Rose*

Recording Secretary

Date Approved: May 12, 2021



James Spanos, Chairman

