

APPROVED

**PLANNING BOARD
PLANNING BOARD MONTHLY MEETING
PUBLIC HEARING**

**Wednesday, February 23, 2022 – 6:00 PM
Lincoln Town Hall, 148 Main Street, Lincoln NH**

Due to the current evolving status of COVID-19, this meeting will be a *hybrid* meeting to be presented both in person with social distancing encouraged (space limited to 8-12) and via ZOOM Video Conferencing to allow for town wide participation. A quorum of the members of the board will have to be physically present at the meeting. All others are encouraged to attend via ZOOM.

Join Meeting via Zoom:

<https://us02web.zoom.us/j/89529825602?pwd=Z2gwdEtCMjVwRlVpYVhDTSSrWWNVQT09>

Meeting ID: 895 2982 5602

Passcode: 722936

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

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

I. CALL TO ORDER by Chairman Spanos

Present: Chairman James Spanos, Selectmen's Representative O.J. Robinson, Vice Chairman Joseph Chenard, Member Paul Beaudin, Member Stephen Noseworthy.

Excused: Alternate Member Mark Ehrman

Staff Present: Fire Chief and Code Enforcement Office/Health Officer/Zoom Host and Moderator Ronald Beard, Planner Carole Bont & Planning Board Recorder Judy Sherriff (via ZOOM); Deputy Fire Chief Ryan Fairbrother (via ZOOM).

Consultants:

- **Town Engineer Raymond H. Korber P. E.,** KV Partners LLC, PO Box 7721, Gilford, NH 03249-7721 (via ZOOM)

Guests Present:

For Littleton Regional Hospital Inc. Matter:

- **Attorney Mark Beaudoin,** (nonresident), (ATTORNEY FOR APPLICANTS), Nixon Peabody, LLP, City Hall Plaza, 900 Elm St, Manchester, NH 03101 – formerly outside local NH Counsel for APPLICANT Remedy Medical Properties, LLC, an affiliate of which is one of the developers that is constructing the urgent care facility (to be known as “ClearChoice”) with an E911 Address of 33 Railroad Street located on a lot known as Railroad Street #LO (Map 112, Lot 018) [not yet subdivided into 2 lots] currently owned by the Littleton Hospital Association, Inc. d/b/a Littleton Regional HealthCare, Inc. c/o Robert F. Nutter, CEO, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).
- **Dick Blanchard,** (APPLICANT) Biomass Plant Manager, Littleton Regional Healthcare, Inc., 600 St. Johnsbury Road, Littleton, NH 03561

- **Cathy Furtek Conway, P.E.,** (nonresident) (APPLICANTS' AGENT/ APPLICANT/ ENGINEER) Horizons Engineering, Inc., 34 School St., Littleton, NH 03561 for both the APPLICANT Remedy Medical Properties, LLC, an affiliate of which is one of the developers that is constructing the urgent care facility (to be known as "ClearChoice") with an E911 Address of 33 Railroad Street located on a lot known as Railroad Street #LO (Map 112, Lot 018) [not yet subdivided into 2 lots] currently owned by the Littleton Hospital Association, Inc. d/b/a Littleton Regional HealthCare, Inc. c/o Robert F. Nutter, CEO, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).
- **Nancy J. Cunning** (resident) (ABUTTER), PO Box 685, Lincoln, NH 03251-0685 and owner of 9 Lakeside East Drive #2 (Map 111, Lot 001000-02-00308).
- **Kimberly Force, RNC, MSN** (nonresident) (APPLICANT) Clinical Director Inpatient Services, Littleton Regional HealthCare, Inc., 600 St. Johnsbury Road, Littleton, NH 03561
- **Paul Furberg** (resident) PO Box 685, Lincoln, NH 03251-0685 (lives in 9 Lakeside East Drive #2 (Map 111, Lot 001000-02-00308) owned by Nancy J. Cunning).
- **George Hunter,** (nonresident), (APPLICANT) Vice President and Chief Financial Officer, Littleton Regional HealthCare, Inc., 600 St. Johnsbury Road, Littleton, NH 03561
- **Adam Mason,** (nonresident) (APPLICANT) Director of Facilities & Project Management, CareWell Urgent Care Clear Choice MD Urgent Care, 74 Pleasant Street, Suite 204, New London, NH 03257
- **Kurt Meyer,** (nonresident) (APPLICANT) Senior Preconstruction Manager at Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607 constructing the urgent care facility (to be known as "ClearChoice") with an E911 Address of 33 Railroad Street located on a lot known as Railroad Street #LO (Map 112, Lot 018) [not yet subdivided into 2 lots] currently owned by the Littleton Hospital Association, Inc. d/b/a Littleton Regional HealthCare, Inc. c/o Robert F. Nutter, CEO, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).
- **Robert (Bob) F. Nutter,** (nonresident) (APPLICANT) President/CEO of Littleton Regional Hospital (which is the proposed main tenant of the second new building to be constructed), Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM) and owner of lot known as Railroad Street #LO (Map 112, Lot 018) [not yet subdivided into 2 lots] currently owned by the Littleton Hospital Association, Inc. d/b/a Littleton Regional HealthCare, Inc. c/o Robert F. Nutter, CEO, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).
- **Attorney Barbara Peloquin,** (nonresident) (APPLICANT) Associate In-House Counsel for APPLICANT Remedy Medical Properties, LLC, Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607 constructing the urgent care facility (to be known as "ClearChoice") with an E911 Address of 33 Railroad Street located on a lot known as Railroad Street #LO (Map 112, Lot 018) [not yet subdivided into 2 lots] currently owned by the Littleton Hospital Association, Inc. d/b/a Littleton Regional HealthCare, Inc. c/o Robert F. Nutter, CEO, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).

- **Steven G. Pernaw** PE PTOE, (APPLICANT'S TRAFFIC ENGINEER), Owner & Traffic Engineer of Stephen G. Pernaw & Company Inc., P.O. Box 1721, Concord, NH 03302
- **Darrell Philips**, (nonresident) (APPLICANT) Land Development Manager, Design & Construction, Remedy Medical Properties, Inc., 800 W Madison Street, Suite 400, Chicago, IL 60607 constructing the urgent care facility (to be known as "ClearChoice") with an E911 Address of 33 Railroad Street located on a lot known as Railroad Street #LO (Map 112, Lot 018) [not yet subdivided into 2 lots] currently owned by the Littleton Hospital Association, Inc. d/b/a Littleton Regional HealthCare, Inc. c/o Robert F. Nutter, CEO, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).
- **Craig Piper**, (nonresident) (APPLICANTS' ARCHITECT) Senior Architect, SMRT Inc., 144 Fore Street, PO Box 618, Portland, ME 04104 (Via ZOOM) constructing the urgent care facility (to be known as "ClearChoice") with an E911 Address of 33 Railroad Street located on a lot known as Railroad Street #LO (Map 112, Lot 018) [not yet subdivided into 2 lots] currently owned by the Littleton Hospital Association, Inc. d/b/a Littleton Regional HealthCare, Inc. c/o Robert F. Nutter, CEO, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).
- **David Rodgers** (resident) (ABUTTER) 19 Black Mountain Road, PO Box 68, Lincoln, NH 03251-0068, who owns:
 - (Abutting property) 5 Railroad Street d/b/a Great Stone Face Skier, LLC (Map 112, Lot 014) where he owns and operates Rodgers Ski and Sport Shop.
 - 195 Main Street d/b/a Great Stone Face Skier II, LLC (Map 117, Lot 005).
 - 201 Main Street d/b/a Great Stone Face Skier, LLC (Map 117, Lot 006).
 - 278 Main Street d/b/a Great Stone Face Skier, LLC (Map 117, Lot 119).
 - 19 Black Mountain Road (Map 127, Lot 305).
- **Helen Rodgers** (resident) 19 Black Mountain Road, PO Box 68, Lincoln, NH 03251-0068.
- **Ryan St. Cyr**, (nonresident) (APPLICANT) Director of Support Services, Littleton Regional Hospital; Littleton Regional Healthcare, 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).
- **"Stevens I-Phone" - John T. Stevens NH Department of Safety**, Statewide Interoperability Coordinator from the New Hampshire Department of Safety - FirstNet Responder Network. (not 100% sure)
- **Joseph (Joe) Sicard, PA** (APPLICANT) (Physician's Assistant), Director of Clinical Operations, ClearChoiceMD Urgent Care, 410 Miracle Mile, Lebanon, NH 03766
- **Jeff Woodward**, (nonresident) (APPLICANT) 38 Raven Lane, Franconia, NH 03580-0536, Current Chair of the Board of Littleton Regional Healthcare, Inc. 600 St. Johnsbury Road, Littleton, NH 03561 (Via ZOOM).

For Conceptual #1 Conley & McManus Mansion Hill Matter:

- **Ethan J. Conley** (nonresident) (APPLICANT), 16 Kayla Avenue, Salem, NH 03079 with Kyle R. McManus has a purchase and sale agreement to purchase Mansion Hill #LO (Map 114, Lot 049) currently owned by Raymond A. Legare, Pauline A. Legare & Susan

L. Smith, c/o Susan L. Smith, 107 Howe Hill Road, Benton, NH 03785.

- **Kyle R. McManus** (nonresident) (APPLICANT), Owner and Principal of Total Construction Solutions, LLC, 2 Mockingbird Lane, Kingston, NH 03848 together with Ethan J. Conley has a purchase and sales agreement to purchase Mansion Hill #LO (Map 114, Lot 049) currently owned by Raymond A. Legare, Pauline A. Legare & Susan L. Smith, c/o Susan L. Smith, 107 Howe Hill Road, Benton, NH 03785.

For Conceptual #2 Mark Stiles, Bruce Walton & Dave Picaricco Tap Room at 155 Main Street Matter:

- **Attorney Mark Stiles**, nonresident, (APPLICANT) d/b/a Mark Stiles Trustee, S&A Offices Realty Trust, PO Box 1113, North Marshfield, MA 02059. Owner of:
 - (1) 155 Main Street (Map 118, lot 065)
Mark Stiles d/b/a Flow State, LLC
PO Box 1113
North Marshfield, MA 02059
 - (2) 153 Main Street (Map 118, Lot 064)
Mark Stiles d/b/a It's An I-M, LLC
PO Box 1113
North Marshfield, MA 02059.
- **Bruce Walton**, (nonresident) (APPLICANT), co-owner of Twin Barns Brewing Company, 194 Daniel Webster Highway, Meredith, NH 03252 with Dave Picarillo (He wrote: 131 Forest Ridge Road, Lincoln, NH as an address, however, there are 5 units there and he is not listed as an owner. No mail is delivered there.)
- **Dave Picarillo**, (nonresident) (APPLICANT) co-owner of Twin Barns Brewing Company, 194 Daniel Webster highway, Meredith, NH 03252 with Bruce Walton.

For Conceptual #3 Weston (Wes) Graves, Russell Cooley Request for an Extension of Approvals for "The Rapids" Matter:

- **Russell (Russ) Cooley** (nonresident) (APPLICANT), d/b/a Lincoln South Mountain Partners, LLC, 39 Fieldstone Lane, Candia, NH 03034 one of the partners in Lincoln South Mountain Partners, LLC, 39 Fieldstone Lane, Candia, NH 03034 that owns former Tax Map 16, Lot 310 (Current Map 118 Lot 003 titled "The Rapids at South Mountain") with Weston ("Wes") O. Graves and William (Bill) Burke (Via ZOOM).
- **Elizabeth Dolan** (nonresident) 30 Atlantic Avenue, Beverly, MA 01915.
- **Weston (Wes) Graves** (nonresident) (APPLICANT), 30 Atlantic Avenue, Beverly, MA 01915, one of the partners in Lincoln South Mountain Partners, LLC, 39 Fieldstone Lane, Candia, NH 03034 that owns Former Tax Map 16, Lot 310 (Current Map 118 Lot 003 the development titled "The Rapids at South Mountain") with other partners, Russell (Russ) Cooley and William (Bill) Burke.

For Conceptual #4 Kamlesh Patel d/b/a Green Woods, LLC for Review of de Minimis Changes to the Site for “The Home2 Suites” Matter:

- **Kamlesh (Kam) Patel**, nonresident, (APPLICANT) d/b/a Green Wood LLC, Portland Hotels, Inc., 1150 Brighton Avenue, Portland, ME 04102 that owns #LO Pollard Road (Map 112, Lot 001) in the General Use (GU) District (via ZOOM).

Other Guests:

- **David Beaudin**, nonresident, Lincoln Water Plant Operator, North Woodstock, NH 03262 (via ZOOM).
- **Laura Briere**, shows only number for cell phone 603-991-9512 at 32 Parker Road, Lincoln, NH 03251 at Map 108, Lot 009 owned by Kevin Briere (via ZOOM).
- **Susanne (Susan) A. Chenard**, (resident) 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).
- **Brenton (Brent) Drouin**, (resident) 156 Black Mountain Road, PO Box 788, Lincoln, NH 03251-0788, and tenant of 49 Main Street #B (owned by Brent Drouin d/b/a BDBC Holdings, LLC, PO Box 788, Lincoln, NH 03251) and Owner/Broker of Century 21 Mountainside Realty, 49 Main Street, PO Box 788, Lincoln, NH 03251-0788 (Via ZOOM).
- **Andrew (Drew) Goddard**, nonresident, (contractor & d/b/a Copley Properties, LLC and 179 South Peak, LLC), 1 Sanctuary Drive, Stratham, NH 03885 (Via ZOOM)
 - Copley Properties, LLC is currently owner of:
 - (1) South Peak Road (Map 118, Lot 0390003)
 - (2) South Peak Road (Map 118, Lot 0390002)
 - 179 South Peak, LLC is currently owner of:
 - 179 South Peak Road

II. CONSIDERATION of meeting minutes from:

Motion to review at the end of the meeting by Member Beaudin

Second by Selectmen’s Representative O.J. Robinson

All in favor

Minutes were reviewed at the end of the meeting.

- **December 8, 2021**
 - Chairman Spanos, Selectmen’s Representative O.J. Robinson, Member Paul Beaudin, Member Stephen Noseworthy, Alternate Member Mark Ehrman (seated for Vice Chairman Chenard)

Motion to approve December 8, 2021 minutes by Member Beaudin

Second Selectmen’s Representative O.J. Robinson

All in favor

- **January 26, 2022**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative Jack Daly, (substituting for Selectmen's Representative OJ Robinson), Member Stephen Noseworthy, Member Paul Beaudin.

Motion to accept as amended and record in minutes for Feb. 23, 2022 from line 488 and 489 "owners should not be penalized for having disturbed areas outside of their own lot".

By Vice Chairman Chenard

Second by Member Beaudin

Four in favor and Selectmen's Representative O.J. Robinson abstains as he wasn't present at this meeting.

- **February 9, 2022**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative O.J. Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Mark Ehrman.

Motion to approve changes by Member Beaudin

Second Selectmen's Representative O.J. Robinson

All in favor

III. OLD BUSINESS

IV. NEW BUSINESS

A. SPR 2021-01 M112 L018 Clark - Littleton Hospital – Amend Site Plan Review Approval

Request to amend the conditions of a Site Plan Review & Subdivision approval SPR 2021-01 M112 L018 Clark - Littleton Hospital dated May 12, 2021.

Original Applicants:

- (1) Littleton Development Medical Properties, Inc. 800 W. Madison Street, Suite 400 Chicago, IL 60607; &
- (2) Littleton Hospital Association d/b/a Littleton Regional Hospital 600 St. Johnsbury Road Littleton NH 03561

Original Property Owners granted approval:

Brenda Clark, Benjamin Clark, Jennifer Franz PO Box 9 Lincoln, NH 03251-0009

Subsequent Owner/Applicant:

- (1) Littleton Hospital Association d/b/a Littleton Regional Hospital 600 St. Johnsbury Road Littleton NH 03561

Agent/Surveyor/Engineer: Cathy Furtek Conway, P.E. Horizons Engineering, Inc. 34 School Street Littleton, NH 03561

Property: Railroad Street #LO (Map 112, Lot 018). General Use (GU) District.

SUBDIVISION: Divided 1 lot into 2 lots at the end of Railroad Street (50ft Private ROW). Lot was 5.51 acres. Applicant subdivided it into two (2) parcels: A. Lot 1: 33,867 SF (or 0.77 Ac); & B. Lot 2: 206,369 SF (or 4.74 Ac) One new lot was to be created. Improvements to these lots, extension of municipal water & sewer lines & extension of utilities were required. The plan included shared access easements to Lots 1 and 2. Final subdivision has been approved but not completed yet.

SITE PLAN REVIEW:

Phase I: Lot 1 (above) 33,867 SF (or 0.77 Ac): Development of 4,000 SF Medical Office Building with associated parking on Lot 1; &

Phase II: Lot 2 (above) 206,369 SF (or 4.74 Ac): Development of 48,000 SF Medical Office Building with associated parking on Lot 2.

On May 12, 2021, Subdivision and Site Plan Review Approval were granted (SPR with seven (7) conditions).

Condition 1 was “Applicant shall obtain all necessary State and Town permits and approvals.”

Condition 4 was “Applicants shall pay all engineering and construction costs related to obtaining and complying with NH DOT requirements with the exception of any resurfacing of the Town portion of Railroad Street that is considered ordinary maintenance.”

Applicant constructed the Urgent Care building described as Phase I with a Land Use Permit, however, still lacks the NH DOT Driveway Permit. Because approximately the first 130 feet of Railroad Street is a Town Road, the Town is required to be the applicant for the NH DOT Driveway Permit. However, the current Applicant/Property Owner is required to work out the details with the NH DOT. Applicant is still working on it.

Applicant is requesting the Planning Board to amend the Site Plan Review conditions to allow the facility to be granted a Land Use Compliance Certificate and to operate prior to obtaining the NH DOT Driveway Permit per the State Governor’s request that they operate to provide COVID related services.

Presentation

Ms. Conway introduces the team present at the meeting (see above list). She explains that the urgent care facility is ready to start serving the community with the exception of being able to get their DOT Driveway Permit. She is requesting a temporary waiver to issue a Land Use Compliance Certificate prior to receiving the DOT Driveway Permit.

DOT Recommendations. The waiver request is for the four thousand (4,000) square foot Urgent Care Facility only and Ms. Conway cites some traffic surveys with conclude there is very little traffic produced by the Urgent Care Facility at this time.

They have been working on the DOT Driveway Permit and would like to receive a temporary waiver. There have been recommended improvements by the project engineers as well as the DOT which include a two (2) exit lane, a yellow stripe down Railroad Street near the intersection and a right-hand turning lane. Stop bars are recommended in both directions at the intersection of Rt.112 and Railroad Street as well as the Railroad Crossing.

DOT has requested some revisions to the traffic study which Steven G. Pernaw, traffic engineer, is working on as it relates to existing developments and traffic conditions.

Other DOT recommendations are out of their control as they are not on Town property and they are not on property they own. One of the items is a slip lane at Donovan Drive which would require paving on private property. They have had discussions with the property owner to see if they will grant permission for that. DOT has also asked for a raised island at Rodgers Ski and Sport (Rodgers) to better control traffic in and out of that business. There have been discussions with the property owners, Lincoln Fire Chief and the Lincoln Police Chief regarding the raised island and they do not recommend it.

The DOT has requested a gate at Connector Road as well as “head-in parking” and the property owner is not in favor as it would have an adverse impact on the Rodgers’ business.

The final item from DOT is a sidewalk extension which is on private property and the owner does not want a sidewalk on their property.

Bond

A \$75,000 is in place and Ms. Conway believes that is more than enough to cover the cost of some of the DOT improvements. Littleton Regional Hospital is will to keep the bond in place.

Conclusion

Ms. Conway notes the need for a health care facility to serve the community during the COVID-19 pandemic. She doesn’t feel this would be a precedent setting decision for the Planning Board in terms of allowing them to have their Land Use Compliance Certification prior to the DOT permit.

Discussion

For the RECORD: New Hampshire DOT is not present at this meeting.

Member Beaudin asks Ms. Conway if it would be possible to wait for the completion of the second phase which is the medical office building and complete a traffic study then. The main concern is the island in front of Rodgers and with the project complete there may not be a need for the island. It would give the DOT more information to base their decisions on.

Steven G. Pernaw, traffic engineer, comments on completing a traffic study once both facilities are open to determine what the actual traffic is vs. what is currently predicted. First, it is difficult to estimate traffic and second, the post development study should be conducted in July or August when the Hobo Railroad is running, thirdly, even with that post development data he doesn't feel the sidewalk extension or median in front of Rodger's Ski Shop is needed or not. His personal view is that the DOT would like to see the wide-open curb cut for Rodgers reduced in size based on existing conditions and not because of the medical building or urgent care building.

Member Beaudin asks if the Town has to accept the DOT recommendations for an island. The Board of Selectmen (BOS) has sent DOT a letter in support of Rodgers and Member Beaudin suggests the Planning Board also send a letter of support.

Bob Nutter notes that the construction of the medical building will start in September, 2022 and will be completed approximately 3 to 3 ½ years from now.

Member Beaudin suggests granting the waiver and adding conditions that after the completion of the medical building a traffic study would be conducted. Ms. Conway comments that the DOT's recommendation is based on current conditions and not on the medical building or the urgent care building. It would make more sense for Rodger's, the Town and DOT to figure out a solution and leave Littleton Regional Hospital out of it. DOT owns the property and the Town has the right-of-way and Rodgers utilizes the property.

Ms. Conway asks why is everything related to the island (which has to do with mitigating an existing condition versus mitigating the impact being created by the medical center) being put on the Medical Center. Chairman Spanos responds that the driveway permit from DOT is for the medical and urgent care buildings. Ms. Conway thinks that the Medical Center is being asked to make up for sins of the past. Member Beaudin suggests if he were aware of an island, which affects Rodger's, at the time of the application he would have wanted a meeting to address these issues prior to accepting their application. Member Noseworthy wants to be sure Rodgers isn't going to suffer due to the DOT recommendations. Vice Chairman Chenard doesn't feel the state is being fair to a business that started from the ground up. He notes there is a letter from the Governor that states the Town doesn't have to accept the island.

Selectmen's Representative O.J. Robinson clarifies what is being requested and that it is only about granting a waiver in order for the urgent care building obtain a Land Use Compliance Certificate and any issues regarding the driveway permit can be addressed at a later date.

The Planning Board has a discussion regarding their positions on the issue. Ms. Conway explains the driveway permit has been applied for and they are working with the DOT and are only asking for a waiver while they are going through the process. The Town will be able to weigh in on this as it is the Town's permit application and Nate Hadaway is the agent for the Town in this matter.

Chairman Spanos asks why has the Driveway Permit been delayed. Ms. Conway answers that she believes the DOT is overworked and the initial scoping meeting occurred in April of 2021. At that meeting they submitted the traffic study, the application, and then received initial comments. They addressed the initial comments and received a second comment letter back and are in the process of addressing those comments. In the comment letter the island is only a recommendation and not a requirement.

Chairman Spanos reads an email from The Office of the Governor dated Feb. 7, 2022 (see attached).

The Planning Board continues to discuss and Town Engineer, Ray Korber adds a few points. As far as the raised island, he wouldn't focus any attention on the traffic counts, as the island is a control measure to try to mitigate potential conflicts between people pulling out of Rodgers and getting into the turning lanes at the intersection. He also notes that the raised island is completely within the DOT Right-of-Way and they have an agreement with Rodgers to keep their parking lot and have access to the DOT Right-of Way. In his opinion the issue of the raised island is between Rodgers and the DOT. He notes that the Town can support Rodgers send letters to the DOT but in the end, they have no jurisdiction as to whether or not the island goes in.

Chairman Spanos asks if Mr. Korber knows when the Driveway Permit will be submitted. Ms. Conway answers that they are completing their final response and plan to submit it to DOT in March. Mr. Korber notes that the next step is for Horizons Engineering to submit that information to the DOT in response to the DOT's December 2021 letter and give DOT the opportunity to respond. The DOT has heard from the Town and sent along the BOS letter as part of their submission.

Member Beaudin would like the Planning Board to send a letter as well and wonders why if the island hasn't anything to do with the urgent care building has the DOT not put in a traffic island.

Town Engineer Ray Korber clarifies that the DOT admitted to him that they should have addressed this access issue long ago when the hotel went in. Planner Bont explains that DOT never received prior notice about the earlier developments on Railroad Street or they would have dealt with the issue earlier.

Vice Chairman Chenard notes a conflict between the road, which the Town owns and the ROW that the DOT owns.

Town Engineer Korber explains that according to the information that Horizons has sent, a portion of the road is in the DOT Right-of Way and half of the proposed right turn lane sits on the DOT Right-of-Way and the other half sits on Town Right-of-Way.

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

Public Comment

David Rodgers mentions that he's been at the same location for thirty-nine (39) years and have not had any problems with traffic even during the highest of traffic times. He adds that adding the island will negatively affect his business.

Vice Chairman Chenard adds that Mr. Rodgers gives back to the Town by employing people who live in Town. Mr. and Ms. Rodgers thanks the Planning Board for supporting them.

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

Motion to grant the waiver, as requested, as long as a letter is sent from the Planning Board to the DOT in support of Rodgers and their opposition to the installation of a traffic island. Also, to be included in the letter a statement that the Planning Board is opposed to the installation of the traffic island until a complete, real time, traffic study is performed with actual data, upon completion of the entire project. Planner Bont to draft the letter and Chairman Spanos will sign the final letter. By Chairman Spanos

Second Member Beaudin

All but one (1) member in favor.

Motion carries with four (4) "yes" and one (one) "no".

B. VOLUNTARY LOT MERGER #1

Samuel W. Brooks & Laura A. Coleman, of 9 Kassala Road, London, SW11 4HN own two (2) adjacent lots in the "The Landing at Loon Mountain" development with the address of:

1. 8 Back Forty Road (Map 132, Lot 054) (0.73 Acres); and
2. 6 Back Forty Road (Map 132, Lot 055) (0.86 Acres)

For a combined total of 1.59 Acres.

Discussion

Member Beaudin comments that he would like to have the Town Planner handle Voluntary Lot Mergers, in the future, as they are a waste of the Planning Board's time.

Chairman Spanos replies that that is an issue for another night.

Member Beaudin asks if he should recuse himself as he works for the developer of The Landing. Chairman Spanos and the other Planning Board members do not have an issue with Member Beaudin working for the developer of The Landing.

Member Beaudin requests that the Planning Board address how the Voluntary Lot Mergers are approved on the next agenda. He would like to let Planner Bont make these decisions.

C. VOLUNTARY LOT MERGER #2

Joseph (Joe) E. Lynch d/b/a Loon Landing Development, LLC, 14 Montalcino Way, Salem, NH 03079 or 1 Connector Road, Andover, MA 01810:

1. 12 Back Forty Road (Map 132, Lot 052) (a/k/a "RR58") 0.65 Acres;
2. 14 Back Forty Road (Map 132, Lot 051) (a/k/a "RR57") 0.57 Acres; and
3. 16 Back Forty Road (Map 132, Lot 050) (a/k/a "RR56") 0.60 Acres.

For a combined total of 1.832 Acres or 79,798.57 SF* per survey submitted by Applicant.

D. VOLUNTARY LOT MERGER #3

Joseph (Joe) E. Lynch d/b/a Loon Landing Development, LLC, 14 Montalcino Way, Salem, NH 03079 or 1 Connector Road, Andover, MA 01810:

1. 15 Back Forty Road (Map 132, Lot 036) (a/k/a "RR42") 0.56 Acres; and
2. 17 Back Forty Road (Map 132, Lot 037) (a/k/a "RR43") 0.53 Acres.

For a combined total of 1.09 Acres or 47,480.4 SF.

**Motion to approve all three voluntary lot mergers by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor**

E. NEW CONCEPTUAL #1

Ethan J. Conley (& McManus), 43 Forrest Street, Plaistow, NH, 3865-2608 (Map 114, Lot 049) Development of a Lot on Mansion Hill #LO Map 114, Lot 049 (16.7 Acres) in Rural Residential (RR) District

1. **Adjustment to Acreage:** Reminder: Subtract from 16.7 Acres any year-round stream or water body. (See Article XI District and District Regulations, Section B District Regulations, Paragraph 4 Lot and Lot Coverage Requirements and Standards, Subparagraph a says "The area of any year-round stream or water body shall not be included in determining compliance with minimum lot size under this Section.")

Presentation

Ethan Conley and his partner Mr. McManus discuss their ideas for developing a sixteen (16) acre parcel on Mansion Hill Dr. and Birch Hill Rd. They present the Planning Board with maps of the parcel. They are considering building single family homes on the top of

Mansion Hill Dr. and Manor Dr. The topography on lot #9 is very steep and will most likely be conservation land. They are considering approximately 24 duplexes and Chairman Spanos explains that the number may be less than 24 duplexes due to the addition of infrastructure including roads, parking, etc.

Discussion

Member Beaudin notes a number of items they will need to address: traffic, stormwater, water and sewer capacity, water pressure (elevation concerns and pump systems), fire department access (hammerhead), placement of roads (the impact on the square footage left on the lots).

Mr. Conley and McManus plan to build six (6) single family homes and are hoping that it won't require a traffic study.

Planner Bont adds that they need to keep in mind that there is a fifteen (15) foot front, side and back setback requirement for each of the lots.

Member Beaudin adds that structures such as engineered rock walls over four (4) feet high are to be excluded from the setback areas. Driveways are not considered in the setback calculation.

Vice Chairman Chenard notes there are also a fire safety requirement of a distance of at least twenty (20) feet between buildings. Mr. Conley clarifies that they would have thirty (30) feet just hitting the normal setbacks.

A discussion regarding how and where they will be putting the private roads begins. They are planning to work on different scenarios and understand that they may need to rework lot lines, etc. to accommodate the square footage requirements per lot. They intend to get subdivision approval for the single-family homes on Mansion Hill first and will wait and see about what to do with lot #9.

They will research the water capabilities and have surveys completed.

Mr. Conley asks about the basis for the Town's first-come, first-served policy for water and sewer. He wants to know if he will have a commitment for water and sewer from the Town upon approval.

Selectmen's Representative O.J. Robinson replies that once the subdivision is approved, they would have the commitment from the Town.

F. NEW CONCEPTUAL #2

MARK STILES, Trustee of S&A Offices Realty Trust, and d/b/a "Flow State, LLC", and d/b/a "It's An I-M, LLC".

- 1. Attorney Mark Stiles, nonresident, (APPLICANT) d/b/a Mark Stiles Trustee, S&A Offices Realty Trust, PO Box 1113, North Marshfield, MA 02059. Owner of:**

- a. 155 Main Street (Map 118, lot 065)
Mark Stiles d/b/a Flow State, LLC
PO Box 1113
North Marshfield, MA 02059
- b. 153 Main Street (Map 118, Lot 064)
Mark Stiles d/b/a It's An I-M, LLC
PO Box 1113
North Marshfield, MA 02059.

Agent/Surveyor/Engineer: Applicant/now owner & former property owners were represented by agent.

Joshua M. McAllister, PE
HEB Engineers, Inc.
2605 White Mountain Hwy
North Conway, NH 03860

Property: (1) 155 Main Street (Map 118, lot 065), Lincoln, New Hampshire
(2) 153 Main Street (Map 118, Lot 064), Lincoln New Hampshire

Both properties are located in the Village Center (VC) Zoning District.

Initial Project:

The initial Site Plan Review project included:

1. Voluntary merger of two (2) adjacent lots,
2. Demolition of two (2) buildings (one on each of the adjacent lots); and
3. Replace the two (2) buildings with the construction of a three thousand-five-hundred-eighty-six square foot (3,586 SF) multi-use building consisting of:
 - a. Retail and residential uses:
 - i. Three (3) commercial units totaling two-thousand-four-hundred-sixty square feet (2,460 SF) are proposed on the ground level;
 - ii. Three (3) apartment units on 2nd level; and
 - iii. Three (3) apartment units on 3rd floor.

Prior Approvals:

On January 13, 2021, after duly noticed public hearings, the Planning Board voted:

- A. "To waive the density requirements for this project." (4-1).

Rationale: The Town's Master Plan states, "The Town's Zoning Ordinance should provide for some flexibility and design for residential units and mixed use in established commercial areas particularly in the Village District." The Town's LUPO allows for flexibility in density as long as a project meets all of the other zoning requirements. All other zoning requirements are met.

AND

- B. To approve application for Site Plan Review Approval to merge two adjacent lots, demolish two buildings and replace buildings with one proposed multi-use building with the following **conditions:**

1. Demonstrate they have sufficient water and sewer infrastructure to the satisfaction of Town Engineer Ray Korber;
2. Remove the snow from the parking lot within 48 hours of a storm;
3. A Stormwater Management Plan approved by the Town Engineer Raymond Korber; and
4. Roof runoff mitigation plan approved by Town Engineer Raymond Korber.

Request for an Extension Granted:

On October 27, 2021 the Planning Board granted an extension to January 13, 2023.

#1 Proposed Interim Project Did Not Require Site Plan Review Approval:

Applicant Stiles' Site Plan Review approval was in effect until January 13, 2022, but he wanted to extend his approval out another year and possibly change the plan in the interim. Applicant Stiles requested an extension to allow him to analyze of the approved project as lumber costs come down and the supply chain loosens up. (Problems caused by the COVID-19 pandemic.)

December 8, 2021, Applicant Stiles developed an "Interim Plan" to downsize the approved project by putting a residential unit on the second floor of 155 Main St. to help stabilize the building and to "keep things moving in the right direction". He asked the Planning Board if he needed Site Plan Review approval to go forward with his "Interim Plan".

Planning Board determined:

1. The proposed "interim use" for 155 Main Street would not cause any parking issues and is a much less intensive use than the proposed new larger building's mixed use with Site Plan Review approval.
2. The proposed interim project has less living space, less square footage, less runoff problems, less parking requirements, and no change in the setback areas than the approved project.
3. Applicant Stiles shall come in once a year for an extension of the Site Plan Review approval.
4. If Applicant Stiles changes his mind about the type of project he wants to do, he shall come in for a modification of the Site Plan Review plan.
5. In the meantime, Applicant Stiles has permission to use the existing building for (1) Business Use of "Retail, Consumer Service, ... or other business nonindustrial use which does not qualify as a Home Business" on the first floor and (2) A residential apartment on the second floor.
6. Applicant Stiles does not need to come back for a second Site Plan Review approval for the proposed interim use, but would require a Land Use Authorization Permit to add bedrooms and fixtures that use water and sewer services.
7. At this time the property of 153 Main Street will be left as it is right now.

#2 New Proposal for Tap Room in 155 Main Street:

Presentation

Mark Stiles (property owner), and Bruce Walton and Dave Picarillo, co-owners of Twin Barns Brewing Company, present their ideas for a Tap Room to the Planning Board and

the main question posed by Mr. Stiles is regarding the USE, and if they would need a Site Plan Review.

Mr. Walton describes the Twin Barns Brewing Company in Meredith and mentions that they sell canned beer in the Town of Lincoln currently. He mentions they would like to open a Tap Room as there has been a recent change to NH law (*Senate Bill 125 signed by Governor on 8/16/2021 see RSA 178:12 Beverage Manufacturer License*) which allows breweries that manufacturer beer to have one retail outlet in the state. It allows for serving samples of beer and a maximum of two (2) pints per person as well as the sale of canned beer. They would also have prepackaged food and retail items. He stresses that this is strictly a retail environment.

They are considering creating an outdoor space between the property of 155 and 153 Main St. The proposed Tap Room would be located on the first floor of 155 Main St. and is approximately five (500) square feet of patron space (actual retail space) and also bathroom, utility and storage space.

Discussion

The Planning Board notes that this proposal is different from what has been previously approved. They suggest that they come in for Site Plan Review as there are abutters who would want to weigh in on this with any questions or comments. The reason being that the proposed beer garden in the outdoor space may cause noise that could bother abutters. Member Beaudin suggests that they ask for what they want (i.e., music, food truck, etc.) first and see what the abutters have to say. They could change and tailor the plan if needed.

Parking

There are 13 existing parking spots and one handicap parking spot in the current proposal. Member Beaudin address the number of seats vs. the number of parking spaces. Chairman Spanos notes that one (1) parking space for every four (4) seats is required plus ten (10) percent for employees.

Change of Use

Selectmen's Representative O.J. Robinson discusses that he considers this a change in use as it is not solely retail if they are to seat people at tables and serve food. He adds that it doesn't fit into the Town's definition of a retail spot but rather it fits in with the Town's definition of food service/restaurant regardless of where the food comes from.

Mr. Stiles disagrees that they would be changing the use and states they would be keeping it as a retail consumer service.

Chairman Spanos polls the board to find out who think this requires Site Plan Approval. The Planning Board is all in agreement that this requires a Site Plan Approval.

Chairman Spanos adds that Mr. Stiles can apply for a waiver on the stormwater issue. Selectmen's Representative O.J. Robinson agrees that a waiver could be the way to go as they are possibly reducing the impervious area from the previously approved project.

Site Plan Review

Mr. Picarillo asks if they didn't have the outside beer garden would they still need Site Plan Review.

Chairman Spanos answers that they would still require Site Plan Review as they are changing the use.

Mr. Picarillo disagrees that the use is changing.

The Planning Board suggests that since both scenarios would require Site Plan Review that they apply for what they want and scale it down if necessary.

Mr. Picarillo understands this and agrees that it is best to ask for everything they want and then scale back where needed.

Mr. Picarillo asks what other items would need to be researched above what Mr. Stiles has already been approved for.

Member Beaudin responds that they will need to address the water and sewer.

Planner Bont explains that after receiving Site Plan Review approval, they would apply for a Land Use Permit and the matter of Water and Sewer Tap Fees would be addressed then.

The Planning Board suggests that the parking issue be addressed for the entire project as it will include residential living space in 155 and 153 Main St.

Mr. Stiles adds that the Tap Room idea will only work if the use remains retail and not a food service/restaurant.

Mr. Picarillo asks how a restaurant is defined. Chairman Spanos answers that serving food products and the fact that people will be seated.

Selectmen's Representative O.J. Robinson elaborates that it comes down to parking spaces. It doesn't matter if the people are getting a bag of chips from a display rack or having a steak prepared by a chef they are still going to need adequate parking which would be one (1) parking spot for every four (4) people seated.

They plan to return for Site Plan Review.

C. NEW CONCEPTUAL #3 "The Rapids" (25.24 Acres – CU)

Weston (Wes) O. Graves, Jr. and Russell Cooley d/b/a Lincoln South Mountain Partners, LLC, 39 Fieldstone Lane, Candia, NH 03034 are Applicants for a Conceptual – requesting an extension of 2007 Site Plan Review approvals for "The Rapids" and requesting approval to adjust the location of a few of the proposed buildings to accommodate the easement that was part of a 2018 agreement with the Town Board of Selectmen.

On November 14, 2007, the Planning Board approved a Site Plan Review Plan for a 78-unit resort residential subdivision development on 25 acres of land for property located at former Tax Map 16, Lot 310 (current Map 118 Lot 003 titled "the Rapids at South Mountain" with conditions with a plan created by Horizons Engineering,

PLLC, dated May 2007, titled “Lincoln South Mountain Partners, LLC The Rapids at South Mountain Lincoln, New Hampshire Presentation Plan”.

On February 28, 2018 the Town of Lincoln by and through its Town Manager signed an agreement with Lincoln South Mountain Partners, LLC.

Per Graves, the reason it took 15 years and then 4 years after signing the 2018 agreement for Lincoln South Mountain Partners to re-apply is because they had to wait for the failed levee/dike on East Branch Pemigewasset River to be rebuilt.

The rebuild of the levee/dike was completed and certified in 2021.

Lincoln South Mountain Partners, LLC is requesting:

- Planning Board restore their Site Plan Approval for 78 duplex units.
- Planning Board to change the date of the Town's approval from 2005 to 2022.
- Planning Board determine that the proposed changes to the previously approved site plan are *de minimis* and are necessary to reflect the 2018 agreement.

Presentation

Wes Graves is applying for an application to extend his prior Planning Board Approval. The parcel was purchased in 2006 and in 2018 they received a settlement agreement in which they gave the Town parking on Main St., established an easement, and gave the Town the old swimming hole and the Town promised to re-establish their permits. He has provided the settlement agreement and the Site Plan Review Approval that was previously granted, for the Planning Board to review.

Chairman Spanos asks why the application was withdrawn previously. Mr. Graves explains that they looked into doing riverfront flats instead of duplexes and then the US Army Corps of Engineers decertified the levee wall on the East Branch Pemigewasset River which put much of their land underwater. Unable to do anything, they have been waiting for sixteen (16) years for the failed levee wall to be rebuilt. Now that the levee wall has been rebuilt, they are now ready to move forward with the project.

Discussion

Member Beaudin is concerned that the previous approvals may not meet the Town's current ordinances. The Stormwater Management Ordinance (SMO) is a major change that was adopted in 2015.

Vice Chairman Chenard inquires why hasn't Mr. Graves come in after the 2018 agreement was complete, for a renewal. Mr. Graves explains that he wasn't informed that he needed an extension.

Vice Chairman Chenard is concerned that these previously approved permits will continue *ad infinitum*.

Selectmen's Representative O.J. Robinson clarifies that the project was only on pause due to the re-building of the levee and wasn't going to go on *ad infinitum*. The levee was completed in the fall of 2021.

Mr. Graves doesn't believe there will be any changes to the previously approved project and the Rapids is already on the Board of Selectmen's Water/Sewer Vested Projects List.

The Planning Board suggests Town Engineer Ray Korber review the previous Alteration of Terrain plan to be sure it complies with the current SMO. Also, Mr. Graves should make sure that all NH state permits are up to date.

Motion to approve the application to extend Planning Board Approval with the following conditions:

- 1. The Planning Board considers this project to be vested as determined by this Board of Selectmen's Water/Sewer Vesting List.**
- 2. Approval is pending**
 - a. All state permits including but not limited to DOT, AOT, and others**
 - b. Compliance with the Town of Lincoln's Stormwater Management Ordinance**

**by Selectmen's Representative O.J. Robinson
Second Beaudin
All in favor**

D. NEW CONCEPTUAL #4

Kamlesh Patel d/b/a Green Wood, LLC (formerly the Lincoln Hotel/Fairfield, now the Home2 Suites Hilton Hotel)

Application for Site Plan Review Approval – Kamlesh Patel by and through his Applicant/Engineer received Site Plan Review approval for a hotel on July 22, 2020.

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

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

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

Approved Project:

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

Status:

On July 22, 2020 Planning Board approved the Application for Site Plan Review with the following conditions:

1. The Owner/Applicant shall provide a Mylar with three full sets of plans with all updates to the Town;
2. The Owner/Applicant shall relocate the cross walk closer to the intersection with NH Route 112/Kancamagus Highway to connect the two ends of the bike/pedestrian pathways on either side of Forest Ridge Drive.
3. The Owner/Applicant shall provide onsite water storage for fire suppression.
4. The Owner/Applicant shall provide to the Town and the Town's Engineer the sewer capacity final review to verify that the slope and capacity of the sewer line are sufficient for the project.
5. The Owner/Applicant shall provide performance bonding which is payable to the Town for all on-site improvements (i.e., the construction, drainage and all associated site development work, including all of the utilities, stormwater, and grading, in order to ensure that the Owner/Applicant will complete all site work in accordance with the plans. In the event the bond is called by the Town, the Planning Board shall schedule and hold a public hearing to consider revocation of the Site Plan Approval per RSA 676:4-a. No further work may proceed on site, and no further Land Use Authorization Permits shall issue without Planning Board approval in the event the bond is called and the above-referenced revocation proceedings are initiated. The amount of the bond shall be based on the Owner/Applicant's engineer's estimate of \$1,700,000.00 construction costs for the project which includes a 15% contingency. The applicant can request release of the bond once all conditions have been met from the Planning Board."

Extension:

On December 8, 2021, Applicant Kamlesh Patel requested and was granted an extension due to the increase cost of building materials due to Covid-19 to August 5, 2023.

New Conceptual:

Applicant Kamlesh Patel has changed his flagship from the Fairfield Inn to Home2 Suites by Hilton. The new flagship has different requirements requiring some changes.

Applicant Kamlesh Patel is coming before the Planning Board to discuss those proposed changes as required by the new flagship and for the Planning Board to determine:

- The proposed changes to the previously approved site plan are *de minimis*;
- The proposed changes are acceptable to the Planning Board.

Presentation

Mr. Patel explains that the hotel project Lincoln Hotel/Fairfield, is now the Home2 Suites Hilton Hotel. There are some changes to be made to the original plan due to the change in the brand, which include:

- decreasing the size of the building,
- adding two (2) rooms taking the total number of rooms from ninety-six (96) to ninety-eight (98) rooms,
- moving some walls,
- the building footprint will change to one thousand one hundred sixty-six (1,166) square feet,
- there are reductions with the amount of asphalt and the impervious area,
- changes to elevation and exterior siding,
- Home2 has added patio space as well.

Mr. Patel supplied the Planning Board with drawings showing what has been previously approved and what the current changes are. Included with the drawings is a materials list which includes the type of material to be used on the exterior siding. Mr. Patel explains that he is before the Planning Board, without his engineer, just to give the Planning Board an update on what changes will be made to the previously approved project.

Discussion

Chairman Spanos notes the addition of three hundred-ten (310) square feet of impervious surface now totaling eight hundred fifty-six (856) square feet, the building is at one thousand one hundred sixty-six (1,166) square feet and taking off eight hundred fifty-six on the pavement so it will add a net of three hundred ten (310) square feet of impervious surface.

Mr. Patel explains that the footprint that was laid out for the Fairfield Inn was larger than what is currently proposed. The canopy in the front is now much smaller than the previous one.

Member Beaudin asks if any parking spots will be lost with these changes. Mr. Patel replies “no, there will still be one hundred eight (108)” [parking spaces].

The Planning Board discusses parking spaces and changes that have been made and conclude that there are an appropriate number of parking spaces.

Mr. Patel has consulted with Town Engineer Ray Korber and the addition of the two (2) rooms can be recalculated in regards to water/sewer.

Mr. Patel would like to start this project in July 2022. They are in the design phase for the sprinkler system.

Member Beaudin inquires what changes were made to the exterior elevation. Mr. Patel clarifies that “no changes were made to the elevation, roof lines”, etc.

The Planning Board discusses the architectural materials and colors to be used on the exterior of the building. Mr. Patel notes the AC units will no longer be under the window but rather located inside the building.

Waste Water Treatment Capacity

On 2021-06-23 Town Engineer Korber reported to the Planning Board regarding current waste water and water capacity. His bottom-line assessment of the water and waste water capacity was there was sufficient waste water capacity to accommodate current demand plus the demand that is expected from a full buildout for vested developments at the waste water treatment plant and the interceptors that are leading into the waste water plant. However, a segment of the collection system has to be upgraded between the Fairfield Inn and the waste water treatment plant before the Fairfield Inn can make a sewer connection. This was determined after the engineers for Kamlesh Patel d/b/a Fairfield Inn did a capacity analysis for the Fairfield Inn development using the Weston & Sampson, Inc., Water Model.

**Motion that the changes are *di minimus* by Member Beaudin
Second by Vice Chairman Chanard
All in favor, motion carries.**

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

A. Discussion about what triggers the need for a Stormwater Management Plan [under the Stormwater Management Ordinance (SMO)].

Discussion

The Planning Board reviews previous meeting minutes and discusses what proposals were to be brought to the Public Hearings. They have a disagreement as to whether the definition of “Temporary Disturbance”, which was previously voted on, is still valid.

Selectmen’s Representative O.J. Robinson clarifies that on December 8, 2022 it was brought to the public hearing and because of the input at the public hearing, it was changed.

Fire Chief Beard explains that when the Planning Board decided to increase the thresholds the “temporary disturbance” issue was done away with as the increased thresholds would cover the “temporary disturbance”.

Definition of Lot

Town Engineer Ray Korber explains that technically speaking, to meet the intent and purpose of the SMO, all areas disturbed by construction activity should be included. It’s the way the State of NH looks at it, and the way the industry looks at it. So, whether the disturbance is on the lot or within the ROW (adjoining and abutting the lot), it should be included in the total area of disturbance.

The Land Use Ordinance contains a definition of a lot which is used when applying the technical standards to the reviews.

The Planning Board has proposed an increase of the threshold from fifteen thousand square feet (15,000 SF) to seventeen thousand square feet (17,000 SF) which achieves what the board wanted to achieve.

Member Beaudin asks for clarification regarding the definition of “disturbance”. Does it include: on-site, on lot, and off-lot?

Mr. Korber responds that the simplest way to look at it is: all areas disturbed by the construction activity are calculated for the area of disturbance. The intent and purpose of the SMO is to control peak, rate and volume of runoff coming from the site post-construction and to mitigate sediment and erosion from the site during construction. All construction activity should be considered in the analysis.

The Planning Board concludes that they can address the issue of “temporary disturbance” next year if they find there are still issues with the SMO.

Fire Chief Beard reminds the board that property owners can still apply for waivers.

The Planning Board wanted it to be clear in these minutes because it was a change from the statement the Planning Board made in their January 26, 2022 minutes, “*owners should not be penalized for having disturbed areas outside of their own lot*”.

Motion to direct the Town staff to consider “on-lot and off-lot disturbances” in calculating the stormwater by Member Beaudin.

Second Selectmen’s Representative O.J. Robinson

All in favor

- V. PUBLIC PARTICIPATION AND OTHER BUSINESS:** Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

**Motion to adjourn Member Beaudin
Second Vice Chairman Chenard
All in favor**

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: 4/2/2022 *Jame Spanos*
Chairman Spanos