

APPROVED

**PLANNING BOARD
PLANNING BOARD MONTHLY MEETING
Tuesday, May 3, 2022 – 6:00 PM
*Lincoln Town Hall, 148 Main Street, Lincoln NH**

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

Join Zoom Meeting

<https://us02web.zoom.us/j/84247767834?pwd=alpPeWdFZVZpTnNCRkpWTHdtcHNDUT09>

Meeting ID: 842 4776 7834

Passcode: 670570

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

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

I. CALL TO ORDER: Chairman James Spanos

Members Present: Chair James Spanos, Vice Chairman Joe Chenard (arrives at approximately 6:03 PM), Selectmen's Representative O.J. Robinson, Member Paul Beaudin, Alternate Mark Ehrman (via Zoom)

Excused: Member Stephen Noseworthy Alternate 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)

Guests:

- **Christopher Alino (nonresident) (Applicant) Christopher Alino d/b/a Bear Mountain Properties, LLC, 143 Club House Road, Brick, NJ 08723 owns the following:**

(All but 3 units of the 14-unit 2-story commercial building located at 78 Main Street, known as the "Linwood Plaza" (Map 113, Lot 003), including:

- 78 Main Street (Common Land) (Map 113, Lot 003000-00-00000)
- 78 Main Street #1 (Map 113, Lot 003000-01-00001 (Retail Condo)
- 78 Main Street #2 (Map 113, Lot 003000-01-00002 (Retail Condo)
- 78 Main Street #3 (Map 113, Lot 003000-01-00003 (Retail Condo)
- 78 Main Street #4 (Map 113, Lot 003000-01-00004 (Retail Condo)
- 78 Main Street #6 (Map 113, Lot 003000-01-00006 (Retail Condo)

- 78 Main Street #7 (Map 113, Lot 003000-01-00007 (Retail Condo))
- 78 Main Street #1A (Map 113, Lot 003000-01-0001A (Residential Condo))
- 78 Main Street #2A (Map 113, Lot 003000-01-0002A (Residential Condo))
- 78 Main Street #3A (Map 113, Lot 003000-01-0003A (Residential Condo))
- 78 Main Street #4A (Map 113, Lot 003000-01-0004A (Residential Condo))
- 78 Main Street #7A (Map 113, Lot 003000-01-0007A (Commercial Condo, not yet converted to residential condo) (subject lot))
- **Izzy Atlixco** (nonresident) (APPLICANT) d/b/a Izzy Atlixco, LLC d/b/a El Charros, PO Box 728, Lincoln, NH 03251-0728 a tenant operating El Charros Mexican Restaurant in the Lincoln Center North shopping center owned by Paul Bartlett, et.al. d/b/a Lincoln Center North, LLC, PO Box 681, Lincoln, NH 03251-0681.
- **Renee A. Clermont Blood**, nonresident, 557 US Route 3, Lincoln, NH 03251-4128, PO Box 172, North Woodstock, NH 03262, General Manager for RiverWalk at Loon Mountain, LLC, (Map 118, L044) at 22 South Mountain Drive, Mail: 33 Brookline Road, PO Box 636, Lincoln, NH 03251-0636
- **Bonnie D. Ham** (nonresident), 796 Daniel Webster Highway, North Woodstock, NH 03262, State Representative for Lincoln and Woodstock (1992-1996, 2016-2018, and 2020-2022), former Selectmen for Town of Woodstock (1974- 1992). (R-NH – Grafton County No. 5) State House Room 317, 107 North Main Street, Concord, NH 0301-4951, and owner of Arnold's Wayside Diner in Lincoln, NH.
 - **Bonnie Ham d/b/a Sunny Day Diner, LLC Owns:**
 - **Building Only: 92 US Route 3, Bonnie Ham d/b/a Sunny Day Diner, LLC**, 796 Daniel Webster Highway, North Woodstock, NH 03262 (Owner and operator of diner f/k/a "Sunny Day Diner," now "Arnold's Wayside Diner").
 - **Bonnie Ham owns:**
 - **Land Only: US Route 3 #LO, Bonnie Ham**, 796 Daniel Webster Highway, North Woodstock, NH 03262 (land the diner sits on).
- **Alberto Lira**, nonresident, chef/operator of El Charro (Mexican Restaurant), PO Box 728, Lincoln, NH 03251-0728, a tenant operating El Charros Mexican Restaurant in the Lincoln Center North shopping center owned by Paul Bartlett, et.al. d/b/a Lincoln Center North, LLC, PO Box 681, Lincoln, NH 03251-0681 and nephew of Applicant Izzy Atlixco.
- **Lisa Mure**, nonresident, "Partner" to Applicant Alexander (Alex) Ray, PO Box 581, Ashland, NH 03217-0581.

- **Brian G. Norton**, non-resident, of 20 Gray Road, Campton, NH 03223 (ABUTTER & EASEMENT HOLDER), 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).
- **Thaddeus (“Thad”) Presby**, nonresident, (APPLICANT), President of Presby Construction, Inc., 244 Main Street, Franconia, NH 03580 and d/b/a T&T Mountain Investments, LLC, 244 Main Street, Franconia, NH 03580, owner of Main Street #D LO, (Map 118, Lot 002).
- **Alexander (Alex) Ray**, nonresident, (APPLICANT), **d/b/a Alex Ray North, LLC and d/b/a Alexander L. Ray, Trustee**, PO Box 581, Ashland, NH 03217. Alex Ray owns:
 - (D/B/A Alexander L. Ray, Trustee) Map 117, Lot 102 (10 Pollard Road) Common Man Restaurant
 - Map 117, Lot 103 (Route 112, Near Pollard Brook #LO (D/B/A Alex Ray North, LLC) 1.33 Acres in GU District purchased 6/14/2007 for \$340,000

II. **CONSIDERATION** of meeting minutes from:

- **April 13, 2022**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative O.J. Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Mark Ehrman (minutes reviewed but not approved).

**Motion to approve minutes with corrections by Selectmen’s Representative O.J. Robinson
Second Member Beaudin**

All in Favor

- **April 27, 2022**
(This meeting had to be continued to May 3, 2022 because the ZOOM information on the agenda for April 27, 2022 was incorrect.)
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative Jack Daly (standing in for OJ Robinson), Member Paul Beaudin, Alternate Mark Ehrman.

Planning Board does not have a quorum and will not vote on the approval of 4/27/2022 minutes.

1. **Subdivision – SUB 2022-01 M118 L002 Presby d/b/a T&T Mtn Investments LLC – Subdivision**

Application for Minor Subdivision of one (1) lot into three (3) lots.

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

Agent/Surveyor/Engineer: Thomas S. Smith
240 Quebec Road
Lyman, NH 03585

Property: Main Street #D LO (Map 118, Lot 002). **Village Center (VC) District**

Proposal: Application for Subdivision proposes to divide 1 lot into 3 lots on Main Street/NH Route 112, just northeast of Town Hall. Lot is currently 5.43 acres. Applicant proposes to subdivide it into three (3) parcels:

- (1) Lot 2.1: 133,500 SF (or 3.06 Ac) – has a large easement area for the benefit of Southern Peaks Development LLC (Parking for InnSeasons at South Mountain located at 23 Inn Season Drive Map 118, Lot 047) & is the location of a portion of Cooper Memorial Drive Right of Way (66 feet wide);
- (2) Lot 2.2: 61,753 SF (or 1.42 Ac) & is location of a portion of Cooper Memorial Drive Right of Way (66 feet wide) shared access shown off from Cooper Memorial Drive; and
- (3) Lot 2.3: 41,384 SF (or 0.95 Ac) shared access shown off from Cooper Memorial Drive;

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

Presentation:

Thad Presby addresses the board and answers questions regarding the recap of the subdivision plan.

Updates to plans requested at previous Planning Board Meeting:

- Set-backs corrected
- Village Square District noted
- No wetlands
- Test Pits are now shown on plans.
- DOT ROW noted as not approved but proposed
- Maintenance of ROW going to Lot 2.3 noted and an agreement will be drawn up.
- Deed restrictions for Cooper Memorial Drive – Mr. Presby explains that there are no clear restrictions regarding maintenance but he will take responsibility for the small area he will use.
- Sewer Location not completed; Mr. Presby hasn't spoken with Nate Hadaway will be addressed at Site Plan Review.
- Location of Hammerhead to be dealt with at Site Plan Review.

Questions:

Planner Bont asked for information regarding the locations of test pits on the neighboring lot. Mr. Presby explains that he did some research on that and it looks like on the edge of the property there was some kind of asbestos dump. It shows contour lines where some reclamation may have occurred. The asbestos dump is known to be there and his environmental surveyor didn't have any concerns.

**Motion open to public comment by Vice Chairman Chenard
Second Member Selectmen's Representative O.J. Robinson**

All in favor

Motion to close public hearing by Selectmen's Representative O.J. Robinson

Second by Vice Chairman Chenard

All in favor

Discussion:

The Planning Board discusses the two (2) elements that were not addressed on the plan: Sewer Location and Hammerhead Location. Chairman Spanos explains that those elements can be addressed during Site Plan Review. The Planning Board continues to discuss and determine that the plan for the subdivision meets their criteria.

Motion to Accept Application as complete by Member Beaudin

Second by Selectmen's Representative O.J. Robinson

All in favor

Motion to approve Subdivision Plan as presented by Member Beaudin

Second Selectmen's Representative O.J. Robinson

All in favor

IV. NEW BUSINESS

- 1. SPR 2022-08 M113 L002 -Izzy Atlixco, LLC d/b/a El Charros Restaurant at Lincoln Center North**

SITE PLAN REVIEW

Applicants:

- (1) Izzy Atlixco, LLC d/b/a
El Charros Restaurant
PO Box 728
Lincoln, NH 03251-0728 (tenant); and
- (2) Paul Bartlett d/b/a
Lincoln Center North, LLC
PO Box 681
Lincoln, NH 03251-0681 (property owner).

Property Owners:

- (1) Paul Bartlett d/b/a
Lincoln Center North, LLC
PO Box 681
Lincoln, NH 03251-0681 (property owner).

Property:

A portion of property known as "6-24 Lumber Yard Drive 4 &", nearest the unit known as 10 Lumber Yard Drive #5 and the three median traffic islands (approx. 6ftX16ft) in front of 10 Lumber Yard Drive #5 in the parking lot area in front El Charros Restaurant. (Map 113, Lot 002). In the Village Center (VC) District.

Proposal:

Application for Site Plan Review to allow outdoor dining for a total of 38/40 seats. On the westernmost median island Table #1 with 8 seats & Table #2 with 4 seats. On the center median island, Table #3 with 4 seats & Table #4 with 4 seats. On the easternmost median island Table #5 with 4 seats and Table #6 with 4 seats. In addition, 6 high top tables with 2 seats each set approx. 6ft apart: (a) 2 tables opposite the westernmost median island, (b) 2 tables opposite the center median island and (c) 2 tables opposite the easternmost median island. During the COVID-19 emergency orders El Charros operated outdoor seating in these same spots. The request is to continue this outdoor seating after the emergency orders have ended.

Presentation:

Mr. Atlixco explains that outside seating is popular with their customers and would like to continue to have it available after the COVID-19 Emergency Orders have ended.

Discussion:

The Planning Board discusses parking and determines that parking is not an issue for this approval as there will not be an increase in the number of served seats. The Planning Board, as they have with previous outdoor seating requests, will require a demonstration of ample parking when Mr. Atlixco applies for the Chat Room. The Planning Board agrees that for every occupied table located outside there is to be an unoccupied table inside.

Review of application:

Chairman Spanos reads through the application and it is complete.

Motion to open to public comment Vice Chairman Chenard

Second Selectmen's Representative O.J. Robinson

All in favor

Motion to close public comment by Selectmen's Representative O.J. Robinson

Second by Vice Chairman Chenard

All in favor

The Planning Board confirms the total number of seats will be thirty-eight (38) consisting of twenty-six (26) seats outside with 12 seats (six high tops with 2 seats each) in walkway. Mr. Atlixco explains there isn't any problems with pedestrian traffic.

Motion to approve application as complete by Member Beaudin

Second by Selectmen's Representative O.J. Robinson

All in favor

**Motion to approved Site Plan as presented with the exception of no net gain of served seating by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor**

- 1. CON 2022-08 M113 L003 -Christopher Alino d/b/a Bear Mountain Properties, LLC, 143 Club House Road, Brick, NJ 08723 – Linwood Plaza Unit 7A (upstairs unit) converted to residential unit.**

Christopher Alino d/b/a Bear Mountain Properties, LLC, is requesting a Conceptual to discuss whether the Planning Board would grant an extension of permission given by the Planning Board in 2009/2010 to convert unit 7A on the second floor of the Linwood Plaza from commercial space into a residence.

Applicant/Property Owner:

Christopher Alino d/b/a
Bear Mountain Properties, LLC
143 Club House Road
Brick, NJ 08723

Property:

A portion of property known as 78 Main Street #7A (Map 113, Lot 003000-01-0007A) on the second floor of the Linwood Plaza. The property is located in the Village Center (VC) District.

Proposal:

In 2009/2010, Christopher Alino d/b/a Bear Mountain Properties, LLC, was given permission by the Planning Board to convert unit 7A on the second floor of the Linwood Plaza into a residence.

The Town did not find a Site Plan Review Approval for Bear Mountain Properties, LLC to convert 78 Main Street, Unit #7A from commercial space into residential space listed on the matrix for 2009 or 2010.

No references to Site Plan Approval for the conversion was found in the 2009 and 2010 Planning Board minutes.

However, the Town did find an application for a Building Permit dated January 15, 2010. References were made to such an approval in a Building Permit issued on 4/21/2010 that said "Convert commercial unit to residential use per previous Planning Board approval."

Alino's family suffered a series of losses due to Hurricane Irene in NJ and were not able to recover to focus on Lincoln property until now.

Discussion:

Planner Bont did some research and found a Site Plan Approval dated August 13, 2003 for the previous owner, Mr. McLaughlin. She did not find the Notice of Decision but did find the meeting minutes and the attached Fire Marshal's Office report.

Presentation:

Mr. Alino explains that he had a permit and paid a fee of twenty-two hundred (\$2,200) dollars. He believes Mr. McLaughlin had received all of the appropriate approvals. All of the previously approved units have been converted except for one. Currently, there are seven units with four (4) residences and three (3) others approximately six to eight hundred (600-800) square feet which he would like to turn into future workforce housing. He adds he would like to complete one more unit which will require adding a shower and a starter kitchen. All of the units are condos owned by Mr. Alino. In the future, he would like to complete the other six hundred to eight hundred square foot (600-800 SF) units into more work force housing.

Discussion:

Member Beaudin asks why Mr. Alino is before the Planning Board. Mr. Alino replies that his building permit expired back in 2012 or 2013 and he wants to re-apply for the building permit. The Planning Reviews the information they have and determine they do not need to grant an extension based on circumstances that are relatively unique but agree that there have already been substantial changes made and as he is the owner of all of the condos, he is vested. Chairman Spanos expresses that he would like the language to state that the "original approval is still valid" rather than granting an extension.

Motion to support the approval from 2003 for the five (5) units based on the conditions that were set at that time and because Mr. Alino is vested by Member Beaudin

Second Vice Chairman Chenard

All in favor

2. CON 2022-10 M118 L003 Alex Ray d/b/a Alex Ray North, LLC– Diner. Alex Ray, PO Box 581, Ashland, NH 03217 - convert a vacant lot to a restaurant with parking.

Alexander (Alex) Ray who owns the Common Man Restaurant on Map 118, Lot 002, purchased a diner in Portsmouth NH and would like to relocate the diner to the lot next to the Common Man Restaurant, possibly sharing some of the parking with the Common Man Restaurant. The diner would be open for three (3) meals per day whereas the Common Man Restaurant is only open for dinner. The Applicant received Site Plan Review approval for a 34-unit inn back in 2007, but he never constructed the inn.

Presentation:

Alex Ray explains that he is interested in moving a diner located in Portsmouth, NH and put it on the land next to Common Man Restaurant. The diner is similar to the Tilton Diner but is approximately eight (8) feet longer and made by the same company called

Monarch. It was made in the early 1950's and has been in three (3) different locations. Mr. Ray notes that the diner is in top shape with the original inside, floor, counter, etc. He chose the location as it catches the eye and the line of sight from the road is good. Mr. Ray expresses concern with the culvert, on the property, as it is half full with silt. Chairman Spanos asks about the curb cut on the drawings and Mr. Ray clarifies that Satter got the curb cut and it is currently existing but it is only one car wide. Mr. Ray would also like to build a footbridge over the brook that runs through the property. Mr. Ray shows the Planning Board that there are thirty-five (35) parking spots. There are existing water and sewer stubs and he believes it will take the entire summer to complete the project. He also shows the location of the fire hydrant. The Common Man Restaurant will continue to be a dinner only restaurant and the proposed diner will be offering three (3) meals per day from approximately 7:00AM until 8:00-9:00PM. He isn't sure of the total number of seating but it is somewhere between 30-40 seats. Mr. Ray asks if he will need to merge the lots as they are currently two (2) separate lots. The Planning Board explains that they can stay as separate lots but each lot is subject to the setbacks and the parking lot, which is on one of the lots, would require an easement on the Common Man Restaurant lot for the diner's driveway. The Planning Board suggests that Mr. Ray discuss this matter with his attorney. Mr. Ray has the original permit for the previously proposed hotel but Chairman Spanos clarifies that he'll need Site Plan Approval.

Discussion:

Parking and Entrance/Exits: Member Beaudin notes that he will need to meet the requirement for the parking once the exact number of seats is known. Also, the DOT would need to weigh in on this as well due to traffic concerns. Forest Ridge Dr. residents expressed concerns with the previously proposed inn and Member Beaudin suggests an alternate exit, from the old road, out the back of the Common Man Restaurant onto Forest Ridge Drive. He feels this would help eliminate issues with traffic as it will use Pollard Road coming out to Route 112. Mr. Ray explains that he has blocked that off as people were using it as a short cut in the past. The Planning Board discusses different access scenarios. The Planning Board suggests that Mr. Ray discuss the entrances and exits with his engineer and talk with the residents of Forest Ridge Dr., the Home2 Suites (Kamlesh Patel) and DOT. The diner will have a drive thru option as well.

Stormwater Management Ordinance: Member Beaudin advises Mr. Ray that he'll have to meet the requirements of the Stormwater Management Ordinance.

Water and Sewer: The Planning Board discusses the issue of water and sewer capacities. They inform Mr. Ray that capacities for the town water and sewer change and the sewer will travel down Main St. and there are restrictions due to the size of the pipe and the inability to carry the volume of waste water. Home2 Suites has pushed the sewer to capacity and have agreed to increase the size of the

sewer pipe at some time to be determined. Fire Chief Beard suggests Mr. Ray discuss this with Nate Hadaway, Public Works Director, for a possible alternate sewer plan that would not travel down Main St. Selectmen's Representative O.J. Robinson agrees with Fire Chief Beard and suggests that when Mr. Ray's engineer is working on this that they contact Nate Hadaway, Public Works Director and/or Ray Korber, Town Engineer.

Access for Fire Protection: Member Beaudin asks Fire Chief Beard if there is anything he needs relating to moving a fire truck on the property. Fire Chief Beard will provide Mr. Ray with the details from the previous site plan approvals. The Planning Board discusses lighting and they don't feel that it would be an issue.

Dumpster Location: Vice Chairman Chenard asks where the dumpsters will be located. Mr. Ray explains that is was discussed but is not on the drawings he has at tonight's meeting. Member Beaudin suggests Mr. Ray use the same dumpster as the Common Man Restaurant. The Planning Board and Mr. Ray discuss the pros and cons of that suggestion.

Silt Build-up: Planner Bont suggests that Mr. Ray discuss the build up of silt with Nate Hadaway. Mr. Ray was wondering if it was a DOT issue. Planner Bont notes that if it's on the State ROW the DOT is responsible. Fire Chief Beard adds that Nate Hadaway would be able to answer those questions and provide contacts for Mr. Ray.

Schedule moving forward: Mr. Ray asks Planner Bont what the schedule looks like and she told him that once she receives his application it is approximately one (1) month turn-around time before the hearing as she has to send out all the appropriate notices. Mr. Ray is concerned with the time as his mover is on a strict schedule and they don't want to have to move the diner twice.

3. CON 2022-09 M105 L017 Joseph Duarte & Stephanie Rose & Gabrielle Mogil - Replace MHs with other MHs or stick built homes.

Gabrielle Mogil, potential buyer of 54 Hanson Farm Road (54, 58, 60 & 64 Hanson Farm Road) (Map 105, Lot 017) proposes to replace the manufactured homes with either manufactured homes of the same size and shape so as not to alter the footprint or to replace the manufactured homes with "permanent homes" with the same footprint as the manufactured homes currently have. Would like to explore the possibilities with Planning Board.

*******Applicant did not show up for this conceptual discussion*******

Discussion: Selectmen's Representative O.J. Robinson feels it is worth a discussion even though Ms. Mogil is not present. He mentions that historically the Planning Board has allowed people to take an old mobile home and replace it with a brand new one on the same footprint. It is an improvement to the lot and to the Town. The Planning Board discusses different options for replacing the old mobile homes but feels it is necessary to know exactly what Ms. Mogil would like to do.

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

Motion to nominate James Spanos as Chairman and Joseph Chenard as Vice Chairman by Member Beaudin

Second Selectmen's Representative O.J. Robinson

All in favor

Discussion: The Planning Board discusses whether or not they should have two alternate members. Currently, Mark Ehrman is the only alternate. They agree there should be two (2) alternate members and will place an advertisement for that position with a deadline for letters of interest on May 25, 2022, which will be the next Planning Board meeting.

Member Beaudin reminds the Planning Board the there is currently no sign ordinance and they should get started on putting one together to have for the Town Meeting in March of 2023.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS: *None*

VI. ADJOURNMENT

Motion to adjourn by Selectmen's Representative O.J. Robinson

Second by Member Beaudin

All in favor

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: June 8, 2022


Chairman Spanos

