

**APPROVED**

**PLANNING BOARD**  
**PLANNING BOARD MONTHLY MEETING**  
Wednesday July 13, 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/89288959895?pwd=UFc1UGVrYWVHa1J5WGFlWU1Q1JRZz09>

**Meeting ID: 892 8895 9895**

**Passcode: 762062**

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

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

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

**Members Present:** Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative O.J. Robinson, Paul Beaudin, Alternate Mark Ehrman

**Excused:** Member Stephen Noseworthy

**Staff Present:** Fire Chief and Code Enforcement Office/Health Officer/Zoom Host and Moderator Ronald Beard, Planner Carole Bont, Planning Board

**Guests:**

- **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.
- **Danielle Comer Gianino**, (nonresident) (POTENTIAL APPLICANT), Gianino Real Estate, 5 Lynn Street, Woburn, MA 01801 with a Purchase & Sale Agreement & closing scheduled for Monday, July 11<sup>th</sup> to purchase 191 Pollard Road (Map 113, Lot 056) with a Bed and Breakfast the Red Sleigh Inn.
- **Nathan D. (Nate) Gianino**, (nonresident) (POTENTIAL APPLICANT) Gianino Real Estate, 5 Lynn Street, Woburn, MA 01801 with a Purchase & Sale Agreement & closing scheduled for Monday, July 11<sup>th</sup> to purchase 191 Pollard Road (Map 113, Lot 056) with a Bed and Breakfast the Red Sleigh Inn from Carly R. Warland, 191 Pollard Road, Lincoln, NH 03251 d/b/a Red Sleigh Inn Bed & Breakfast.

- **Thomas Tremblay, (resident) (AGENT FOR POTENTIAL APPLICANT) Authorized Real Estate Agent for “The Patel Group” (Potential Applicants)** members and addresses and contact information were not identified. (Same as owners of Holiday Inn Express & Suites, Lincoln East – Amba, LLC (Bharat Patel, Navin Patel, et.al.), potential purchasers of property owned by Thaddeus (Thad) Presby President of Presby Construction, Inc., d/b/a T&T Mountain Investments, LLC: Map 118, Lot 002001-00-00000 (133,500 SF or 3.06 Acres); the lot was subdivided into three lots; two new lots were created:
  - a. **SUBJECT LOT:** 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);
  - b. 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
  - c. Lot 2.3: 41,384 SF (or 0.95 Ac) shared access shown off from Cooper Memorial Drive;

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

- **Thomas Tremblay, (resident) (APPLICANT) of 19 Louann Lane (Map 117, Lot 017), owned by Thomas P. Tremblay, Trustee of Thomas P. Tremblay Revocable Trust, PO Box 235, Lincoln, NH 03251 and owner of the following properties:**
  - a. Louann Lane #LO (Map 117, Lot 016) (0.43 Acres) (vacant)
  - b. 19 Louann Lane (Map 117, Lot 017) (0.62 Acres) (has a single-family residence)
  - c. Louann Lane #LO (Map 117, Lot 018) (0.58 Acres) (vacant)
  - d. Louann Lane (LO) (Map 117, Lot 019) (1.15 Acres) (vacant)
  - e. 30 & 31 O'Brien Avenue (Map 117, Lot 025) (1.8 Acres) (single family residence with detached garage & unpermitted accessory apartment above) now subdivided into three lots:
    - i. Lot 1: 0.46 Acres (vacant)
    - ii. Lot 2: 0.48 Acres (Has a detached garage with an unpermitted accessory apartment above)
    - iii. Lot 3: 0.47 Acres (Has a single-family residence)
  - f. 189 Main Street (Map 117, Lot 004) (0.77 Acres) Has Half Baked Restaurant & Coldwell Banker Real Estate Office

## II. CONSIDERATION of meeting minutes from:

- **June 22, 2022**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson

**Motion to pass over item II, III and move on to New Business item IV by Selectmen's Representative O.J. Robinson**  
**Second by Member Beaudin**  
**All in favor**

## III. OLD BUSINESS

**Review Sign Ordinance to recommend changes to comply with Clyde Reed et. al. v. Town of Gilbert Arizona, 576 U.S. 155 (2015), 135 S Ct 2218 (2015).**

Whether to accept North Country Council, Inc.'s estimate to review the sign ordinance?

## IV. NEW BUSINESS

### 1. CONCEPTUAL => SITE PLAN REVIEW

**#CON 2022-13 M113 L056 Carly Warland - Gianino**

**Property Owner:** Carly R. Warland, 191 Pollard Road, Lincoln, NH 03251 d/b/a Red Sleigh Inn Bed & Breakfast

**Potential Applicants:** Nathan D. (Nate) & Danielle Gianino, Gianino Real Estate, 5 Lynn Street, Woburn, MA 01801 have a P&S, closing scheduled for Monday, July 11th to purchase 191 Pollard Road (Map 113, Lot 056) with a Bed and Breakfast the Red Sleigh Inn.

**Property:** 191 Pollard Road (Map 113, Lot 056) 0.56 Acres Rural Residential (RR) District

**Proposal:** Convert detached garage into two (2) additional 2-story rental units.

#### **Presentation:**

Nathan and Danielle Gianino explain they have recently purchased the Red Sleigh Inn and would like to discuss the possibility of expanding from a five (5) suite to a seven (7) suite bed and breakfast by converting a detached garage into two (2) loft style rental units. The plan is not to expand the existing foot print and the inn is located in the Rural Residential (RR) district. Currently, there are ten (10) parking spots on the property and it is classified as a motel.

#### **Discussion**

**Parking:** Chairman Spanos asks if they will be residing on the premises and Mr. Gianino explains that there is an owner's unit as well as the five (5) rental units. A discussion regarding parking begins and it is determined that the Gianinos could expand the parking if needed as they have a grassy area that could be converted into parking

spots. They will not have any employees on their payroll but will hire third party vendors. The Planning Board explains that they would require one (1) space for the vendors. The total number of spaces that would be needed is eleven (11).

**Setback:** Chairman Spanos asks if the garage is within the setback for a hotel/motel. The Planning Board discusses the setbacks and determine that the garage is within the required setback.

**Design:** The Gianinos are not planning to change the roof line and will hire an architect to help them design the garage space. The Planning Board discusses the use of the potentially converted garage and determine that it is considered a commercial use which would require Site Plan Review. Planner Bont mentions that they could possibly waive the requirement for a survey as long as they are only building up and not expanding the footprint of the garage. Member Beaudin suggests that at the Site Plan Review the Gianinos provide The Planning Board with all information regarding the garage expansion and complete the check list on the application for Site Plan Review. The Land Use Permit would be issued after the approval of the Site Plan.

**Survey:** The Gianinos aren't sure if a survey exists and will complete one if it is required at the Site Plan Review. Chairman Spanos suggests that if they were to expand the footprint, they should have a survey completed. The Planning Board discusses the possibility of granting a waiver. Selectmen's Representative O.J. Robinson clarifies that The Planning Board would not require a survey if the garage footprint remains the same but if the footprint was to be expanded, they could ask for a waiver which may or may not be granted. The Planning Board suggests that the Gianinos consider future plans and if the plans change they can ask for an extension of the building permit.

## 2. CON => SITE PLAN REVIEW

*This item was not discussed at tonight's meeting and has been placed on the Agenda for the Planning Board meeting scheduled for August 10, 2022*

**#CON 2022-14 M118 L002.1 Presby d/b/a T&T Mountain Investments LLC – The Patel Group – new Hotel**

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

**Potential Applicant:** "The Patel Group" – members and addresses and contact information are not identified. (Same as owners of Holiday Inn Express & Suites, Lincoln East – Amba, LLC (Bharat Patel, Navin Patel, et.al.)

**Property:** Map 118, Lot 002001-00-00000 (133,500 SF or 3.06 Acres) (49,214 SF of the lot is "buildable"); the lot is subject to the following easements:

- a. Permanent Easement for the benefit of Southern Peaks Development, LLC, BlueGreen Corporation, 4960 Conference Way No. #100, Boca Raton, FL 33431 (owner of BlueGreen Vacations South Mountain Resort, Ascend Resort Collection, a/k/a InnSeasons at South Mountain Resort at 23 Inn Season Drive)

(Map 118, Lot 047). Easement used for parking for BlueGreen Vacations South Mountain Resort per Site Plan Review approval in 2014.

- b. Cooper Memorial Drive R.O.W. sixty-six feet (66') wide (See Book 3352, Page 186 and Plan #12,578, see note #5). Cooper Memorial Drive is a private roadway for benefit of Loon Mountain Recreation Corporation and South Peak Resort.

### **3. CONCEPTUAL regarding infrastructure and subdivision**

Mr. Thomas Tremblay to discuss conceptual about his project on LouAnn Lane instead of the hotel mentioned above. He would like to discuss putting in all of the infrastructure for "Meadows" residential development project. He wants to subdivide another 3 lots and then do a boundary line adjustment so there will be 4 lots along LouAnn Lane. He would like to install all of his infrastructure for the subdivision and for the existing three lots that he subdivided back in January, before subdividing the additional lots. He is thinking he would not need a permit for that.

#### **Discussion:**

Mr. Thomas Tremblay is interested in starting the construction of the infrastructure and wants to know if that is possible prior to getting approval for a subdivision.

The Planning Board discusses water and sewer hook-ups and the construction of the road. It is agreed that the Town's Engineer and Director of Public Works would need to weigh in on the road and the water and sewer plans.

The Stormwater Management Ordinance will need to be considered also if there is more than seventeen thousand (17,000) square feet of disturbance to the land. Mr. Tremblay notes that there is a retention basin between the north property line and there is a twenty-four (24) inch perforated pipe with stone going to the retention area.

Planner Bont asks Mr. Tremblay what he's sees as the "down side" of getting the subdivision approval first. Mr. Tremblay replies that he would like to sell one of the houses as soon as possible and wants to improve the infrastructure to allow water service to all three lots that have already received subdivision approval. He also wants to be able to "stub out" the other potential lots that he intends to seek subdivision approval for in the future.

The Planning Board discusses the current width of the road (10 feet) Mr. Tremblay is interested in widening to 20 feet. They determine the road and the hammerhead that are planned will disturb less than the threshold amounts of seventeen thousand (17,000) square feet or fifty-five (55) percent of area of the lots in question. The proposed road will not be paved and will remain a relatively pervious surface as well.

A fire hydrant will also be added near the hammerhead.

Selectmen's Representative O.J. Robinson suggests that Mr. Tremblay talk with Public Works Director Nate Hadaway to make sure there is adequate capacity from the town system out to the manhole to Main Street.

The Planning Board agrees that Tremblay should be able to widen the road and put in water and sewer stub outs prior to subdivision approval.

Chairman Spanos recommends that when the roadway is complete, Mr. Tremblay submit "as-built" drawings that have been signed off by Public Works Director Nate Hadaway and submit for the Town's records.

The Planning Board agrees that the widening of the road and water and sewer can occur prior to subdivision approval. At this time there has not been subdivision approval.

**Revisiting Item II CONSIDERATION of meeting minutes from:**

- **June 22, 2022**
  - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson

**Motion to approve the minutes by Vice Chairman Chenard**

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

**All in favor**

**Abstain by Member Beaudin**

**Revisiting Item III. OLD BUSINESS**

**Review Sign Ordinance to recommend changes to comply with Clyde Reed et. al. v. Town of Gilbert Arizona, 576 U.S. 155 (2015), 135 S Ct 2218 (2015).**

**Whether to accept North Country Council, Inc.'s estimate to review the sign ordinance?**

**Discussion:**

Chairman Spanos expresses his thoughts on the matter and feels that the Planning Board can review the ordinance line by line and then send the recommendations to the town's attorney. Therefore, there is no need to hire North Country Council, Inc.

Selectmen's Representative O.J. Robinson and The Planning Board discusses the possibility of the Town mandating certain signage for safety or traffic reasons as they would parking, fencing and lighting. This would be mandated by The Planning Board and not something that is applied for. Selectmen's Representative O.J. Robinson has asked for an attorney to review this. It is noted that the sign ordinance will only be used to determine the construction, dimensions and location of a sign. The content of the sign cannot be regulated. The sections in the sign ordinance that control the content of the signs need review.

Chairman Spanos polls The Planning Board and The Planning Board agrees that they will review the Sign Ordinance line by line and amend the ordinance as needed to make it legal in all of the town's different zones.

The Planning Board will start to review the Sign Ordinance at the next meeting on July 27, 2022 and notice it as a meeting that will be discussing the Sign Ordinance which will allow for public comments.

**V. CONTINUING AND OTHER BUSINESS** *None*

**VI. PUBLIC PARTICIPATION AND OTHER BUSINESS:** *None*

**VII. ADJOURNMENT**

**Motion to adjourn by Member Beaudin**

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

**All in favor**

Respectfully submitted,

*Judy Sherriff*

Recording Secretary

Date Approved: July 27, 2022

  
Chairman Spanos

