

**APPROVED**

**PLANNING BOARD**  
**PLANNING BOARD 2<sup>ND</sup> MONTHLY MEETING**  
Wednesday August 24, 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/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

**Meeting ID: 817 0076 6161**

**Passcode: 179696**

Find your local number: <https://us02web.zoom.us/u/kblNuPaMlG>

**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, Selectmen's Representative O.J. Robinson, Paul Beaudin, Stephen Noseworthy

**Excused:** Mark Ehrman (alternate), Vice Chairman Joseph Chenard

**Staff Present:** Town Manager Carina Park, Planner Carole Bont, Deputy Fire Chief Ryan Fairbrother (via Zoom), Recorder Judy Sherrieff (via Zoom)

**Guests:**

- **Philip E. Decato II**, (nonresident) (APPLICANT) of Plymouth, NH (Applicant) Director of Engineering & Facilities Manager at Mountain Club on Loon Resort & Spa, 90 Loon Mountain Road, Lincoln, NH 03251.
- **Dennis M. Ducharme**, (resident) (APPLICANT) Developer & President, RRP, RiverWalk at Loon Mountain, LLC, (**Map 118, L044**) at 22 South Mountain Drive, Mail: 33 Brookline Road, PO Box 636, Lincoln, NH 03251-0636. Developer & President of 10 InnSeason Resorts, headquartered in Hyannis, Cape Cod, Massachusetts, including two (2) InnSeason Resorts in the Town of Lincoln: (1) InnSeason Resorts Pollard Brook at 33 Brookline Road (**Map 122, Lot 002 & Lot 003**), Lincoln, NH and (2) InnSeason Resort South Mountain at 23 InnSeason Drive (**Map 118, L047**), Lincoln, NH.

- **Gabrielle S. Mogil**, (nonresident) (APPLICANT) of Hebron, NH Director of Finance & Human Resources at Mountain Club on Loon Resort & Spa, 9- Loon Mountain Road, Lincoln, NH 03251.
- **Edward Noseworthy** (nonresident) (APPLICANT) Senior Design Lead - Charging (Northeast) (via Zoom). Tesla, 1 Tesla Road, Austin, TX 78725 [Founded in 2003, Tesla is an electric vehicle and clean energy company that offers products including electric cars, battery energy storage from home to grid-scale, solar panels, solar roof tiles, and other related products and services.] (via Zoom).
- **Frank Pasciuto**, (resident) co-owner with Virginia Marie Pasciuto, of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046).
- **Virginia Marie Pasciuto**, (resident) co-owner with Frank Pasciuto of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046).
- **Cristopher Salomon, AIA, Samyn - D'Elia Architects, P.A.**, (APPLICANT'S ARCHITECT) 6 Central House Road, PO Box 229, Holderness, NH 03245 agent for Mountain Club at Loon, LLC
- **Matt Tilden**, (nonresident) (APPLICANT'S ENGINEER) Telecommunications Engineer, Dewberry Engineering 99 Summer Street, Suite 700, Boston, MA 02110-1200 (via Zoom).

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

- **August 10, 2022**
  - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy., Member Paul Beaudin II.

**Motion to accept with approved changes by Member Beaudin**

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

**All in favor**

## **III. CONTINUING AND OTHER BUSINESS**

### **1. CON => SITE PLAN REVIEW**

**#CON 2022-17 M118 L044 RiverWalk at Loon – Add 4 Tesla Charging Stations + Compressor**

- 1. Tesla Representative** -Proposal to put additional Tesla Recharging Stations in parking spaces for condo/hotel RiverWalk at Loon Resort
  - Property:** 22 South Mountain Drive (Tax Map 118, Lot 044), Village Center (VC) District (25 Acres).
  - Property Owner:** Dennis Ducharme, Developer & President of 10 InnSeason Resorts, d/b/a RiverWalk at Loon Mountain, LLC, PO Box 69, Lincoln, NH 03251
  - Proposal:** TESLA would like to install some additional charging stations at River Walk. Planner is not authorized to approve a plan for installing

additional charging stations. Conceptual to decide what the threshold for Site Plan Review would be and where the plan has the spaces located and who is going to be allowed to use them. Invited Mr. Ducharme of RiverWalk at Loon Mountain to come in for a Conceptual meeting.

### **Presentation:**

Edward Noseworthy provides an on-screen map of the location of the four (4) proposed Tesla charging stations. He explains that the scope of work is minimal and they will be connecting the charging stations to the existing transformer location and switching it out for a larger transformer then adding one (1) underground feeder across the drive aisle to the new charging posts.

There are four (4) existing parking stalls and the equipment will sit behind the existing curb line which will match the existing charging posts. This is a minimal expansion and the proposed charging stations are located across from the existing charging stations.

### **Discussion/Questions:**

Member Beaudin asks if the proposed charging stations will be used for guests only or if they will be available to everyone. Mr. Noseworthy answers that they are available for use by anyone with a Tesla.

Member Beaudin asks if the parking spaces that are going to be used for the charging station were part of the original parking plan. Mr. Ducharme from RiverWalk answers (INAUDIBLE ON RECORDING). He explains that during the thirty (30) minute charging time the Tesla owners either stay in the vehicle or they walk around the area and visit the restaurant, the winery or walk their dogs until the charging is complete. He explains that it is not typical for people to drop off the vehicle for longer periods of time.

Mr. Noseworthy clarifies that Tesla will charge the owner a fee if they leave a fully charged vehicle in a charging stall longer than the time required for charging. This allows for “good charging behavior”. The car has a built-in payment system and no credit cards are used.

Mr. Ducharme mentions that he has more than the required number of parking spaces but will be adding a paved area for parking near the cooling tower. He adds that there will be an additional parking lot behind the shopping center for six (6) charging stations available for all electric cars. He concludes by saying that he welcomes the four (4) new Tesla charging stations as it brings customers to the restaurant, winery and increases overnight stays.

The Planning Board discusses how to handle future requests for more charging stations. They agree that in this case, the additional Tesla charging stations are an amenity and not a separate business. The main concern the Planning Board has is if the charging stations become so large that the regular parking spaces for RiverWalk Condotel are going to get used up by people who are not guests of RiverWalk. Planner Bont summarizes that when future requests come into her office, she will set up a date to come before the Planning Board, to discuss the plan, but a Site Plan Review will not be necessary in this instance. The Planning Board agrees that a Site Plan Review will not be needed for this charging station request.

### **Next Steps:**

Mr. Tilden asks the Planning Board what the next steps are regarding permits and permissions to add the new charging stations.

Planner Bont responds that they should apply for a Land Use Authorization Permit as there is a compressor which is a permanent structure, requiring a Land Use Authorization Permit. The Planning Board discusses if a Site Plan Review Approval is needed or if this can be considered a *de minimus* change. The Planning Board agrees this change is a *de minimis* change.

Planner Bont suggests that Tesla complete a Land Use Authorization Permit Application and include all drawings for this project. There will be items on the Land Use Authorization Permit Application that do not apply to this situation. The application can be found on the Town of Lincoln's website and is called the Land Use Permit Application. The Planning Board agrees that the best way to move forward is it to have Tesla complete the Land Use Authorization Permit Application.

#### **A. CON => SITE PLAN REVIEW**

##### **#CON 2022-16 M117 L105 Mountain Club at Loon Unit Owners' Association, LLC – Explore options for increased employee housing.**

1. **Cristopher Salomon, AIA, Samyn - D'Elia Architects, P.A., 6 Central House Road, PO Box 229, Holderness, NH 03245 agent for Mountain Club at Loon, LLC –** Increase capacity of apartment building/boarding house used for employee housing.
  - a. **Property:** 29 Pollard Road (Tax Map 117, Lot 105) General Use (GU) District, 0.33 Acres.
  - b. **Property Owner:** Mountain Club at Loon Unit Owners' Association, 90 Loon Mountain Road, Lincoln, NH 03251
  - c. **Proposal:** Owner wants to increase the number of employees that can be housed at 29 Pollard Road. Exploring options available under LUPO to make that happen.

#### **Presentation:**

Mr. Philip E. Decato explains that they have had plans drawn and are trying to take advantage of a grant offered by the State of New Hampshire for employee housing. The plan is to add four (4) single story units to allow for the housing of more staff. Currently, the building has three (3) apartments which together have a total of eight (8) bedrooms. There are eleven (11) full-time, year-round associates living there and they are residents for more than one hundred eighty (180) days. Planner Bont believes it falls into the category of Restrictive Multi-Family. The expansion to the existing footprint will be twenty-eight by forty-four (28 x 44) feet.

#### **Discussion/Question:**

##### **Parking:**

Gabrielle S. Mogil provides the Planning Board members with copies of the plans and the Board review the plans.

Member Beaudin inquires about the parking situation. Planner Bont clarifies that they will need two (2) parking spaces for each unit. The plan shows fourteen (14) parking spaces and that meets the parking requirement.

**Entrances:**

The proposed expansion will consist of four (4) studio apartment units. The units will be connected under one roof system. Selectmen's Representative O.J. Robinson asks if residents have to walk outside, under the roof structure, to get to each of the proposed apartments. Mr. Decato replies "that is correct". "The roof structure covers the back entryway to the existing building."

**Lot Coverage:**

Chairman Spanos asks how much lot coverage there is. Planner Bont reviews the plans and the proposed area has a lot coverage of forty-one percent (41%). The maximum lot coverage for Restricted Multi-Family Residential in the General Use (GU) District is seventy percent (70%).

**New Hampshire Grant Timeline:**

*Note: The state is rolling out a program with a massive \$100 million fund to create more housing in the Granite State. The plan is called 'Invest NH," where \$100 million is focused on multi-family workforce housing.*

*A sum of \$60 million will be going to capital grants to help developers with the costs that are keeping them from building more.*

*"All of this going to developers to help cover some of their costs, their gaps in funding, whether it's because of the massive amounts of inflationary costs that folks are dealing with today," Sununu said.*

*WMUR TV July 5, 2022*

Ms. Mogil explains that the grant application is due at 4:00 PM on September 2, 2022. She recognizes this is a short amount of time but the application process started on July 11, 2022 and they have been doing their best to work with site surveyors and architects to put a plan together.

The Planning Board discusses the issues regarding the approval process and realizes there are some issues with having such a short timeline for Site Plan application approval. Planner Bont explains that she needs to properly complete the process of notifying abutters and the general public with published notice. Ms. Mogil explains that to receive the grant they would need to have all permits in place on September 2, 2022.

**Site Plan Review:**

The Planning Board discusses the Land Use Plan Ordinance and the Site Plan Review Regulations and realizes that the notice to abutters by September 2, 2022 is the problem and legally the process must be followed. The ten (10) day notice to abutters must be adhered to and there is not enough time for the Planning Board to meet for Site Plan Review prior to September 14, 2022.

The Planning Board brainstorms ideas to help them get approval for the grant committee as everyone agrees that workforce housing is needed in the Town of Lincoln.

Selectmen's Representative O.J. Robinson suggests writing a letter stating that the permit is subject to final approval on September 14, 2022 at the next Planning Board meeting. If at the

public hearing the public presents facts and issues that the Planning Board is unaware of the permit would be reconsidered.

The Planning Board considers recessing the meeting to discuss with the Town's Attorney, Jason Dennis, to see if there is a way to work on speeding up the process.

The Planning Board suggests that Mr. Decato and Ms. Mogil complete and submit the application for Site Plan Review by tomorrow (August 25, 2022). Planner Bont provides Mr. Decato and Ms. Mogil with a blank application. Member Beaudin suggests they talk to the abutters to find out if anyone has issues with the proposed project to help to possibly mitigate the issues.

Mr. Decato and Ms. Mogil will contact the State Representatives to ask for assistance and discuss the timeline issues with obtaining a permit for grant approval.

**Recess:**

The Planning Board will reconvene on Friday August 26, 2022 at 12:30PM.

**Motion of reconvene on Friday August 26, 2022 at 12:30PM to discuss this conceptual project further by Member Beaudin.**

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

**All in favor**

**IV. OLD BUSINESS – WORK SESSION. NO PUBLIC PARTICIPATION.**

- a. 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).**

**Motion to skip over Old Business (Review Sign Ordinance) by Member Beaudin**

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

**All in favor**

**IV. CONTINUING AND OTHER BUSINESS**

Member Beaudin discusses the Forest Ridge detention pond area fencing. He noticed there is no fence yet and was wondering about the bond.

Planner Bont explained that Town Engineer Raymond Korber and Deputy Fire Chief Ryan Fairbrother were there recently to assess the situation and have been in touch with the person in charge (Jared Elliott as the developer Rick Elliott has passed away). There is still a bond in place.

Member Beaudin would like to see the Town write a letter and let those in charge know that they would like an update regarding the status of the fence. Member Beaudin requests that this item be on the agenda for the September 14, 2022, Planning Board meeting.

**V. PUBLIC PARTICIPATION AND OTHER BUSINESS:**

A member from the public audience asks Planner Bont which newspaper she uses to notice abutters. Planner Bont answers that she uses the Littleton Courier published weekly by Salmon Press.

## VI. ADJOURNMENT

**Motion to adjourn by Member Beaudin**

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

**All in favor**

### \*\*\*\*Follow-up \*\*\*\*

There was no Planning Board meeting on August 26, 2022 at 12:30PM.

Planner Bont consulted with Attorney Jason Dennis and his advice was as follows: Send everything they have to the NH INVEST and tell NH INVEST they are on the Planning Board schedule for Site Plan Review on September 14, 2022 at 6:00 PM:

1. Submit a copy of the application for Site Plan Review.
2. Submit a copy of the application for Land Use Permit Application.
3. Submit **general** letter of support for employee housing from Town Manager – to be written and submitted tomorrow, also telling them that the conceptual was held last night and what they are requesting is permitted in the zoning district and no red flags were raised about possible variances required, etc., during the conceptual.

We cannot circumvent the public hearing process with required published and abutter notices.

Respectfully submitted,

*Judy Sherriff*  
Recording Secretary

Date Approved: September 14, 2022

  
Chairman Spanos

