

PLANNING BOARD
PLANNING BOARD 1ST MONTHLY MEETING
Wednesday October 12, 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=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

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 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, Stephen Noseworthy, Paul Beaudin, Mark Ehrman (alternate) (via Zoom)

Staff Present: Planner Carole Bont, Fire Chief and Code Enforcement Office/Health Officer/Zoom Host and Moderator Ronald Beard (via Zoom), Recorder Judy Sherrieff (via Zoom)

Consultants Present: Town Engineer Raymond (Ray) Korber (via Zoom).

Guests:

- **Brian P. Bartlett**, nonresident, one mailing Address: PO Box 548, Lincoln, NH 03251-0548 and owner & head appraiser for BPB Appraisal Services, 41 North Street, Andover, MA 01810.
- **Paul A. Bartlett**, resident (ABUTTER) and co-owner with Karen M. Bartlett of 27 River View Drive (Map 124, Lot 058), Mailing Address: PO Box 548, Lincoln, NH 03251-0548.
 - Owns: as Paul A. Bartlett & Paul Berman, Trustees
B&B Village Realty Trust
PO Box 669
Lincoln, NH 03251-0669
 1. M127 L269000-VL-000 Village Lodge Penthouse U (residential condo)

2. M127 L277000-00-00000 – 26 Wolf Road (2 family)
 3. M127 L276000-00-00000 – 52-54 27 Loon Brook Road (Buildings on NH Route 112) - (Multiple Commercial Buildings – at least 4 - associated with The Village at Loon Condos.)
- Owns Lincoln Center Shopping Center at 5-24 Lumber Yard Drive \$& (Map 113, Lot 002) as Paul A. Bartlett d/b/a Lincoln Center North, LLC
PO Box 681
Lincoln, NH 03251-0681
 - **James (“Jay”) R. Bertelli**, resident (**ABUTTER**) and owner of 62 Loon Brook Road, (Map 124, Lot 064) PO Box 729, Lincoln, NH 03251-0729, which is part of Loon Brook Condominiums and the South Peak Resort.
 - **Mark Bogosian**, nonresident, (**APPLICANT and ABUTTER**) d/b/a Longfellow Design Build, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 (via Zoom).

A. South Peak Resort Holdings:

1. Mark Bogosian, a developer who owns the following under his own name, **Mark Bogosian:**
 - South Peak Road (Map 121, Lot 057)
 - 43 Crooked Mountain Road (Map 121, Lot 011)
2. Mark Bogosian, a developer who owns the following property under the name **“Loon Slopeside, LLC”:**
 - 9 Riverside Terrace #2C, (Map 118, Lot 039001-02-0000C)
3. Mark Bogosian, a developer who owns the following properties d/b/a **“FC-Loon, LLC”**). At the time of his purchase of the main South Peak Resort development; he also purchased the FC-Loon LLC and therefore now owns “FC-Loon, LLC” and its assets:
 - Crooked Mountain Road #100 (Map 118, Lot 018)
 - Crooked Mountain Road #101 (Map 118, Lot 019)
 - Crooked Mountain Road #102 (Map 118, Lot 020)
 - Crooked Mountain Road #103 (Map 118, Lot 021)
 - Crooked Mountain Road #104 (Map 118, Lot 022)
 - Crooked Mountain Road #105 (Map 118, Lot 023)
 - Crooked Mountain Road #106 (Map 120, Lot 001)
 - Crooked Mountain Road #107 (Map 120, Lot 002)
 - Crooked Mountain Road #108 (Map 120, Lot 003)
 - Crooked Mountain Road #109 (Map 120, Lot 004)
 - Crooked Mountain Road #110 (Map 120, Lot 005)
 - Crooked Mountain Road #111 (Map 120, Lot 006)
 - Crooked Mountain Road #112 (Map 120, Lot 007)
 - Crooked Mountain Road #113 (Map 121, Lot 049)
 - Crooked Mountain Road #114 (Map 121, Lot 051)
 - Crooked Mountain Road #115 (Map 120, Lot 022)
 - Crooked Mountain Road #116 (Map 120, Lot 021)
 - Crooked Mountain Road #117 (Map 120, Lot 023)
 - Crooked Mountain Road #118 (Map 120, Lot 024)
 - Crooked Mountain Road #119 (Map 120, Lot 025)
 - Crooked Mountain Road #120 (Map 120, Lot 026)
 - (Added after purchase of LLC)
 - Crooked Mountain Road #121 (Map 120, Lot 027)
 - Crooked Mountain Road #122 (Map 118, Lot 035)

- (Added after purchase of LLC)
 - Crooked Mountain Road #123 (Map 118, Lot 036)
 - (Added after purchase of LLC)
 - Crooked Mountain Road #124 (Map 118, Lot 037)
 - (Added after purchase of LLC)
 - Crooked Mountain Road #125 (Map 118, Lot 038)
 - 24 Crooked Mountain Road (Map 121, Lot 021)
 - (Added after purchase of LLC)
 - South Peak Road (Map 121, Lot 060)
 - (Added after purchase of LLC)
 - South Peak Road (Map 121, Lot 071)
 - (Added after purchase of LLC)
 - South Peak Road (Map 117, Lot 128)
 - (Added after purchase of LLC)
4. Mark Bogosian, a developer who owns the following properties d/b/a “**South Peak LLC**”) as purchased from CRVI South Peak TRS, Inc. All properties currently owned by South Peak, LLC, 367 Main Street, Falmouth, MA 02540 are as follows:
- South Peak Road (Map 118, Lot 039) (95.71 Acres)
 - Parcel 2 #LO (Map 118, Lot 040) (93.93 Acres)
 - Parcel 1 #LO (Map 119, Lot 003) (32.1 Acres)
 - LO SS East Branch River (Map 119, Lot 004) (53 Acres)
 - 179 South Peak Road (Map 121, Lot 028) (0.76 Acres)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - 170 South Peak Road (Map 121, Lot 046) (0.46 Acres)
 - Crooked Mountain Road #LO (Map 121, Lot 050) (0.56 Acres – site of Pemi Base Camp)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - 144 South Peak Road (Map 124, Lot 046) (0.72 Acres)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - South Peak L/O (Map 124, Lot 066) (28.28 Acres)

B. Village Shops Holdings:

- Mark Bogosian, a developer who owns the following properties d/b/a “**Main Street Lincoln Investments, LLC**”) as purchased from Village Shops, ICH, LLC and from T&T Mountain Investments, LLC. All properties currently owned by Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655:
 - 25 South Mountain Drive #16 (Map 118, Lot 046) (3.47 Acres)
 - A portion of Main Street #D LO (Map 118, Lot 002002 [1.42 Acres] and Map 118, Lot 002003 [0.95 Acres]).

C. The Rapids at South Peak, LLC

- Mark Bogosian, a developer who owns the following properties d/b/a “**The Rapids at South Peak, LLC**”) as purchased from Weston (Wes) O. Graves and Russell (“Russ”) Cooley d/b/a Lincoln South Mountain Partners, LLC. All properties currently owned by The Rapids at South Peak, LLC, 866 Main Street, Osterville, MA 02655:
 - Main Street #D LO (Map 118, Lot 003 [25.24 Acres]).
- **James (Jim) Burns, nonresident, (for APPLICANT), acting as:**
 1. Business Development for South Peak Resort, now owned by:
 - Mark Bogosian d/b/a FC-Loon, LLC, 367 Main Street, Falmouth, MA 02540; (30 Lots); and
 - Mark Bogosian d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (6 Lots).

2. Manager of The Village Shops Shopping Center, newly purchased by:
 - Mark Bogosian d/b/a Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 where Longfellow Design Build Osterville, 866 Main Street, Osterville, MA 02655 is also located.
 3. Business Development for Longfellow Design Build owned by:
 - Mark Bogosian d/b/a Longfellow Design Build, 367 Main Street, Falmouth, MA 02540.
 4. Business Development for Longfellow Design Build NH, owned by:
 - Mark Bogosian d/b/a Longfellow Design Build NH, located at 9 Riverside Terrace Drive 2C, Lincoln, NH 03251 (property owned by Mark Bogosian d/b/a Loon Slopeside, LLC) (Map 118, Lot 039001-02-0000C).
- **Susanne (Susan) A. Chenard**, resident of 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.
 - **Brian L. Crowley**, nonresident (**ABUTTER**) of 155 Cliff Road, Wellesley Hill, MA 02481, and co-owner as Co-Trustee with Jane C. Crowley of 11 Hemlock Drive (Map 121, Lot 004) in the South Peak Resort (via Zoom).
 - **Eugene (Gene) L. Crowley**, nonresident (**ABUTTER**) of 77 Lake Street, Sherborn, MA 01770 co-owner with Gay E. Crowley of 82 Loon Brook Road (Map 124, Lot 056) of Westwood Acres.
 - **Robert (Rob) J. Culgin**, nonresident (**ABUTTER**) of 4 Parmanter Road, Framingham, MA 01701 who is co-owner with Natalie Culgin of 7 Sarsaparilla Court (Map 124, Lot 022) in Westwood Acres (via Zoom).
 - **Erin DeStefano**, nonresident (**ABUTTER**) who listed her computer handle, “Erin DeStefano’s i-Phone” of 18 High Meadow Road, Wrentham, MA 02093 co-owns 5 Rachel Court Unit #3 (Map 124, Lot 051000-0B000006) with Joseph D. DeStefano (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 03900003)
 - (2) South Peak Road (Map 118, Lot 03900002)
 - 179 South Peak, LLC is currently owner of:
 - 179 South Peak Road
 - **“i-Phone”** – is an unidentified participant #1 who named their computer handle, “i-Phone” (via Zoom).
 - **“i-Phone”** – is an unidentified participant #2 who named their computer handle, “i-Phone” (via Zoom).
 - **“i-Phone”** – is an unidentified participant #3 who named their computer handle, “i-Phone” (via Zoom).

- **Richard (Rick) Kelley**, resident, (**APPLICANT**) of 16 Conn Drive (Map 117, Lot 036) owned by Rickey F Kelley & Anne Walsh Trustees, Kelley Family Revocable Trust, 26 Conn Drive, Lincoln, NH 03251. Richard Kelley is recently retired Senior Vice-President of Mountain Operations for Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan 49770.
- **Derek D. Lick, Esq.**, nonresident (**ATTORNEY FOR APPLICANT**) Sulloway & Hollis, PLLC, 9 Capital Street, Concord, NH 03301.
- **William F. McNamara**, nonresident (**ABUTTER**) of 11 Bayberry Lane, Weston, MA 02493 owner of 41 Westwood Drive (Map 124, Lot 031) of Westwood Acres (via Zoom).
- **Scott Miccile, P.E.**, nonresident, (**APPLICANT**) of Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540.
- **Kenneth (Ken) A. Michaud**, nonresident (**ABUTTER**) of 628 Hatherly Road, Scituate, MA 02066, and co-owner with Gale M. Michaud of 51 Westwood Drive (Map 124, Lot 032) in Westwood Homeowners Association (via Zoom).
- **Gale M. Michaud**, nonresident (**ABUTTER**) of 628 Hatherly Road, Scituate, MA 02066, and co-owner with **Kenneth (Ken) A. Michaud** of 51 Westwood Drive (Map 124, Lot 032) in Westwood Homeowners Association (via Zoom).
- **Andrew J. Nadeau, LS, PLS**, nonresident, (**SURVEYOR/AGENT FOR APPLICANT**), *President, Principal Surveyor*, Horizons Engineering, Inc., 34 School St., Littleton, NH 03561
- **Brian G. Norton**, nonresident, of 20 Gray Road, Campton, NH 03223, (**APPLICANT & ABUTTER**), 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).
- **Frank Pasciuto**, resident, and co-owner with Virginia Marie Pasciuto, of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Virginia Marie Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676.
- **Virginia (“Ginie”) Marie Pasciuto**, resident, and co-owner with Frank Pasciuto of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Frank Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676.
- **Kelly Ovitt Puc, Esq.** nonresident, (**ATTORNEY FOR APPLICANT**) Sulloway & Hollis, PLLC, 9 Capital Street, Concord, NH 03301 (via Zoom).
- **Gregory (Greg) Reynolds**, nonresident, (**ABUTTER**) of 58 Pinnacle Street, Tewksbury, MA 01876 co-owner with Janice Reynolds of 21 Westwood Drive (Map 124, Lot 029) (via Zoom).
- **Aviva Sapers**, nonresident (**ABUTTER**) of 115 Bellevue Street, Newton, MA 02458 owner of 37 Westwood Drive (Map 124, Lot 030) (via Zoom).

- **Michael Sapers**, nonresident, CATZ, LLC, 114 First Avenue, Needham, MA 02494 (via Zoom).
- **Jason (Jay) W. Scambio**, resident (**APPLICANT & ABUTTER**) and co-owner with Katie W. Scambio of 20 Pollard Pines Drive, Lincoln, NH 03251 (Map 117, Lot 048), currently Chief Operating Officer, Day Operations for Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan, 49770 that is owner of Loon Mountain Recreation Corporation that owns 60 Loon Mountain Road (Map 126, Lot 020) a/k/a Loon Mountain Resort (via Zoom).
- **Smith, Douglas (Doug)**, resident, mail address: PO Box 1413, Lincoln, NH 03251-1413 (**ABUTTER and PRESIDENT OF WESTWOOD HOMEOWNERS' ASSOCIATION**) of 76 Loon Brook Road (Map 124, Lot 057) owned by Albert S. Smith & Myrna Smith Trustees, of the Albert S. Smith & Myrna Smith Trust, PO Box 1122, Lincoln, NH 03251-1122.
- **Jude Sydney**, nonresident, of 115 Bellevue Street, Newton, MA 02458 spouse of Aviva Sapers, owner of 37 Westwood Drive (Map 124, Lot 030) (via Zoom).
- **Ann Walsh**, resident, of 15 Sarsaparilla Court (Map 124, Lot 023) (**ABUTTER**) owned by Brian Walsh, Trustee, Brian Walsh Realty Trust, PO Box 702, Lincoln, NH 033251-0702 in the Westwood Homeowners' Association).
- **Brian Walsh**, resident, of 15 Sarsaparilla Court (Map 124, Lot 023) (**ABUTTER**) owned by Brian Walsh, Trustee, Brian Walsh Realty Trust, PO Box 702, Lincoln, NH 033251-0702 in the Westwood Homeowners' Association).
- **Jon Warzocha, P.E.**, nonresident, (**AGENT/ENGINEER FOR 2 APPLICANTS**) Horizons Engineering, CEO of Horizons Engineering, 34 School Street, Littleton, NH 03561 working for Applicant Mark Bogosian d/b/a South Peak Resort developer and working for Applicant Loon Mountain Recreation Corporation.
- **Carol Wesemann**, nonresident, (**ABUTTER**) of 8 Island Court, Unit 406, South Easton, MA 02375 and owner of condo unit at 21 Riverside Terrace #4B (Map 118, Lot 039001-04-0000B (part of South Peak Resort) (via Zoom).

II. CONSIDERATION of meeting minutes from:

- **September 28, 2022**

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

Motion to approve with one change by Selectmen's Representative O.J. Robinson

Second Vice Chairman Chenard

All in favor

III. NEW BUSINESS

None.

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

A. SITE PLAN REVIEW & TWO SUBDIVISIONS => Application for Site Plan Review (SPR 2022-14 M124 L066+ Mark Bogosian d/b/a FC-Loon, LLC and South Peak, LLC – Reconfiguration of South Peak Resort)

6:00 PM. Mark Bogosian, d/b/a FC-Loon, LLC and South Peak, LLC

**Applicant: Mark Bogosian
367 Main Street
Falmouth, MA NH 03561**

Property Owner: (1) Mark Bogosian d/b/a FC-Loon, LLC

**Formerly:
2365 Rice Boulevard, Suite 201
Houston, TX 77005**

**Now:
367 Main Street
Falmouth, MA 02540**

**(2) Mark Bogosian d/b/a South Peak, LLC
367 Main Street
Falmouth, MA 02540**

Properties are all within South Peak Resort and in the General Use (GU) District:

1. **Map 118, Lot 018** (Crooked Mountain Road #100) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.55 Acres).
2. **Map 118 Lot 035** (Crooked Mountain Road #122) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.44 Acres).
3. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC, (95.71 Acres).
4. **Map 120, Lot 027** (Crooked Mountain Road #121) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.35 Acres).
5. **Map 121 Lot 021** (24 Crooked Mountain Road) owned by Mark Bogosian d/b/a FC-Loon LLC, (0.66 Acres).
6. **Map 124, Lot 066** (South Peak L/O) owned by Mark Bogosian d/b/a South Peak, LLC, (28.28 Acres).

Proposal: A total of seventeen (17) new lots will be created. Improvements to these lots, extension of municipal water & sewer lines & extension of utilities will be required for the six (6) lot subdivision and will also require Site Plan Review Approval. No such approval will be needed for the eleven (11) lot subdivision as the infrastructure is in place.

Application #1 for Subdivision proposes to divide portions of the lots listed above in one (1) six (6) lot subdivision:

1. **Map 118 Lot 035** (Crooked Mountain Road #122) Mark Bogosian d/b/a FC-Loon, LLC, (0.44 Ac).
2. **Map 118, Lot 039** (South Peak Road) Mark Bogosian d/b/a South Peak, LLC (95.71 Acres).
3. **Map 120, Lot 027** (Crooked Mountain Road #121) Mark Bogosian d/b/a FC-Loon, LLC (0.35 Ac).

Six (6) new lots created on Crooked Mountain Road to be as follows:

1. **Map 118, Lot 039.05** (0.38 Acres)
2. **Map 118, Lot 039.06** (0.41 Acres)
3. **Map 118, Lot 039.07** (0.37 Acres)
4. **Map 118, Lot 039.08** (0.55 Acres)
5. **Map 118, Lot 039.09** (0.40 Acres)

6. **Map 118, Lot 039.10** (0.36 Acres)

Application #2 for Subdivision proposes to divide portions of the lots listed above in one (1) eleven (11) lot subdivision.

1. **Map 118, Lot 018** (Crooked Mountain Road #100) Mark Bogosian d/b/a FC-Loon, LLC (0.55 Acres).
2. **Map 118 Lot 035** (Crooked Mountain Road #122) Mark Bogosian d/b/a FC-Loon, LLC (0.44 Acres).
3. **Map 118, Lot 039** (South Peak Road) Mark Bogosian d/b/a South Peak, LLC (95.71 Acres).
4. **Map 120, Lot 027** (Crooked Mountain Road #121) Mark Bogosian d/b/a FC-Loon, LLC (0.35 Acres).
5. **Map 121 Lot 021** (24 Crooked Mountain Road) Mark Bogosian d/b/a FC-Loon, LLC (0.66 Acres).
6. **Map 124, Lot 066** (South Peak L/O) Mark Bogosian d/b/a South Peak, LLC (28.28 Acres).

Five (5) New lots created on South Peak Road to be as follows:

1. **Map 118, Lot 039.11** (0.37 Acres)
2. **Map 118, Lot 039.12** (0.35 Acres)
3. **Map 118, Lot 039.13** (0.60 Acres)
4. **Map 118, Lot 039.14** (0.37 Acres)

One (1) new lot created on Friendship Court as follows:

1. **Map 118, Lot 039.15** (0.60 Acres)

Three (3) new lots created on South Peak Road as follows:

1. **Map 118, Lot 039.15** (a second lot with the same lot number) (0.47 Acres)
2. **Map 118, Lot 039.16** (0.49 Acres)
3. **Map 118, Lot 039.18** (0.46 Acres)

Subdivide 1 lot into 2 lots, creating 1 new lot on South Peak Road as follows:

1. **Map 121, Lot 021.01** (0.38 Acres)
2. **Map 121, Lot 021.02** (.43 Acres)

One (1) new lot created off South Peak Road as follows:

1. **Map 124, Lot 066.01** (0.49 Acres)

SITE PLAN REVIEW:

Notice is hereby given in accordance with RSA 676:4 & 676:7 that an **Application for Site Plan Review approval for access road design including grading, drainage and utilities infrastructure for the six (6) lot subdivision proposed above** within the General Use (GU) District will be submitted to the Planning Board during a regular meeting Wednesday September 28, 2022 at 6:00PM.

Applicant:

**Mark Bogosian
367 Main Street
Falmouth, MA NH 03561**

Agent/Surveyor/Engineer: Andrew J. Nadeau, P.E.
Horizons Engineering, Inc.
34 School Street
Littleton, NH 03561

Property Owners:

(A) Mark Bogosian d/b/a FC-Loon, LLC

- 1. Formerly: 2365 Rice Boulevard, Suite 201, Houston, TX 77005**
- 2. Now: 367 Main Street, Falmouth, MA 02540**

(B) Mark Bogosian d/b/a South Peak, LLC

- 1. 367 Main Street, Falmouth, MA 02540**

Properties all within South Peak Resort and in the General Use (GU) District:

- 1. Map 118 Lot 035** (Crooked Mountain Road #122) owned by Mark Bogosian d/b/a FC-Loon, LLC (0.44 Ac).
- 2. Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC (95.71 Ac).
- 3. Map 120, Lot 027** (Crooked Mountain Road #121) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.35 Ac).

Presentation:

Mr. Bogosian and his team appear before the Planning Board and discuss the issues that were brought to their attention at the last meeting. This meeting is a continuation from September 28, 2022.

Bridge and Traffic:

Mr. Bogosian addresses the Planning Board and explains that Loon Mountain's Engineer inspected the Cooper Memorial Bridge and the bridge has an E-2 Bridge Rating which can hold either sixty (60) thousand or sixty-five (65) thousand pounds. The bridge will be able to handle local traffic and the weight of most of the construction vehicles and Fire Trucks. They will communicate with the contractors to insure they use Cooper Memorial Bridge and comply with the posted weight and speed limits. This will eliminate almost all of the large trucks from having to use the Loon Bridge and drive through the Westwood community. They will continue to work with engineers and as they would like to see the bridge receive a higher rating allowing for larger loads in the future. Chairman Spanos asks about the bridge reports and where they came from. Mr. Bogosian explains that through some research and work by Loon Mountain's Engineer they determined the bridge could handle the traffic. Member Beaudin asks if the Town has a copy of the study done on the bridge which designates the load the bridge can handle. Mr. Bogosian will be sure to send the most recent study to the Town for their records.

Access to Water Tank:

Member Beaudin mentions that they received an RSA 91A (Right to Know) request regarding the access to the proposed water tank. Mr. Bogosian explains that they granted the Town an easement to allow for access to the water tank and will be able to allow the construction vehicles to travel over the Cooper Memorial Bridge to reach the future road to the tank.

Fire Protection:

Member Beaudin asks if they have plans to provide Fire Protection to Hemlock Drive before the installation of the water tank. Mr. Bogosian replies that booster pumps have been added to increase the water pressure until the completion of the water tank. Member Beaudin asks if they know when the water tank will be completed. Mr. Warzocha answers that the Town is in control of when the water tank is installed and they are currently waiting for approval from the Forest Services. Mr. Bogosian explains that they are working with the Town and have extended the easement to insure they have enough space through the easement to build the tank.

Member Beaudin asks if the new proposed six (6) lot sub-division will have adequate water pressure (35psi) and will not require booster pumps. Mr. Warzocha explains that they will all tie into the water line, at the curb, and below the nine hundred fifty (950) foot elevation which will provide the adequate pressure. Chairman Spanos asks about house at the top of the cul-de-sac and if the water pressure on the second floor of the house will be affected. Mr. Warzocha answers that the house closest to the cul-de-sac will have some diminished pressure on the second floor but there will be proper pressure (35psi) at the pipe site which is below the nine hundred fifty (950) foot elevation.

Traffic Plan:

Member Beaudin asks once the one thousand eighteen (1,018) units are completed will any traffic be allowed through Westwood to get to Loon. Mr. Bogosian replies that they will allow residential traffic to flow to Loon through Westwood but as guest services increase at South Peak the local traffic will be reduced as there will be less of a need for residents to travel through Westwood.

\$1.5 Million Dollars for Proposed Water Storage Tank:

The Planning Board discusses the \$1.5 million dollars that Mr. Bogosian has given the Town for the construction of a larger tank that will benefit the Town as well as his development. Selectmen's Representative O.J. Robinson clarifies how the Town reached out to Mr. Bogosian and asked him not to build the tank that was approved in 2006 but instead, take the cost of building that tank and give it to the Town which would allow the Town to construct a higher, bigger tank that would service a much broader area. Mr. Bogosian and the Planning Board discuss the problems with and the history of the tank as it relates to the previous developer. Member Beaudin asks if the \$1.5 million dollars that came from Mr. Bogosian was part of a court settlement. Selectmen's Representative O.J. Robinson clarifies that the money from Mr. Bogosian was not from a court settlement and is a non-revocable letter of credit. Unlike the previous developer, Mr. Bogosian wants to work with the Town to resolve any and all issues that arise.

Maximum Number of Bedrooms – Size of Home:

Member Beaudin asks if the South Peak Architectural Review Board (ARB) will only allow people to build four (4) bedroom homes until the proposed water storage tank is complete. Mr. Bogosian explains that currently, the houses have been approved as four (4) bedroom homes and he does not have any intentions of changing that at the moment.

Cooper Memorial Bridge Maintenance and Ownership:

Member Noseworthy asks about removing the jersey barriers from the Cooper Memorial Bridge and having a traditional guardrail to possibly reduce the weight on the bridge. Mr. Bogosian replies that removing the jersey barriers is not the problem, rather the history of the previous developer's lack of intention to maintain the bridge. Mr. Bogosian will be looking to make long term plans for the Cooper Memorial Bridge.

Member Beaudin asks Mr. Bogosian about the ownership of the bridge. Mr. Bogosian replies that the ownership of the Cooper Memorial Bridge (which is on South Peak Resort land) is 50/50. South Peak Resort and Loon Mountain Recreation Corporation share the maintenance of the bridge and plan to work together, unlike the previous developer, CRVI South Peak, TRS, Inc.

Ski Trail Easement:

South Peak Resort developer team member passes out plans of a minor change that shows the ski trail easement.

Member Beaudin asks if there is a fire hydrant in the six (6) lot sub-division. Mr. Warzocha replies that there will be a fire hydrant in the six (6) lot sub-division which follows the NH State standards.

Amendments to Existing Subdivision Approvals vs. Creating New Sub-Divisions

Discussion:

South Peak Resort developer team members, Town Engineer Ray Korber and Planner Bont discuss the possibility of the developer asking for an Amendment to Phase I of two (2) previously approved subdivisions versus applying for two (2) separate new subdivisions.

As proposed, there would be two (2) separate Amendments to existing approved subdivisions:

1. Amendment to the MDR sub-division approval in 2011; and
2. Amendment to the Crooked Mountain Woods sub-division approval in 2007.

Chairman Spanos asks what the purpose of doing it as an Amendment is.

The answer is that it will be cleaner and will follow the same flow of the previous projects. It will be cleaner for title search purposes when the plans are filed in the Registry of Deeds. The surveyor would have to re-draft the subdivision plans but redrafting the plans is a relatively simple thing to do.

Town Engineer Korber agrees with the Applicant's surveyor and engineer's comments and, in addition to that, he has noticed that the Planning Board is struggling with determining what was formerly approved versus what is a revision to the decisions by the previous Planning Boards. He thinks this approach will give a more definitive picture for the Planning Board members as to what is being requested. For example, South Peak Phase I was approved in 2007, and in 2022 that plan is amended and the revisions are clear.

Town Engineer Korber says the other advantage is that the Planning Board may be okay with a revision to South Peak Phase I, but may have problems with Crooked Mountain Woods sub-division. Using amendments to existing approved subdivisions lets the process move forward as the Planning Board members are not looking at all the revisions across the board on one (1) plan

at one time, but are looking at the development one (1) piece at a time based on approvals that were granted by previous Planning Boards. He goes on to say using amendments versus new subdivisions will provide clarity and make the process move more quickly and will be more efficient.

Planner Bont agrees this is a cleaner and easier approach. She likes that the subdivisions are being packaged in a pocket format.

The Planning Board discusses other Phases and how they are recorded and how it is not always clear in the Town's records. Applicant's Engineer, Mr. Warzocha notes that they aren't changing the plan as presented, only suggesting that an Amendment is the cleanest way from a record-keeping standpoint. They are willing to approach this which ever way the Planning Board would like.

The discussion continues regarding using amendments vs. creating new sub-division requests. Mr. Korber reiterates that for tracking purposes and documentation he recommends that they simply amend the existing sub-division plans individually rather than trying to cobble them all together collectively.

Vice Chairman Chenard agrees that the new lots would be easier to track they were part of an amendment.

**Motion to open Public Comment by Selectmen's Representative O.J. Robinson
Second by Vice Chair Joe Chenard
All in favor**

Public Discussion:

Mr. Doug Smith asks how the construction vehicles will reach the water storage tank during construction.

Mr. Mark Bogosian answers that it is a Town issue as South Peak Resort gave the Town the easement; the issue is not an issue for South Peak Resort, but rather it is the Town's issue.

Mr. Doug Smith discusses the concern further by adding that currently the road that could be used in Westwood has recently been repaired at the expense of the Westwood HOA. He notes that if the access to the water tank is through South Peak Resort land rather than through the Westwood roads, then there is no concern by Westwood.

Selectmen's Representative O.J. Robinson discusses that at this point the Town does not know exactly where the tank will be going and currently the only way to gain access to the area is through Westwood's roads. He understands that they will need to start construction work up at the Water Treatment Plant and then up the mountain to the new water tank.

Mr. Doug Smith is looking to get a clear answer to this question if that is possible. The Planning Board discusses the access road to get to the tank during construction. The conclusion from the discussion is that there will be construction vehicles traveling through some portion of Westwood Drive from the Water Treatment Plant parking lot up to the site of the new tank.

Selectmen's Representative O.J. Robinson clarifies that the Town is building the Water Storage Tank using an easement across South Peak Resort land to access the tank which will be sited on

Forest Service land. The intent is for the Town to use its right to travel to the Water Treatment Plant.

Applicant's Engineer Warzocha believes this is a good discussion to have, but that it is a separate discussion than the one being discussed tonight and there should be a separate forum for discussion about the Town accessing the Water Storage Tank through Westwood.

Mr. Doug Smith requests that if the access is going to be through Westwood, he would like to see when the project is put out for bid, that the contractor has a construction bond to cover any repairs that may be needed to Westwood Roads as a result of the heavy construction vehicles.

Selectmen's Representative O.J. Robinson replies that he will bring that issue up to the BOS.

Westwood resident, Greg Reynolds mentions his concern about the Westwood roads and would like to know if he will receive any notification of the BOS discussion.

Selectmen's Representative O.J. Robinson is happy to request that the HOA be notified when this issue is on the BOS agenda.

Westwood resident, Gene Crowley, has lived there for fifteen (15) years and is very concerned with the traffic as it has become worse and worse over the years. New homes will add to the problem making it more difficult than it is now. He feels they should address this now so that when Mr. Bogosian comes in for approval for future subdivisions, they are not discussing the same problem with the traffic. He feels the Planning Board is dodging the traffic issues and may miss opportunities to fix the problems for the long term.

Mr. Mark Bogosian explains that he has talked with Mr. Smith and has discussed the big picture and this meeting is not the only time abutters will be able to express their concerns. He adds that the request of the six (6) lot sub-division, being made at this meeting, is not the end of the road discussion. He will be making changes to help fix the problems.

Mr. Gene Crowley is concerned that this may be the only time the residents of Westwood will have a say in the matter. Chairman Spanos asks Mr. Crowley if he can offer a solution to this problem. Mr. Crowley replies that there was an agreement from 2006 that was not adhered to and as a resident who walks down that street, he feels putting in a side walk would help with safety concerns.

Mr. Mark Bogosian replies that he plans to put up signage to try to help the stop people from driving into the dead end then having to come back out.

Member Beaudin discusses the need to review the traffic issues and previous approvals. He adds that every time Mr. Bogosian comes in for Site Plan Review the abutters will have a chance to discuss issues they have and he understands the frustrations of the Westwood residents.

An audience member reiterates that currently the vehicular traffic is dangerous to pedestrians within Westwood and South Peak Resort and that adding more homes at South Peak Resort will only make it more dangerous.

Mr. Mark Bogosian notes that when Loon opens more trails and skier services in the future, it will change how the South Peak residents access Loon Mountain. Mr. Bogosian wants to work with his neighbors to help reduce the traffic.

Selectmen's Representative O.J. Robinson adds that his comment doesn't have anything to do with this project, but Loon Mountain Recreation Corporation is adding a new ski lift which will reduce the amount of shuttle and vehicle traffic through South Peak Resort and Westwood.

Mr. Doug Smith comments that many Westwood residents have concerns regarding traffic management as a big overriding issue and prior developers were oblivious to the concerns throughout the past fifteen (15) years. He understands that Mr. Bogosian is going to work with the Westwood HOA as the development continues.

Mr. Doug Smith proposes some conditions of approval:

Proposed Conditions Discussed:

1. Posting E-2 rating on the bridge and tell all builders and contractors within South Peak Resort that they will need to travel over the Cooper Memorial Bridge and stay under sixty-five (65) thousand pounds (E-2 rating). This would exclude equipment that is used by Loon Mountain and there may be times that only extremely large vehicles will travel through the Westwood Community. Enforcement of this weight limit would be done through Mr. Bogosian and the drivers will have penalties and the builders will have to post a fifteen-thousand-dollar (\$15,000) check that will be used to pay for any damages.
2. Mr. Bogosian is going to request that the construction vehicles going to the water tank will access via the Cooper Memorial Bridge. If vehicles do have to travel through Westwood due to exceeding the weight limit on the Cooper Memorial Bridge, Mr. Smith would like to see a construction bond for any damages that may occur. The Planning board explains that this request is not related to the approval before them at this meeting.

Westwood resident, Anne Walsh notes that the former road sign that read "Residents of Westwood and South Peak Only" is missing and no one knows where the sign went. She suggests that replacing that sign would deter people. Mr. Smith replies that the signs will be replaced. Mr. Bogosian will replace signs. A member of the audience mentions that the sign was on Loon property and was taken down and offers his property for the replacement sign.

Lincoln resident and Loon Mountain Recreation Corporation Representative, Jay Scambio comments that the section of Westwood they are speaking about is owned and maintained by Loon Mountain Recreation Corporation. The section of property in Westwood (owners recently repaired) is "Westwood South," is past where the water treatment plant would be and where the construction vehicles would most likely move through over the course of one summer. Mr. Scambio is happy and interested in hearing that the Town may be willing to entertain maintaining the Loon Road and he is interested in helping Mr. Bogosian work through issues to make the neighborhood better. (Laughter here.)

Mr. Crowley suggests that it would help to have a person at Loon Brook Road to check people going through the Westwood area and turn them around if they do not belong there. Mr. Scambio mentions that the current labor market makes it difficult to station someone at Loon Brook Road, but Loon Mountain Recreation Corporation does try to direct the traffic when possible.

**Motion to close Public Comment by Vice Chairman Chenard
Second Member Beaudin
All in favor**

******Chairman Spanos calls for a 2-minute recess******

Motion to approve with the following conditions by Member Beaudin:

- 1. Post E-2 rating signage and tell all builders and contractors that they will need to travel over the Cooper Memorial Bridge and stay under sixty-five (65) thousand pounds (E-2 rating).**
- 2. To allow access from South Peak to the new water tank.**

Chairman Spanos polls the board and add the following conditions:

- 3. This subdivision will be treated as an AMENDMENT to two (2) previously approved sub-divisions; and**
- 4. The Subdivision is also subject to Town Engineer Review of the plans.**

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

B. Letter from Town Manager Carina Park to Planning Board Chair Jim Spanos & Planning Board Members dated August 30, 2022.

Selectmen's Representative O.J. Robinson reads letter from Town Manager, Carina Park (see attached)

Discussion:

The Planning Board discusses the letter from Town Manager Carina Park regarding the grant program administered by the State called "Invest NH a Housing Opportunity Planning Grant Program."

Selectmen's Representative O.J. Robinson describes a recent ad hoc committee meeting about workforce housing, spear headed by Selectman Jack Daly, and with guidance from Community & Economic Development Planner Kaela Gray Tavares of North Country Council. At the meeting they discuss that there are still funds available to apply for and hire someone to review the current regulations and look at the various restrictions, zoning districts and criteria. The reviewer would make suggestions and the Planning Board would select which suggestions they want to act on to make changes to the Zoning Ordinance at the Annual Town Meeting in March of 2023.

Selectmen's Representative O.J. Robinson discusses a recent conceptual meeting regarding workforce housing and there were positive remarks made by the Planning Board but they were not able to approve the project due to the current Zoning Regulation, which does not allow it.

This grant is available and is a proactive way to accommodate a project like the one that was presented at the conceptual meeting.

The Planning Board discusses the pros and cons of the fifty-thousand-dollar (\$50,000) grant and having the Land Use Plan Ordinance (zoning ordinance) reviewed. The deliverable will be a plan to move forward with regulatory change incentives and other means to increase housing supply and affordability. The Planning Board takes the plan provided and discusses what they like and dislike and what they decide to change would go to a warrant to be voted on at the 2023 annual Town Meeting.

Chairman Spanos asks the Planning Board how they want to proceed.

Planner Bont suggests that they act sooner than later if they are interested in applying for the grant as the letter is from August of 2022. Chairman Spanos adds that in the grant application they have provided a list of consultants that the Town can hire.

Member Beaudin asks if the Grant money can be used to pay Town staff for their work. Chairman Spanos reads the budget template provided and administrative costs can be no more than 7.5% of the total project cost and twenty-five hundred dollars (\$2,500) is allowed for "Community Engagement." The Planning Board agrees that having funds to pay for administrative staff is a plus.

Selectmen's Representative O.J. Robinson reads that funds will be made to municipalities for the purpose of hiring consultants who audit the municipalities land use regulations and make recommendations for changes to promote housing development. This Grant will be made to cities and towns for the purpose of hiring consultants to create new regulations or revise existing regulations with the primary goal of increasing the supply of housing in the community.

Chairman Spanos reads Section 3 that discusses Grant Funds.

The Planning Board determines that three thousand seven hundred dollars (\$3,700) can be used if they are granted the entire fifty thousand dollars (\$50,000). Member Noseworthy adds it is better to do what the State wants and use the grant money now versus waiting and having to use the Town's money to do what the state wants later.

Chairman Spanos believes they are making good progress as far as meeting the statutory requirements by having the Restricted Multi-Family Housing, and the possible proposal to add that to other zones at the Town Meeting. Chairman Spanos comments he is not opposed to the Grant if the recommendations are not mandatory and they do not have to adopt what is recommended.

Selectmen's Representative O.J. Robinson agrees and feels that having experts provide advice for free is a good deal. The Planning Board discusses the financial aspects and feels if they don't receive the full amount which would be 100% of the cost of the consultant they will not have the funds budgeted to pay for any additional expenses.

Motion to Apply for the Invest NH Grant with the provision that it pays 100% of the consultant's fee.

Second Selectmen's Representative O.J. Robinson

All in favor

C. Forest Ridge:

Asked about the status of the detention pond up at "the Pines at Forest Ridge", Planner Bont said she understood David Yeager is trying to find a contractor to fix the detention ponds at Forest Ridge.

Member Beaudin would like a moratorium on building at Forest Ridge until this issue is resolved.

Planner Bont notes that Land Use Authorization Permits were already issued and construction is ongoing. The detention ponds are only related to "The Pines" at Forest Ridge.

The Planning Board discusses the current state of the "The Pines" development as it relates to permitted projects and the status of the HOA.

Member Beaudin would like to know if it is possible, if they do not complete the repairs by December, or an agreed upon date, to put a cease and desist on building projects to get them to move on the pond repairs. He adds that this issue has gone on for far too long and until the Planning Board does something the pond will never be fixed properly.

Chairman Spanos clarifies that in order to have a court issue a cease-and-desist order that could be enforced there would need to be a court hearing stating that Mt. Coolidge Construction, LLC is in violation of Site Plan Approval.

Member Beaudin suggests that they do not need a hearing and can just rescind the Land Use Authorization Permits and make those permits not valid.

Vice Chairman Chenard recalls that this was done one time with Loon Village.

Selectmen's Representative O.J. Robinson agrees that this has gone on too long. The permits that would be considered for possible rescission would only be permits for The Pines as the other parts of the Forest Ridge development do not require use of the detention ponds.

Selectmen's Representative O.J. Robinson suggests stopping the building projects versus taking the permits away. The Planning Board discusses the possibility of suspending the permits. Planner Bont suggests they have a short conversation with Town Attorney Jason Dennis to determine the best way to proceed.

D. Online Storage for Data:

Selectmen's Representative O.J. Robinson suggests using a dropbox or some type of online storage location for all information sent to the Planning Board members versus sending all of the members emails with attachments. The Planning Board discusses options for sending meeting information to board members. The Planning Board agrees it would be easier to have all the information in one location versus receiving numerous emails. The Planning Board discusses the current process and how there is a need to improve the flow of information and communications moving forward. Planner Bont will ask the Town Manager about researching options (Google Drive) with the Town's IT professionals, Certified Computing, and, if necessary, plan to put any fees into the Planning Budget.

E. CONCEPTUAL GH Pizza:

Presentation:

Chairman Spanos presents a conceptual project idea on behalf of the owners of GH Pizza (George Sourgiadakis & Maria Achladianakis) whose business is located at 75 Main Street (Map 113, Lot 018). They are considering building both a gift shop and a single cabin on the paved lot behind their take-out pizza restaurant GH Pizza. The subject lot would be the vacant lot covered with paving on Franklin Street #LO (Map 113, Lot 017) (0.31 Acres). It would be a Commercial and a Residential Use located in the Village Center (VC) District. Chairman Spanos wonders if this use would be OK with the Planning Board.

There is a discussion regarding the possibility of creating one building with a gift shop below and the residence above due to the small size of the lot.

Questions/Discussion:

The Planning Board discusses the following:

- Will there be enough parking spots, traffic flow, setbacks?
- Will this use be OK with the Planning Board?
- What is the parking for a take-out restaurant?
 - Chairman Spanos adds that the Ordinance does not specify the parking requirements for a take-out restaurant. Selectmen's Representative O.J. Robinson responds that parking is a consideration that should be looked at. It is suggested that GH Pizza look at square footages and come before the Planning Board. It appears that they are putting something too large on a small lot.
- If the residential cabin were a separate building, would the fifteen thousand (15,000) sq. ft for the residential building apply?
- Then they would have to squeeze in the gift shop?
- Could be considered a mixed use if they build above the gift shop.
- Will it impact traffic on Main Street if they get rid of the parking in back?

After a discussion the Planning Board suggests a mixed use and having the residential unit over the gift shop seems to be the best option.

III. PUBLIC PARTICIPATION AND OTHER BUSINESS: *NONE*

VI. ADJOURNMENT

Motion to adjourn by Member Beaudin

Second by Second by Chairman Spanos

All in favor

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: 10/26/22


Chairman Spanos

