



**PLANNING BOARD
TOWN OF LINCOLN, NEW HAMPSHIRE 03251**

NOTICE OF DECISION PURSUANT TO RSA 676:4, I(c)(1)

Case # SPR 2023-10 M118 L050, L051 & L052 –

ANDREW (DREW) GODDARD d/b/a Copley Loon Housing, LLC:

Site Plan Review Application to create a mixed-use commercial space (1) mixed with Restricted Multi-Family Residential Housing apartment units (19).

- 1. Applicant/Property Owner:** Andrew (Drew) Goddard
d/b/a **Copley Loon Housing, LLC**
94 Portsmouth Avenue
Stratham, NH 03885
- 2. Former Property Owner:** Gregory (Greg) Nash
d/b/a The Millry Group, LLC
24 Winter Street
Plymouth, NH 03264
- 3. Engineer:** Stephen Haight PE,
CivilWorks New England (CNE)
181 Watson Road
PO Box 1166
Dover, NH 03821-1166
- 4. Land Surveyor:** McEneaney Survey Associates of New England
24 Chestnut Street
Dover, NH 03820
- 5. Architect:** Art Form Architecture, Inc.
44 Lafayette Road
PO Box 535
North Hampton, NH 03862

Subject Properties: All 3 adjacent Subject Properties located in the **Village Center (VC) District** where maximum lot coverage is 70%, front setback is five feet (5'); rear setback is fifteen feet (15') and side setback are ten feet (10'). Mixed Multifamily Residential/Retail Customer Service Business Uses are permitted uses within the VC District.

1. 139 Main Street (Map 118, Lot 050) (0.16 Acres)

Existing Buildings: Single Family Residence converted to a Commercial Office plus 2 Apartments: 1 upstairs & 1 downstairs.

2. **141 Main Street (Map 118, Lot 051) (0.32 Acres)**

Existing Buildings: Single Family Residence converted to Commercial Retail Space [Sunny Nail Salon] plus two apartments: 1 upstairs & 1 downstairs; Old motel converted to eight (8) apartments; Workshop; and Lean-to.

3. **Church Street #LO (Map 118, Lot 052) (0.12 Acres)**

Buildings: None. Vacant Lot.

Proposal: Request for Site Plan Review approval to:

1. **DEMOLITION:** Demolish all buildings on three adjacent lots including:
 - a. Demolition of one (1) old Hotel converted into an Apartment Building with 9 rental units.
 - b. Demolition of one (1) Single family home currently converted into a mixed-use building with downstairs used as commercial nail salon and one (1) accessory apartment upstairs.
 - c. Demolition of one (1) single family home divided into three (3) rental units – two (2) rental units downstairs and one (1) unit upstairs.
 - d. Demolition of “shed/workshop”.
2. **MERGER:** Merge all three adjacent lots to create one (1) larger lot with a total of 26,415 SF or 0.61 Acres.
3. **CONSTRUCTION OF MIXED-USE THREE-STORY RESTRICTED MULTI-FAMILY RESIDENTIAL HOUSING APARTMENT BUILDING:** Construct a new 3-story 6,000 SF mixed use Restricted Multi-Family Residential Housing Apartment /commercial business building with long-term (6+months) rental residential units, and 1 office space as follows:
 - a. (1) Lobby & Office Management space;
 - b. (3) 3-bedroom residential units with one larger master bedroom;
 - c. (2) 3-bedroom residential units; and
 - d. (14) 2-bedroom residential units.

Applicant requested Four Waivers. Three of Four Requests for Waivers were granted:

1. **Waiver Regarding “Front” Setbacks Versus “Side” Setbacks (Comment 15)**

First, Applicant argued the subject site had “frontage” along three (3) streets: Main Street, Church Street and Coolidge Street instead of one (1) street, and therefore the “front” setback requirement for Main Street, Church Street and Coolidge Street was five feet (5’) from each of the three (3) property boundary lines, therefore, a waiver was not required.

Second, Applicant argued that in the event the Town chose to treat the sides of the building that faced Church Street and Coolidge Street as “sides” instead of “frontage”, Applicant requested a waiver to allow the proposed building be set back five feet (5’) from the side property boundary lines on Church Street and Coolidge Street where a minimum setback of ten feet (10’) from the side property boundary line was required.

Planning Board determined that the side setback requirements for the proposed building can be waived by the Planning Board, should the Board choose to do so because:

- the zoning ordinance (LUPO) grants specific authorization to the Planning Board to waive “dimensional requirements” only in the Village Center (VC) District;
- the merged lot is in the Village Center (VC) District; and
- all setback requirements are “dimensional requirements”;

A majority of the Planning Board agreed a waiver was required (4-1).

A majority of the Planning board voted to grant the waiver allowing a five (5) foot side setback from Church Street and Coolidge Streets (3-2).

2. Waiver to Reduce the Size of the Parking Spaces to Less Than the 170 SF Required (Comment 14)

Although Applicant’s site design had the required number of parking spaces (40 including 1 handicap accessible space), Applicant requested a waiver to reduce the minimum size of the parking spaces from one hundred seventy square feet (170 SF) (9’ x 18.67’), as required, to one hundred sixty -two square feet (162 SF) (9’ x 18’). Although Applicant has enough room on the lot to accommodate forty (40) parking spaces of the required size of one hundred seventy square feet (170 SF), he was trying to maximize the “green space” on the lot. A waiver of the dimensional requirement is permitted under the Site Plan Review Regulations.

Site Plan Review Regulations
ARTICLE XVII
WAIVING OF REQUIREMENTS

Upon written request by the applicant or upon the motion of any regular member, the Board may vote to waive, in whole or in part, any provision of these Regulations, except those regulations pertaining to subdivisions and site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP).

A waiver may be granted when in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to an informed evaluation of the site in question, and such waiver would not adversely compromise the purpose or intent of these Regulations.

A majority of the Planning board voted to grant the waiver allowing the size of the parking spaces to be reduced to nine feet by eighteen feet (9’x18’) for a total of one hundred sixty-two square feet (162 SF) (3-2).

3. Waiver for “structures” including pads, light poles, fence, etc. and similar structures to be constructed within the setback areas not required.

Although dumpster pads, light poles and fences arguably fall within the definition of “structures” which is defined as anything constructed or erected with a fixed location on

the ground and “structures” are prohibited within the front, side and rear setback areas, the Planning Board determined that these items are “ancillary” to the primary building and therefore, a waiver to erect these items was not required.

The Planning Board voted unanimously that a waiver is not required to allow equipment pads, light poles, and fences within the setback areas because the Planning Board does not consider these to be “structures” (5-0).

4. Waiver for the Stormwater Management Ordinance (SMO) (Comment 42)

Applicant requested a waiver for relief in the post-development runoff volume requirement in the SMO. Although Applicant will be treating and mitigating the runoff with coarse pavement, he does not meet the requirement for runoff volume. There is a slight increase of about 0.15 acres/feet in the post development runoff volume. The drainage system is designed with underdrains and stormwater will infiltrate into the underdrain system into the catch basins and the manholes will discharge runoff into the existing Town municipal drainage system on Church Street. The soil is high infiltration soil. The stormwater will go from the Town municipal drainage system on Church Street into the State of NH DOT’s stormwater drainage system on Main Street. NH DOT District One has confirmed that it approves this stormwater drainage plan. Currently there is no stormwater management of runoff from this site. The volume increase is marginal.

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Town’s Director of Public Works (DPW) Nate Hadaway needs to check the catch basin to make sure the tie-in can work which is one of the items that is outstanding. Any changes that need to be made to the current stormwater drainage system design can be made administratively.

The Planning Board voted unanimously to grant the waiver regarding the Stormwater Run-Off Volume as articulated in the Stormwater Ordinance (5-0).

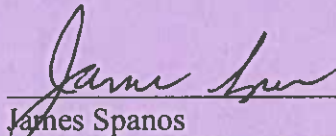
APPROVAL GRANTED WITH CONDITIONS:

On September 13, 2023, the Planning Board **GRANTED** the Application for Site Plan Review for the above-referenced project with the **FOLLOWING CONDITIONS:**

Motion to approve with the following conditions:

- 1. Review by the Technical Review Committee of the recent changes.**
- 2. Coordination and approval of DPW for the Stormwater Connection.**
- 3. Any needed State approvals or permits.**
- 4. Change to the flat accent roofs to shed roofs and to be reviewed by Planner Bont.**

FOR THE PLANNING BOARD



James Spanos
Chair, Lincoln Planning Board

Date: 9/13/23

Notes:

1. The Owner/Applicant shall provide a Mylar with three full sets of plans with all updates to the Town to be recorded in the Grafton County Register of Deeds.
2. The Owner/Applicant shall submit all necessary information and documentation on the proposed fire protection system as required by the Town. Information may include but not be limited to: a basis of design report describing the design and operations of the system, calculations, plans and details. System shall meet all Town and NFPA codes and requirements. Information and documentation shall be prepared by a fire protection engineer licensed in the State of New Hampshire. Fire suppression system shall be reviewed and approved by the Town and the NH State Fire Marshal's Office.

