



PLANNING & ZONING DEPARTMENT

PLANNING BOARD AGENDA

PLANNING BOARD 1ST MONTHLY MEETING & PUBLIC HEARING

WEDNESDAY, July 12, 2023 – 6:00 PM

Planning Board Public Meeting

*Lincoln Town Hall, 148 Main Street, Lincoln NH

*Hybrid meeting available both in person & 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 large conference room for 8-12 guests in addition to the Board members, 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/kblNuPaMIG>

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** by the Chairman of Planning Board (PB); announcement of excused absences, if any, and seating of alternates(s), if necessary.

- II. CONSIDERATION** of meeting minutes from:

- **June 28, 2023 (Wednesday)**

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

- III. 6:00 PM CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

Mark BOGOSIAN:

- A. South Peak Resort Revised Master Plan Continued:** June 28, 2023, Applicant presented Proposed Revisions to the Master Plan for South Peak Resort. The Revised Master Plan to include ski lifts designed to service ski trails on South Peak which is part of the Loon Mountain Ski Resort owned by Loon Mountain Recreation Corporation with a number of ski-in, ski-out ski trails to be located within the boundaries of South Peak Resort created to provide access to hotel guests and dwelling units within the South Peak Resort.

a. Board of Selectmen attended the presentation.

b. Proposed Revisions to be discussed by Planning Board.

- B. SUB 2023-03 M118 L039+S Peak LLC + FC-Loon LLC – Crooked Mountain Road 8 lots (CMR8) – Subdivision Application – CMR8 (8)**

Notice is hereby given in accordance with RSA 676:4 that one (1) **Application for Subdivision** will be submitted to the Planning Board during a regular meeting on Wednesday July 12, 2023 at 6:00 PM.

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

Property Owner: (1) Mark Bogosian d/b/a FC-Loon, LLC
367 Main Street
Falmouth, MA 02540

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

Authorized Agent: Scott P. Miccile, P.E., Civil Engineering & Land Development Director
Longfellow Design Build, Inc.
367 Main Street
Falmouth, MA 02540

Surveyor: Andrew J. Nadeau, L.L.S.
Horizons Engineering, Inc.
34 School Street
Littleton, NH 03561

Properties (8) are all within South Peak Resort and in the General Use (GU) District:

1. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC (95.71 Ac).
2. **Map 121, Lot 051** (Crooked Mountain Road #114) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.48 Ac).
3. **Map 118, Lot 022** (Crooked Mountain Road #115) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.57 Ac).
4. **Map 118, Lot 021** (Crooked Mountain Road #116) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.66 Ac).
5. **Map 118, Lot 023** (Crooked Mountain Road #117) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.37 Ac).
6. **Map 118, Lot 024** (Crooked Mountain Road #118) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.41 Ac).
7. **Map 118, Lot 025** (Crooked Mountain Road #119) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.35 Ac).
8. **Map 118, Lot 026** (Crooked Mountain Road #120) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.54 Ac).

Proposal: A total of eight (8) new lots will be created along existing road frontage. Seven (7) existing lots along this frontage approved in 2007 will be merged with remaining land of Map 118 Lot 39 and re-subdivided with new configurations. Infrastructure improvements to these lots such as extension of municipal water & sewer lines & extension of utilities will not be required as such infrastructure is already in place.

Application for Subdivision:

Proposes to divide portions of the (8) lots listed above in one (1) eight (8) lot subdivision:

1. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC, (95.71 Ac).
2. **Map 121, Lot 051** (Crooked Mountain Road #114) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.48 Ac).
3. **Map 118, Lot 022** (Crooked Mountain Road #115) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.57 Ac).
4. **Map 118, Lot 021** (Crooked Mountain Road #116) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.66 Ac).
5. **Map 118, Lot 023** (Crooked Mountain Road #117) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.37 Ac).
6. **Map 118, Lot 024** (Crooked Mountain Road #118) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.41 Ac).
7. **Map 118, Lot 025** (Crooked Mountain Road #119) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.35 Ac).
8. **Map 118, Lot 026** (Crooked Mountain Road #120) owned by Mark Bogosian d/b/a FC-Loon, LLC, (0.54 Ac).

Eight (8) new lots created on Crooked Mountain Road to be as follows*:

* Changes to original proposal are written in red ink.

1. Map 118, Lot 039.20 (0.49 Acres)
2. Map 118, Lot 039.21 (0.50 Acres)
3. Map 118, Lot 039.22 (0.49 Acres)
4. Map 118, Lot 039.23 (0.42 Acres)
5. Map 118, Lot 039.24 (0.37 Acres)
6. Map 118, Lot 039.25 (0.38 Acres)
7. Map 118, Lot 039.26 (0.49 Acres)
8. Map 121, Lot 051 (0.46 Acres)

NOTE: Minimum Lot Size in General Use (GU) District is 15,000 SF or 0.344 Acres. 3 proposed lots are less than the minimum lot size.

The noticed April 12, 2023 6:00 PM Planning Board public hearing was continued to the next meeting scheduled on May 10, 2023 6:00 PM. The May 10, 2023 6:00 PM public hearing was continued to the next public hearing on June 14, 2023 6:00 PM. The June 14, 2023 6:00 PM hearing was continued to June 28, 2023 6:00 PM, at which time the Planning Board invited the Board of Selectmen to attend so both boards will hear Applicant's presentation about the proposed amended Master Plan for South Peak Resort. On June 28, 2023 6:00 PM, the Planning Board & Applicant agreed to continue to July 12, 2023 at 6:00 PM. Applicant will move forward with his presentation of the proposed eight (8) lot subdivision on July 12, 2023 at 6:00 PM.

C. Conceptual:

CON 2023-08 M109 L003 & L003-BG

- M109 L003 Bonnie Ham – US Route 3 #LO (Land Only)
- M109 L003000-BG-000 Bonnie Ham d/b/a Sunny Day Diner, LLC – 92 US Route 3 (Building Only)

Jay Bartlett moved the diner onto the subject lot in 1984. The diner was not opened for business until 1985. The Lincoln zoning ordinance (Land Use Plan Ordinance) was not adopted until 1986. The diner predates the adoption of the zoning ordinance.

Bonnie Ham has owned the land of the subject lot for many years; however, in the past she did not own the diner building. Ham now owns the diner building as well. The diner building was formerly owned by Sunny Day Diner, LLC. The diner is now owned by Bonnie Ham d/b/a Sunny Day Diner, LLC. Currently, Ham is operating the diner under the name of "Arnold's Wayside Diner".

At some point in time the deck was extended by a previous owner. No Land Use Permit was found. In the spring of 2020 during COVID, Town Manager gave Ham permission to build a canopy roof over the existing deck to accommodate outdoor seating during COVID. In 2020 the canopy roof over the deck was constructed. Although the extended deck and the canopy roof cover are located in the Shoreland Protection Area, the State determined that the deck with roof cover does not trigger the Shoreland Protection Act. The extended deck and the roof cover are also located in the 100-year flood plain, however, the proposed improvements are not considered a "Substantial Improvement", then compliance with the floodplain regulations is not required for this proposed development per Senior Planner/Floodplain Management Program Coordinator for State of NH Office of Strategic Initiatives – Division of Planning.

Now Ham is looking to enclose the porch space with "temporary removable walls" so she can serve those same tables and chairs currently located on the deck during the winter months.

Does she need Site Plan Review approval for this expansion?

Bonnie Ham was not present at the PB meeting on June 14, 2023. PB asked Ham to come in to this next meeting.

III. NEW BUSINESS

A. Conceptual:

CON 2023-08 M114 L049 (newly subdivided into 2 lots):

- **M114 L049.3 owned by Coolidge Ridge, LLC (Land Only) [6.81 Acres]**
- **M114 L049 owned by Lincoln Valley Development, LLC (existing pump house building & associated wells) [10.11 Acres]**

Property Owners:

Ethan Conley and Ed McManus entered into a Purchase & Sales Agreement with former property owners & then subdivided property owned by Legare heirs (Susan L. Smith, Raymond & Pauline A Legare, Trustees) into two lots:

Later the 2 newly subdivided portions of the Legare property were transferred to perhaps Conley & McManus d/b/a two different LLCs.

1. 12/22/2022 – Manson Hill #LO (Map 114, Lot 049-003-00-00000) 6.81 Acres was transferred from Susan L. Smith, et al. to Coolidge Ridge, LLC, 2 Mockingbird Lane, Kingston, NH 03848. Kyle R. McManus is listed as the principal of this LLC. Owner's Address is the same as home address for Kyle R. McManus.
2. 2/21/2023 – Mansion Hill #LO (Map 114, Lot 049-000-00-00000) 10.11 Acres was transferred from Raymond & Pauline A Legare, Trustees to Lincoln Valley Development, LLC, 7 Colchester Road, Windham, NH 03087. Property address given is owned by The Holly J. Conley Revocable Trust, 7 Colchester Road, Windham, NH 03087. The principal owner of Lincoln Valley Development Corp., LLC is C2 Equity Partners, LLC. The Lincoln Valley Development, LLC registered agent's name in the paperwork at the NH Secretary of State's Office lists Andrew L. Share, Esq., an attorney listed with Nixon Peabody LLP, 900 Elm Street, Manchester, NH 03101 and the other name associated with C2 Equity Partners LLC is someone by the name of Sean G. Conley. The registered agent for C2 Equity Partners, LLC is Sean G. Conley. Sean G. Conley is the current owner of that land d/b/a C2 Equity Partners, LLC and C2 Equity Partners, LLC is d/b/a Lincoln Valley Development, LLC. Owner's Address is the same as The Holly J. Conley Revocable Trust.

Agent: Keith Curran, P.E., Bohler Engineering Inc., 3 Executive Park Drive, Floor 2, Bedford NH 03110

Proposal: Lots are in the Rural Residential (RR) District. Develop the area into multiple parcels with single family and multi-family housing. Access to the proposed developments will be provided from Mansion Hill Drive, Valley View Lane and White Birch Lane depending on the location of the individual lots.

1. Manson Hill #LO (Map 114, Lot 049-003-00-00000) 6.81 Acres (undeveloped) 7 single family homes plus 4 duplexes = 15 dwelling units.
2. Mansion Hill #LO (Map 114, Lot 049-000-00-00000) 10.11 Acres (existing pump house building and associated wells). 24 "camps" = 24 dwelling units.

IV. PUBLIC PARTICIPATION AND OTHER BUSINESS:

Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

V. ADJOURNMENT.