



PLANNING & ZONING DEPARTMENT

PLANNING BOARD AGENDA

PLANNING BOARD 1ST MONTHLY MEETING & PUBLIC HEARING

WEDNESDAY, August 9, 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 Planning Board members 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 welcome to participate remotely using ZOOM. Planning Board Meetings can be attended in-person at the Town Hall Building. Recordings of all Planning Board meetings can be found at www.youtube.com (Lincoln NH Planning Board Meeting 08 09 2023). Zoom access is for your convenience; use at your own risk. If any technical difficulties or if ZOOM should go down, the meeting will NOT be rescheduled.

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 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:

- **July 26, 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. SUB 2023-03 M118 L039+S Peak LLC + FC-Loon LLC – Crooked Mountain Road 8 lots (CMR8) – Subdivision Application – CMR8 (8)

In accordance with RSA 676:4 one (1) **Application for Subdivision** will be submitted to the Planning Board during a regular meeting on Wednesday August 9, 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, in the General Use (GU) District and:

1. **Map 118, Lot 039** (South Peak Road) (95.71 Ac) owned by Mark Bogosian d/b/a South Peak, LLC.
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 (0.43 Acres)**
2. **Map 118, Lot 039.21 (0.53 Acres)**
3. **Map 118, Lot 039.22 (0.42 Acres)**
4. **Map 118, Lot 039.23 (0.36 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 original proposed lots were 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 for 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. On July 12, 2023 6:00 PM Planning Board & Applicant agreed to continue to July 26, 2023 at 6:00 PM. Applicant commenced with his presentation of the proposed eight (8) lot subdivision on July 26, 2023 at 6:00 PM; it was continued to August 9, 2023 at 6:00 PM.

III. NEW BUSINESS

A. **MARK BOGOSIAN**: Conceptual Hearing on the Development known as “The Rapids at South Peak”.

On July 1, 2022, developer Mark Bogosian purchased the yet undeveloped but approved development known as “The Rapids at South Mountain” formerly owned by Weston (Wes) Graves & Russell (Russ) Cooley d/b/a Lincoln South Mountain Partners LLC (LSMP). Bogosian now owns the following property d/b/a **“The Rapids at South Peak, LLC”** 866 Main Street, Osterville, MA 02655 purchased from Lincoln South Mountain Partners, LLC:

1. Main Street #LO (Map 118, Lot 003); the parcel is vacant and has three (3) Billboards:
 - a. Indian Head Resort;
 - b. Century 21; and
 - c. RiverWalk.

On November 14, 2007, the Planning Board granted LSMP Site Plan Review approval for a 78-unit resort residential subdivision development (39 duplexes) on 25 acres of land for property located at former Tax Map 16, Lot 310 (currently Tax Map 118 Lot 003) titled “The Rapids at South Mountain” with 13 conditions.

In 2017 LSMP and the Town signed a litigation settlement agreement, contingent on rebuilding the failed levee/dike on East Branch Pemigewasset River which was finally completed in 2021.

In the fall of 2021, LSMP requested the Planning Board

1. Restore their Site Plan Approval for 78 duplex units.
2. Planning Board to change the date of the Town's approval from 2007 to 2022.

On February 23, 2022, the Planning Board voted unanimously to approve the Application to Extend Planning Board Approval with the following conditions:

1. The Planning Board considers this project to be vested as determined by this Board of Selectmen's Water/Sewer Vesting List.
2. Approval is pending:

- a. All State permits including but not limited to the Department of Transportation (DOT) Driveway Permit, the Department of Environmental Services (DES) Alteration of Terrain (AoT) Permit, and others.
- b. Compliance with the Town of Lincoln's Stormwater Management Ordinance

On August 9, 2023, Bogosian is proposing the following:

1. Merging three (3) adjacent lots:
 - a. Main Street #LO (Map 118, Lot 004) owned by Mark Bogosian d/b/a "The Rapids at South Peak, LLC" (25.24 Acres in General Use (GU) District) with
 - b. Main Street #D LO (Map 118, Lot 002001 or Lot 002.1) (1.42 Acres in General Use (GU) District) owned by Mark Bogosian d/b/a "Main Street Lincoln Investments, LLC"; and
 - c. Main Street #D LO (Map 118, Lot 002002 or Lot 002.2) (0.95 Acres in General Use (GU) District) owned by Mark Bogosian d/b/a "Main Street Lincoln Investments, LLC".
2. Four story Hotel with X units, a restaurant open to the general public and limited underground parking;
3. Welcome Center for South Peak Resort on Main Street with parking lot;
4. Recreation Center;
5. Courts Sports Center;
6. Snowmobile Parking;
7. Ice Rink (Winter only);
8. 17 Duplexes (34 units) for South Peak Resort on Main Street;
9. Swimming Hole in the East Branch Pemigewasset River ("Old Hole").
10. Trail network;
11. Storm Water Collection;
12. Large Valet Parking Lot to support hotel, recreation and other uses

B. PETER MARLOWE - Application for Minor Subdivision (Boundary Line Adjustment) between 2 small adjacent lots, swapping 2 small portions of land:

1. Parcel A to provide access to LaBrecque Street for a vacant landlocked parcel and
2. Parcel B to give the second developed lot some additional buffer land behind the existing garage building currently located on the property boundary line.

Applicant/Property Owner #1: Peter Marlowe
38 LaBrecque Street
Lincoln, NH 03251

Property Owner #2: James Francis Burns & MacKenzie Brigid Gaudet
d/b/a Black Sheep Properties, LLC
36 LaBrecque Street
Lincoln, NH 03251

Applicant's Surveyor: Sabourn & Tower Surveying and Septic Design, PLLC
1022 Daniel Webster Highway
North Woodstock, NH 03262

Property #1 8 LaBrecque Street (Map 113, Lot 020) (9,583.2 SF or 0.22 Acres) pre-existing nonconforming lot with 1970 single wide Mobile Home with 2 small additions & 1970 720 SF Garage.

Property #2: Franklin Street #LO (Map 113, Lot 009) (8,276.4 SF or 0.19 Acres) pre-existing nonconforming lot landlocked vacant lot with woodshed picked up by the assessors in 2017, built without a Land Use Authorization Permit.

Both lots are in the General Residential (GR) District – minimum lot size is 15,000 SF or 0.34 Acres. Both lots are pre-existing nonconforming parcels.

Proposal: Reconfigure 2 pre-existing nonconforming parcels:

1. **Property #1:** 38 LaBrecque Street (Map 113, Lot 020) (0.22 Acres)
 - a. Parcel A is part of 38 LaBrecque Street (Map 113, Lot 020). Parcel A is 2,414 SF or 0.05+- Acres to become part of Map 113, Lot 009.
 - b. Parcel A will provide Franklin Street #LO (Map 113, Lot 009) (0.19 Acres) which is a landlocked vacant lot with access to LaBrecque Street.
 - c. 38 LaBrecque Street (Map 113, Lot 020) will go from an Original Area of 9,875 SF or 0.23 Acres to a Final Area of 8,489 SF or 0.19 Acres.
2. **Property #2:** Franklin Street #LO (Map 113, Lot 009) (0.19 Acres)
 - a. Parcel B is part of Franklin Street #LO (Map 113, Lot 009). Parcel B is 1,027 SF or 0.02+- Acres to become part of Map 113, Lot 020.
 - b. Parcel B will provide 38 LaBrecque Street (Map 113, Lot 020) a developed lot with some additional buffer land behind the existing garage building currently located within the setback area and on the property boundary line.
 - c. Franklin Street #LO (Map 113, Lot 009) will go from an Original Area of 8,386 SF or 0.19 Acres to a Final Area of 9,772 SF or 0.22 Acres.

C. ANDREW (DREW) GODDARD: Site Plan Review Application to create a mixed-use commercial space mixed with residential apartment units.

- | | |
|-------------------------------------|---|
| a. Applicant/Property Owner: | Andrew (Drew) Goddard
d/b/a <u>Copley Loon Housing, LLC</u>
94 Portsmouth Avenue
Stratham, NH 03885 |
| b. Former Property Owner: | Gregory (Greg) Nash
d/b/a The Millry Group, LLC
24 Winter Street
Plymouth, NH 03264 |
| c. Engineer: | Stephen Haight PE,
CivilWorks New England (CNE)
181 Watson Road
PO Box 1166
Dover, NH 03821-1166 |
| d. Land Surveyor: | McEneaney Survey Associates of New England
24 Chestnut Street
Dover, NH 03820 |
| e. 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 APARTMENT BUILDING:** Construct a new 3-story 6,000 SF mixed use residential 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.

4. **Parking:** Applicant to show adequate onsite parking for all uses.

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.