



TOWN OF LINCOLN, NH
Planning & Zoning Department
PO Box 25
Lincoln, NH 03251-0025

Phone: 603-745-2757
Fax: 603-745-6743
Email: planning@lincolnnh.org
Web: www.lincolnnh.org

May 21, 2014

NOTICE OF DECISION

RE: Site Plan Conditional Approval for an Expansion of Use
(Tax Map 118 Lot 047) (23 InnSeasons Drive) (InnSeasons South Mountain Resort)

Applicant:

- (1) William Davidson, P.E., of Hoyle, Tanner & Associates, Inc., of Pease International Tradeport, 100 International Drive, Suite 360, Portsmouth, NH 03801, as agent acting on behalf of
- (2) Applicant Dennis M. Ducharme, RRP (Registered Resort Professional), President of InnSeasons Resorts of 212 Mid Tech Drive, West Yarmouth, MA 02673.

Property Owners:

- (1) Southern Peaks Resorts, LLC [4960 Conference Way No. #100, Boca Raton, FL 33431 and 33 Brookline Road, PO Box 1058, Lincoln, NH 03251-1058;
- (2) William Curran et al. & Dennis M. Ducharme, BlueGreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431;
- (3) Dennis M. Ducharme & R. Scott McGreagor, BlueGreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431; and
- (4) Interval Ownership Trust – ISRSM, BlueGreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431 and 6210 Stoneridge Mall Road, Ste 4, Pleasanton, CA 04588].

Project Name: "South Mountain Resort – East Wing Addition, Phases 1 and 2"

Project: Applicant submitted an Application for a Site Plan Review for an **Expansion of Use to construct a 2 story "infill" building addition** on top of an existing concrete terrace to house the InnSeasons timeshare sales center on the second floor and a guest lounge on the first floor. This addition will be added to the addition currently under construction, approved in 2013 - a 3-story, 61-unit timeshare hotel addition to the existing South Mountain Resort.

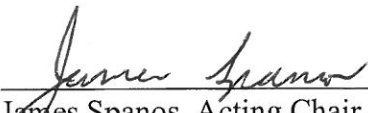
The infill building was **APPROVED** by vote of the Lincoln Planning Board on May 14, 2014.

The following is an administrative condition subsequent, to be met prior to issuance of a Land Use Permit:

1. The applicant shall obtain all applicable State and Federal permits and plan approvals and provide copies to the Town of Lincoln and submit infill addition to same third party review as the rest of the building.

Note: Site plan approval was granted for twenty-four months from the date of approval, May 14, 2014. If construction has not commenced twenty-four months from this date the applicant must re-file for an extension prior to expiration date of May 13, 2016.

Dated: May 29, 2014


James Spanos, Acting Chair of Planning Board

Notice: This Notice of Decision has been placed on file and made available for public inspection in the records of the Planning Office on May 21, 2013. Any persons aggrieved by this decision of the Planning Board is referred to NH RSA 677:15, which sets forth the appeal procedure. Copies of this notice have been distributed on May 29, 2014 to:

- Applicant: William Davidson, P.E., of Hoyle, Tanner & Associates, Inc., of Pease International Tradeport, 100 International Drive, Suite 360, Portsmouth, NH 03801, agent acting on behalf of applicant Dennis M. Ducharme, RRP (Registered Resort Professional), President of Inn Seasons Resorts [212 Mid Tech Drive, West Yarmouth, MA 02673]
- Board of Selectmen
- Town Clerk
- Tax Assessor
- Posted at Town Offices on May 29, 2014
- Posted at Post Office on May 29, 2014

677:15 Court Review

Last revised 1983

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the planning board voted to approve or disapprove the application, in accordance with RSA 21:35.

II. Upon presentation of such petition, the court may allow a certiorari order directed to the planning board to review such decision and shall prescribe therein the time within which return thereto shall be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from. The planning board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such order. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

III. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to

the court with the referee's findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

IV. The court shall give any hearing under this section priority on the court calendar.

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

Revisions

1983, 447:1. 1991, 231:14. 1995, 243:7, 8. 2000, 144:4. 2005, 105:2, eff. Aug. 14, 2005. 2009, 266:4, eff. Sept. 14, 2009.