

APPROVED

**PLANNING BOARD
PLANNING BOARD MEETING
WEDNESDAY, May 10, 2023 – 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 by Chairman James Spanos

Present: Chair James Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, and Member Paul J. Beaudin, II, Alternate Danielle Black

Excused: Alternate Mark Ehrman

Staff Present: Planner Carole Bont

Consultant Present: None

Guests:

- **Jeannie Beaudin**, resident (only long enough to help us verify the ZOOM platform was working).
- **James (Jim) Burns**, nonresident, 64 Governors Road, Milton, MA 02186 (**Agent for APPLICANT**), co-owner with Jeanne L. Burns of 12 Mountain Brook Circle #2 (Map 116, Lot 012000-02-00006) (via Zoom) 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.

- Mark Bogosian d/b/a Longfellow Design Build 866 Main Street, Osterville, MA 02655

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 (via Zoom).
- **Vincent A. Ciarleglio**, resident, (ABUTTER) of 3 Eagle Cliff Road, Lincoln, NH 03251 who co-owns with Lou Ciarleglio, 3 Eagle Cliff Road (Map 107, Lot 059).
- **Mary S. (Ciarleglio) Gould**, resident, (APPLICANT) 5 Eagle Cliff Road, PO Box 325, Lincoln, NH 03251-0325, who co-owns with John Gould, 5 Eagle Cliff Road (Map 107, Lot 058).
- **John Gould**, resident, (APPLICANT) 5 Eagle Cliff Road, PO Box 325, Lincoln, NH 03251-0325, who co-owns with Mary S. Gould, 5 Eagle Cliff Road (Map 107, Lot 058).
- **Roland L. Mattison**, resident 57 Flume Road, Lincoln, NH 03251, with a mailing address of PO Box 747, Lincoln, NH 03251-0747 who co-owns with Diane C. Mattison, as Trustees of the Mattison Cantwell 2020 Trust, 57 Flume Road (Map 123, Lot 058) in the White Mountain Hamlet of Coolidge Falls HOA & Member of Board of Directors of Coolidge Falls Homeowners' Association.

II. CONSIDERATION of meeting minutes from:

- **April 5, 2023**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black.

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

Second by Vice Chairman Chenard

All in favor

- **April 12, 2023 (Wednesday)**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member, Member Paul Beaudin, Alternate Danielle Black.

Motion to approve with correction by Vice Chairman Chenard

Second by Selectmen's Representative O.J. Robinson

Five (5) favor, One (1) abstain

III. CONTINUING AND OTHER BUSINESS

***** The following (SUB 2023-03 M118 L039+S Peak LLC + FC-Loon LLC – Crooked Mountain Road 8 lots (CMR8) – Subdivision Application) was not heard as the applicant was not present. *****This item will on the agenda for June 14, 2023.

Mark BOGOSIAN:

A. 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 April 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:

1. **Map 118, Lot 039.20** (0.40 Acres)
2. **Map 118, Lot 039.21** (0.39 Acres)
3. **Map 118, Lot 039.22** (0.49 Acres)
4. **Map 118, Lot 039.23** (0.51 Acres)
5. **Map 118, Lot 039.24** (0.27 Acres)
6. **Map 118, Lot 039.25** (0.25 Acres)
7. **Map 118, Lot 039.26** (0.32 Acres)
8. **Map 121, Lot 051** (0.64 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 April 12, 2023 public hearing on was continued to the next scheduled Planning Board meeting on May 10, 2023.

The Planning Board discussed the memo about the application regarding completeness (see attached). The attorneys for South Peak and the Town have spoken and they have the information needed to come to an agreement as to whether or not the Master Plan from 2006 will be used or if South Peak wants to create an amended new Master Plan. This agenda item was continued by unanimous vote to Wednesday, June 14, 2023 at 6:00 PM.

III. NEW BUSINESS

A. Conceptual:

CON 2023-06 M107 L059 John Gould – Auto & Truck Detailing & undercoating

Car detailing and undercoating has been a “side business” (i.e., home business) for 15+ years at this location. The upstairs of the separate garage building has been used for many years as a pet grooming business “Mary’s Wash and Wags”. His brother-in-law who lives next door also does car detailing, full time, on his own property. Gould intends to add a sign on his brother-in-law’s & his wife’s sign located on his brother-in-law’s property and perform his side business full time with his son (up to 2 vehicles per day) and possibly add to the size of the garage, adding a lift if the business is successful. There would be little or no additional traffic generated by his business.

Does he need Site Plan Review approval or would his business still qualify as a “home business”?

1. Applicable Zoning Ordinance:

- a. **ARTICLE VI, DISTRICT AND DISTRICT REGULATIONS, Section B., District Regulations, Paragraph 2, Land Use Schedule Business Uses, in the General Use (GU) District.**

Home businesses are allowed by right in the General Use (GU) District.

- b. **ARTICLE V. GENERAL REGULATIONS, Section G. *HOME BUSINESSES*. Section G. *HOME BUSINESSES*.**

Home businesses, when allowed as special exceptions or permitted uses in accordance with the land use schedule, shall conform to the following requirements:

1. Home Businesses shall meet all other requirements of this ordinance. A home business, when allowed under the land use schedule, is solely for a use which is allowed within the district in which the property upon which it will be conducted is located.
2. There shall be no exterior display, no exterior storage of materials unless screened from street and neighbors, and no other exterior indication of the home occupation except for a sign, which must comply with the Lincoln Sign

Ordinance, nor shall there be any other variation from the residential character of the principal building.

3. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
4. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
5. Parking generated shall be accommodated off-street, other than in a required front yard.
6. The sale of firewood, in a manner that enhances the tourism “look and feel” of the town, is an allowed accessory use to Residential and Commercial entities in all Zoning Districts.

Presentation

Mary S. (Ciarleglio) Gould explains that she and her husband would like to install a concrete pad (12 x 28 x 6) next to their garage to create a safe place for her husband to jack up cars to apply undercoating. She notes that the problem is that the garage is on the line of the setback and if they install the cement slab it will be within the fifteen (15) foot setback and three (3) feet from the abutter’s property line. Ms. Gould’s brother, Vincent A. Ciarleglio (Vinnie) is the abutter and is fine with the concrete slab being placed that close to his lot.

Discussion

Planner Bont explains that they have been working on an application for a Variance in the event the Planning Board decides that this is a home business. The property is located in the General Use (GU) District and is considered business friendly – and per the, Land Use Schedule, a zoning district where home businesses are allowed. She adds that currently, there is a business above the garage called “Mary’s Wash and Wags”. The car undercoating business uses the garage area and the area of the proposed concrete slab. They will only work on two to three (2 to 3) cars per day and will not add a lot of traffic.

Chairman Spanos comments that the slab is three hundred thirty-six (336) square feet and the threshold for Site Plan Review is five hundred (500) square feet. The Planning Board discusses what would be required moving forward. The Planning Board agrees that they do not need Site Plan Review but do need to ask for a Variance from the ZBA for the setback.

Motion that this doesn’t require Site Plan Review and that all it will require will be a Variance from the ZBA for the setback by Member Beaudin
Second by Vice Chairman Chenard
All in favor

V. PUBLIC PARTICIPATION AND OTHER BUSINESS:

“Live Free or Die”

Roland L. Mattison discusses his opinion on the NH State Moto, “Live Free or Die” and that people can do what they want to do. He wonders if that is really the case as there is planning and zoning approvals required to construct various things. Chairman Spanos explains that the zoning ordinance and other ordinances are there to provide protections for residents.

Workforce Housing

Mr. Mattison discusses the Master Plan for the Town. He notes that there is talk in the Master Plan about incentivizing certain activities like “employee housing”. He wonders if that has ever been done. Chairman Spanos replies that they have not looked into that and that when the Master Plan was written, multi-family employee housing was considered as “a residential use” which required fifteen thousand (15,000) square feet per dwelling unit. It has been changed to a new classification called “Restricted Multi-Family Residential Housing” which is a “Business Use” and, therefore, allows for whatever percentage of lot coverage that’s allowed in that zoning district. The Planning Board discusses the need for workers and adequate housing for them.

Main Street Beautification

Mr. Mattison asks if they have considered having the Town spend money to do things to Main Street, like create additional sidewalks or things to beautify Main Street. Vice Chairman Chenard replies that they did have a Downtown Committee about 15 years ago but it didn’t have support of the community. The Planning Board discusses projects the Town has considered and how difficult it is to get public acceptance of the ideas as well as the costs associated with Main Street improvements.

Workforce Housing (revisited)

Selectmen’s Representative O.J. Robinson returns to the discussion about the shortage of workforce housing and explains that the difficulty the Town has with Short-Term Rentals (STRs) is due to a lack of having a definition of “Residential Use” in the ordinance. He adds that if a rooms and meals tax and license are required, then it could be considered a “business use” rather than a “residential use”.

The Planning Board discusses home businesses that a person runs while also living in the residence vs. a short-term rental business that is not owner occupied. Selectmen’s Representative O.J. Robinson explains the NH Supreme Court case involving the Town of Conway and the fact that the Town of Conway can’t

restrict short-term rentals because they don't have a specific definition of what a "residential use" is. [See *Town of Conway v. Scott Kudrick* ___ NH ___ (1922).]

The Planning Board discusses scenarios where short-term rentals could be used for workforce housing. Selectmen's Representative O.J. Robinson discusses incentivizing people to build workforce housing and how now, after the NH Supreme Court has made its ruling, is the chance to do that.

The Planning Board discusses many possible scenarios to help stop the entire Town from becoming one big hotel by providing incentives or creating impact fees. The Planning Board talks about empty rooms at the hotels by the highway and how they could be used for workforce housing. Chairman Spanos comments that this is an issue that needs further discussion.

Welcome Signs

The Planning Board discusses the welcome signs that they recently purchased and how some of the old, ratty ones should be taken down and replaced. Vice Chairman Chenard adds that the flag in front of Town Hall should be replaced because it has been left out at night without lights on it and it's ratty. He feels it shows disrespect for the U.S. Government.

Traffic Backing up on I-93

The Planning Board discusses that the State of NH wants to avoid allowing traffic to back up onto I-93. Vice Chairman Chenard notes that was a recommendation to have an off-ramp from I-93 on the other side of the river near South Mountain. The Planning Board discusses the off-ramp idea and how it got shot down on all fronts.

Pemi Base Camp

Member Beaudin would like to discuss Pemi Base Camp and put it to rest before the next Planning Board Meeting. Chairman Spanos suggests putting the issue on the agenda for the meeting in two (2) weeks. He asks Planner Bont if she can contact Brian Norton. Selectmen's Representative O.J. Robinson asks what will they be asking Brian Norton to do. The Planning Board discusses how they want to proceed with the Pemi Base Camp issue and why. Selectmen's Representative O.J. Robinson suggests that they start looking at the conditions of approval from 2004 or 2005 and use that as the basis of any decision the Planning Board makes. He adds that the burden is on the Planning Board as they have an approved Site Plan with conditions of approval. Selectmen's Representative O.J. Robinson feels that the Planning Board should not meet with the parties from the Pemi Base Camp until it lays out which conditions aren't being met. He stresses that someone needs to present the facts and conditions that are being violated and why. He notes that in the past the Planning Board discussions were based on opinions on what they think is going on there. Member Beaudin comments that it

doesn't need to be a condition but a deviation from what was originally approved. Planner Bont has provided the Planning Board with all of the information. Chairman Spanos polls the Planning Board to find out if they want to put the Pemi Base Camp matter on the agenda for the next meeting. Selectmen's Representative O.J. Robinson feels that they should have a hearing after the Planning Board is presented with the facts of what was approved and what they think the violations are. Chairman Spanos and the majority of the Planning Board members agree to put the issue on the agenda for discussion and then take a vote to determine how to move forward.

VI. ADJOURNMENT

Motion to adjourn by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: June 14, 2023


Chairman Spanos

