

APPROVED

PLANNING BOARD
PLANNING BOARD MEETING
WEDNESDAY, July 26, 2023, 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/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 Chairman James Spanos

Planning Board Members Present: Chair James Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black

Planning Board Member Excused: Alternate Mark Ehrman

Town Staff: Planner Carole Bont

Consultant: Raymond Korber, P.E. (KVPartners, LLC) (via Zoom)

Guests Present:

- **James (Jim) W. Burns**, nonresident, 64 Governors Road, Milton, MA 02186 (**AGENT FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC AND FC-LOON LLC**) (via Zoom)

- Co-owner with Jeanne L. Burns, 64 Governors Road, Milton, MA 02186 of
 - **12 Mountain Brook Circle #2** (Map 116, Lot 012000-02-00006)

Acting as:

A. 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).

B. 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.

C. Business Development for Longfellow Design Build owned by:

- o Mark Bogosian d/b/a Longfellow Design Build, 367 Main Street, Falmouth, MA 02540.

D. Business Development for Longfellow Design Build NH, owned by:

- o 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**).
- **“I-Phone”** – is an unidentified participant #1 who named their computer handle, “I-Phone” (via Zoom).
- **Scott Miccile, P.E.**, nonresident, (**AGENT/ENGINEER FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC & FC-LOON, LLC**) Civil Engineering & Land Development Director for Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540 (**via Zoom**).
- **Jon Warzocha, P.E.**, nonresident, (**AGENT/ENGINEER FOR APPLICANT MARK BOGOSIAN D/B/A SOUTH PEAK, LLC AND FC-LOON LLC**) Horizons Engineering, CEO of Horizons Engineering, 34 School Street, Littleton, NH 03561 working for Applicant Mark Bogosian d/b/a South Peak Resort developer and working for Applicant Loon Mountain Recreation Corporation.

CONSIDERATION of meeting minutes from:

- **July 12, 2023 (Wednesday)**
 - 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 changes by Vice Chairman Chenard

Second by Selectmen’s Representative O.J. Robinson

All in favor

III. CONTINUING AND OTHER BUSINESS:

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.**

Presentation:

Mr. Bogosian's team begin their presentation by asking the Planning Board if they have any questions regarding the Master Plan that had been previously discussed.

Basis of Design

Alternate Black mentions the Basis of Design for South Peak Resort that was approved years ago and wonders how the new developers plan to handle the size of the houses and the number of bathrooms moving forward. She notes the existing constructed houses in South Peak are huge and wonders how the developers will balance that in the future.

Applicant's Engineer Mr. Warzocha comments that "they" will review each home on an individual basis and work on the water and sewer flows on a case-by-case basis.

A discussion begins on the water and sewer flow rate in the Basis of Design.

Applicant's Engineer Jon Warzocha, P.E., agreed to provide to the Planning Board an updated status report of the components that comprise the "Centex Destination Properties South Peak Resort – Water System Improvements Booster Station and High-Pressure Zone Reservoir Basis of Design, May 2007". The report shall include a summary of what South Peak Resort's entire water and sewer allocation was that was initially approved in accordance with the Basis of Design in 2007. The report shall compare the initial allocation to how much of their water and sewer allocation they have built to date and show the Planning Board how much of their water and sewer allocation they have left to build including but not limited to:

- How many of the allocated 1,018 approved units have been built to date? By section?
- How many bedrooms have been built to date? By section?
- How many units and how many bedrooms are left to build? By section?

Master Plan

Water Pressure

Mr. Warzocha explains that there is adequate water pressure below the one thousand (1,000) foot elevation and the developer is not proposing any building in the high-pressure zone above one thousand (1,000) feet. The units that are being discussed now will be in the low-pressure zone.

The Planning Board discusses maximum number of single-family homes to be constructed (i.e., twenty-seven (27), four (4) bedroom units of two-thousand square feet in size) before the water storage tank was required to be installed and the booster pumps which serve the homes in the high-pressure zone. They agree that until the new tank is

installed there cannot be any new building in the high-pressure zone. Mr. Warzocha explains that they aren't proposing anything in the high-pressure zone at this hearing.

Member Beaudin asks for clarification on the change in elevation for the high-pressure zone which was previously nine hundred fifty (950) feet of elevation and is now raised to one thousand (1,000) feet of elevation. Mr. Warzocha explains that Horizons Engineering with the assistance of the Town's Water Engineers, Weston & Sampson, Inc., ran a hydraulic model specifically looking for pressure and flows on Crooked Mountain Road. Weston & Sampson, Inc., determined that the flows were sufficient in the low-pressure zone up to one thousand (1,000) feet in elevation.

Member Beaudin recalls that Fire Chief Ron Beard had mentioned that the fire hydrants had sufficient pressure but that the fire flow was minimal. He asks Town Engineer Mr. Korber to comment. Mr. Korber talks about the change in the service elevation in the main pressure zone. He notes that the nine hundred and fifty (950) feet of elevation the Town refers to was based on a 2005/2006 Basis of Design report for the water system that was installed in the high-pressure zone in South Peak prepared by the developer's engineer at the time, Stephen LaFrance of Horizons Engineering, Inc.

Mr. Korber adds that in 2020 the computer model was updated in the distribution system and Weston & Sampson, Inc., ran an analysis and determined that the service elevation in the main pressure zone was not at nine hundred fifty (950) feet of elevation, but at one thousand (1,000) feet of elevation. Mr. Korber notes that the analysis done on the new six (6) lot subdivision confirmed the 2020 analysis.

Member Beaudin asks Mr. Korber if the houses above one thousand (1,000) feet of elevation will not have adequate pressure.

Mr. Korber explains that service elevations are started at ground level and lots can increase in elevation from the front to the back but the criteria they are now using for South Peak is that the top floor elevation cannot exceed one thousand (1,000) feet.

Member Beaudin argues that the Basis of Design document should be changed to reflect the change to one thousand (1,000) feet and not the previous nine hundred (950) feet.

Mr. Korber comments that he is referring to the service elevation in the main pressure zone and that the 2020 analysis has been documented for the storage tanks and the six (6) lot subdivision report. He suggests the Planning Board rely on those two (2) reports.

The Planning Board and Mr. Warzocha discuss the Basis of Design as it relates to water pressure, elevations and fire hydrants. Mr. Korber clarifies that there is enough volumetric fire flow for the eight (8) lot subdivision being proposed.

Member Beaudin asks if Weston & Sampson, Inc., did an analysis on the eight (8) lot subdivision or only on the six (6) lot subdivision. Mr. Korber replies they did not analyze the eight (8) lot subdivision as the elevations of the two (2) subdivisions are similar and both are in the low-pressure zone.

Member Beaudin asks Mr. Korber if he has any concerns about South Peak building without the water tank installation. Mr. Korber replies that as it relates to this eight (8) lot subdivision, he does not have any concerns. He does recommend that they do an analysis on the potential demand impact will be once the tank is built.

Member Noseworthy asks if it would be possible to mark the elevations on the plans to make easier to read the nine hundred fifty (950) and the one thousand (1,000) foot elevations. The Planning Board discusses the plans and Mr. Warzocha says he will mark the elevations.

Water Tank

Vice Chairman Chenard asks Selectmen's Representative O.J. Robinson if there is any news from the Forest Service regarding the pending application to install water storage tank on US Forest Service Land (Map 001, Lot 002).

Selectmen's Representative O.J. Robinson explains that they have completed some of the required studies and have two (2) more studies to complete next month. He adds that it has been all good news so far. Everything up for review has been approved.

Member Beaudin asks if the hang up was the location of the tank. Selectmen's Representative O.J. Robinson responds that he doesn't believe so. The Planning Board discusses the location of the water tank and pending application for US Forest Service approval.

Selectmen's Representative O.J. Robinson is asked by Member Beaudin if the tank will be owned by the Town. Selectmen's Representative O.J. Robinson replies that the tank will be owned by the Town but the owner of South Peak, LLC has been extremely patient and has participated in funding the tank.

Green Space

Member Beaudin discusses green space and mentions that the regulations require that the green space needs to be deeded and dedicated. Mr. Warzocha mentions that South Peak developers haven't had to do that in the past. Member Beaudin isn't sure why they weren't required previously and feels that they should have as it is a regulation.

Chairman Spanos explains that not requiring deeded and dedicated green space for the last two approved subdivision projects was an oversight. He explains that if a lot that is less than fifteen thousand (15,000) square feet there must be green space designated.

Master Plan and Abutter Notice

Member Beaudin comments that since there was never a signed and registered Master Plan with Grafton County, the Planning Board should vote to adopt a Master Plan at this time. He feels the Master Plan should be available for the public to review prior to accepting it. Chairman Spanos replies that there have been two (2) hearings regarding South Peak's Master Plan. Member Beaudin feels the abutters should be individually notified.

Traffic

Member Beaudin discusses traffic issues in Town and suggests more traffic studies be done to avoid more problems. The Planning Board discusses traffic issues.

Mr. Warzocha comments that they have been working from the approved 2007 Master Plan and as they move forward they are making the necessary updates. He adds that the projects thus far have been fairly minor projects and they are updating the unit counts as they go. They are paying attention to water and sewer allocations and traffic issues and are updating those as well. It is noted that there is a spread sheet with that information.

Fireside Condos

Member Beaudin discusses Fireside Condos and that Fireside Condos does not follow the 2007 Master Plan as it is a high-density project located in the low-density area as indicated on the "Master Plan".

Traffic

The Planning Board discusses the issues with traffic. Mr. Warzocha feels this traffic issue is a community-wide issue and not a South Peak issue. Member Beaudin and the Planning Board continues to discuss traffic issues in Town.

Conclusion

The Planning Board discusses how to move forward with the updated Master Plan and whether or not the Board should accept it or reject it. The Planning Board discusses whether the Master Plan is vested, in whole or in part. The Planning Board discusses their role in town and how to handle issues moving forward. The Planning Board discusses whether or not they should seek legal advice and from whom.

Planner Bont will look for a land use attorney. Chairman Spanos asks to continue this discussion on the Master Plan until August 23, 2023.

Motion to continue until August 23, 2023 at 6:00 PM by Chairman Spanos

Second by Member Beaudin

All in favor

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).
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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 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 26, 2023 at 6:00 PM.

Presentation:

Mr. Warzocha explains that Mark Bogosian d/b/a South Peak, LLC is applying for an eight (8) lot subdivision and that Town Engineer Mr. Korber has reviewed the plans. Mr. Warzocha said some minor adjustments have been made to the plan in response to some of Mr. Korber's comments. Mr. Warzocha describes the minor adjustments which include widening a parcel on Crooked Mountain Rd. Addressing Mr. Korber's concerns regarding setbacks, Horizons and the developer changed some of the setbacks to the wetlands. He adds that there are two (2) "intermittent" waterways between Lots 23 and 24.

Mr. Korber said the waterways may not be "intermittent" as the waterways have had water in them during this month of July.

Planner Bont explains to the Planning Board where the two waterways are located on the plans. The Planning Board discusses an updated memo dated July 25, 2023 that addresses four (4) items that Mr. Korber had made comments on. Mr. Korber leads the discussion on the items:

1. Questions on Sewer Easement seen on Sheet S1:

There is a note which references a twenty (20) foot utility easement located below the six (6) lot subdivision that was previously approved. This is a change to the existing subdivision plan that was approved by the Planning Board, so far to date.

Warzocha explains the new twenty (20) foot utility easement is to accommodate anticipated construction where planning is currently underway to create an additional future subdivision in that area. The utility easement will be specific to sewer service to the new subdivision and will go down to the Fireside Condo development. This easement was created in anticipation of future work coming down the road. The utility easement is going to be on the ski trail and not on any of the eight (8) lots proposed within the subdivision.

Mr. Korber directs the Planning Board to the Draft Concept Plan on Sheet L2.00 which shows what future development the easement is meant to serve. Mr. Korber explains that the utility easement is easy to miss and he wanted to point it out to the Planning Board as that new easement is part of the latest amendment to the plan.

2. Green Areas seen on Sheet S2:

Mr. Korber directs the Planning Board to the areas on the plan highlighted in green which depict Green/Open Spaces which have been set aside as common areas.

Mr. Warzocha explains the history as told to him by Stephen LaFrance also of Horizons Engineering, Inc., about how setting aside the two areas came about.

A discussion with the Planning Board begins regarding deeded and dedicated

Green/Open Space.

Mr. Korber continues his discussion and describes the differences between the approved seven (7) lot subdivision and these newly configured eight (8) lots as it relates to Green/Open Spaces.

The Planning Board reviews the plans and discusses the square footage on the newly configured proposed lots. Mr. Warzocha explains the change was made to protect the setback to the stream thread.

Mr. Korber explains that the drainage areas should be separate from the proposed lots and the maintenance of these drainage areas for those two waterways possibly will become the responsibility of the HOA. The Planning Board discusses how easements are calculated.

Mr. Korber explains the two waterways provide substantial drainage for uphill areas of between approximately 150 and 200 acres that are draining through the two (2) lots. Given the current climate concerns, more room to accommodate that drainage is always better.

Mr. Warzocha says he calculates the drainage area and the minimum lot sizes of the lots is greater than fifteen thousand square feet (15,000 SF) on the lots in question.

The Planning Board, Mr. Warzocha and Mr. Korber discuss the stream thread and stormwater as it relates to lot sizes proposed.

Mr. Korber recommends leaving the lot lines as they are depicted on the original approved seven (7) lot subdivision, as it is his professional opinion that it is in the best interest of this particular subdivision. He also believes it is in keeping with the Master Plan as presented back in 2005/2006 and with the approval of the seven (7) lot subdivision by the Planning Board.

Member Beaudin asks Mr. Warzocha if there is a way to keep the subdivision as it is currently approved.

Mr. Warzocha replies that the developer needs the added lot. Mr. Warzocha does not understand how the eight (8) lots as he presented them are not considered to be in compliance with the current ordinances. He wants to know what the Planning Board's technical concerns are.

Mr. Warzocha mentions that he can meet with his team and adjust the lot lines back to what they were and make the two (2) lots smaller if that works for the Planning Board. The Planning Board discusses changing the lot sizes, setbacks and increasing the size of the easements.

Planner Bont reads from the Land Use Ordinance, page 33 which talks about calculating the setbacks when a river or stream is present.

ARTICLE VI

DISTRICT AND DISTRICT REGULATIONS

Section B. DISTRICT REGULATIONS.

3. **LOT AREA AND YARD REQUIREMENTS**

- a. *Building setbacks shall be measured from the property lines except when a river or stream is present. Setbacks shall be measured from the top of the bank of any stream or river. Where there is no bank, the setbacks shall be measured from the visible high-water-mark.*
- b. *If a permit is obtained from the State Wetlands Board to relocate or culvert the stream, then setbacks from the top of the bank shall not apply.*

See Dimensional Chart Next Page.

4. **LOT AND LOT COVERAGE REQUIREMENTS AND STANDARDS**

- a. *The area of any year-round stream or water body shall not be included in determining compliance with minimum lot size under this section.*
- b. *Lot coverage shall include the buildings, out buildings, roads, parking area (paved or unpaved) and swimming pools or other non-permeable recreational facilities. Treed islands within parking areas shall be excluded from this area.*
- c. *The area reserved for open space may include sidewalks, walkways, outdoor patios, courtyards, terraces, and permanent planters. Only 10% of the total lot area developed in this manner may be counted towards open space. Treed islands within parking areas shall be included in this area.*
- d. *Dimensional requirements for the Village Center may be waived by the Planning Board so long as they meet all other Zoning requirements*
- e. *Lot Coverage Requirements and Standards may be impacted by Stormwater Management Ordinance. Lot shall comply with requirements of the Stormwater Management Ordinance.*

The discussion regarding setbacks and easements continues. Mr. Warzocha suggests working with his team and adjusting the easements to handle the stream and drainage issue. Mr. Korber comments that if the applicant wants to propose an alternative to what is being proposed he will take a look at that. Mr. Warzocha agrees he will come back with a change in the easements.

5. Recommendation to review the structure of the easement:

Mr. Warzocha will make sure there are also rights for drainage repair as it relates to Mr. Korber's comments.

6. Observations on the conceptual plan and how it ties into the eight (8) lot subdivision:

Mr. Korber noted and compared the current plans against the original Master Plan and wanted to point out this information to the Planning Board. He explains that the new plan is increasing the density on that same footprint at South Peak from approximately fifty-one (51) dwelling units to eighty-one (81) dwelling units; a 59% increase in density.

The Planning Board discusses the number of units and how it may affect the abutting homeowners and the overall community.

Conclusion:

Mr. Warzocha will work with his team and make the appropriate adjustments. He asks the Planning Board if there are any other issues that need to be addressed.

Member Beaudin comments on the maintenance and who is responsible for future repairs on proposed water/sewer infrastructure.

Mr. Warzocha explains that in this case the new subdivision is on an existing roadway and the developer is not putting in any new infrastructure for water or sewer.

Member Beaudin talks about Green/Open Space and whether or not the Planning Board will be requiring deeding and dedication of those spaces.

Chairman Spanos reminds Member Beaudin that the lots as currently proposed are over the fifteen thousand (15,000) square foot minimum for lot size and so there is no requirement for Green/Open Space for that size lot.

The Planning Board discusses the application and how to move forward. They agree to review the application at the next meeting.

Motion to continue this hearing to August 9, 2023 by Vice Chairman Chenard

Second by Member Beaudin

All in favor

Motion to open public comment by Member Beaudin

Second by Vice Chairman Chenard

All in favor

****No comments made****

Motion to close public comment by Vice Chairman Chenard

Second by Member Beaudin

All in favor

III. NEW BUSINESS

A. Follow-up Re: Complaint/Inquiry

SPR 2020-15 M118 L064 & L065 Mark Stiles d/b/a Flow State, LLC, & It's An I-M, LLC, PO Box 1113, North Marshfield, MA 02059-1113 – Put container unit building on 153 Main Street (Map 118, Lot 064) to store it for

less than 180 days. Does Stiles need Site Plan Review Approval for a Change in Site Plan?

On July 14, 2023, Planning Board voted to advise Mr. Stiles that he has forty-five (45) days with the current sign on it (from the time he put it there) and if he takes the sign off, he has one hundred eighty (180) days that he can leave it there.

Mr. Mark Stiles has taken down his sign.

B. Planner Bont discusses and presented information about “Useable Space” for the Planning Board to review.

(Difficulty hearing all of the details being discussed)

Questions for the Planning Board:

Wetlands and Useable Space

The definition of “Useable Space” is in the Land Use Plan Ordinance in the context of a description of a “Special Exception”.

ARTICLE VIII

BOARD OF ADJUSTMENT

Section A. BOARD OF ADJUSTMENT

A five-person Board of Adjustment and three alternates will be appointed by the Selectmen as provided by RSA 673:3. Upon application the Board of Adjustment shall have the powers set forth in RSA 674:33, including the power to:

1. Review and decide on alleged error in administrative finding, or;
2. After review and in adherence to all specific criteria in this Ordinance, the Board of Adjustment may grant a **Special Exception**, provided that:
 - a. The site is suitable for the proposed use, structure or development; that the specific site is an appropriate location for the proposed use, structure or development. This includes:
 - i. Adequate usable space.
 - a) The definition of “useable space” is any portion of a lot or a structure which is designed to be or can be used to support development.
 - b) The definition of “usable space” excludes:
 - 1) Land defined as being within the “Special Flood Hazard Areas” or within the “base flood elevation” or the “one-hundred-year floodplain” whose use is restricted by the minimum requirements of the National Flood Insurance Program Regulations Section 60.3(b) (as Amended 1/2004) and the Land Use Plan Ordinance, Article VI District and District Regulations, Section D Floodplain Development District; Special Flood Hazard Areas or land within the Floodplain.
 - 2) Land defined as “protected shoreland” and “public waters” whose use is restricted under the Shoreland Protection District Areas as defined in the Comprehensive Shoreland Protection Act NH RSA 485-B and the Land Use

Plan Ordinance, Article VI District and District Regulations, Section E Shoreland Protection District

- 3) Land covered by wetlands, water bodies, watersheds and drainage systems as defined by the NH Wetlands Board Rules as amended (Administrative Rules WT 100-800); and
- 4) Land with steep slopes as defined by NH Department of Environmental Services (DES). NH DES defines an "Extremely Steep Slope" is a slope of greater than 25% prior to site disturbance. Under NH DES regulations, no section of any driveway may exceed a 10% slope for residential subdivisions or 8% slope for nonresidential site plans. (According to NH DES, most communities define "steep slope" as having a grade of 15% or greater; meaning that the vertical elevation increases by 15 feet over a horizontal distance of 100 feet.);

Planner Bont suggests the definition of "Useable Space" from here should be added to the definition section of the Land Use Plan Ordinance (LUPO), and possibly the definition sections of the Subdivision Regulations and the Site Plan Review Regulations.

Planner Bont said the rest of the criteria that should be considered for approving a development/project are also listed in the same section of the LUPO. These should be more front and center in the ordinances.

The Planning Board discusses definitions and dedicated open spaces.

Forest Ridge Resort – Calculation of Useable Space and Set Aside Green Space:

The Planning Board discussed land up for auction in Forest Ridge as it relates to the open space discussion.

Planner Bont reads excerpts that talk about Open Space from page 20 of the Land Use Plan Ordinance (LUPO).

31. Open Space – *Shall be an area of dedicated land not occupied by any structures nor any areas on which a vehicle may travel.*

The Planning Board discusses Open Space definitions as there are many different types.

Planner Bont directs the Planning Board to look at page 33 of the Land Use Planning Ordinance. She reads from:

ARTICLE VI

DISTRICT AND DISTRICT REGULATIONS

Section B. DISTRICT REGULATIONS.

4. LOT AND LOT COVERAGE REQUIREMENTS AND STANDARDS

- c. *The area reserved for open space may include sidewalks, walkways, outdoor patios, courtyards, terraces, and permanent planters. Only 10% of the total lot area developed in this manner may be counted towards open space. Treed islands within parking areas shall be included in this area.*

Member Beaudin notes that dede open space is required and the use of the open space must be for recreational use and can not be used for something else. A discussion regarding dede open space starts. The Planning Board agrees that Planned Unit Developments and Cluster Developments require dede open space. The Planning Board discusses how to improve the language in the Land Use Planning Ordinance.

Planner Bont reads from the Site Plan Review Regulations and then explains when Site Plan Review is triggered or kicks in.

The Planning Board discusses the differences between Site Plan Review and Subdivisions. The Planning Board discusses bringing the issue to public hearing.

Planner Bont will look into the legality of that and put it on the agenda for August 23,

Short-Term Use

Selectmen's Representative O.J. Robinson asks if there would be time to discuss the definition of Short-Term Use at the second (2nd) meeting in August. The Planning Board discusses short-term rentals. The Planning Board discusses hiring an attorney to help with the definition of short-term rentals.

Conclusion:

The Planning Board agrees that Wetlands do not count in calculating lot size.

IV. PUBLIC PARTICIPATION AND OTHER BUSINESS: NONE

VI. ADJOURNMENT

Motion to adjourn by Member Beaudin

Second by Vice Chairman Chenard

All in favor

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: August 9, 2023


Chairman Spanos

