

**APPROVED**

**PLANNING BOARD  
PLANNING BOARD 1ST MONTHLY MEETING  
PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO ZONING ORDINANCE  
A/K/A LAND USE PLAN ORDINANCE (LUPO)  
(SIGN ORDINANCE & FLOODPLAIN ORDINANCE)  
WEDNESDAY, January 4, 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=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](http://www.lincolnnh.org) for same link, meeting ID and passcode.)

**I. CALL TO ORDER by Chairman James Spanos**

**Members Present:** Chairman James Spanos, Vice Chairman Chenard, Selectmen's Representative OJ Robinson, Stephen Noseworthy, Member Paul Beaudin, II.

**Excused:** Alternate Mark Ehrman.

**Staff Present:** Planner Carole Bont.

**Guests:**

- **Mark Bogosian**, nonresident, (**APPLICANT and ABUTTER**) d/b/a Longfellow Design Build, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 (via Zoom).

**A. South Peak Resort Holdings:**

1. Mark Bogosian, a developer who owns the following under his own name, **Mark Bogosian:**
  - South Peak Road (Map 121, Lot 057)
  - 43 Crooked Mountain Road (Map 121, Lot 011)
2. Mark Bogosian, a developer who owns the following property under the name "**Loon Slopeside, LLC**":
  - 9 Riverside Terrace #2C, (Map 118, Lot 039001-02-0000C)
3. Mark Bogosian, a developer who owns the following properties d/b/a "**FC-Loon, LLC**"). At the time of his purchase of the main South Peak Resort

development; he also purchased the FC-Loon LLC and therefore now owns “FC-Loon, LLC” and its assets:

- Crooked Mountain Road #100 (Map 118, Lot 018)
- Crooked Mountain Road #101 (Map 118, Lot 019)
- Crooked Mountain Road #102 (Map 118, Lot 020)
- Crooked Mountain Road #103 (Map 118, Lot 021)
- Crooked Mountain Road #104 (Map 118, Lot 022)
- Crooked Mountain Road #105 (Map 118, Lot 023)
- Crooked Mountain Road #106 (Map 120, Lot 001)
- Crooked Mountain Road #107 (Map 120, Lot 002)
- Crooked Mountain Road #108 (Map 120, Lot 003)
- Crooked Mountain Road #109 (Map 120, Lot 004)
- Crooked Mountain Road #110 (Map 120, Lot 005)
- Crooked Mountain Road #111 (Map 120, Lot 006)
- Crooked Mountain Road #112 (Map 120, Lot 007)
- Crooked Mountain Road #113 (Map 121, Lot 049)
- Crooked Mountain Road #114 (Map 121, Lot 051)
- Crooked Mountain Road #115 (Map 120, Lot 022)
- Crooked Mountain Road #116 (Map 120, Lot 021)
- Crooked Mountain Road #117 (Map 120, Lot 023)
- Crooked Mountain Road #118 (Map 120, Lot 024)
- Crooked Mountain Road #119 (Map 120, Lot 025)
- Crooked Mountain Road #120 (Map 120, Lot 026)
- (Added after purchase of LLC)
- Crooked Mountain Road #121 (Map 120, Lot 027)
- Crooked Mountain Road #122 (Map 118, Lot 035)
- (Added after purchase of LLC)
- Crooked Mountain Road #123 (Map 118, Lot 036)
- (Added after purchase of LLC)
- Crooked Mountain Road #124 (Map 118, Lot 037)
- (Added after purchase of LLC)
- Crooked Mountain Road #125 (Map 118, Lot 038)
- 24 Crooked Mountain Road (Map 121, Lot 021)
- (Added after purchase of LLC)
- South Peak Road (Map 121, Lot 060)
- (Added after purchase of LLC)
- South Peak Road (Map 121, Lot 071)
- (Added after purchase of LLC)
- South Peak Road (Map 117, Lot 128)
- (Added after purchase of LLC)

4. Mark Bogosian, a developer who owns the following properties d/b/a “**South Peak LLC**”) as purchased from CRVI South Peak TRS, Inc. All properties currently owned by South Peak, LLC, 367 Main Street, Falmouth, MA 02540 are as follows:

- South Peak Road (Map 118, Lot 039) (95.71 Acres)
- Parcel 2 #LO (Map 118, Lot 040) (93.93 Acres)
- Parcel 1 #LO (Map 119, Lot 003) (32.1 Acres)
- LO SS East Branch River (Map 119, Lot 004) (53 Acres)
- 179 South Peak Road (Map 121, Lot 028) (0.76 Acres)
- Added after purchase from CRVI South Peak TRS, Inc.
- 170 South Peak Road (Map 121, Lot 046) (0.46 Acres)
- Crooked Mountain Road #LO (Map 121, Lot 050) (0.56 Acres – site of Pemi Base Camp)
- Added after purchase from CRVI South Peak TRS, Inc.
- 144 South Peak Road (Map 124, Lot 046) (0.72 Acres)
- Added after purchase from CRVI South Peak TRS, Inc.
- South Peak L/O (Map 124, Lot 066) (28.28 Acres)

## **B. Village Shops Holdings:**

- Mark Bogosian, a developer who owns the following properties d/b/a “**Main Street Lincoln Investments, LLC**”) as purchased from Village Shops, ICH, LLC and from T&T Mountain Investments, LLC. All properties currently owned by Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655:
  - 25 South Mountain Drive #16 (Map 118, Lot 046) (3.47 Acres)
  - A portion of Main Street #D LO (Map 118, Lot 002002 [1.42 Acres] and Map 118, Lot 002003) [0.95 Acres].
- **James (Jim) Burns**, nonresident, (**for APPLICANT**), 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.
  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).
- **Russell (Russ) Ferreira**, (resident?/nonresident?), (**APPLICANT**) of (1) PO Box 1905, North Falmouth, MA 02556 or (2) 7 Friendship Court, Lincoln, NH 03251 (not a mailing address) (Map 117, Lot 129). Owner of 7 Friendship Court (Map 117, Lot 129). Project Manager for Longfellow Design Build, Inc., of 367 Main Street, Falmouth, MA 02540 and 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).
- “**i-Phone**” – is an unidentified participant #1 who named their computer handle, “i-Phone” (via Zoom).
- **Scott Miccile, P.E.**, nonresident, (**APPLICANT**) of Longfellow Design Build, Inc., 367 Main Street, Falmouth, MA 02540.
- **Brian G. Norton**, nonresident, of 20 Gray Road, Campton, NH 03223, (**APPLICANT & ABUTTER**), President and General Manager of Loon Mountain Resort, 60 Loon Mountain Road, Lincoln, NH, 03251; Loon Mountain Resort is owned by Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan, 49770 (via Zoom).

- **Frank Pasciuto**, resident, and co-owner with Virginia Marie Pasciuto, of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Virginia Marie Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676.
- **Virginia (“Ginie”) Marie Pasciuto**, resident, and co-owner with Frank Pasciuto of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 (Map 114, Lot 046) and co-owner with Frank Pasciuto of 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004) with address of 58 Norman Road, Melrose, MA 021676. (Via Zoom).
- **Attorney Mark Stiles**, nonresident, (APPLICANT) d/b/a Mark Stiles Trustee, S&A Offices Realty Trust, PO Box 1113, North Marshfield, MA 02059. Owner of:
  - (1) 155 Main Street (Map 118, lot 065)  
Mark Stiles d/b/a Flow State, LLC  
PO Box 1113  
North Marshfield, MA 02059
  - (2) 153 Main Street (Map 118, Lot 064)  
Mark Stiles d/b/a It’s An I-M, LLC  
PO Box 1113  
North Marshfield, MA 02059.
- **Jon Warzocha, P.E.**, nonresident, (**AGENT/ENGINEER FOR 2 APPLICANTS**) 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.

## **II. CONSIDERATION of meeting minutes from:**

- **December 28, 2022 (Wednesday)**
  - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin (via Zoom). Alternate Mark Ehrman (excused).

Meeting minutes from December 28, 2022 are not complete at this time.

## **III. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).**

### **A. PUBLIC HEARINGS.**

1. **Proposed Amendments to Land Use Plan Ordinance (LUPO) to make the Sign Ordinance portion of LUPO comply with the two (2) US Supreme Court cases re: regulation of signage:**
  - a. Clyde Reed et. al. v. Town of Gilbert Arizona, 576 U.S. 155 (2015), 135 S Ct 2218 (2015) to make all of the provisions of the sign ordinance “content neutral”; and

- b. City of Austin v. Reagan National Advertising of Austin, LLC, 142 S. Ct. 1464 (2022) the more recent US Supreme Court case having do with off premise signage.

Proposed changes to the Sign Ordinance are substantial and include numerous amendments need to be made to make the Sign Ordinance conform to these two US Supreme Court cases. Proposed amendments to the following:

- a. **LUPO, Article IV-B Sign Regulations**
- b. **LUPO, Article V General Regulations, Section G. Home Businesses, Paragraph2, having to do with signage for home businesses.**

**Motion to open to Public Comment by Member Beaudin**  
**Second by Vice Chairman Chenard**  
**All in favor**

No member of the public commented.

**Motion to close Public Comment by Vice Chairman Chenard**  
**Second by Member Beaudin**  
**All in favor**

**Motion to adopt to send the proposed changes to the LUPO to the Town Meeting on March 14, 2023 by Member Beaudin**  
**Second Selectmen's Representative O.J. Robinson**  
**All in favor**

- 2. **Proposed Amendments to Land Use Plan Ordinance (LUPO) to make the Floodplain Development Ordinance portion of LUPO (identified by NH Office of Planning and Development of the NH Office of Strategic Initiatives on September 16, 2022 as nonconforming), comply with the requirements of the National Flood insurance Program.**

New floodplain maps are being produced by FEMA. Whenever new maps are produced by FEMA, the agency requires that communities who are members of the National Flood Insurance Program (NFIP) have ordinances that are fully compliant with the NFIP regulations. The amendments are proposed by FEMA and NH Office of Planning and Development of the NH Office of Strategic Initiatives.

**Motion to open to Public Comment by Vice Chairman Chenard**  
**Second by Selectmen's Representative O.J. Robinson**  
**All in favor**

No member of the public commented.

**Motion to close Public Comment by Vice Chairman Chenard**  
**Second by Member Beaudin**

**All in favor**

**Motion to adopt the changes to the Floodplain Ordinance and sent to Town Meeting on March 14, 2023 by Member Beaudin**

**Second by Vice Chairman Chenard**

**All in favor**

- 3. Proposed Amendments to the Site Plan Review Regulations (SPR) to make the Lincoln's Floodplain Development Ordinance portion of the Site Plan Review Regulations (identified by NH Office of Planning and Development of the NH Office of Strategic Initiatives on September 16, 2022 as noncompliant), comply with the requirements of the National Flood insurance Program.**

Amendments are proposed by FEMA and NH Office of Planning and Development of the NH Office of Strategic Initiatives.

**Motion to open to Public Comment by Selectmen's Representative O.J. Robinson**

**Second by Vice Chairman Chenard**

**All in favor**

No member of the public commented.

**Motion to close Public Comment by Vice Chairman Chenard**

**Second by Selectmen's Representative O.J. Robinson**

**All in favor**

**Motion to adopt the Amendments to the Site Plan Review Regulations by Selectmen's Representative O.J. Robinson**

**Second Vice Chairman Chenard**

**All in favor**

#### **IV. NEW BUSINESS**

##### **A. Request for an Extension => SITE PLAN REVIEW approval**

**#SPR 2020-20 M118 L064 & L065 – Mark D. Stiles, Trustee, S&A Offices Realty Trust/Saber Mountain Properties, LLC – Multi-Use Building**

**Applicant:** Attorney Mark D. Stiles d/b/a:

1. It's An I-M, LLC  
PO Box 1113  
North Marshfield, MA 02059; and
2. Flow State LLC  
PO Box 1113  
North Marshfield, MA 02059

**Agent:** Joshua M. McAllister, PE  
HEB Engineers, Inc.  
2605 White Mountain Highway  
North Conway, NH 03860

**Properties and Property Owners:**

1. **Map 118, Lot 064** – 153 Main Street with a 1971, 1.75 Story Single Family Home used as an office, in the Village Center (VC) District.
  - a. Owned by Attorney Mark D. Stiles d/b/a It's An I-M, LLC.
  - b. Purchased 3/19/2021 (Book 4613/Page 953) [from former owner Saber Mountain Properties II, LLC].
2. **Map 118, Lot 065** – 155 Main Street with a 1985 1.75 Story Single Family Home used as an office, in the Village Center (VC) District.
  - a. Owned by Attorney Mark D. Stiles d/b/a Flow State.
  - b. Purchased 3/19/2021 (Book 4613/Page 956) [from former owner Saber Mountain Properties I, LLC].

**Project Approved:**

On January 13, 2021, the Planning Board voted:

- A. **"To waive the density requirements for this project."** (4-1).

**Rationale:** The Town's Master Plan states, "The Town's Zoning Ordinance should provide for some flexibility and design for residential units and mixed use in established commercial areas particularly in the Village District". The Town's LUPD allows for flexibility in density as soon as a project meets all of the other zoning requirements. All other zoning requirements are met.

**AND**

- B. **TO APPROVE** application for Site Plan Review Approval to
1. Voluntary lot merger of two (2) adjacent lots;
  2. Demolition of two (2) buildings (one on each of the adjacent lots); and
  3. Replacing the two (2) buildings with the construction of a three-thousand-five-hundred-eighty-six square foot (3,596 SF) multi-use building consisting of:
    - a. retail and residential uses:
      - i. Three (3) commercial units totaling two-thousand-four-hundred-sixty square feet (2,460 SF) are proposed on the ground level;
      - ii. Three (3) apartment units on 2<sup>nd</sup> level; and
      - iii. Three (3) apartment units on 3<sup>rd</sup> floor.

**WITH THE FOLLOWING CONDITIONS:**

1. Demonstrate they have sufficient water and sewer infrastructure to the satisfaction of Town Engineer Raymond Korber;
2. Remove the snow from the parking lot within 48 hours of a storm;
3. A stormwater management plan approved by the Town Engineer Raymond Korber; and

4. Roof runoff mitigation plan approved by Town Engineer Raymond Korber.

**Requests for Extension:**

1. On October 27, 2021, the Planning Board granted an extension to January 13, 2023.
2. Attorney Mark D. Stiles is requesting a second extension to January 4, 2024.

**(No Mylar recorded yet.)**

**Motion to skip Request for an Extension => SITE PLAN REVIEW approval #SPR 2020-20 M118 L064 & L065 – Mark D. Stiles, Trustee, S&A Offices Realty Trust/Saber Mountain Properties, LLC – Multi-Use Building by Member Beaudin  
Second Vice Chairman Chenard  
All in favor**

**B. CONCEPTUAL => SITE PLAN REVIEW**

**#CON 2022-24 M118 L039 – Mark Bogosian d/b/a South Peak, LLC & FC-Loon, LLC – Fireside Condos**

**Applicant:** Mark Bogosian d/b/a (1) South Peak, LLC and (2) FC-Loon, LLC

**Agent:** Jon L. Warzocha, P.G.  
CEO/Senior Hydrogeologist  
Horizons Engineering, Inc.  
34 School Street  
Littleton, NH 03561

**Owner:** South Peak, LLC  
367 Main Street  
Falmouth, MA 02540

**Properties:** Map 118, Lot 039 (South Peak Road) (95.71 Acres) General Use (GU) District

**Owner:** FC-Loon, LLC  
367 Main Street  
Falmouth, MA 02540

**Properties:**

Map 118, Lot 038 (Crooked Mountain Road #125) (0.36 Acres) General Use (GU) District  
Map 118, Lot 037 (Crooked Mountain Road #124) (0.38 Acres) General Use (GU) District  
Map 118, Lot 036 (Crooked Mountain Road #123) (0.40 Acres) General Use (GU) District  
Map 118, Lot 035 (Crooked Mountain Road #122) (0.44 Acres) General Use (GU) District  
Map 120, Lot 027 (Crooked Mountain Road #121) (0.35 Acres) General Use (GU) District  
Map 120, Lot 026 (Crooked Mountain Road #120) (0.54 Acres) General Use (GU) District  
Map 120, Lot 025 (Crooked Mountain Road #119) (0.35 Acres) General Use (GU) District  
Map 120, Lot 024 (Crooked Mountain Road #118) (0.41 Acres) General Use (GU) District



Map 120, Lot 023 (Crooked Mountain Road #117) (0.37 Acres) General Use (GU) District

**Proposed Project:**

- Reconfigure some, if not all, of the single-family home lots that have been subdivided along Crooked Mountain Road that are now owned by FC-Loon, LLC, as listed above and merge those lots back with Map 118, Lot 039.
- Develop a condominium development with a total of 41 units called “Fireside at South Peak” consisting of access, roadways and utility, water and sewer infrastructure, erosion and sediment control plans, vehicle turning templates, and:
  - 5 triplexes (Units 1-15)
  - 12 duplexes (Units 16-21, 23-36, 38-41)
  - 2 single family homes (Units 22 and 37)

Located just to the west of the recent 6 lot South Peak Resort subdivision.

**Presentation:**

Mr. Warzocha discusses the proposed project as described above. They have been working with Town Engineer, Ray Korber on the details and would like to get feedback from the Planning Board before moving forward with a formal application in February, 2023.

**Questions:**

**Homeowner’s Association**

Chairman Spanos asks Mr. Warzocha if this project is going to be a completely separate association. Mr. Warzocha replies that it is all part of South Peak Resort and will have a specific association similar to Riverside Terraces. This will be a sub-association inside South Peak.

**Accounting of Lots**

Planner Bont asks about existing single family lots as depicted on the tax maps. Mr. Warzocha believes the proposed project will impact three (3) of the existing lots and will be sure to show it clearly on the application. Mr. Bogosian joins the discussion and assures the Planning Board that there will be a clear understanding of which units have been “taken away” and which lots have been added for a correct accounting of number of dwelling units developed in South Peak.

**Fire Sprinklers and Hydrants**

The architect has been in contact with the Fire Chief. Member Beaudin asks if they will be using sprinklers in all of the units. Mr. Bogosian replies that these are smaller buildings and they aren’t planning on having sprinklers. The Planning Board and Mr. Bogosian discuss regulations pertaining to sprinklers. Member Beaudin asks about fire hydrants. Mr. Warzocha replies that there will be new hydrants and the locations will be squared up with the fire chief as well as areas designated for fire truck turnaround.

**Timeline for Completion**

Member Beaudin asks if this will be an on-going project or will they complete the project at a certain time. Mr. Bogosian replies that the plan is to build at least fifty (50) percent

of the units regardless of pre-sales. He feels demand is pretty high but it is a bit early to really know what the actual demand will be. They plan to start the project in the Spring of 2023.

### **Infrastructure**

Stormwater Management measures and Alteration of Terrain Permits will be completed for the project before the start of construction. Mr. Bogosian clarifies that they are one hundred percent (100%) committed to putting in the streets, fire hydrants, stormwater and everything needed to finish those items right away. They will keep areas that they aren't ready to build wooded until they are ready to build.

### **Master Plan Update**

Member Beaudin discusses the Master Plan and the fact that it has not been updated to reflect any of the changes and it requires a Developer Agreement (which they have with the town) and a current Master Plan. Mr. Bogosian discusses the Master Plan and that he has been working with his consultants on a comprehensive map showing more future single-family homes in higher and in lower density buildings. Mr. Bogosian would like to present the Master Plan at the Site Plan Review meeting. Member Beaudin adds that some changes made could affect the stormwater, fire flow, traffic flow, etc. He notes that the calculations for single family homes will be different for a forty-one (41) unit subdivision. Mr. Warzocha will bring in a plan that shows the existing Master Plan with an overlay of what has been done already, including this proposal.

### **Engineering Report for Cooper Memorial Bridge**

Member Beaudin notes that at a previous meeting Mr. Bogosian was asked to send the town an engineering report for the Cooper Memorial Bridge which has not been received. Planner Bont discusses a letter received by the Town Manager and the initial engineering report on the bridge. Mr. Bogosian says he will double check on the engineering report.

The Planning Board and Mr. Bogosian discuss how previous plans for the development have changed over time with the different developers. Mr. Bogosian comments that moving forward he intends to keep things moving in a high-quality manner and to update the Master Plan with traffic considerations.

Selectmen's Representative O.J. Robinson asks about the lots that are coming off of the official unit count. Mr. Warzocha states he will follow-up with the official count. Selectmen's Representative O.J. Robinson expresses his concerns for a true accounting of the number of units that are added and what previously approved units are taken off the total official unit count. Mr. Bogosian explains that they will provide a detailed accounting. This new forty-one (41) units to be approved will also show what is being taken out of the calculation. Chairman Spanos would like to see the accounting of units in the application. Mr. Warzocha clarifies which lots are to be removed for the Planning Board.

### **Water Tank**

The Town has not received US Forest Service approval for the installation of the water tank. Selectmen's Representative O.J. Robinson explains that the process is slow but moving forward. Mr. Bogosian talks about plans for the road to access the new water

tank. The Planning Board discusses the approval process with the US Forest Service. The Planning Board discusses the water capacity, fire suppression, and detention ponds.

### **Bond**

The Planning Board and Mr. Bogosian discuss whether or not a bond is necessary for this project and will revisit at the Site Plan Review.

## **C. CONCEPTUAL =>OUTDOOR SEATING/BAR AT PEMI BASE CAMP**

### **#CON 2022-25 M121 L050 – Mark Bogosian d/b/a South Peak, LLC & NH Restaurant Group, LLC – Pemi Base Camp at 75 Crooked Mountain Road – outdoor bar and seating**

In 2004, the Planning Board granted Site Plan Review approval to erect the Pemi Base Camp which was limited to 176 seats. In 2007, a Building Permit was issued for Loon Mountain Recreation Corporation to erect a 40'X101' temporary fabric structure for 176 seats to serve as a temporary ski base lodge facility for the South Peak expansion area (for Loon Mountain Ski Area) until a more substantial ski base lodge could be constructed.

Over time, the number of people served at the Pemi Base Camp restaurant may have exceeded the 176 seats and a storage container was placed on the deck and used to serve drinks and provide food for outdoor seating. Occupancy permits from the Fire Chiefs at the time and subsequently, state liquor permits were issued for well in excess of 200 people. In 2021, Mark Bogosian d/b/a South Peak, LLC purchased the property and then took over the operation of the Pemi Base Camp d/b/a NH Restaurant Group, LLC.

Mr. Bogosian intended to continue the same scale of operation as before with some improvements. However, the Town and Bogosian recently discovered there was no Site Plan Review approval for any additional indoor seating or the outdoor seating and bar. At some point between 2007 and the present, the restaurant operation at the Pemi Base Camp expanded to include outdoor seating without Site Plan Review approval. Due to the short notice and short ski season, Mark Bogosian would like to get approval to continue to operate the expanded facility for this ski season and then apply for Site Plan Review approval for the expansion to continue the outdoor seating operation at the Pemi Base Camp in the temporary fabric building for the next couple of years to until he is ready to build a proper base camp.

### **Discussion:**

The Planning Board and Mr. Bogosian discuss the issue of outdoor seating and the possible need for Site Plan Review. Member Beaudin points out that the original plan for one hundred seventy-six (176) has now changed because the seats were to be inside. Currently, the temporary fabric building that is in use hasn't been approved. He feels this is a change in use. Mr. Bogosian is happy to come back for Site Plan Review. Mr. Warzocha joins the discussion and brings up the fact that this has been operating with

outdoor seating for a while and Mr. Bogosian is trying to do the right thing. The Site Plan Review process takes about four (4) weeks and Mr. Bogosian is wondering if the Pemi Base-Camp can continue operations during the Site Plan Review process.

Chairman Spanos sums up the situation by stating that the expansion and any improvements outside will require Site Plan Review. Member Beaudin suggests that they put in everything that they may want to use the Pemi Base-Camp for as it stands today. Mr. Bogosian understands and will be sure to look into all that is needed. Member Beaudin asks about parking and who owns the Pemi Base-Camp. He also mentions abutters having a chance to express concerns is important and part of the Site Plan Review. The Planning Board discusses noise concerns and the parking situation. Mr. Warzocha will address the parking and the Operating Agreement Site Plan Review.

The Planning Board goes back to **section A above** as they skipped it at the beginning of the meeting.

**A. Request for an Extension => SITE PLAN REVIEW approval**

**#SPR 2020-20 M118 L064 & L065 – Mark D. Stiles, Trustee, S&A Offices Realty Trust/Saber Mountain Properties, LLC – Multi-Use Building (see above)**

**Presentation**

Mr. Stiles is asking the Planning Board for another year extension in case he decides to complete the previously approved project. He has a new project idea in mind and will bring it to the Planning Board in sixty to ninety (60-90) days but is not ready to present it at tonight's meeting. Planner Bont explains that she doesn't have a mylar drawing of the approved project and asks Mr. Stiles if he has one. Mr. Stiles does not have a mylar drawing. He hasn't officially recorded it for fear of confusion and prejudicing his rights by merging the lots together. He is trying to save on costs and is not planning to complete the original approved project. His goal is to extend what was initially approved and come back with a new plan and not undo what has already been completed in the process.

Chairman Spanos asks Planner Bont if she has the information she needs regarding the approved project. Planner Bont responds that she does not have all of the proper information in the folder.

**Condition:** The Planning Board discusses the situation and concludes that they can extend the Site Plan approval for one year with the condition that when Mr. Stiles comes in for Site Plan Review for a new project the original approval is no longer valid.

**Motion to grant the extension of Site Plan Review to January 13, 2024 with the Condition noted above by Selectmen's Representative O.J. Robinson**

**Second by Vice Chairman Chenard**

**All in favor**

**V. PUBLIC PARTICIPATION AND OTHER BUSINESS: No Public Participation.**

**Other Business: Planning Board Budget**

Member Beaudin discusses the Planning Board Budget and asks the Planning Board if they have all seen it. Not all members have seen it and Planner Bont will ask Town Manager, Carina Park to send a copy (via email) of the proposed Planning Board Budget to Member Noseworthy and Vice Chairman Chenard as the other members have their copies already. Chairman Spanos asks for the Planning Board members to send any questions to Planner Bont and it will be on the January 25<sup>th</sup> Planning Board Meeting Agenda.


**VI. ADJOURNMENT**

**Motion to adjourn by Chairman Spanos**  
**Second by Selectmen's Representative O.J. Robinson**  
**All in favor**

Respectfully submitted,

*Judy Sherriff*  
Recording Secretary

Date Approved: January 25, 2023

  
Chairman Spanos

