

APPROVED

**PLANNING BOARD
PLANNING BOARD MEETING
WEDNESDAY, September 13, 2023 – 6:00 PM
*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 09.13 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=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

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

Planning Board Member Excused: Alternate Mark Ehrman

Staff Present: Town Manager Carina Park (via Zoom), Planner Carole Bont

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

Guests Present:

- **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(via Zoom).
 - Alternate member of the Zoning Board of Adjustment. Owns the following:
 - 19 Maple Street (Map 118, Lot 069)
- **Joshua (Josh) J. Cote, nonresident**, of 11 Nelson Street, Dover, NH 03820
 - Co-owner with Kyle V. Cote, of
 - 48 Cooper Memorial Drive #114 (Map 118, Lot 043000-01-00114).
- **Andrew (Drew) Goddard, nonresident, (APPLICANT)**
 - d/b/a 179 South Peak, LLC, 1 Sanctuary Drive, Stratham, NH 03885, owns the following:

- 179 South Peak Road (Map 121, Lot 028)
 - d/b/a Copley Loon Housing LLC, 1 Sanctuary Drive, Stratham, NH 03885, owns the following:
 - 139 Main Street (Map 118, Lot 050)
 - 141 Main Street (Map 118, Lot 051)
 - LO Main Street (Map 118, Lot 052)
 - d/b/a Copley Properties, LLC, 1 Sanctuary Drive, Stratham, NH 03885
 - d/b/a Copley Rentals, LLC, 1 Sanctuary Drive, Stratham, NH 03885 owns the following:
 - 330 South Peak Road (Map 118, Lot 039002)
 - 326 South Peak Road (Map 118, Lot 039003)
 - d/b/a Copley Homes, LLC, 1 Sanctuary Drive, Stratham, NH 03885 owns the following:
 - 164 South Peak Road (Map 122, Lot 008)
- **Jase Gregoire, EIT, nonresident (ENGINEER FOR APPLICANT)**
 - Engineer for Applicant Andrew (Drew) Goddard d/b/a Copley Loon Housing LLC
 - Civilworks New England/Haight Engineering, PLLC, 181 Watson Rd., P.O. Box 1166, Dover, NH 03820-1166
- **“I-Phone (13)”** – is an unidentified participant #1 who named their computer handle, “I-Phone (13)” (via Zoom).
- **Zander Kempf, nonresident, (CONCEPTUAL APPLICANT)** developer from Antrim, New Hampshire (and Hawaii), founder of Clear Summit Investments, LLC, with business address of 42 Main Street, Suite 100, Antrim, NH 03440, and Clear Summit Investments, LLC address c/o Bailey A. Goldberg, Esq., Broadleaf Law, PLLC, 1070 State Road, Eliot, ME 03903-3205 and Stebbins Lazos & Van Der Beken, of 889 Elm Street, 6th floor, Manchester, NH 03101, who has a purchase and sale agreement pending to purchase undeveloped properties in the Forest Ridge Resort development currently owned by investors John Imbrescia, Raymond D’Amante, Michael Shepard, David Yager, and Brian Holub d/b/a New Jefferson Holdings, LLC:
 1. Map 114, Lot 080001-00-00000 (8.27 Acres – Woodland Loop LO)
 2. Map 115, Lot 010 (3.38 Acres, including the pond – Pond Woodland Loop)
 3. Map 115, Lot 011 (3.99 Acres Woodland Loop #LO)
 4. Map 408, Lot 001 (530 Acres LO Parcel 3)
- **Jayne Sue Ludwig, resident**, of 12 Pleasant Street, with a mailing address of PO Box 103, North Woodstock, NH 03262, and owner of 12 Pleasant Street (Map 113, Lot 092).
- **Frank Pasciuto, resident**, 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 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.

- **Eric R., nonresident, (CO-DEVELOPER WITH ZANDER KEMPF),** not identified further (via Zoom).

II. CONSIDERATION of meeting minutes from:

- **August 23, 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 pass over minutes by Member Beaudin
Second Selectmen's Representative O.J. Robinson
All in favor**

****MINUTES REVISED AT THE END OF THE MEETING****

**Motion to approve meeting minutes from August 23, 2023 by Member Beaudin
Second by Vice Chairman Chenard
All in favor**

III. 5:00 PM "nonmeeting" with Town Counsel.

IV. 6:00 PM CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

A. ANDREW (DREW) GODDARD d/b/a Copley Loon Housing, LLC:

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.

*** **

Presentation:

Applicant’s Engineer Jase Gregoire and Applicant Drew Goddard address the Planning Board and have addressed all of the comments that were made during their last meeting with the Planning Board. They are requesting four (4) waivers.

1. Waiver request (front setback)
2. Waiver request (parking)
3. Waiver request (structures)
4. Waiver request (stormwater)

Changes Made to Plans from Plans Presented at Prior Planning Board Meeting:

Chairman Spanos suggest starting with changes that have been made. Applicant's Engineer Gregoire lists the changes.

1. **Provide permits required by NH DOT:** Town Engineer Korber has been in communication with NH DOT and NH DOT indicated that a driveway permit from NH DOT is NOT required but an excavation permit is. Planner Bont comments that she has received verification from NH DOT and NH DOT is happy with the proposal.
2. **Show ROW on Plans:** Applicant's Engineer Gregoire adds that the NH DOT asked him to show the Right-of Way (ROW) on the plans and he has done so in a revision.
3. **Stripe Parking Space & No Parking Sign at Corner:** NH DOT also requested that the parking space at the corner of the Church Street and Main Street be striped and show a No Parking sign which is depicted on sheet five (5) of the plans, showing the number of on-street parking spaces going from two (2) spaces to three (3) spaces.
4. **Coordinate Utilities:** Applicant's Engineer Gregoire said coordinating utilities with New Hampshire Electric Co-op is still ongoing.
5. **Add Notes:** Added a note to number ten (10) and number four (4).
6. **Drainage on Plan:** Updated the plan based on the comment taking the drainage off the demolition plan.
7. **Saw Cut Permits Updated:** Updated saw cut permits for the Water and Sewer service connections.
8. **Street Sign Notes Updated:** Updated notes calling out the street sign at Main Street intersection.
9. **Sewer Manhole Notes Updated:** Updated note that Town Engineer Korber called out about the sewer manhole.
10. **Note Update:** Updated a note on sheet four (4).
11. **Note Updates:** Ten (10) thru thirteen (13) contain a series of updated notes that have been added to the plans.
12. **Waiver Request for Smaller Parking Lot Space Size:** Waiver request for the parking space size to reduce it from the required one hundred seventy (170) sq. ft. to a one hundred sixty-two (162) sq. ft. (9 feet x 18 feet parking space).
13. **Waiver Requests For "Front", "Side" and Rear Setbacks:** The Planning Board discusses the issue of requesting waivers for front, side and rear setbacks.
 - a. **Applicant's Engineer** argued that because the sides of the building fronted on Town-Maintained Streets, that the property essentially had three "front setbacks":
 - i. One "front" setback on Main Street/NH Route 112/Kancamagus Highway;
 - ii. Second "front" setback on Church Street; and
 - iii. Third "front" setback on Coolidge Street.

- b. **Applicant's Engineer** argued, therefore, the five-foot (5') minimum front setback from the property boundary line applied to all three (3) sides of the building versus the ten-foot (10') side setbacks for the two (2) sides of the building that front Church Street and Coolidge Street.
 - c. **Chairman Spanos** comments that the "front" setback applies to side of the building on Main Street/NH Route 112/Kancamagus Highway and the other two sides of the building are considered the "side" of the building so "side" setbacks requirements would apply.
14. **Waiver Request for Fenced Dumpster Equipment & Light Pole:** Under the Land Use Plan Ordinance Definition of "Structure" the fenced in area and concrete pad for the dumpster and the light pole are considered "structures". These structures are located within rear respective setback areas. Applicant is requesting a waiver for the concrete pad that is located in the setback and the two (2) light poles in the setback in the rear to be waived. The Planning Board discusses fences and utilities within setbacks and will take a vote on that issue later in the meeting.
 15. **Updated Plan Sheets:** Seventeen (17), eighteen (18) and nineteen (19) have been updated.
 16. **Waiver Request from the Stormwater Ordinance (SMO) For Slight Increase in Runoff from Site:** The Applicant is increasing peak runoff from the site slightly. Applicant would like Planning Board to know that the existing condition does not have any stormwater mitigation and water coming off from the impervious area is not being treated. Their proposal now treats the water and mitigates storm water runoff on site before it discharges into the municipal drainage system located on Church Street.
 17. **Updated the Inspection and Maintenance Plan:** Updated the inspection and maintenance plan which includes design specifications for the coarse pavement asphalt repair and designs.

Questions:

Lighting:

Alternate Black comments on the pole lighting in the back and asks if there is another way to provide light to the back parking lot. Applicant's Engineer Gregoire replies that the lighting plan shows that no light is being emitted onto the neighboring property and the lights are dark sky compliant. The lighting is for the parking area and the residents of the building. Mr. Gregoire refers the board to the lighting details on page fourteen and fifteen (14 and 15) of the Plan.

Waiver for Setbacks on Coolidge Street Side:

Vice Chairman Chenard asks about the request for a setback waiver. He has concerns with snow and rain water runoff from the building's roof onto Coolidge Street. Applicant Goddard explains that roof and consequently the snow and rain runoff slopes back towards the rear parking lot and not towards Coolidge Street.

The Planning Board discusses the height of the building and the setbacks contributing to a tunnel effect down Main Street.

- The Land Use Plan Ordinance allows a building in the Village Center (VC) District to be a minimum five feet (5') from the front property boundary line.
- The Land Use Plan Ordinance allows a building in the Village Center (VC) District to be thirty-five feet (35') measured from the primary eaves on the uphill side of the structure and to be no more than four (4) floors used as living space above or below ground as measured through any vertical plane of the building.

Applicant Goddard explains that in response to those concerns expressed at the prior meetings, he reduced the height of the building from the allowed four (4) floors to three (3). He set the building further away from the property boundary line on Main Street than the minimum of five feet (5') required. In addition, he sloped the roof back towards the parking lot, away from the streets so snow and rain runoff would not go onto the sidewalk along Main Street/NH Route 112/Kancamagus Highway. Mr. Goddard discusses that snow shed onto the sidewalk was a concern and he made the building further off the sidewalk than some of the current buildings which will also allow a landscape buffer.

Landscaping:

Alternate Black discusses concerns with landscaping and the size of the area designated for landscaping. Mr. Goddard explains that there is a landscape plan on the last page of the plan.

New England Look of the Building:

Alternate Black comments on the visual appearance of the side dormers and asks if he could give it a bit more of a New England look.

Applicant Goddard replies that he could put shed roofs on the dormers. Mr. Goddard notes that he has worked on the exterior color to make them more "New England-y".

Front Setbacks with Buildings in the Front and Parking in the Rear:

Member Noseworthy asks why the buildings are so close to the street and wonders if they could be moved back. Applicant Goddard explains that the building is front loaded to allow the parking to be hidden in the rear and give the residents more "green space" out back. This concept was discussed at the December 2022 meeting.

Planner Bont comments that according to the Land Use Plan Ordinance, in the Village Center (VC) District the Town wants buildings in the front of the lots and parking in the back. If that is not what the Board wants the Board needs to recommend a change to the Land Use Plan Ordinance.

Vice Chairman Chenard comments on how Main Street will look with the building only seven (7) feet from the sidewalk and that he does not want downtown Lincoln to look like a busy suburb of Boston. He wants the building to look like it is from northern New Hampshire, New England, not from Boston, New England.

Fire Flow Analysis.

Member Beaudin asks where they are with the Fire Flow Analysis. Mr. Goddard replies that Town Engineer Korber has looked at the Fire Flow Analysis and it has been signed off by Mr. Korber.

Too Much Building Squeezed onto a Small Lot:

Member Beaudin mentions that he thinks this type of project (i.e., long term Restricted Multi-Family Residential Housing property) is needed but he thinks the Applicant is cramming a lot onto a small lot.

Member Beaudin agrees with the comments made by Vice Chairman Chenard about the building looking like it is from a suburb of Boston.

Member Beaudin thinks the waivers that the Applicant is asking for are not due to genuine hardships, but only to be able to put something on a lot that would have a hard time doing it without the waivers. While Applicant may meet all the requirements, he will only meet the requirements with the four (4) waivers.

Green Space:

Member Beaudin discusses “Green Space”. Member Beaudin says there isn’t a lot of Green Space for all of the units that the Applicant is proposing.

Not “New England-y”:

Member Beaudin discusses that he has heard comments from people that they don’t think the building fits on Main Street; the building doesn’t look enough like it belongs in New England.

Not a True Mixed-Use Building:

Member Beaudin comments on the designation of Mixed Use. Member Beaudin said that usually the mixed-use buildings have retail space on the first floor and living space above to maintain the commercial vitality of the downtown. This building only has a property management office for the building itself, that is not really the kind of commercial space contemplated. He thinks this is minimal mixed use.

Applicant Goddard replies that he is trying to provide long term, reasonable rentals and is trying to provide a project that meets the design requirements of zoning. He adds that he has made changes to the height, even though the zoning ordinance does not require him to do so, and he has been trying to internalize that in order to be able to provide a great place for people who live and work in this community.

Member Beaudin comments again that he doesn’t think there is enough mixed use in the proposed building.

Appliant Goddard explains that he has to call it “mixed use” as he will have a property management office in there, but primarily it is a residential building. Mr. Goddard feels the Town doesn’t need more storefronts but more residential housing and has designed this project with that in mind. He describes his decision process and that this project fits the LUPO

requirements for maximum percentage of lot coverage or surface area and the number of onsite parking spaces required in the Village Center (VC) District.

Member Beaudin comments that they don't meet the requirements for parking without the waiver because the size of each individual parking space is less than the size required by the LUPO.

Restricted Multi-Family:

Chairman Spanos asks the Applicant if this project is to be considered "Restricted Multi-Family Residential Housing". He describes that restricted multi-family residential housing can never be turned into condominiums or short-term rentals. Chairman Spanos asks how many rooms or dwelling units will be lost when they demolish the Lincoln Motel.

Applicant Goddard replies that there are eight (8) rooms or dwelling units that will be removed from the housing supply when the Lincoln Motel is demolished. The Planning Board discusses unit counts.

Comments from Selectmen's Representative Robinson:

Selectmen's Representative O.J. Robinson discusses the project and the recommendations that were made by the Planning Board to not build a hotel but instead build long term housing. He notes that long term housing fits with the Town's master plan goals of increasing the incentives to building long term, apartment type dwelling units.

Selectmen's Representative O.J. Robinson said the Planning Board has set the lot coverage requirements, height requirements, and setback requirements for the Village Center (VC) District. He adds that Mr. Goddard is abiding by those requirements.

Selectmen's Representative O.J. Robinson said that when the Planning Board members say they don't like the height, the setbacks and the lot coverage he doesn't understand. He suggests that if the Planning Board doesn't like this project, then they need to look at the Land Use Plan Ordinance, and revisit the densities, etc., and propose changes. He feels it is inappropriate to say they don't like a project that fits the zoning requirements that have been created by the Planning Board and approved by the Town.

"New England-y" Look of the Building:

The Planning Board discusses the issue of the building and the "New England-y" look that some on the Planning Board suggested. Mr. Goddard is agreeable to putting a shed roof on the dormers.

Criteria for Approving Waivers:

Member Beaudin comments that the variance and waiver being requested by the Applicant are not based on "hardship". Those requests for waivers needed should meet the requirements set by the Planning Board for a waiver.

The Planning Board discusses the height of the building and how things are changing in Lincoln and that the project may just be too big for the combined lot (Map 118, Lots 050, 051 and 052.

What Will the Rent for the New Apartments Be?

Applicant Goddard comments that the goal is to make reasonable housing and still make a profit. If he wanted to maximize his profits he would be building and selling condos. He explains why he wants to build this building as he has proposed.

Member Beaudin asks Applicant what the range of rental costs will be for dwelling units in the building. Applicant Goddard replies that he doesn't know the market well enough but he will be researching what market rents are in the area and set the rents accordingly.

Member Beaudin wonders why the Applicant doesn't have a dollar amount for the rental units yet and is surprised, that as a builder of a "for-profit-project", that the Applicant hasn't figured that out. Applicant Goddard explains that he doesn't have those numbers because he has to look at the real cost of the project. His intention is to provide a great product at a very reasonable price based on other options within this community.

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

Rents:

Jayne Sue Ludwig asks about the price of a rental.

Applicant Goddard replies that unfortunately he doesn't know but that his intention is to stay within practical levels.

Jayne Sue Ludwig comments that if the rentals are between fourteen hundred and two thousand dollars (\$1,400-\$2,000) per month, the locals will not be able to afford it.

Aesthetics:

Jayne Sue Ludwig adds that the Planning Board makes some good points and that aesthetics matter. She doesn't want the project built because she is not sure it will be affordable and it will cause headlight to shine on the houses that are behind the building as the residents come and go. She comments that other Towns take into account aesthetics (i.e., how things look) but Lincoln's Planning Board apparently doesn't.

Change the Zoning Ordinance:

Frank Pasciuto comments that the Planning Board can't consider what the business use is and the Village Center (VC) District was intended to encourage this kind of development. In general, he suggests that the Planning Board review the zoning ordinance (Land Use Plan Ordinance) if they don't want certain size/types of buildings in that particular zone, but it is not up to the Planning Board to determine the business purpose.

Frank Pasciuto feels that the Planning Board should look at what is best for the Town and how the current zoning ordinance (Land Use Plan Ordinance) works as it relates to the best use of the land.

Waivers Requested:

Frank Pasciuto comments that waivers are being asked for to accommodate a plan that Planning Board members don't like. He is also concerned that the developer will not build the project as he should and the Town will be left with a building that doesn't fit in. He thinks offering housing for low-income people is great because it is hard to live and work in Lincoln.

Can the Building Be Converted to A Different Use in the Future?

Frank Pasciuto wonders what happens a few years from now and that those apartments may not be "affordable housing" but instead something else.

Selectmen's Representative O.J. Robinson responds to Mr. Pasciuto and explains that the Zoning Ordinance was changed a few years ago to add a new category of "Business Use" called "Restricted Multi-Family Residential Housing" and the voters voted to approve it. He adds that rather than requiring fifteen thousand (15,000) sq. ft. per unit, an Applicant could come in and say, "It's a commercial building" and then the Applicant could abide by the commercial building maximum percentage of lot coverage requirements [of 70% in the Village Center (VC) District] rather than the fifteen thousand (15,000) sq. ft. per residential dwelling unit. However, in order to get approval to create such a project, the rental has to be a long-term rental defined as 180 days or more. "Restricted Multi-Family Residential Housing" is the permitted use of the proposed building. So, if the Applicant comes in the future and wants to change the permitted "use" of the building to short term rentals or to nonresidential commercial space, the Applicant will be required to come back to the Planning Board for a "change in use". The bottom line is that the proposed project was approved under the special circumstance called "Restricted Multi-Family Residential Housing" and the answer should be "no".

Frank Pasciuto replies that if this mixed commercial "Restricted Multi-Family Residential Housing" business fails, can the Applicant turn the use of the building into some other use.

Chairman Spanos clarifies that the building can only be converted to a commercial use.

Motion to close public comment by Member Beaudin

Second Selectmen's Representative O.J. Robinson

All in favor

Member Beaudin asks Town Engineer Korber if he is okay with this project after having reviewed it.

Town Engineer Korber replies that he just received the updated plans today and has not had a chance to back check his comments against the documentation that has been submitted. He can't say that they've accomplished everything that needed to be accomplished at this time.

Member Beaudin suggests a condition of Site Plan Review approval might be that Mr. Korber would need to review the plans and give his feedback.

Rental Costs, “Affordable Housing” versus “Reasonable Housing”:

Member Beaudin feels knowing what it will cost to rent a unit is relevant as the project is being represented as “affordable housing” to make sure people will actually be able to rent the apartment units. He thinks it is important to know what “affordable” is and not go into approving this project blindly and find that the rents are not actually affordable which would not accomplish the goal.

Selectmen’s Representative O.J. Robinson argues that there is not a place in the Land Use Plan that mentions “affordable housing” or what “affordable rents” are. He asks Mr. Goddard if these apartments will be rented out at rates that will be “affordable” or at “market rate”.

Applicant Goddard states that he isn’t getting any subsidies from the local, state or federal government so he tries not to use the word “affordable”.

What is considered “affordable housing” in NH?

“Affordable housing” is a term of art.

“Affordable housing is housing, rental or owner-occupied, that costs no more than 30% of one’s gross income.” Affordable housing is housing, rental or owner-occupied, that costs no more than 30% of one's gross income. Rental cost is defined as rent plus utilities. Ownership cost is defined as monthly principal, interest, taxes and insurance.

<https://www.nhhfa.org/housing-terms/#:~:text=Affordable%20housing%20is%20housing%2C%20rental,30%25%20of%20one's%20gross%20income.>

Applicant Goddard states that he does have staff members who have been talking with government entities and that may change, but as of now he isn’t getting any subsidies. He prefers to use the term “reasonable housing”. Once there are subsidies from governments there are usually restrictions. He discusses the economics of increased inventory.

Member Beaudin still feels knowing the cost to rent each month is important. He adds that if Mr. Goddard could provide some figures to justify the project as a place for working people to live in, then he and the Planning Board would grant waivers. He notes that waivers require hardship and he doesn’t believe there is hardship here except for Mr. Goddard make some more money.

Ms. Ludwig speaks but is inaudible due to the microphone not picking up the voice.

Review of the Application and Waivers

The Planning Board reviews the application and votes on the waivers.

**1. Waiver Regarding Frontage Setbacks (Comment 15)
Regarding Frontage Setbacks**

Applicant's Engineer Gregoire states the Project site has "frontage" along three (3) streets. In the event that the Planning Board considers both the Church and Coolidge Street not as "frontage" but as "sides" then a waiver is requested to allow the proposed building be set back five feet (5') from the "side yard" [property boundary line] where ten feet (10') would be required.

Applicant's Engineer Gregoire replies that after reading the ordinance regulations they are under the impression that the Planning Board would have "frontage" on all three streets. There is no specific indication in the Land Use Plan Ordinance saying that if there are three (3) streets or multiple streets a lot would have frontage only on a main street or in front of a building. He has seen in other towns or cities where it says that "frontage" is wherever the lot abuts the street and that's where that requirement came in.

Planner Bont and Mr. Korber informed the Board that earlier they had a discussion with the Town Attorney prior to the meeting on this very subject. Even though they disagree with the Applicant about treating all three (3) sides of the building as "frontage" subject to the five foot "front" setback requirement, the merged lot is in the Village Center (VC) District and there is specific authorization given to the Planning Board to waive "dimensional requirements" in the Village Center (VC) District only. All setbacks are exactly "dimensional requirements" and, therefore, can be waived by the Planning Board, should the Board choose to do so.

Member Beaudin comments that the Applicant is trying to put ten (10) pounds of building in a five (5) pound bag/tiny lot.

Green Space (Percentage of Lot Coverage):

Alternate Black asks if the Applicant meets the "Green Space" Requirement as proposed.

Chairman Spanos replies "yes". The amount of green space required as the "Percentage of Lot Coverage". In the Village Center (VC) District the amount of maximum lot coverage is 70% of the lot. The project as proposed has less than 70% lot coverage.)

(See Page 33 & Page 34 of Land Use Plan Ordinance.)

What is "Lot Coverage"?

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.*

See Dimensional Chart Next Page.

Frontage:

Selectmen's Representative O.J. Robinson discusses a scenario in which they build three (3) separate building with frontage on each street. The Planning Board discusses "side" setbacks and "front" setbacks.

Merger:

Applicant Goddard said he did research and found that merging three (3) lots was the best plan.

Fire Egress:

Vice Chairman Chenard comments on fire egresses. Chairman Spanos explains that the Lincoln Fire Chief will comment on that. Applicant Goddard states that there are two (2) staircases and two (2) egresses and the plans will be stamped by a Fire Code Safety Engineer.

Chairman Spanos polls the Planning Board

"Does the Planning Board feel that a waiver is required?"

Three (3) "yes" (Noseworthy, Beaudin & Chenard) and two (2) no" (Spanos and Robinson)

Motion to grant the waiver allowing a five (5) foot setback from Church and Coolidge Streets by Selectmen's Representative O.J. Robinson

Second by Vice Chairman Chenard

Three (3) vote to grant the waiver (Spanos, Robinson and Chenard) and

Two (2) voted not to grant the waiver (Noseworthy and Beaudin)

Waiver is Granted

2. Waiver to change the size of the parking spaces (Comment 14)

Mr. Gregoire states that Applicant has the required number of parking spaces and is requesting a waiver to change the size of the spaces from one hundred seventy (170) square feet (9 x 18.67), as required, to one hundred sixty -two square feet (9 x 18).

Chairman Spanos reads Comment 14.

"In response to TRT (Technical Review Team) comment number 14 regarding parking spaces, the site design has created parking spaces to be 9' x 18', (one hundred sixty-two square feet (162 SF) where one hundred seventy square feet

(170 SF) is required. In an effort to maximize the number of spaces to accommodate the proposed use, while maximizing green space within the site.”

Applicant Goddard explains that he could keep the spaces at one hundred seventy (170) square feet and would ultimately still work on the site with dimensional requirements as stated in the ordinance.

Chairman Spanos clarifies that if the parking spaces were to remain at one hundred seventy (170) square feet it would not be over the line for the dimensional requirements.

Applicant Goddard responds “that’s correct”.

Motion to grant the waiver to change the size of the parking spaces to 9 x 18 square feet by Selectmen’s Representative O.J. Robinson

Second by Vice Chairman Chenard

Three (3) vote to grant the waiver (Spanos, Robinson and Chenard) and

Two (2) voted not to grant the waiver (Noseworthy and Beaudin)

Waiver is Granted

3. Waiver for pads, light poles, etc.

Chairman Spanos comments that he doesn’t feel a waiver is needed as these items are ancillary to the building.

The Planning Board discusses pads and light poles and the definition of a “structure” in the Land Use Plan Ordinance. Planner Bont mentions that her plan for the Planning Board is to have the board review this definition and make a recommendation for a change in March, excluding certain things from the definition of “structure”.

Town Engineer Korber clarifies that the Town’s definition of a “structure” is anything constructed or erected with a fixed location on the ground. He adds that could be an equipment pad or a base for a light pole.

Chairman Spanos responds that that is a very technical interpretation of the definition.

Town Engineer Korber replies that Planner Bont has mentioned looking at that and making the definition clearer. Mr. Korber adds that based on that definition he wanted to be sure the Planning Board had a discussion to see if they felt that any one of these elements could be considered a structure or not, as the definition is not entirely clear.

Motion that a waiver is not required regarding pads, light poles, and fences within setbacks as the Planning Board does not consider them structures by Selectman’s Representative Robinson.

Second by Vice Chairman Chenard

All in favor

Definition of Structure to be Reviewed for Town Meeting:

Selectman's Representative Robinson asks that the Planning Board place the definition of "structure" on their list of items to discuss at upcoming meetings. The Planning Board discusses reviewing the definition of "structure" and Town Engineer Korber recommends that they do as well, so they don't run into this situation again. The Planning Board discusses the issue of the definition of a structure.

4. Waiver for the Stormwater Management Ordinance (SMO)

Chairman Spanos reads the response from the Applicant to TRT Comment 42 regarding Stormwater Run Off. The Planning Board discusses the response.

Applicant's Engineer Gregoire confirms that the existing drainage system in Church Street is able to accommodate the addition of the treated stormwater coming from this site. The applicant is seeking this waiver for relief in the post-development runoff volume requirement in the SMO.

Applicant's Engineer Gregoire explains that there is a slight increase of about 0.15 acres/ feet(?) and they are using coarse pavement, which is an infiltration, however they are under-draining it. They have not done any test pits out there so there may or may not be filtration ability out there. He adds that there is an increase in run-off.

Applicant's Engineer Gregoire describes how posts can be used to reduce the peak volume run-off from the site. He adds that although they will be treating and mitigating with the coarse pavement, they do not meet the requirement for the volume.

Member Beaudin comments that they don't know whether it works because they haven't done any test pits.

Applicant's Engineer Gregoire explains that the drainage system as designed will work as it's under-drained and the cross-section that is installed will infiltrate into the under-drain system. He adds that the soil is a high infiltration soil.

Town Engineer Korber comments that the volume increase is marginal and thinks it will be fine.

Alternate Black wonders how the drainage will be affected during the construction of the project.

Applicant's Engineer Gregoire explains that the drainage will flow as it has been and the area of the coarse pavement, the water will under drained into the catch basins and the manholes will discharge into the existing Town municipal drainage system located on Church Street.

Planner Bont adds that the State NH DOT is fine with this plan even though the water from the Town's municipal drainage system on Church Street will end up in the State's stormwater drainage system on Main Street.

Chairman Spanos asks if there is a motion to grant the waiver regarding the stormwater run-off and a discussion begins.

Planner Bont comments that the Applicant will have a stormwater management plan for run-off in effect if the plan is approved; the only issue is that there will be a slightly greater volume of run off than there is currently.

The Planning Board discusses the issue and that the water from the lot will be draining into the State's stormwater drainage system and not onto the State highway.

Town Engineer Korber adds that he and the engineers for the Applicant had a lengthy discussion on this issue with the NH DOT's District One Office and the State was fine with the plan for drainage and have received confirmation from NH DOT.

Town Engineer Korber adds that the Town's Director of Public Works (DPW) Nate Hadaway needs to check the catch basin to make sure the tie-in can work which is one of the items that is outstanding.

Town Engineer Korber wants to be clear that he has not back checked the TRC comments and there may be additional comments to be made.

Chairman Spanos asks if any changes need to be made, would they be able to be made administratively. Town Engineer Korber replies "yes" and the Planning Board could make a condition that it is subject to approval by the TRT. The Planning Board discusses the condition and if it includes comments from the TRT and the Planning Board.

**Motion to grant the waiver regarding the Stormwater Run-Off Volume as articulated in the Stormwater Ordinance by Vice Chairman Chenard
Second by Selectmen's Representative Robinson
All in favor**

Review of Application:

The Planning Board reviews the original application from June 27, 2023. Applicant's Engineer Gregoire states that that is the original application, and they have provided additional information and revisions that were discussed at the TRC meeting, and addressing Town Engineer Korber's comments.

Chairman Spanos reads the application aloud.

Bond:

Member Beaudin asks about the mention of a bond as not applicable on the application.

The Planning Board discusses the question bonds and when the Planning Board has required bonds in the past.

Chairman Spanos polls the Planning Board to find out who has a problem with the project not having a bond.

A discussion begins regarding bonding and letters of credit. Chairman Spanos returns to the polling of the Planning Board and three (3) members do not think a bond is needed (Spanos, Robinson & Chenard) and two (2) think a bond or a line of credit is needed (Beaudin & Noseworthy).

Is the Application Complete:

**Motion that the application is complete by Selectmen's Representative Robinson
Second by Vice Chairman Chenard
Four in favor. One against. (Noseworthy).**

Chairman Spanos asks if the Planning Board is ready to approve the project.

Member Beaudin comments that he thinks they should wait to get Town Engineer Korber's comments in case the Planning Board needs to weigh in.

The Planning Board discusses if they want to approve at this meeting or continue the meeting and wait two (2) weeks for the TRC to review and back check the comments or if this can be handled administratively.

Chairman Spanos polls the Planning Board to find out if they want to consider a motion to vote for approval of the project at this meeting. Three (3) members want to vote on the approval at this meeting and Two (2) do not.

Conditions Discussion

1. Final Review by the Technical Review Committee (15 business days)
2. Planning Board tweaks to the design of all the roof by adding shed roofs and making it cohesive and look more "New England-y".

Motion to approve with the following conditions:

1. Review by the Technical Review Committee of the recent changes.
2. Coordination and approval of DPW for the Stormwater Connection.
3. Any needed State approval or permits.
4. Change to the flat accent roofs to shed roofs and to be reviewed by Planner Bont.

By Selectmen's Representative Robinson

Second by Vice Chairman Chenard

Three (3) vote to approve with conditions (Spanos, Robinson and Chenard) and

Two (2) voted not to approve with conditions (Noseworthy and Beaudin)

Motion Carries.

IV. 6:00 NEW BUSINESS

A. Zander Kempf – Conceptual – Forest Ridge Resort

1. Purchase & Sale pending – Sale of property from New Jefferson Holdings, LLC

- a. Map 114, Lot 080001-00-00000 (8.27 Acres – Woodland Loop LO)
- b. Map 115, Lot 010 (3.38 Acres, including the pond – Pond Woodland Loop)
- c. Map 115, Lot 011 (3.99 Acres Woodland Loop #LO)
- d. Map 408, Lot 001 (530 Acres LO Parcel 3)

2. ~~Purchase & Sale pending – Sale of property from NEWCO, LLC~~

- ~~a. Map 114, Lot 076000-CL-00000 (2 Forest Ridge #PARCEL)
CL= “Common Land”~~

- ~~b. Map 114, Lot 077000-CL-00000 (Woodland Loop)
CL= “Common Land”~~

- ~~c. Map 114, Lot 078000-00-00000 (12 Twin Tip Terrace) (CONDO-VAC)~~

- ~~d. Map 114, Lot 078000-03-00001 (12 Twin Tip Terrace #1)~~

- ~~e. Map 114, Lot 078000-03-00002 (12 Twin Tip Terrace #2)~~

- ~~f. Map 114, Lot 078000-03-00003 (12 Twin Tip Terrace #3)~~

- ~~g. Map 114, Lot 078000-03-00004 (12 Twin Tip Terrace #4)~~

- ~~h. Map 114, Lot 078000-03-00005 (12 Twin Tip Terrace #5)~~

- ~~i. Map 114, Lot 078000-03-00006 (12 Twin Tip Terrace #6)~~

- ~~j. Map 114, Lot 078000-03-00007 (12 Twin Tip Terrace #7)~~

- ~~k. Map 114, Lot 078000-03-00008 (12 Twin Tip Terrace #8)~~

- ~~l. Map 114, Lot 078000-03-00009 (12 Twin Tip Terrace #9)~~

- ~~m. Map 114, Lot 078000-03-00010 (12 Twin Tip Terrace #10)~~

- ~~n. Map 114, Lot 078000-03-00011 (12 Twin Tip Terrace #11)~~

- ~~o. Map 114, Lot 078000-03-00012 (12 Twin Tip Terrace #12)~~

- ~~p. Map 114, Lot 079000-CL-00000 (Pare 2 Forest Ridge) (13.52 Acreage)~~

~~CL= “Common Land”~~

- ~~q. Map 114, Lot 081000-CL-00000 (Woodland Loop)~~

~~CL= “Common Land”~~

- ~~r. Map 114, Lot 082000-CL-00000 (2 Forest Ridge #PARC)~~

~~CL= “Common Land”~~

- ~~s. Map 114, Lot 082000-02-00041 (123B Woodland Loop)~~

- ~~t. Map 114, Lot 082000-08-00053 (111B Woodland Loop)~~

- ~~u. Map 114, Lot 082000-08-00054 (111A Woodland Loop)~~

- ~~v. Map 115, Lot 003000-CL-00000 (Woodland Loop – Master Lot)~~

~~CL= “Common Land”~~

3. ~~Purchase & Sale pending – Sale of property from Mt Coolidge Construction, LLC~~

- ~~a. Map 114, Lot 080000-00-00000 (Woodland Loop Land Only)
(Should be Common Land)~~

- ~~b. Map 114, Lot 080000-08-00017 (3 Forest Pine Spur #B)~~

- ~~e. Map 114, Lot 080000-08-00018 (3 Forest Pine Spur #A)~~
- ~~d. Map 114, Lot 080000-08-00019 (3 Forest Pine Spur #B)~~
- ~~e. Map 114, Lot 080000-08-00020 (3 Forest Pine Spur #A)~~

Presentation:

Mr. Zander Kempf introduces himself and gives a quick background about himself including his education, military, and work experience. He is proposing a project that is approximately seven hundred (700) acres.

*****Difficulty hearing what is being said during this presentation*****

He would like to be sure this is a project the Planning Board would like to see and eventually approve.

Planner Bont distributes materials and maps for the twelve (12) unit buildings. She guides the Planning Board through the material showing densities. She shows the three lots that are supposed to support density associated with Forest Gardens. Forest Garden is comprised of six (6) twelve-unit multi-family buildings to be built on Map 114, Lot 078 (Twin Tip Terrace). The three lots of “green space” set aside to support the density are:

1. Map 114, Lot 077
2. Map 114, Lot 079
3. Map 114, Lot 081

Those combined lots were approved for a total of seventy-two (72) units. The three lots that support the density of Forest Gardens were included in the property Mr. Kempf was supposed to be purchasing.

Two of those six (6) buildings have been constructed:

1. 4 Twin Tip Terrace (Map 114, Lot 078000-01-0001 to 00012); and
2. 8 Twin Tip Terrace (Map 114, Lot 078000-02-0001 to 00012).

One of those six (6) buildings are under construction, but not completed:

1. 12 Twin Tip Terrace (Map 114, Lot 078000-03-0001 to 00012).

The Planning Board reviews the drawings.

- Mr. Kempf explains where he would like to put twelve (12) “family friendly” units that over-look the pond.
 - The pond is on the lot described as Pond Woodland Loop (Map 115, Lot 010 – 3.38 Acres). The lot that overlooks the pond is described as Woodland Loop #LO (Map 115, Lot 011 – 3.99 Acres).
 - Mr. Kempf would put some multi-family buildings on the other side of Woodland Loop described as “Parcel 2 Forest Ridge” (Map 115, Lot 017 – 154 Acres).
- Single family homes would be on half acre (1/2) acres lots on Parcel described as “Parcel 2 Forest Ridge” (Map 115, Lot 017 – 154 Acres).

Time Frame:

Member Beaudin asks what the time frame will be. Mr. Kempf responds that he would purchase the property this winter and start design work then start working on the multi-family homes on Woodland Loop sometime next summer (2024). He plans to build out in phases and would hope to have Woodland Loop built out in roughly two (2) years then build the road that loops around and sell the single-family lots.

Water & Sewer Approvals:

The Planning Board discusses the details on the approved project and will look into the water and sewer approvals for it. Planner Bont confirms that the water and sewer was approved.

Member Beaudin mentions that he has concerns with the elevations and water pressure.

Water Storage Tank – No Easement Recorded; No Deed Recorded:

Planner Bont explains that since she started in 2013 there have not been either a deed or recorded easement access given to the Town for the Forest Ridge Water Storage Tank that is presently located on property owned by New Jefferson Holdings, LLC and should be shown as part of the lot described as “Parcel 2 Forest Ridge” (Map 115, Lot 017 – 154 Acres), but instead is shown on the tax maps as land owned by the Town as part of land described as 62 Forest Ridge Road (Map 116, Lot 042). She adds that this was an issue that Richard (Rick) K. Elliott (now deceased) was to have taken care of, but that never happened. The Planning Board discusses the water tank issue.

Green Space

Mr. Kempf describes the land described as LO Parcel 3 (Map 408, Lot 001 – 530 Acres) that he is planning to purchase as Selectmen’s Representative Robinson had a question about where it was on the map. Selectmen’s Representative Robinson mentions that the LO Parcel 3 (Map 408, Lot 001 – 530 Acres) was part of the development agreement; that land supports the rest of the density associated with the lot described as “Parcel 2 Forest Ridge” (Map 115, Lot 017 – 154 Acres) and was to be designated as green space.

Stormwater Management

Chairman Spanos notes that with all of the problems on Forest Ridge they will be taking a hard look at all of the stormwater drainage on anything that is developed.

Club House

Mr. Kempf comments that he plans to build a second clubhouse for the homeowner’s association; the original clubhouse is maxed out.

Trash

Planner Bont comments that he will need to plan for trash.

Open Space

Member Beaudin points out that there is a lot of open space and Mr. Kempf could reconfigure the twelve (12) units.

Road Bonds

The Planning Board discusses road bonds and advises Mr. Kempf to research the roads.

Title Search

Planner Bont discusses title concerns, particularly as it affects ownership and legal responsibility for maintenance of the various roads in Forest Ridge. She recommended Kempf hire a reputable and capable real estate law firm to do a comprehensive title search to figure that out as there is some controversy about the roads.

Master Plan

Member Beaudin asks if there is a copy of the master plan. Mr. Kempf has a master plan from 1996 that he can share.

Trail Access

Selectmen's Representative Robinson asks if it would be possible to allow access to the trails in the area. He discusses the conservation easement for public access to existing trails that was approved but never came to fruition.

Water and Sewer

Mr. Kempf asks if he can get more information regarding the water and sewer. Planner Bont discusses that Town Engineer Korber used calculations to determine the capacities of approved projects and that Mr. Kempf should contact Town Engineer Korber to discuss. Planner Bont and Selectmen's Representative Robinson will see what information they have on file but it is suggested that Mr. Kempf contact Town Engineer Korber.

B. Discussion re: Manufactured Homes

1. Whether Manufactured Homes in Manufactured Housing Parks can be replaced by larger or smaller Manufactured Homes.

Planner Bont describes a situation where someone who owns a Manufactured Housing Park wants to take down an old manufactured home and replace it with a new one. The LUPO allows them to replace the manufactured home with one the same size. However, the manufacturers of manufactured homes don't make manufactured homes in the same sizes as the old ones. She wonders if they need to come before the Planning Board for Site Plan Review.

The Planning Board discusses the requirements for mobile homes as it relates to lot coverage and setbacks. Chairman Spanos feels that they will only need a Land Use Permit if they make the replacement manufactured home less non-conforming and replace the old mobile home with a smaller one. If the new manufactured home will be larger than the old home, then they would be required to come in for Site Plan Review. If the new manufactured home does not conform to the setback requirements, then they will require a Variance from the ZBA.

2. **Discussion re: Whether Manufactured Homes in Manufactured Housing Park, absent for more than one year, or many years, can be replaced by larger or smaller Manufactured Homes without Site Plan Review approval.**

Planner Bont describes a situation regarding multiple sites in a Manufactured Housing Park that have not been used for years and they want to now put new manufactured homes on them.

The Planning Board discusses the issue. Site Plan Review approval is required.

3. **Discussion re: Whether Manufactured Homes in Manufactured Housing Park, can be replaced by larger or smaller manufactured homes without Planning Board approval.**

Planner Bont describes another mobile home issue where they are replacing manufactured homes with larger or smaller manufactured homes without any setback issues and a pad is needed.

The Planning Board discusses and determine that only a Land Use Permit is required as long as they meet all of the setback requirements.

IV. PUBLIC PARTICIPATION AND OTHER BUSINESS: NONE

******BACK TO MEETING MINUTES ABOVE******

V. ADJOURNMENT.

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

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: _____

9/27/23


Chairman Spanos