

APPROVED

PLANNING BOARD
PLANNING BOARD 2ND MONTHLY MEETING
WEDNESDAY, February 22, 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 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, Member Stephen Noseworthy, Member Paul Beaudin, II

Excused: Alternate Mark Ehrman

Staff Present: Planner Carole Bont

Guests:

- **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.
- **Matthew Gutro**, resident, (APPLICANT) General Manager & resident of Profile Motel & Cottages, 391 US Route 3, (Map 106, Lot 006), PO Box 963, Lincoln, NH 03251-0963, owned by James Paul Gutro, Jr. & Lisa Maria Gutro, d/b/a Gutro Hospitality Associates, Inc. & Profile Motel & Cabins, 391 US Route 3, P O Box 963, Lincoln, NH 03251-0963.
- **Jeffery O. McIver**, nonresident, (APPLICANT) of 7 Meadowview Drive, Holderness, NH 03245, President and General Manager, of Mountain Club on Loon Resort & Spa owned by Mountain Club on Loon Unit Owners' Association, 90 Loon Mountain Road (Map 126, Lot 018), Lincoln, NH 03251.

- **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.
- **Megan Ulin**, nonresident, (APPLICANT FOR MOUNTAIN CLUB ON LOON UNIT OWNERS’ ASSOCIATION), Employee-Owner/Solar Project Developer of Revision Energy, Inc., 7 Commercial Drive, Brentwood, NH 03833.

II. CONSIDERATION of meeting minutes from:

- **February 8, 2023 (Wednesday)**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin (via Zoom).

Motion to put off reviewing the minutes by Member Beaudin
Second Chairman Chenard
All in favor

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

A. Grant Application for Grant from InvestNH Housing Opportunity Planning (HOP) Grant Program

Update re: Planning Board’s Application submitted to InvestNH Housing Opportunity Planning (HOP) Grant Program to create local regulations that will help increase housing supply. The InvestNH Housing Opportunity Planning (HOP) Grant Program is part of the Planning & Zoning Grant Program and is administered by New Hampshire Housing under contract with the NH Department of Business and Economic Affairs (BEA). These programs are all part of InvestNH, a \$100 million initiative funded through the American Rescue Plan Act’s State Fiscal Recovery Fund.

The InvestNH Housing Grant Program’s Steering Committee reviewed the Town’s grant proposal and advised that before qualifying for a grant undertaking an analysis, the Town needs to address the issue of community engagement to see if community would embrace such a project. They advised the Town to revise their application to apply for a grant to address the community engagement component. They are looking for community engagement efforts to support the development and adoption of master plan revisions.

Action: Does the Planning Board want to Revise Application for grant to do community or not?

Discussion: The Planning Board discusses the InvestNH Housing Grant Program's Steering Committee review (see above). Vice Chairman Chenard asks if there will be attachments on the deed insuring the property will be used for work force housing in perpetuity. Selectmen's Representative O.J. Robinson clarifies that the recommendation is to do some community engagement to determine if this housing is something the community is interested in pursuing.

Training: Member Beaudin notes that for the community engagement someone would be required to attend community engagement training by the UNH Cooperative Extension. He is concerned with the costs associated with the training as he doesn't want the tax payers to have to pay for the training if the town decides not to move forward with the program.

Application: The Planning Board discusses the deadline for applying. Planner Bont explains that an application was completed and accepted with a recommendation for the town to revise the application as they have not completed community engagement. Town Manager Park will revise the application if the Planning Board decides they want to move forward with the community engagement component. Chairman Spanos asks Planner Bont how many days of community engagement is required. Planner Bont does not know the answer to that question.

**Motion to put off this discussion until the next meeting by Member Beaudin
Second by Vice Chairman Chenard
All in favor**

IV. NEW BUSINESS

A. Site Plan Review Application: #SPR 2022-21 M126 L019 – Mountain Club on Loon Unit Owners' Association – Commercial Building – Roof Top Solar Panel Array >25 kWh

Applicant:	Jeffery C. McIver, President and General Manager Mountain Club on Loon Unit Owners' Association 90 Loon Mountain Road Lincoln, NH 03251.
Property Owner:	Mountain Club on Loon Unit Owners' Association 90 Loon Mountain Road Lincoln, NH 03251 (Owner of both multifamily and commercial business units).
Subject Property:	90 Loon Mountain Road (Map 126, Lot 018), that includes three (3) business tenants including but not limited to: The Mountain Club on Loon – Loon Mountain Condo Resort with hotel & conference center, The Black Mountain Pub, Viaggio Spa & Wellness Center, and 234 residential

vacation rental units located in the General Use (GU) District.

Proposal: Application for Site Plan Review approval for a 58.5 kW DC/40.000 kWAC Photovoltaic System – Flush Mounted Rooftop Solar Array to offset commercial electricity usage at the Mountain Club on Loon Resort and Spa. The solar panel array as proposed to be located on the back rooftop (furthest away from the Loon Mountain Road) in the southeasternmost section of the building closest to the ski trail know as Lower Bear Claw.

Ordinance: In the Land Use Plan Ordinance (LUPO) the following section applies:

ARTICLE VI-D (SOLAR ENERGY SYSTEMS), Section E. (*SOLAR ENERGY SYSTEMS, PERMITS REQUIRED*), Paragraph 5 (...Roof Mounted Solar Energy Systems for ..., Commercial or Industrial Buildings or Multi-Family Housing that Produce More Than Twenty-Five Kilowatt Hours of Electricity and Less Than One Megawatt (1 MW) of electricity.) “All proposed Solar Energy Systems for Non-Residential Buildings, ... Commercial Buildings, ... or Multi-Family Housing (a building with greater than two housing units) that produce greater than twenty-five-Kilowatt hours (25kW) of electricity and less than one megawatt hour (1 MW) of electricity shall be required to obtain both Site Plan Review Approval from the Planning Board and a Land Use Authorization Permit, following Planning Board approval.”

Presentation:

Megan Ulin describes the solar panel project to the Planning Board (see above). She explains that the Mountain Club is moving forward with the project to offset their on-site electricity usage with renewable energy. The system is expected to produce just over sixty-five thousand (65,000) kilowatt hours of electricity per year which will reduce the electric bill for the Mountain Club.

Installation: The installation is a straightforward rooftop installation with one hundred forty-seven (147) solar panels which will be all black for aesthetics. The support for the rooftop installation will be horizontal rails that run underneath and are attached to the roof deck and will have a watertight seal. The array will be flush mounted and will sit six (6) inches above the roof.

Exterior Equipment: The exterior equipment will be located on the southwestern side of the building and will be mounted on the wall. It will be located near the current mechanical equipment.

Discussion:

Member Beaudin discusses the Solar Ordinance and notes that the solar array becomes part of the structure and wonders if there is an issue with the overall building height. The Planning Board discusses the ordinance and the height of the building. It is determined that the height of the building is not an issue.

Fire Chief Approval: Planner Bont adds that the Fire Chief needs to look at the plans and the electricity grounding must be in place to prevent electrocution.

Weight of Panels: The panels are three (3) pounds per square foot and a structural engineer has reviewed the building and stamped the plans that state it will support the weight of the panels. This information will be included in the Land Use Authorization Permit.

Setbacks: The array has the required three (3) foot setbacks all around the edge of it for ladder access in case of fire.

Exterior Disconnect: There will be a single point of exterior disconnect which will shut off the entire system in case of emergency.

New Hampshire Electric Co-op: Approval from the NH Electric Co-op has been submitted and approved and the town will need a copy for the file.

The Planning Board reviews the ordinance starting on page 87.

Abutters: Planner Bont confirms that all abutters have been notified.

State and Federal Laws: The project must follow all applicable State and Federal Laws and Regulations, including state electrical, building and fire codes. A Control Affidavit would be required.

The Planning Board reviews the application and Chairman Spanos reads the application aloud to determine if it is complete.

**Motion to accept the application as complete by Vice Chairman Chenard
Second by Selectmen's Representative O.J. Robinson
All in favor**

Questions:

Glare: Member Beaudin asks Ms. Ulin if the solar panels cause glare. Ms. Ulin responds that the solar panels have been shown to reflect less than two percent of the light which is equal to the amount of glare produced by surface water and less than building windows. She adds that based on the angle of the panels the glare will be reflected upwards.

Ownership: Member Beaudin asks Ms. Ulin who will be the owner of the panels and who will be responsible for their maintenance. Ms. Ulin answers that the Mountain Club will own the panels.

Motion to open to public comment by Member Beaudin
Second by Vice Chair Chenard
All in favor

Motion to close public comment by Vice Chair Chenard
Second by Member Beaudin
All in favor

Conditions for Approval

1. Subject to approval by the Fire Chief
2. A copy of the stamped Structural Engineering Report given to the town.

Motion to approve with two (2) conditions (listed above) by Member Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor

B. Conceptual: #CON 2023-01 M106 L006 – James P. Gutro, Jr. & Lisa M. Gutro d/b/a Profile Motel & Cabins – Commercial Buildings – Expansion of use – add three (3) new cabins to existing commercial buildings. Existing buildings include motel and cabins.

Applicant:	James P. Gutro Jr. d/b/a Gutro Hospitality Associates, Inc. & Profile Motel & Cabins 391 US Route 3 Lincoln, NH 03251
Property Owners:	James P. Gutro Jr & Lisa M. Gutro d/b/a Gutro Hospitality Associates, Inc. & Profile Motel & Cabins 391 US Route 3 Lincoln, NH 03251
Subject Property:	391 US Route 3 (Map 106, Lot 006), existing buildings include: <ol style="list-style-type: none">1. 9-unit Profile Motel;2. 2-bedroom Residence/Office;3. 5-bedroom Rental Unit;4. 3-bedroom rental unit;5. Cabin #1;6. Cabin #2;

7. Cabin #3;
8. Cabin #4;
9. Cabin #5;
10. Cabin #6;
11. Cabin #7; and
12. Cabin #8.

For a total of 20 rental units located in the General Use (GU) District.

Proposal: Add three (3) new cabins for a total of twenty-three (23) rental units.

Presentation:

Matthew Gutro explains that the goal is to expand their business as well as secure workforce housing as it becomes necessary. They currently rent cabins for their summer employees which are typically J-1 students. The cabins are considered transient lodging. The owner of the Ice Castles is interested in renting the cabins during the winter as they will have kitchens and will be one (1) bedroom units.

Questions:

Parking: One parking space will be added per cabin and they will have ample turnaround space. The Planning Board discusses that they will require two (2) spaces per cabin. Mr. Gutro has more land for additional parking spaces.

Space between cabins: Vice Chairman Chenard asks how close the cabins will be to each other as there is a local building requirement. Ryan Fairbrother will verify with Ronald Beard as it relates to the fire code. Selectmen's Representative O.J. Robinson reads a portion of a letter from Ryan Fairbrother taken from the State Fire Marshal that states "ten (10) feet between the building with fire rated exterior plywood or OSB board". The Planning Boards discusses whether this is a state or local building code. Selectmen's Representative O.J. Robinson suggests that they follow the state building code.

Permanent Housing vs. Transient Housing: The Planning Board discusses permanent housing and transient housing requirements. Mr. Gutro will need fifteen thousand (15,000) square foot lots per cabin if theses cabins are to be permanent housing. He could also apply for a variance if he can't meet the lot requirements. Transient housing deals with percentage of lot coverage. The Planning Board discusses the ordinance.

Change of Use: The Planning Board and Planner Bont discuss the use of the parcel. Planner Bont reads the definition of Restricted Multi-Family Residential Housing from page 20 of the ordinance. The definition reads "A multi-family residence of single entity ownership was used as restricted to long term tenancy which is defined as greater than one hundred eighty (180) days. This type of use will be considered a business use. This type of use will be subject to the business use density requirements in each zoning district. Selectmen's Representative O.J. Robinson comments that if it is for commercial use and it fits in with the lot coverage requirements that works and if it is a multi-unit residential it would fall into the same lot coverage as the commercial. Either way he

decides to use the cabins it is the same lot coverage. Chairman Spanos reads from page 19 of the ordinance. "Multi-family is defined as a structural combination of structures on a single parcel of land containing three (3) or more housing units whether for rental, condominium ownership or other form of occupancy." Selectmen's Representative O.J. Robinson suggests Mr. Gutro apply for a short-term rental with lot coverage and he can convert it through that definition to long-term and back and forth because it's the same requirement based on lot coverage. Member Beaudin suggests that he apply as if it was permanent housing and use the fifteen thousand (15,000) square foot requirement instead.

The Planning Board discusses both options.

Mr. Gutro clarifies that he does not intent to rent to one (1) individual for more than one hundred and eighty-five (185) days at a time. Chairman Spanos asks if the renter could establish residency if they rent for one hundred eighty-five (185) days. The Planning Board discusses establishing residency.

Recommendations: The Planning Board agrees that the best way forward is for Mr. Gutro to apply for Site Plan Review (with a map of the entire property) as Transient Lodging and follow the percentage of lot coverage scenario. Mr. Gutro should talk with the fire chief to confirm the space required between cabins.

IV. PUBLIC PARTICIPATION AND OTHER BUSINESS:

Emails and Dropbox: The Planning Board discussed the process by which they receive information from Planner Bont. Planner Bont will do her best to provide packets on Fridays and will send large files through Dropbox.

Forest Ridge Auction: The Planning Board discusses the auction at Forest Ridge. The Planning Board notes that if and when the land is sold the new owner will have to follow the approvals that have already been placed in regards to open space requirements previously set.

InvestNH Housing Grant: A discussion regarding the grant begins and the Planning Board will review the materials and come up with questions for the next meeting.

Definitions: The Planning Board discusses definitions, in the ordinance, of duplex and multi-family homes as they relate to commercial use.

Detention Pond at Forest Ridge: Planner Bont explains that the two (2) attachments from David Yager are in the packet of information given to them for tonight's meeting.

VI. ADJOURNMENT

Motion to adjourn by Vice Chairman Chenard

Second by Member Beaudin

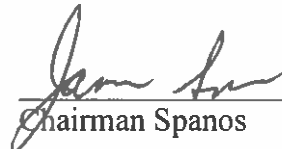
All in favor

Respectfully submitted,

Judy Sherriff

Recording Secretary

Date Approved: March 22, 2023


Chairman Spanos

