

**PLANNING BOARD  
PLANNING BOARD MEETING & PUBLIC HEARING**

Wednesday, November 8, 2023 – 6:00 PM

Planning Board Public Meeting

\*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](http://www.youtube.com) (Lincoln NH Planning Board Meeting 11-08-2023). 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**

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**Passcode: 179696**

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**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.)

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**I. CALL TO ORDER** by the Chairman Spanos. announcement of excused absences, Alternate Mark Ehrman

**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:** Planner Carole Bont

**Consultant:** None

**Guests Present:**

- Kimberly (Kim) Halloran, nonresident, 5 Nicholas Drive, Franklin, MA 02038 and co-trustee owner of 14 Beechnut Drive (Map 130, Lot 121) Lincoln, NH 03251 with Kevin Halloran, co-Trustee of Halloran Heirloom Ownership Trust, 5 Nicholas Drive, Franklin, MA 02038 (part of Beechwood I Homeowners Association, dissolved.)
- Sonya Hamori, resident, 11 Beechnut Drive, Lincoln, NH 032515 and co-owner of 11 Beechnut Drive (Map 130, Lot 120) Lincoln, NH 03251 with Michael Hamori, 11 Beechnut Drive, Lincoln, NH 03251 (part of Beechwood I Homeowners Association, dissolved.)

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

- **September 27, 2023 (Wednesday)**
  - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin.

- Discussion of highlighted areas was had on pages 7 and 8, approved minor changes. Page 17 section, highlighted, approved. Page 13, regarding attached memorandum, needs to be added to minutes. Page 18, BOS Robinson requests a change on the 4<sup>th</sup> line up from the bottom, instead of it saying, “BOS Robinson advising they have to take out the roadways even if they are dirt” to “they have to exclude the roadways even if they are dirt in order to determine lot coverage ratio.”
- **Motion to accept by Member Beaudin. Seconded by Selectmen’s Representative Robinson. All in favor.**

*Reminder: Please identify yourself for the recorder when you make a motion or second. NH RSA 91-A:2 Meetings Open to Public. II. The names of the members who made or seconded each motion shall be recorded in the minutes.*

- **October 11, 2023 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative OJ Robinson, Member Stephen Noseworthy, Alternate Danielle Black.
- Page 10, item 2, “Chair Spanos advises the board took a vote to have them finish the site plan review, but he hasn’t heard anything further.” Request to change to the vote was having him come in for site plan review for the improvements.” It insinuates that the site plan approval is half finished.
- **Motion to accept as amended by Selectmen’s Representative Robinson. Seconded by Vice Chair Chenard, all in favor less Member Beaudin who abstained with comment that was mumbled.**

- **October 25, 2023 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard (left early), Selectmen’s Representative OJ Robinson, Member Stephen Noseworthy, Alternate Danielle Black.
- **Motion to accept minutes as presented by Selectmen’s Representative Robinson. Seconded by Vice Chair Chenard. All in favor, less Member Beaudin who chose to abstain since he wasn’t there.**

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

#### A. Conceptual – CON 2023-15 M118 L078 Douglas & Edna P. Hayward (property owners) & Edson J. Pereira and Wendel P. Lima d/b/a Nachos Mexican Grille (“Investors”)

**Douglas G. Hayward & Edna P. Hayward (a/k/a Edna Rosa Hayward)** own 179 Main Street (Map 118, Lot 078). On the front portion of the lot is a mixed-use building with one (1) three (3) bedroom apartment upstairs and a restaurant downstairs known as Nachos Mexican Grille Restaurant. There is a large porch that wraps around the front and along one (1) the northeast side of the bottom floor with eight (8) outdoor tables and approximately four (4) chairs per table for a total of approximately thirty-two (32) outdoor seats. The rear of the lot has a gravel parking area. The applicants want to enclose some or a portion of the porches and serve people in those areas throughout the winter months.

1. **Property Owners: Douglas G. Hayward & Edna P. Hayward (a/k/a Edna Rosa Hayward)**  
PO Box 7763  
North Port, FL 34290-7763
2. **Applicants/“Investors”:**  
Edson J. Pereira d/b/a &  
Wendel P. Lima d/b/a  
Garra Plastering, Inc.  
9 Bagnall Ave  
Saugus, MA 01906

3. **Subject Parcel:** 179 Main Street (Map 118 Lot 079) (0.31 Acres)  
General Use (GU) District. Minimum setbacks are fifteen feet (15')  
from the front, sides and rear property boundary lines

Applicant came on October 25, 2023. He needs to come back with more information. What was given Site Plan Review approval in the early 2000s? What is there currently? Number of seats inside and outside. How many parking spaces are currently onsite? How many parking spaces are required for the uses proposed?

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### **Presentation and Discussion:**

Applicant Hayward reminded PB what was discussed at the last meeting and that he needed to bring forth more information.

#### **Previous Permits:**

- Paperwork provided to PB shows two (2) Land Use Authorization Permits were issued in the past; one permit from “back in the day” and one more recent permit issued in 2021/2020 for an addition to the side deck.

#### **Is Survey Required?**

- Applicant Hayward believes he doesn't need a survey as the side deck is only ten feet (10') from the building. The deck is twenty-five feet (25') from the existing lot line next door.

#### **Number of Seats Approved by Site Plan Review Approval Depends on Adequate Onsite Parking:**

- Regarding seating, Applicant Hayward believes the seating is pretty much the same because it's not all enclosed. There are forty (40) seats inside and twenty-four (24) seats outside. He believes he is allowed a total of sixty-four (64) seats.
- Applicant Hayward continues that parking isn't an issue because if you go by the original parking that he applied for and was approved for, the number of parking spaces is the same now as it was when he initially received Site Plan Review approval.
- Applicant Hayward continues that other than the roof being put on without a permit, Applicant Hayward feels that's all he needs to do – obtain a Land Use Authorization Permit for the roof over the deck.
- Chair Spanos asks how many seats does he have? Applicant Hayward confirms he has a total of sixty-four (64) seats.
- BOS Robinson asks if the approved total of sixty-four (64) seats includes the seats on the deck?

#### **Number of Seats Permitted: Occupancy Permit vs. Site Plan Review Approval**

- Applicant Hayward confirms that there are forty (40) seats inside and although the Fire Chief “gave them” 50 for outside, he doesn't have 50 seats outside. Although in the summer there is more space available on the deck for additional seating, that could bring his total up to seventy-four (74) seats.

*Note: The Fire Chief issues an “Occupancy Permit” permitting a certain number of people in a certain sized space, based solely on the available space. An Occupancy Permit is not the same as Site Plan Review approval for a specific number of restaurant seats.*

- Member Beaudin asks if there are enough parking spaces for [seventy-four (74) seats]? Applicant Hayward affirms they do have enough parking spaces for seventy-four (74) seats because there are twenty-four (24) parking spots, multiplied by four (4) people per vehicle giving him over eighty (80) potential restaurant seats.

- Take twenty-four (24) parking spaces;
- Subtract two (2) parking spaces for the apartment above the restaurant; and
- 22 parking spaces X 4 people per vehicle = 88 potential restaurant seats.

- BOS Robinson notes the initial paperwork says there are nineteen (19) onsite parking spaces. Planner Bont refers PB to review the photograph that shows twenty-four (24) onsite parking spaces.

#### Are Parking Spaces Adequately Sized?

- BOS Robinson asks if these parking spaces spots are the required width and length.
- Applicant Hayward confirms the parking spaces are at least eight feet by twelve feet (8'x12') or eight feet by ten feet (8'x10') or nine feet by ten feet (9'x10').
- BOS Robinson and Planner Bont report that each parking spaces needs to be a minimum of nine feet by nineteen feet (9'x19'). Applicant Hayward reports that there is plenty of space as the lot is never full.
- Applicant Hayward reports "back in the day" he was given forty (40) seats originally and then later requested twenty-four (24) more seats that were approved and paid for. The Planning Board did not bring up onsite parking at that time.

#### What Does Applicant Need?

##### 1. Land Use Authorization Permit

- Member Beaudin confirms Applicant Hayward already has been approved for the total of sixty-four (64) seats. All he needs now is a ~~Building Permit~~ [Land Use Authorization Permit] for the deck roof or covering.
- Alternate Black mentions that the concern is Applicant Hayward has also said he may have up to seventy-four (74) seats when the Planning Board has approved only sixty-four (64) total seats. Applicant Hayward advises that if the PB tells him no more than sixty-four (64) seats then he won't have more seats.

##### 2. Site Plan Review Approval for Additional Seating

- Chair Spanos advises Applicant Hayward that if he wants more seats, he would have a request Site Plan Review approval because he would be expanding the use.
- Member Beaudin asks Chair Spanos how many parking spaces Applicant Hayward would need per seat. Response is four (4) seats to one (1) parking spot.
- Planner Bont calculates that Applicant Hayward has a total of twenty-four (24) onsite parking spaces. He needs two (2) parking spaces for the upstairs residents, leaving twenty-two (22) parking spaces. Multiply the twenty-two (22) parking spaces by four (4) people, allowing him a potential total of eighty-eight (88) restaurant seats. However, the Site Plan Review approved sixty-four (64) seats. If Applicant Hayward wants to increase the number of seats beyond sixty-four (64) seats, that would be considered "an expansion of use" and he would need additional Site Plan Review approval.

##### 3. Waiver of Requirement for Survey for Changing Footprint

- The roof was discussed regarding it overhanging the porch which would require a survey. Applicant Hayward reports that he was given a Land Use Authorization Permit for a ten foot (10') wide deck, but it's only nine feet (9') wide.
- Planner Bont mentions that the roof overhangs the deck/porch. Applicant Hayward says the roof overhang is within the ten feet (10') he was approved for the deck.

- Chair Spanos asks if this roof over the deck would encroach into the setback area. All confirm “no”.
- Confusion between needing a survey or permit were discussed regarding the roof that was put on over the deck. BOS Robinson advises Applicant Hayward that he needs a Land Use Permit for the roof over the deck. Regarding the survey being needed, still being discussed regarding encroachment.

4. Conditional Land Use Authorization Permit

- Member Beaudin suggests a stipulation [conditions] be placed in the Land Use Permit:
  - Survey be waived.
  - Condition that Applicant Hayward would assume [all legal] responsibility.
  - Planner Bont requests the PB to recommend the waiving of the survey.
    - Applicant Hayward agrees to conditions.
  - Alternate Black asks if Deputy Fire Chief/Building Code Enforcement Officer Ryan Fairbrother would still go measure it? Planner Bont confirms that she will ask Fairbrother to do so.
    - Member Beaudin asks if he knows where his boundary line pins are? Applicant Hayward says his abutting property is owned by the American Legion and has a fence [along the property boundary line].

5. Enclosing the Deck in Plastic to be Included in Request for Land Use Authorization Permit

- Applicant Hayward asked if he could continue with enclosing the deck for this winter, temporarily, to see if that is something they want to do more permanently.
  - Member Beaudin says that when Applicant Hayward gets his Land Use Authorization Permit Application to fill out what he plans to do within the paperwork (i.e., enclosing the side deck with plastic walls and using heaters approved by the Fire Chief).

6. To Add More Seating, Needs Site Plan Review Approval

- Applicant Hayward asks about more seating again and if that can be included in the permit.
- Planning Board advises Applicant Hayward that he would need a full Site Plan Review approval to have more seating and all steps included in that process.

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**B. Continue Review and Possible Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including but not limited to changing the characteristics of the General Use (GU) District in different parts of Town.**

**1. General Use (GU) District**

- Along portions of Connector Road & US Route 3/Daniel Webster Highway & Liberty Road
- Along southwest end of Lincoln Village along Main Street/NH Route 112/Kancamagus Highway
- Along northeast end of Lincoln Village along both sides of Main Street/NH Route 112/Kancamagus Highway
- Along both sides of East Branch Pemigewasset River.

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## **Presentation and Discussion:**

### **Proposed Changes to General Use (GU) District, Creating Two (2) Distinctive General Use (GU) Districts:**

- Chair Spanos asks if the Planning Board had already determined that the General Use (GU) Zoning District would be divided into only two (2) zoning districts? Planner Bont reminds him that the Planning Board agreed to wait to have this discussion until Vice Chair Chenard could be present; Chenard felt ill and left early from the last Planning Board meeting.
- Vice Chair Chenard comments he wants it to remain as it's always been. *[cannot understand what he said here.]*
- Chair Spanos confirms that so far, there are no changes to the General Use (GU) zone being proposed other than separating the General Use (GU) Zoning District out into two (2) separate General Use (GU) Zoning Districts; just make two (2) General Use (GU) zoning districts with the same requirements in each.
  - Vice Chair Chenard comments that the different zoning districts should have different regulations.
  - Chair Spanos advises that, as discussed, most likely the more lenient zone would be the General Use (GU) District land along US Route 3/Daniel Webster Highway; the stricter zone would be within the General Use (GU) District along Main Street/NH Route 112/Kancamagus Highway.
  - Vice Chair Chenard owns property along US Route 3/Daniel Webster Highway. Vice Chair Chenard brings up that years ago his neighbor once tried to build apartments next to him, twenty-eight (28) units on 1 acre; but the proposed apartment building was in wetlands and was against Town regulations. He feels with new regulations for the General Use (GU) District, such an apartment building "could be done" and that's what he's most worried about.
- Member Beaudin asks why these changes are being considered.
  - Chair Spanos reports people are concerned about the requirements of the General Use (GU) District along NH Route 112/Main Street/Kancamagus Highway. People feel there should be more stringent land use controls along the Main Street area.
  - Member Beaudin asks who are the people and have they sent letters to the town?
  - Planner Bont reports they have complained to her and to other staff members verbally.
  - Member Beaudin feels if a complaint is not in writing, then it's not a complaint.
- BOS Robinson suggests that these new zones be created with reasons and changes be proposed for each zone. Instead of just making two (2) General Use (GU) Zoning Districts that are exactly the same, that the Board consider the two (2) areas separately and break down every use in each area.
  - Vice Chair Chenard adds that there are different issues on US Route 3/Daniel Webster Highway than there are on Main St/NH Route 112/Kancamagus Highway. And that should be looked into also.
- BOS Robinson gives an example.
  - What if businesses along Main St. weren't allowed to construct buildings that are more than three (3) stories high to prevent those buildings from blocking views of the surrounding mountains, etc.
  - Would it be a good idea to limit any building within "x" feet of NH Route 112/Main Street/Kancamagus Highway?
  - Or should we allow three (3) story buildings within five feet (5') of the front property boundary line, but not allow four (4) story buildings unless the building is further back from the front property boundary line.

- However, on Route 3, perhaps we should consider doing the opposite. For example, perhaps if the building were a minimum of seventy-five feet (75') back from the front property boundary line along US Route 3/Daniel Webster Highway, maybe the Town could allow five (5) story or six (6) story buildings.
- Member Beaudin suggests that each of their opinions of what looks good and what doesn't in the downtown areas is different and there should be public hearings.
- BOS Robinson agrees but says the Planning Board first needs to propose something.
- Discussion was had about changes over the years and growth and how to control growth but still move forward.
- Chair Spanos decides to poll the Planning Board to see if they want to go forward with establishing two (2) separate General Use (GU) zoning districts or not.
  - Member Beaudin asks what the advantages or disadvantages are of doing that. He would like to know who put this together and who wanted to do this.
    - Chair Spanos advises he proposed the change and the subject was put on the agenda.
  - Member Beaudin asks Chair Spanos to list the advantages.
    - Chair Spanos replies "this section" of Main Street [NH Route 112/Kancamagus Highway], pointing to the east end of the Village Center (VC) District where it becomes General Use (GU) District land, is technically part of the downtown area but is zoned as General Use (GU) District.
  - Vice Chair Chenard says ...*(something undiscernible (52:08))*.
- Member Beaudin asks if that means Chair Spanos wants to change the zoning district designation of that General Use (GU) District area to the Village Center (VC) District?
  - Chair Spanos says no, Vice Chair Chenard said that.
- Chair Spanos continues with his reasoning by saying the "downtown area" (along Main Street/NH Route 112/Kancamagus Highway) is growing; so, it's going to grow differently than the area along US Route 3/Daniel Webster Highway.
  - Planner Bont reports the primary difference between the Village Center (VC) and General Use (GU) District are the setbacks:
    - Front setback in the Village Center (VC) District is five feet (5') whereas the front setback in the General Use (GU) District is fifteen feet (15'), respectively.
    - Side setbacks in the Village Center (VC) District is ten feet (10') whereas the side setbacks in the General Use (GU) District is fifteen feet (15'), respectively.
    - Rear setbacks in the Village Center (VC) District and the General Use (GU) District is the same at fifteen feet (15').
- BOS Robinson recommends that changes have to be made in order to make the Town better, more livable, more drivable.
  - Vice Chair Chenard comments any proposed changes will make the Town less drivable "112 is like a parking lot." *[Hard to understand. Thinks this is what he said.]*
  - Member Beaudin comments that he doesn't think "overregulation" is the best way to approach things.
  - Vice Chair Chenard brings up the congested traffic that lets out on the weekends from hotels on

Main Street/NH Route 112/Kancamagus Highway.

- Member Beaudin says if he were going to do some changes to Town, he would think the Town would be working with the State [NH DOT] to improve the traffic corridor on NH Route 112/Main Street/Kancamagus Highway. He believes those changes are quicker than the changes to the Town's ordinances. He would like to focus on traffic first.
- Vice Chair Chenard brings up some history of the Town and the bypass roads that were proposed to be put in years ago. Vice Chair Chenard said at the time all of the local businesses were against a bypass.
- BOS Robinson asks if they are getting off track and wants to know if they're going to "do this" or not.

Public Hearings Required:

- Chair Spanos asks if the Board was willing to have a public hearing.
  - Vice Chair Chenard says yes
  - Chair Spanos says yes
  - BOS Robinson thought this was only a discussion and the Planning Board was not ready to move to a public hearing. He says he would be ready to move it to public hearing once there are two (2) defined General Use (GU) Zoning Districts with two (2) separate sets of regulations for each zone to make the two (2) zones different.

Further Discussion:

- Vice Chair Chenard feels between this meeting and the next meeting the Planning Board can keep adding and deleting to these zones as they go.
- Vice Chair Chenard further commented that the proposed changes will be binding on all applicants until the next Annual Town Meeting in March when the voters get a chance to vote on it and that he pointed this out a few years ago. It becomes law. Until then they can't be less stringent.
- Planner Bont brings up that she has spoken to Town Counsel who advises that the Town cannot do that. There's a time window in which the Planning Board can propose zoning changes. The Planning Board can't propose amendments to the zoning ordinance [Land Use Plan Ordinance] changes the day after the annual Town Meeting and have the proposed amendments enforceable until the vote at the next Town meeting. It wouldn't go in to effect until the posting period for the following Town Meeting.
- Vice Chair Chenard says this is not true according to State Law which he has researched.
- Member Beaudin votes "no" as he is in agreement with BOS Robinson.
- The Planning Board agrees to have a work session during the next regular meeting.



- **Note: Below is the calendar for proposed zoning amendments:**

**Important Dates for Local Officials**

**2024 TRADITIONAL MARCH TOWN MEETING CALENDAR**

**NOVEMBER 2023**

**Monday, November 13, 2022**

First day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2023 town meeting. [RSA 675:4-120 days prior to town meeting]

**DECEMBER 2023**

**Wednesday, December 13, 2022**

Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2022 town meeting. [RSA 675:4- 90 days before town meeting]

**Saturday, December 31, 2022**

Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated. [RSA 675:3; 675:7 – 10 clear days before January 12]

**JANUARY 2024**

**Thursday, January 11, 2023**

Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption on February 6]

- Member Noseworthy comments that he just doesn't want to see Main Street/NH Route 112/Kancamagus Highway full of hotels. He also does not want the Planning Board to allow developers to put too much on small lots.
- An example of different requirements in different zoning districts would be prohibiting mobile home parks [i.e., manufactured housing parks] in the Village Center (VC) District on Main Street versus permitting manufactured housing parks in the General Use (GU) District.
- Alternate Member Black asks if they can incorporate a larger setback for certain structures.
  - Planner Bont suggests members look at the Business Uses in the Land Use Schedule in the Land Use Plan Ordinance and uses the example of hotels vs. other types of business or commercial buildings listed in the Land Use Schedule for "Business Uses".
- Member Beaudin brings up the dangers of having businesses so close to the road using the example of "the place next to Trembley's" [Half Baked, Fully Brewed Restaurant] where they have tables with umbrellas on the sidewalk and in order to get around them you must go into the road. These should be enforced.

*[Note: Half Baked, Fully Brewed Restaurant has been sold recently, is under new ownership and is temporarily closed.]*

- Chair Spanos asks to have this put on the agenda for the first meeting in December. Prior to that meeting Planning Board members will send ideas to Planner Bont as how the two (2) zones should look.
- Member Beaudin suggests this is also put on the Town's website. Chair Spanos says it is already on the Town's website in the agenda.

**Public Discussion:**

- Chair Spanos opens the meeting for public discussion.
- **Kim Halloran** asks if there is a town plan for 5 years out.
  - Chair Spanos affirms there is the master plan for updating in 2024.
  - As a part of that plan, Ms. Halloran would think there are zoning suggestions for what to see downtown versus outside of town, definition of town center, etc. and how to retain the rustic community and look and feel.
  - Vice Chair Chenard speaks over her. BOS Robinson asks him to let her finish.
  - Ms. Halloran continues regarding businesses downtown that might close, for example, Alpine Village. It has a nice lot, and they wouldn't want another hotel there. The zoning can help reinforce what the towns master plan is.
- **Sonya Hamori**, would like to thank the Planning Board for all they are doing and wished more people would be involved.
  - She feels that if the Planning Board does what they are talking about and creates zoning differences between Main Street/NH Route 112/Kancamagus Highway and US Route 3/Daniel Webster Highway that may solve other problems with, for example, places like the Hampton Inn, and in the end the Town will be more attractive.
  - She continues with her ideas about the types of differences the Planning Board could encourage. For example, the Board could encourage more commercial buildings on US Route 3/Daniel Webster Highway like supermarkets and grocery stores.
- Member Beaudin mentions the adoption of the US Route 3 Corridor Economic Revitalization Zone (ER-Z). The purpose was to encourage development along US Route 3, but it hasn't worked yet.
- BOS Robinson asks that if this discussion can get put off until the next Planning Board meeting, he will do an excel spreadsheet that shows all restriction in General Use (GU) District with two (2) blank columns – one for Main Street/NH Route 112/Kancamagus Highway and one for US Route 3/Daniel Webster Highway. Everyone can put in their suggestions. He will add a column for Village Center (VC) District and is looking for suggestions. He will then combine all spreadsheets and present blindly so it will be unknown who suggested what.

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**C. Consider Possible Minimum lot sizes per Hotel Room and possible changes in height restrictions along Main Street/NH Route 112/Kancamagus Highway.**

- Chair Spanos advises that this has been discussed as a part of section B of this meeting. He asks if there is anything else up for discussion or propose anything different. Planning Board says it has nothing to add.

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**IV. PUBLIC PARTICIPATION AND OTHER BUSINESS**

- A. BOS Robinson brings up that at the last meeting the definition of “structure” was brought up and that a future discussion for an ordinance change and putting in land use ordinance a definition of “structure” and specifically to exclude electric transformers, light poles and other such things. Alternate Black mentions that rock walls are considered a part of the structure in Coolidge. Member Beaudin advises it has to be over 4 feet tall. Chair Spanos requests this be put on the next meeting agenda.

B. Planner Bont requests to discuss mobile homes [i.e., manufactured homes]. Paperwork was previously provided to PB members. Planner Bont reports this man is in the process of purchasing the four (4) adjacent properties owned by Edwin A. Peterson (now deceased) & Joyce L. Peterson on either side of Bog Brook Road. "Cozy Cabins", a house with an apartment in it, Map 108, Lot 3, Lot 4, Lot 22 and Lot 21. On Lot 21 there are 2 beat up mobile homes there. They are located in the side setback areas. He looked for mobile homes that were the exact same size to replace them but could not find any. He found what appears to be log homes on wheels that are a little bit smaller than the existing homes. The question is would they be acceptable to replace the two (2) existing manufactured homes that are there now. In the end, the two homes would be slightly more compliant, intruding slightly less into the setback areas. There were no objections.

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**D. Review Pemi Base Camp.**

**SPR 2022-20 M121 L050 South Peak LLC (Mark Bogosian d/b/a) & Loon Mountain Recreation Corporation (Brian Norton, President and General Manager)**

Do changes to the Pemi Base Camp since the 2004 approval for Pemi Base Camp Ski Warming Hut in South Peak by the Planning Board amount to what would be considered "a substantial change or expansion of use" such that the Pemi Base Camp needs another Site Plan Review approval? The Planning Board voted "yes" (3-2). Review files and response from Attorney for Loon President & General Manager Brian Norton.

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**Presentation and Discussion:**

- Member Beaudin advises he has never seen the letter before. The letter is to Planning Board Chair James Spanos from Town Attorney Jason Dennis and is dated July 6, 2023.
- Chair Spanos asks members of the Planning Board if there needs to be another vote.
- BOS Robinson suggests they either reconfirm the vote or change it.
- Member Beaudin says the site plan was very specific and you can't find anything in the minutes that says that it was approved. We can't find anything that says the building permit says a temporary structure with a deck. But the approved plan does show the deck. His only concern is what the deck and fabric building were used for originally. No detail was what Pemi Base camp was to be used for. The only facts they have are the building permit. There are no minutes that say that it was approved. The Town does have water and sewer tap assessment with no bars and no kitchen versus what there is today. It needs to be clarified. The seating was clarified but the use was not.
  - Vice Chair Chenard said he was on the Planning Board when the board approved the Pemi Base Camp warmup hut. He recollects that the Pemi Base Camp or warmup hut was approved with a deck so that guests would not sink in the mud coming and going. However, it was a mishap that the Town didn't record these facts in the minutes. Member Beaudin says it was never put on the Building Permit either.
  - The hours of operation need to be clarified. Now there are two (2) bars in the Pemi Base Camp now that weren't there before.
  - The Building Permit doesn't talk about having live music with bands, where people sit.
- BOS Robinson comments that the Planning Board of 2006/2007 approved this. He then asks Member Beaudin if he wants to bring someone in because he doesn't like what the PB of 2007 approved without all the details he is complaining about.
- Member Beaudin says they are comments not complaints.

- BOS Robinson believes the Town's case is weak to have the Applicant come back in and review those things with the Planning Board.
- Member Beaudin disagrees and believes it is a strong case.
- Member Noseworthy advised the last time this was discussed he thought the PB wanted an update because whatever is happening now is not what is happening on that sheet of paper.
- BOS Robinson asks them to point it out on the paper.
- Member Beaudin asks for it to be shown in the minutes as that is what they bring up, but it is not.
- Member Beaudin points out that all of Loon's advertisements say "new and improved" which shows it's different than what it was originally.
- Vice Chair Chenard feels that's just how businesses get people there. They are told what they want to hear.
- Member Beaudin feels it is not fair in comparison to Nacho's Restaurant that was there earlier having to do a review of the changes to his restaurant and that the rest of the PB should be ashamed of themselves for not making Loon Mountain Recreation Corporation follow the same rules.
- BOS Robinson reminds Member Beaudin that Applicant Hayward was in because he put an addition on; he constructed a roof over the existing deck without a Land Use Authorization Permit. That is a change that requires a Land Use Authorization Permit.
- Vice Chair Chenard is asked to reconfirm that he wants a Site Plan Review and he wants Loon Mountain Recreation Corporation to come back in.
- Vice Chair Chenard did not answer as the PB started discussing comparisons to other businesses that have had to come in for review.
- BOS Robinson asks of clarification on what the Planning Board is asking Brian Norton, President & General Manager of Loon Mountain Resort and Loon Mountain Recreation Corporation to come in for:
  - To supply a list of changes to attach to previous site plan
  - For a new Site Plan Review approval
- Member Beaudin requests the latter. Because what is there now is different than what was originally done.
- Planner Bont comments that the issue is there is no documentation of what was approved and what if any conditions were part of the approval.
- Chair Spanos says that's what Loon Mountain Recreation Corporation is using for its defense.
- BOS Robinson reports that the PB has not presented, in writing, to Loon Mountain Recreation Corporation as far as what they are doing that is not in the original permit. Where is the letter that was sent to Loon regarding the specific ways they have not abided by their original approval?
- Member Beaudin recommends the following two (2) items be sent to be considered changed
  - The 2007 water and sewer tap assessment form; and
  - Town of Lincoln's Water Supply System Connection Fee Ordinance (Adopted, Revised March 1987) and Water System Regulation (Adopted, April 8, 1992, Amended April 19, 1999 and October 22, 2012) that indicates any expansion or increase of the use of the Towns' water system is deemed new construction. And by putting in bars and a kitchen that is expanding the use.
- Discussion continues with BOS Robinson disagreeing and that Member Beaudin still has not been able to prove they are not abiding by their approved permit. Member Beaudin brings up again regarding their advertisements saying "new." BOS Robinson says nowhere does it state you can't use the word new when describing something.

- Alternate Member Black asks if it can be assessed by the number of seats that were counted by Deputy Fire Chief/Code Enforcement officer Ryan Fairbrother. Planner Bont advises the current number of seats in the Pemi Base Camp is less than Loon Mountain Recreation Corporation originally paid for.
- Chair Spanos asks if this needs to be revoted. Vice Chair Chenard spoke but was indiscernible.
- Chair Spanos asks if Brian Norton is willing to come in to discuss. “It” says that Rick Kelley is willing? NO answer provided.
- Chair Spanos advises the Planning Board that it has to send a response to Loon Mountain Recreation Corporation. The response will include that:
  - The PB has rediscussed it and the vote stands.
  - Loon Mountain Recreation Corporation has expanded/changed the approved warming hut/restaurant use from the original approval.
  - No specific violations listed?
    - Asked by BOS Robinson.

**BOS Robinson makes a motion:**

- **That a letter will be drafted and the PB will approves it before anything gets said or sent to Loon Mountain Recreation Corporation, outlining the specific violations, per the Town Attorney’s suggestion.**
- **Planner Bont will draft the letter from the meeting minutes with Member Paul Beaudin’s assistance.**
- **She will get the letter circulated to the Planning Board members prior to the next meeting.**
- **Members of the Planning Board will weigh in on the letter and sign the letter at the next meeting.**
- **Planner Bont will send the letter to the Town Attorney before sending the letter to Loon Mountain Recreation Corporation.**

*No second. No vote.*

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

##### **A. PUBLIC HEARING – CAPITAL IMPROVEMENTS PLAN (CIP).**

1. Presentation of Proposed Capital Improvement Plan Budget to Planning Board.
  - Member Beaudin reports:
    - The CIPC met with all the department heads.
    - Their goal and end result were to keep the CIP flat. In 2023 it was \$1,662,000 and in 2024 it is \$1,661,194.
    - They did make changes. Everything that is highlighted in the CIP spreadsheet represents a change. Some of the changes were in amounts; some of the changes were in the number of years that the expenditure was carried out for.
    - When they finished reviewing the changes, they found they had lowered the amount of money in the appropriation for 2024 to less than “flat” so they went back and put more money into:
      - Kanc Recreation Building,
      - Police Station, and
      - Revising the Fire Truck estimates because the estimates were outdated.

- They added money to the CIP accordingly.
  - Town Manager Park was supportive of the whole thing.
- Vice Chair Chenard asks if the \$1,000,000 grant the Police Department was getting from the US Government also included an additional \$1,000,000 from the Town.
- Member Beaudin advises the Police Department's federal grant only comes to \$750,000 with a Town match of \$250,000. The Town approved that.
  - Furnishings and fixtures were not a part of the original approval, nor was the carport.
- Notice will be provided for public hearing in the next agenda.

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**V. PUBLIC PARTICIPATION AND OTHER BUSINESS:**

Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

- No other business

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**VI. ADJOURNMENT.**

**Motion to adjourn by Member Beaudin.**

**Second by Vice Chair Chenard.**

**All in favor**

**Meeting ended at 2:18:10.**

Respectfully submitted,

*Kara Baker*  
Recording Secretary

Date Approved: December 13, 2023

  
Chairman Spanos