

**PLANNING BOARD MEETING MINUTES
PLANNING BOARD 1ST MONTHLY MEETING (WORK SESSION)
& PUBLIC HEARING**

Wednesday, December 13, 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 (Lincoln NH Planning Board Meeting 12-13-2023). 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/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 the Chairman of Planning Board (PB)

Present: Chairman James Spanos, Selectmen's Representative O.J. Robinson, Vice Chairman Joseph Chenard (late), Member Paul Beaudin, Alternate Danielle Black.

Excused: Member Stephen Noseworthy, Alternate Member Mark Ehrman,

Staff Present: Planner Carole Bont

Guests:

- **Susanne (Susan) A. Chenard**, resident, 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.
- **Marisel _____**, no information, (via Zoom) (Left at the conclusion of Kamlesh Patel matter.)
- **Frank Pasciuto**, resident, of 16 Valley View Lane, PO Box 192, Lincoln, NH 03251-0192 and co-owner with Virginia Marie Pasciuto, of:
 - (1) 16 Valley View Lane, (Map 114, Lot 046) and
 - (2) 10 Green Ridge Road #2 (Map 113, Lot 067000-02-00004(Left at approximately 10:00 PM).
- **Kamlesh (Kam) Patel**, nonresident, (APPLICANT) d/b/a Green Wood LLC, Portland Hotels, Inc., 1150 Brighton Avenue, Portland, ME 04102 that owns #LO Pollard Road (Map 112, Lot 001) in the General Use (GU) District (via ZOOM). (Left at the conclusion of Kamlesh Patel matter.)
- **Attorney Mark D. Stiles**, nonresident, (APPLICANT) of 87 Edmond Road, Marshfield, MA 02050 d/b/a Mark Stiles Trustee, S&A Offices Realty Trust, PO Box 1113, North Marshfield, MA 02059. Owner of:

(1) 32 Fox Run Road #4 (Map 127, Lot 260)
Mark D. Stiles & Julie K. Stiles
87 Edmunds Road
Marshfield, MA 02050

(2) 155 Main Street (Map 118, lot 065)
Mark Stiles d/b/a Flow State, LLC
PO Box 1113
North Marshfield, MA 02059-1113

(3) 153 Main Street (Map 118, Lot 064)
Mark Stiles d/b/a It's An I-M, LLC
PO Box 1113
North Marshfield, MA 02059-1113.

- **Thomas P. Tremblay**, resident, (APPLICANT) of 3 Meadow Lane, Lincoln, NH 03251, and as Trustee, owner of:
 - (1) 189 Main Street (Map 117, Lot 004);
 - (2) 3 Meadow Lane (Map 117, Lot 017); and
 - (3) Meadow Lane #LO (formerly known as Louann Lane (LO) (Map 117, Lot 019)

II. CONSIDERATION of meeting minutes from:

- **November 8, 2023 (Wednesday)**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Alternate Danielle Black.

Discussion:

1. Page 7, first paragraph BOS Robinson advises, the comment should say "5 story or 6 story building and eliminate the reference to 5 "foot" and 6 "foot". Cross out word "foot" on both of those and replace with the word "story".
2. Chair Spanos advises on page 2 there is a motion to accept minutes for **September 27th**, however, it's in red because the recorder couldn't tell who motioned it and who seconded it. He believes Member Beaudin motioned and Vice Chair Chenard seconded it. Discussion was had that member Beaudin wasn't present for two (2) of the meetings. BOS Robinson advised that he can be marked as seconding the motion.
3. **Referring to the October 11th** meeting, draft minutes say Vice Chair Chenard seconded the motion. Who motioned? Request made to have BOS Robinson motion to approve minutes. PB Agreed.
4. Chair Spanos notices that member Beaudin missed 2 meetings and asks member Beaudin if that is accurate. Member Beaudin states he only missed one. He thought he was present for October 25th. BOS Robinson states they can put him down as making the motion.
5. Page 4, item 2, review approval for additional seating, 3rd bullet, 3rd line. "Applicant Haywood" is preceded by the letter "h" and then followed with an "e." Appears to be a few "stray letters" stating "if applicant "h" with LA to increase the number of seats." Planner Bont confirms seeing the error.
6. **Referring to the November 8th** meeting, Page 6, presentation and discussion, 2nd bullet down, "Vice Chair Chenard comments he wants it to "_____(blank)" it's always been." Agree to have the minutes say to "leave it to remain as it's always been." Vice Chair Chenard agrees.
7. Page 7, 4th bullet point down, then there are a couple of hollow bullet points, and then a solid bullet point that writes: "Member Beaudin asks Chair Spanos... Chair Spanos replies this section of Main Street NH Route 112 Kancamagus Highway pointing to the east end of the Village Center District where becomes General Use (GU) District land is technically part of downtown area but is zoned General Use (GU) District." Chair Spanos reports

it shouldn't say "but is shown" because it's not "shown" it's "zoned."

8. Member Beaudin mentions Page 8, 2nd bullet down, underneath public required there's another thing under further discussion there's a blank regarding Chair Spanos saying something about zones and not being able to understand what was being said there. There was something about data being discussed. Suggestion was made to take up the first sentence and just leave it "Vice Chair Chenard further commented, etc. Members agree.
9. Page 9, 2nd bullet up from bottom, says "prior to that meeting they will send ideas to Planner Bont." It should say prior to that meeting "MEMBERS" in order to explain who "they" is. All members agree.
10. Chair Spanos believes Vice Chair Chenard seconded the motion to adjourn. Chair Spanos asks what it means when it says the meeting ended at 2:18:10. He believes that must mean a point in the tape. Planner Bont affirms.

Chair Spanos asks if there is nothing else, is there a motion to accept the minutes with those changes?

Vice Chair Chenard motions, BOS Robinson seconded, all in favor.

III. NEW BUSINESS

Chair Spanos requests a motion to skip over IIIA and move on to IIIB:

III A. (PUBLIC HEARING ON PROPOSED CAPITAL IMPROVEMENTS PLAN (CIP) FOR 2024)

III B. (MINOR SUBDIVISION – SUB 2023-07 M117 L004 Thomas Tremblay, Trustee – Lot Line Adjustment/Boundary Line Adjustment between two abutting properties both owned by Tremblay.)

BOS Robinson makes the motion, Vice Chair Chenard seconded. All in favor**

B. MINOR SUBDIVISION – SUB 2023-07 M117 L004 Thomas Tremblay, Trustee – Lot Line Adjustment/Boundary Line Adjustment between two abutting properties both owned by Tremblay

Thomas Tremblay submitted an application for a minor subdivision (a/k/a Lot Line Adjustment [LLA] or Boundary Line Adjustment [BLA]) will be submitted to the Planning Board to adjust the rear boundary line between the following two (2) properties.

Applicant/Property Owner/Agent: Thomas P. Tremblay, Trustee
Thomas P. Tremblay Revocable Trust
PO Box 235
Lincoln, NH 03251-0235

Applicant's Surveyor: Gardner Kellogg

Kellogg Surveying & Mapping, Inc.
254 Mann's Hill Road
Littleton, NH 03561.

Properties:

(1) 189 Main Street (Map 117, Lot 004)

- a. Property is located within the General Use (GU) District and is 0.77 Acres or 33,541 SF.
- b. Lot has two structures on it – one structure with a restaurant/take out business known as "Half baked, Fully Brewed" and a second structure with a mixed use – a Single-Family Residence upstairs and a Coldwell Banker Real Estate Office on the ground floor.
- c. Minimum lot size is 15,000 SF or 0.344 Acres.
- d. Front, side and rear setbacks are fifteen feet (15') from property boundary line.

- e. The maximum lot coverage in the General Use (GU) District is 70%.

(2) 19 Louann Lane (just changed to 3 Meadow Lane) (Map 117, Lot 017)

- a. Property is located within the Rural Residential (RR) District, is 0.46 Acres or 20,038 SF.
- b. Lot has a single-family residence with an attached garage on the lot.
- c. Minimum lot size is 15,000 SF or 0.344 Acres.
- d. Front, side and rear setbacks are fifteen feet (15') from property boundary line.
- e. The maximum lot coverage in the Rural Residential (RR) District is 50% for nonresidential uses.

Proposal: Application for BLA between 2 adjacent lots. 189 Main Street fronts NH Route 112/Main Street/Kancamagus Highway. 3 Meadow Lane (f/k/a 19 Louann Lane) fronts on what was formerly known as Louann Lane Extension (R/W) and is now known as Meadow Lane (R/W). The 2 lots share a rear boundary line. The purpose of the BLA is to shift the rear boundary line of 189 Main Street slightly towards Main Street, giving the rear lot (189 Map Street) (Map 117, Lot 017) an additional 0.04 Acres of land increasing the size from 0.46 acres to 0.50 acres and reducing the size of 189 Main Street (Map 117, Lot 004) from 0.73 Acres to 0.69 Acres.

Discuss whether to shift Zoning District Boundary Line to align with adjustment in property boundary lines. If yes, need Warrant Article for Zoning District Amendment for March 12, 2024 Town Meeting.

Discussion:

Applicant Tremblay begins by stating he owns both properties where he is proposing a lot line adjustment.

- (1) 189 Main Street fronts NH Route 112/Main Street/Kancamagus Highway; and
- (2) 3 Meadow Lane (f/k/a 19 Louann Lane) fronts on what was formerly known as Louann Lane Extension (R/W) and is now known as Meadow Lane (R/W).

Applicant Tremblay wants to adjust the rear property lines between them. The proposal is to move a parcel of land that is 15 feet wide on one end and 6.75 feet wide on the other end and 201 feet long and “we’re switching it from the front lot” that abuts on Main Street/NH Route 112/Kancamagus Highway. “to the back lot”.

Member Beaudin asks what the significance of that little piece was.

Planner Bont shows Member Beaudin the boundary line between the two lots on the map. She states that the intention of shifting the zoning boundary line was to make the zoning boundary line more “in sync” with the Zoning District lines for the rest of the adjacent properties where the split between the General Use (GU) zoning district (fronting main Street/NH Route 112/Kancamagus Highway) and the Rural Residential (RR) District for adjacent property behind the lots follows the property boundary lines. The rear boundary line and thus, the General Use (GU) District zoning line would be shifting towards Applicant’s business along NH Route 112 as opposed to Applicant’s house behind the business.

Vice Chair Chenard asks if the existing rear boundary line of the front business lot is pushed forward towards Route 112, how much square footage is left in the front lot? Mr. Tremblay advises that the size of the lot is on the drawing. The front lot will become 0.7 acres.

[Note: Minimum Lot size in the General Use District is 15,000 SF or 0.344 Acres.]

Motion made for public comment by Member Beaudin, BOS Robinson motioned, seconded. All in favor. No public comment

Member Beaudin makes the motion to close, BOS Robinson seconded.

Planner Bont asks if Mariel is here for Mr. Tremblay's application. No answer from Mariel.

All in favor.

Motion to accept application by Vice Chair Chenard. BOS Robinson seconded. All in favor.

Summary by Planner Bont: Mr. Tremblay is requesting an article be put on the annual Town Meeting warrant for a zoning amendment to shift the zoning district boundary line so that it aligns with the new property boundary line. This would include moving the small back lot out of the General Use (GU) District into the Rural Residential (RR) District. Mr. Tremblay expands that one could assume that when you attach land to a Rural Residential (RR) District lot, the zoning designation of that land would automatically follow the zone of that parcel. Chair Spanos agrees having the zoning district boundary line break at the same spot as the property boundary lines would make sense. Member Beaudin agrees.

Chair Spanos polls the board

- **Member Beaudin agrees to go ahead and do it to make it clean.**
- **BOS Robinson agrees.**
- **Chair Spanos agrees.**
- **Vice Chair Chenard agrees.**
- **Alternate Member Black agrees.**

Chair Spanos requests Planner Bont put that proposed zoning change on the required advertisements for public hearing.

Motion to approve lot line adjustment made by Member Beaudin. BOS Robinson seconded. All in favor.

III & IV. NEW BUSINESS/OLD BUSINESS continued...– NOT ON THE AGENDA

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

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

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

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

Properties and Property Owners:

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

- b. Purchased 3/19/2021 (Book 4613/Page 956) [from former owner Saber Mountain Properties I, LLC].

Project Approved:

On January 13, 2021, the Planning Board voted:

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

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

AND

- B. **TO APPROVE** application for Site Plan Review Approval to

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

WITH THE FOLLOWING CONDITIONS:

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

Requests for Extension:

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

(No Mylar recorded yet.)

Current Status:

1. Stiles put his temporary structure (i.e., modular shipping container building) on the site without approval. After some back and forth with the Town Staff and the Planning Board, Stiles was permitted to store his temporary structure (i.e., modular shipping container building) on the site for one hundred eighty (180) days with a deadline of November 22, 2023.
2. Stiles intended to have a new Site Plan Review application with a new request for Site Plan Review approval, to supersede the current Site Plan Review approval (granted in 2021 and extended to January 4, 2024), ready for submission by the November 22, 2023, deadline to remove the temporary structure (i.e., modular shipping container building), however, the application was not finished yet.
3. Stiles requests an extension to leave his temporary structure (i.e., modular shipping container building) on one of two adjacent lots (153 or 15 Main Street) beyond the deadline of November 22, 2023.

Discussion:

1. **Not on Agenda.** Attorney Stiles is present to request permission to leave the temporary structure (i.e., modular shipping container building) on the lot while he attempts to file an application for a Site Plan review approval before the deadline of January 2, 2024. Chair Spanos asks if anyone objects to this matter being next. No objections.
2. **Request for Extension of Time:** To discuss temporary structure (i.e., modular shipping container building) located in the parking lot. Stiles is requesting relief and an extension of time. This is part of the presentation, and he feels his application for Site Plan Review approval is not complete yet.
 - a. Member Beaudin asks if this application for Site Plan Review approval is related to the temporary structure (i.e., modular shipping container building). Attorney Stiles confirmed yes.
 - b. Member Beaudin asks what Attorney Stiles is looking to do today? Attorney Stiles advises his permitted time to store a temporary structure (i.e., modular shipping container building) for six (6) months has expired. With the expiration the temporary structure (i.e., modular shipping container building) is deemed permanent, and he would have to come in with a Site Plan Review approval.
 - c. Member Beaudin asks if there have been any additional complaints of the temporary structure (i.e., modular shipping container building) being there? Planner Bont advises there has not been any new complaints since the initial complaints were received.
 - d. Member Beaudin asks how much longer an extension is needed. Attorney Stiles advises probably six (6) months.
 - e. Member Beaudin and Vice Chair Chenard say they don't have a problem with a six (6) month extension.
 - f. BOS Robinson makes a motion to extend the approval of the temporary structure (i.e., modular shipping container building) for six (6) more months. Vice Chair Chenard seconded. All in favor.

III. NEW BUSINESS continued...

A. PUBLIC HEARING ON PROPOSED CAPITAL IMPROVEMENTS PLAN (CIP) FOR 2024

- Public Hearing re: Proposed Capital Improvement Plan Budget.

Discussion: Starting at 6:46:35 PM.

1. Member Beaudin made a comment regarding clarification about how BOS Robinson wanted to see the change in the CIP text pertaining to the Sewer Treatment Plant. Planner Bont showed paperwork referring to the proposed revision to the text in CIP Account Number 70 on Page 23. The text was the problem, not the spreadsheet for the appropriation. Member Beaudin affirmed he was all set then.
2. Vice Chair Chenard asks if the tax rate was going up. Chair Spanos reports no, the CIP for 2024 is "level funded".
3. Bottom line excluding bond service \$1,662,000.00 fiscal year 2023, year 2024 \$1,661,194.00

Member Beaudin motions for public comment. BOS Robinson seconds. No one speaks.

Member Beaudin motions to close public comment. Alternative Black seconded. All in favor, none opposed.

Motion to adopt 2024 CIP made by Member Beaudin, BOS Robinson seconded. All in favor, none opposed.

4. BOS Robinson comments to Member Beaudin that although CIP Chair Beaudin and the CIPC were very conservative in budgeting all the way through, CIPC Chair Beaudin and the CIPC saw the bottom line and brought the CIP up to what it was last year. In bringing up the bottom line, the CIPC targeted three (3) specific funds for high priority projects and those funds were readjusted. BOS Robinson says it was a good move by the CIP Committee.

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

This Discussion began at 6:57:17 PM.

A. CONTINUED WORK SESSION – PROPOSED CHANGES TO ZONING ORDINANCE

Continue Work Session to Review and Possible Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including but not limited to:

5. Heads Up. Planner to make required Zoning Ordinance Amendments in order to Adopt the New Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS). A Flood Insurance Study (FIS) is a report prepared by the Federal Emergency Management Agency (FEMA) that summarizes an analysis of the flood hazards in a community. The analysis used to prepare a Flood Insurance Study (FIS) is also used to prepare a Flood Insurance Rate Maps (FIRMs), which is a map that shows the flood hazard areas in a community.

[Note: Changes will be made prior to Town Meeting per NH RSA Section 674:57.]

Discussion:

1. Planner Bont reports that US FEMA requires the Town to adopt the proposed Zoning Ordinance Amendments in order to adopt the New Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS). A Flood Insurance Study (FIS) is a report prepared by the Federal Emergency Management Agency (FEMA) that summarizes an analysis of the flood hazards in a community. The analysis used to prepare a Flood Insurance Study (FIS) is also used to prepare Flood Insurance Rate Maps (FIRMs), which is a map that shows the flood hazard areas in a community.

[Note: These specific limited changes to the Floodplain Development District (Article VI District and District Regulations, Section D) of the Land Use Plan Ordinance will be made prior to Town Meeting per NH RSA Section 674:57 and do not need to be adopted by the annual Town Meeting.]

2. Changes to the Floodplain Development District made by Planner Bont are shown in red and discusses what is noted in the paperwork handed out to PB. Planner Bont reports that the PB doesn't need to necessarily approve them but does need to have Chair Spanos sign off on the ordinance. She will then send a copy of this revision to FEMA. Member Beaudin asks if this revision goes to Town Meeting. Chair Spanos advises it does not. The state statute allows the BOS to bypass the Town Meeting under these very limited circumstances.
3. Member Beaudin asks how this pertains at all to the flood plain rezoning along the [East Branch Pemigewasset] River as correlates to the development? Riverfront to South Peak. Planner Bont advises that the updated maps are already included on the property tax maps. Member Beaudin follows up by asking if that affects any of the landowners as to what they can get for flood insurance or not? Planner Bont reports it should not affect them but there are about ten (10) people who have submitted letters of map amendment based on the old maps. They will have to be notified to redo those map amendments. FEMA did not take any of them into consideration when preparing the new maps.
4. Member Beaudin continues that his comment includes that they've been awaiting this remapping to be done so that when the PB was making decisions on what could be built in flood plains so that the emergency staff would not have to go to flood plain areas where structures shouldn't be built. He asks if this confirms what they've been waiting for? Planner Bont confirms these flood hazard areas are taken into consideration when someone comes in with an application to build.

5. Member Beaudin asks if this affects the Levee. BOS Robinson responds that FEMA's approach to the levee is because the levee is meant to slow the water, not stop it.

Motion made by Member Beaudin to allow Chair Spanos to sign off on the current FEMA flood plain mapping proposed zoning amendments. Alternate Black seconds. All in favor, none opposed.

A. CONTINUED WORK SESSION – PROPOSED CHANGES TO ZONING ORDINANCE

Continue Work Session to Review and Possible Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including but not limited to

4. Consider adding “Adequate Useable Space” Definition to Definition Section of LUPO & to Site Plan Review Regulations and to Subdivision Regulations

[Note: Already in Article VIII Board of Adjustment, Section A. Board of Adjustment related to appeals for a Special Exceptions] (Recommended by Town Attorney)

Discussion:

Planner Bont request this section pertaining to “Adequate Useable Space” be discussed next. (7:15:23 PM.)

1. BOS Robinson asks what page the phrase “Useable Space” will be on. Planner Bont advises the phrase “Useable Space” will be in a couple of different places within the Land Use Plan Ordinance.
 - a. The phrase “Useable Space” will be in the definitions, starting on page 24.
 - b. The other part of the “Adequate Usable Space” has to go in on page 35.
2. Member Beaudin asks if this phrase “Adequate Useable Space” is related to the flood plain. Planner Bont says it is not.
3. Planner Bont asks if they remember that the Land Use Plan Ordinance would have a reference to include the “Adequate Useable Space” in calculating the total number of acres available for development and, therefore, the total number of dwelling units to be developed.
 - a. For example, in order to determine how many units a developer can construct on a particular lot, first the developer would take the total number of acres, then deduct the unusable space from that total acreage. Then the developer would take that adjusted total of “Adequate Useable Space” and divide by the minimum lot size to calculate how many dwelling units the developer could fit on the “Adequate Useable Space”.
 - b. Currently, the language of the definition of “Adequate Useable Space is found on page 94 found under “Special Exceptions. The definition of “Adequate Useable Space” continues on page 95, 96 and part of 97 of the Land Use Plan Ordinance.
4. Member Beaudin asks for clarification.
 - a. Planner Bont gives an example of a development with 100 acres. If the developer has total acreage of 100 acres in the General Use (GU) or Rural Residential (RR) District, the developer divides that acreage by the minimum lot size of 15,000 sq feet or about a 1/3 of an acre. Theoretically, a developer could have 300 units on the 100 acres.
 - b. However, not all of those 100 acres are “useable”; not all of the acres qualify as “Adequate Usable Space”. See Article VIII Board of Adjustment, Section A, Board of Adjustment Paragraph 2. (See below.)

ARTICLE VIII
BOARD OF ADJUSTMENT

Section A. BOARD OF ADJUSTMENT.

2. After review and in adherence to all specific criteria in this Ordinance, the Board of Adjustment may grant a **Special Exception**, provided that:
 - a. The site is suitable for the proposed use, structure or development; that the specific site is an appropriate location for the proposed use, structure or development. This includes:
 - i. Adequate usable space.
 - a) The definition of “useable space” is any portion of a lot or a structure which is designed to be or can be used to support development.
 - b) The definition of “usable space” excludes:
 - 1) Land defined as being within the “Special Flood Hazard Areas” or within the “base flood elevation” or the “one-hundred-year floodplain” whose use is restricted by the minimum requirements of the National Flood Insurance Program Regulations Section 60.3(b) (as Amended 1/2004) and the Land Use Plan Ordinance, Article VI District and District Regulations, Section D Floodplain Development District; Special Flood Hazard Areas or land within the Floodplain.
 - 2) Land defined as “protected shoreland” and “public waters” whose use is restricted under the Shoreland Protection District Areas as defined in the Comprehensive Shoreland Protection Act NH RSA 485-B and the Land Use Plan Ordinance, Article VI District and District Regulations, Section E Shoreland Protection District
 - 3) Land covered by wetlands, water bodies, watersheds and drainage systems as defined by the NH Wetlands Board Rules as amended (Administrative Rules WT 100-800); and
 - 4) Land with steep slopes as defined by NH Department of Environmental Services (DES). NH DES defines an “Extremely Steep Slope” is a slope of greater than 25% prior to site disturbance. Under NH DES regulations, no section of any driveway may exceed a 10% slope for residential subdivisions or 8% slope for nonresidential site plans. (According to NH DES, most communities define “steep slope” as having a grade of 15% or greater; meaning that the vertical elevation increases by 15 feet over a horizontal distance of 100 feet.);
 - ii. Adequate access
 - iii. Absence of environmental constraints within the proposed development or project area, including but not limited to:
 - a) Special Flood Hazard Areas or land within the Floodplain, the base flood or the 100 Year Floodplain as defined in Article VI District and District Regulations, Section D Floodplain Development District,
 - b) Shoreland Protection District Areas as defined in the Comprehensive Shoreland Protection Act RSA 485-B and included in this ordinance in Article VI District and District Regulations, Section E as the Shoreland Protection District;
 - c) Wetlands, water bodies, watersheds, and the proposed drainage systems. The method of wetlands delineation shall be consistent with the NH Wetlands Board Rules as amended (Administrative Rules WT 100-800).

- d) Stormwater Management and Erosion Control as defined in the Town's Stormwater Management Ordinance; and
 - e) Steep Slopes as defined by the NH DES (An extremely Steep Slope is a slope of greater than 25% prior to site disturbance. No section of any driveway may exceed a 10% slope for residential subdivisions or 8% slope for nonresidential site plans. (Most communities define steep slope as having a grade of 15% or greater; meaning that the vertical elevation increases by 15 feet over a horizontal distance of 100 feet.);
 - f) Other relevant environmental constraints.
- b. The proposed use, structure or development is appropriate to the site. Consideration shall include:
 - i. Parking scheme
 - ii. Traffic circulation
 - iii. Open space
 - iv. Fencing/screening/landscaping
 - v. Lighting impact
- a. The proposed use, structure or development will not have a negative impact on the immediate neighborhood:
 - i. The proposed use, structure or development is architecturally compatible with the surrounding residential district.
 - ii. The proposed use, structure or development will not disturb the tranquility of the district.
 - iii. The proposed use, structure or development will not be incompatible with, or undesirable in relation to existing uses in the area.
 - iv. The proposed use, structure or development will not be detrimental, injurious, obnoxious or offensive to abutting properties in particular and to the neighborhood in general. Typical negative impacts which extend beyond the proposed site include:
 - a) Noise or vibration
 - b) Dust, glare or heat
 - c) Smoke, fumes, gas, or odors
 - d) Decrease in Valuation
 - v. Lighting and noise level of the proposed use, structure or development will be of such design as not to disturb the tranquility of the district.
- b. Traffic access to and from the proposed use, structure or development will not alter the character of the district; there will be no:
 - i. Excessive trip generation as defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual 10th Edition or a successor set of guidelines; or
 - ii. Undue nuisance or serious hazard or vehicular traffic, including the location and design of accessways and off-street parking.
- c. The proposed use, structure or development will be well suited to the availability of public services and facilities; and the following services and facilities are available and adequate to serve the needs of the proposed use, structure or development as designed and proposed:

- i. Fire protection
- ii. Streets
- iii. Parks
- iv. Schools

d. The proposed use, structure or development is appropriate to the site.

5. Member Beaudin discusses that developers have created engineered retaining walls that have allowed them to build on steeper slopes, allowing more land to be used. He doesn't feel any concerns by the Planning Board about building on steep slopes (number 4) is warranted or correct. Member Beaudin believes steep slopes should be included in the total "adequate useable space" if the steep slopes can be possibly developed.
6. Planner Bont advises that the amendment that is currently being proposed makes no changes whatsoever to what has already been required. It's just a matter of putting the definition of "Useable Space" where the definitions are located within the ordinance and putting the definition of "Adequate Useable Space" in a more logical location within the ordinance so everyone can find it more easily. The discussion happening now is about changing the criteria for granting a special exception.
7. Member Beaudin asks the Planning Board members if it's too cumbersome to ask them to discuss changing the criteria for granting a Special Exception now to allow building on steep slopes.
8. Discussion begins with BOS Robinson asking if there are any lots with 25% steep. Member Beaudin affirms there are lots with steep slopes of equal to or greater than 25% steep, including lots in the Landing [where Beaudin works for the current developer of the Landing, Mr. Joseph (Joe) E. Lynch d/b/a Loon Landing Development, LLC].
9. Member Beaudin feels that if the developers' engineers can make buildings on these steep slopes "structurally sound" then these steep slopes should be included as "Adequate Useable Space". Otherwise, these developers are being unduly inhibited from using as much of their land as they can.
10. Vice Chair Chenard uses an example of a home on 35% grade with piling and sheeting.
11. Alternate Black asks if Member Beaudin's concern is legal liability.
12. Member Beaudin says, "No." His concern is not legal liability. Beaudin's concern is that by Land Use Plan Ordinance defining "Adequate Useable Space" the Town is telling the developers they cannot fully develop all of their land.
13. Planner Bont said the Planning Board should be concerned about legal liability. She uses the two (2) examples of two separate properties where the houses are sliding down the hill. If one of the two houses sliding down the hill, slides down the hill, it will take out the three (3) houses located below it. Planner Bont believes that allowing construction on extremely steep slopes is asking for legal trouble.
14. Member Beaudin says that by using the newer engineering methods the contractors don't have to disturb as much of the lot.
15. BOS Robinson says that the Storm Water Management Ordinance helps prevent this from happening.
16. BOS Robinson suggests they do more research before such a change is made. Between now and next December the Planning Board should get a geotechnical engineer to come before the Planning Board to discuss the viability of building on steep slopes.
17. Chair Spanos suggests this matter be revisited next year. BOS Robinson asks if they can put this in the Planning Board minutes as "proposed."

BOS Robinson motions to accept the changes as written related to the definition of “Usable Space” and “Adequate Useable Space” criteria. Member Beaudin seconds. All in favor, none opposed

A. CONTINUED WORK SESSION continued...– PROPOSED CHANGES TO ZONING ORDINANCE

Continue Work Session to Review and Possible Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including but not limited to

6. Revise Definition of Multi-Family Housing

Revise Definition of Multi-Family Housing

Discussion:

1. Planner Bont begins with page 21. She is confused about what the Planning Board decided to make the definition of multi-family dwelling. Originally the definition of Multi-Family Housing was a building that contained three (3) or more separate housing units. Member Beaudin asks why the Planning Board is looking to change the definition. Chair Spanos advises because the way the definition is written, this means that you could put three (3) small houses on a single lot.
2. Planner Bont suggests using the word “dwelling” units instead of “housing units”. Chair Spanos suggests using the word “structure”. A “structure” containing 3 or more separate “housing units”. Planner Bont says you can’t use the phrase “housing units” as they don’t have a definition of “housing unit”. Everything in the ordinances is referred to as “dwelling units”. Discussion goes back to calling it “three (3) or more dwelling units”.

Member Beaudin motions to define the new multi-family dwelling unit definition will say multi-family dwelling is a structure containing three (3) or more separate dwelling units. Seconded by Alternate Black.

Vice Chair Chenard asks if this means it’s only change in the wording of the definition and not a change of use? Chair Spanos confirmed this is just to correct the definition.

All in favor 5-0.

3. Member Beaudin asks if where the definition says” a building” can it say “a structure” instead. That way they can look up the structure and see what it is. Planner Bont says her only hesitation is that in the 2nd sentence was that we do have a bunch of condos and hotels with full time residents in some of them. They agreed to end the 1st sentence at “sanitation.”

Member Beaudin makes a motion to set the definition of “Dwelling Unit” as “a structure or portion thereof providing complete independent living facility for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.”

Alternate Black seconded. All in favor, none opposed.

Useable Space” criteria. Member Beaudin seconds. All in favor, none opposed

A. CONTINUED WORK SESSION continued...– PROPOSED CHANGES TO ZONING ORDINANCE

Continue Work Session to Review and Possible Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including but not limited to

7. Add Short Term Rentals Ordinance to Land Use Plan Ordinance (LUPO)

Add Short Term Rental Ordinance

Discussion:

B. Consider adding Short-Term Rentals Ordinance to LUPO as recommended by the Board of Selectmen (Proposed by Board of Selectmen) (To recommend or not recommend).

1. Planner Bont asks how the process would work for holding a public hearing on this proposed zoning amendment proposed by the Board of Selectmen (BOS) as it didn't sound like the Planning Board was supporting the BOS proposal. Planner Bont assumes a public hearing needs to be had. Is it a Planning Board public hearing or a Board of Selectmen public hearing?
2. Chair Spanos says the way he reads the statute; the Board of Selectman can propose an amendment and the Planning Board then holds the hearing and can make changes as a result of that hearing.
3. Planner Bont asks if she should include that information in the public notice that needs to go to the Littleton Courier newspaper tomorrow for publication for a public hearing on short-term rentals.
4. Member Beaudin asks that the Planning Board hold a public hearing they would either recommend or not recommend. And upon the annual Town Warrant it would say the Board of Selectmen recommends, the Planning Board does not recommend.
5. Chair Spanos disagrees as he thinks the Planning Board can make changes during the hearing because if there are substantial changes made then you have a second hearing. It doesn't say that just because it's coming from the BOS it can't be amended at the PB hearing. Member Beaudin asks if they need to ask the attorney. Planner Bont will reach out to the attorney. And put it on the notice.
6. Planner Bont tells the Planning Board to look at the proposed changes on page 99; the draft shows what the Short-Term Rental Ordinance would look like if it was part of the Land Use Plan Ordinance.

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

A. CONTINUED WORK SESSION continued... – PROPOSED CHANGES TO ZONING ORDINANCE

Continue Work Session to Review and Possible Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including but not limited to creating two (2) General Use (GU) Districts by changing the characteristics of the General Use (GU) District in different parts of Town and changing some of the characteristics of the Village Center (VC) District.

1. Create Two (2) General Use (GU) Districts:

- **General Use Route 3**

Along portions of Connector Road & US Route 3/Daniel Webster Highway & Connector Road and Liberty Road

- **General Use Downtown**

Along both ends of Lincoln Village along Main Street/NH Route 112/Kancamagus Highway and along both sides of East Branch Pemigewasset River.

2. Revise Characteristics of Village Center (VC) District

- Consider possible changes in minimum lot sizes per Hotel Room
- Consider possible changes in height restrictions in the downtown along Main Street/NH Route 112/Kancamagus Highway.

Create two (2) General Use (GU) Districts by changing the characteristics of the General Use (GU) District in different parts of Town and change some of the characteristics of the Village Center (VC) District

Discussion:

C. Create Two (2) General Use (GU) Districts:

Chair Spanos begins discussion at 7:59:18 PM. Chair Spanos explains the different areas in Town that are zoned for General Use (GU) District.

1. General Use Route 3

Along portions of Connector Road & US Route 3/Daniel Webster Highway & Connector Road and Liberty Road

2. General Use Downtown

Along both ends of Lincoln Village along Main Street/NH Route 112/Kancamagus Highway and along both sides of East Branch Pemigewasset River.

PB would like to create naming two (2) zones as General Use (GU) Districts

Discussion was had about what's included in each district.

Chair Spanos gave everyone a 5-minute break at 8:09:22 PM.

Planning Board returned at approximately 8:15 PM.

Discussion continued...:

The Planning Board looks at the uses for both proposed General Use (GU) Districts, stating that General Use Route 3 (GU3) will have different uses than General Use Downtown (GUD). They also will have different zoning requirements.

Big Hotels on Main Street

Chair Spanos advises there have been concerns raised by people regarding the big hotels on Main Street.

Written Versus Verbal Complaints

Member Beaudin feels verbal complaints don't count the same as letters written with suggestions for changes or filled out a complaint form at the Board of Selectmen's Office. And unless those written complaints exist, he doesn't feel any changes need to be made.

BOS Robinson feels the Planning Board's role is to look at the zoning ordinance (LUPO) on an annual basis for potential requirements they may want to change. The Board should do this without requiring people to write to them and documenting it.

Should the Town Have Two Different General Use (GU) Districts?

BOS Robinson asks the other Planning Board members if it makes sense to them to have different restrictions for the two (2) areas of town where there is a General Use (GU) District. He feels it's worth discussing.

- Alternate Black adds that she feels it would help to positively shape the development of the Town if the Board put more restrictions on what can be done on NH Route 112 (Main Street/Kancamagus Highway) versus US Route 3/Daniel Webster highway. Something must be done to ensure that development represents the desires

of the Town voters.

- Member Beaudin feels the various Town ordinances (including the Land Use Plan Ordinance) are already working. If property owners want to do something that is not permitted, they can just get variances from the ZBA to do those certain things.

Chair Spanos asks if anyone wants to motion to table the discussion.

Chair Spanos said if no one is making a motion to table it then they will move forward and discuss it.

Member Beaudin makes a motion to table the discussion on two (2) General Use (GU) District zones.

Vice Chair Chenard asks to confirm that they would be tabling the Motion to Discuss the two (2) General Use (GU) Districts.

Chair Spanos says do you want to table discussion on creating two (2) General Use (GU) District zones.

No second. No response.

Discussion continued...:

Discussion was had about the excel spreadsheet prepared by BOS OJ Robinson and revised by Planner Bont with the list of existing Permitted Zoning Uses for both the General Use (GU) District and the Village Center (VC) District. Planning Board members marked up the spreadsheets prior to the meeting indicating which uses in each zoning district each Planning Board member thought should remain the same and what changes they would recommend for the following three zoning districts:

- I. General Use Downtown (GUD) District;
- II. General Use Route 3 (GU3) District;
- III. Village Center (VC) District.

Residential Uses

1. **Single Family Detached**-currently permitted in both General Use (GU) districts. Proposed to remain in all. No further discussion had.
2. **Duplex**- currently permitted in both General Use (GU) districts. No further discussion.
3. **Attached Accessory Apartments**- currently allowed both General Use (GU) districts. No further discussion
4. **Detached Accessory Apartments**- currently permitted in both General Use (GU) Districts.
 - a. One person suggests permitting Detached Accessory Apartments only on US Route 3. Vice Chair Chenard doesn't feel detached accessory apartments should be allowed in the Village Center (VC) District, unless granted by Special Exception (SE) by the ZBA.
 - b. Chair Spanos feels if you want to have a "walking downtown" you must have people living there.
 - c. Vice Chair Chenard brings up his concerns about permitting detached accessory apartments with their only access being on Henry Lane, Corbeil Lane, Govoni Lane and Nora Parent Lane (also called "alleys") and other areas.
 - d. BOS Robinson suggests they stick to the General Use (GU) zones. Otherwise, it will take forever if they continue to discuss other zones.
 - e. Chair Spanos says there is a shortage in housing, so Detached Accessory Apartments should be allowed in all General Use (GU) Districts. BOS Robinson and Member Beaudin agree.
5. **Elderly and Disabled Housing**- currently permitted in both General Use (GU) Districts. 1 person says Elderly and Disabled Housing should not be permitted in the GU District Downtown (GUD) District and should be permitted only in the General Use US Route 3 (GU3) District.

6. Alternate Black comments where would **Elderly and Disabled Housing** even go in the downtown area. Chair Spanos agrees that for some of these uses, there really isn't any land available to build on right now.
7. **Multi-Family Housing**- currently permitted in both General Use (GU) Districts. No discussion
8. **Cluster Development**- currently permitted in both General Use (GU) Districts. No discussion.
9. **Plan Phase Development**- currently permitted in both General Use (GU) Districts.
 - a. One person says keep as is;
 - b. One only wants to have it on US Route 3/Daniel Webster Highway.
 - c. Vice Chair Chenard says if that is done that it would wipe out South Peak.
 - d. No further discussion.
10. **Manufactured Housing**- currently permitted in both General Use (GU) Districts.
 - a. Member Beaudin asks if "modular housing" is considered the same as "manufactured housing".
 - b. Chair Spanos says manufactured housing is what is considered mobile homes. Member Beaudin disagrees and believes it is both.
 - c. Planner Bont advises she would have to look up the statute.

TITLE LXIV

PLANNING AND ZONING

CHAPTER 674

LOCAL LAND USE PLANNING AND REGULATORY POWERS

Manufactured Housing

Section 674:31

674:31 Definition. – As used in this subdivision, "manufactured housing" means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.

Source. 1983, 447:1. 1985, 104:1, eff. July 9, 1985.

What is the difference between modular and manufactured homes?

Modular homes are assembled on a site and anchored to a foundation, whereas a manufactured home is transported in one piece to a site and can be relocated. Because they can be moved, manufactured homes are considered chattel (personal property) — like a recreational vehicle.

<https://www.bankrate.com/real-estate/modular-vs-manufactured-homes>

Public Uses

1. **Libraries**- currently permitted in both General Use (GU) Districts. No changes proposed.
 - a. Vice Chair Chenard asks in the category of Public Uses, whether they can just vote for the whole thing in one block.
 - b. BOS Robinson agrees and asks if there are any public uses that need to be changed?
 - c. Alternate Black says when she was checking off her spreadsheet, she was just thinking about the properties along NH Route 112/Main Street/Kancamagus Highway, not just the properties within the

General Use (GU) District.

2. **Recreation Facilities** – currently permitted in both General Use (GU) Districts. No changes proposed.

- a. Member Beaudin asks what is a “Recreational Facility”?
- b. Chair Spanos says a “Recreational Facility” is possibly a skating rink or the Kanc Recreation Ski Area. It is something owned by the municipality and accessible to the general public.
- c. Member Beaudin brings up The Rapids at South Peak, LLC development (Main Street #LO (Map 118, Lot 003) owned by Mark Bogosian d/b/a The Rapids at South Peak, LLC and what Bogosian has proposed to add to that development with its Pickle Ball Courts and other recreational amenities for members of South Peak Resort and “The Rapids” when it gets developed. Would that qualify as a “Recreational Facility”?
- d. Planner Bont states that the proposed “recreational facility” for South Peak Resort and The Rapids is not proposed to be a public use. The facility will provide recreational amenities for a private development.

• **Business Uses**

1. **Adult Book Video Store**

- a. Chair Spanos advises Adult Book Video Stores are protected by 1st Amendment of the US Constitution. He isn’t sure if a Special Exception (SE) is the way to go. He would suggest a Special Exception (SE) for General Use Downtown (GUD) District and permit the use in the General Use Route 3 (GU3) on US Rte. 3/Daniel Webster Highway.
- b. PB agrees to leave it as is.

2. **Banks** - currently permitted in both General Use (GU) Districts. Chair Spanos says leave it.

3. **Boarding and Rooming Houses**

- a. BOS Robinson comments he doesn't believe anyone would take valuable downtown land and build a Boarding and Rooming House, but a Board and Rooming House could be incorporated into a larger development.
- b. All agree to leave it as is.

4. **Campgrounds**

- a. Chair Spanos suggests Special Exception (SE) in the General Use Downtown (GUD) District and permit the Campground use in the General Use Route 3 (GU3) District.
- b. The Board agrees to the change.

5. **Manufactured Housing Park** - currently permitted in both General Use (GU) Districts.

- a. Chair Spanos suggests a Special Exception (SE) in the General Use Downtown (GUD) District.
- b. BOS Robinson agrees. PB acquiesces.

6. **Gambling Facility** - currently permitted in both General Use (GU) Districts.

- a. Leave as is for both General Use (GU) Districts.

7. **Home Business** - currently permitted in both General Use (GU) Districts.

- a. Chair Spanos states Home Businesses are encouraged by the masterplan.
- b. Keep as is for both General Use (GU) Districts.

1. **Hotel/Motel** - currently permitted in both General Use (GU) Districts.
 - a. Alternate Black mentions that the Planning Board previously discussed minimizing sizes and heights of Hotel/Motels on Main Street/NH Route 112/Kancamagus Highway.
 - b. Consensus was to leave as permitted in both General Use (GU) Districts for now.
 - c. Member Beaudin asks why the PB is not proposing a change in the maximum height requirement and the maximum number of stories permitted in the General Use (GU) District [along Main Street] and the Village Center (VC) District as the height and number of stories and location is what townspeople complain about the most.
 - d. Planner Bont reminded the PB that the ZBA voted “no” to the Hampton Inn’s request for a variance to exceed the maximum height of thirty-five feet (35’) measured from the ground level to the primary eave on the uphill side of the structure in order to permit four (4) stories for the Hampton Inn using their design, but then the PB turned around and purposely voted “yes” to allow the Hampton Inn to exceed thirty-five feet (35’) measured from the ground level to the primary eave on the uphill side of the structure so they could fit in the four (4) stories, directly contrary to the ZBA’s decision to deny the variance.
 - e. BOS Robinson says this is a discussion for when the PB gets to the next page when the PB discusses setbacks, heights, minimum lots sizes, etc.
2. **Live-recorded Adult Entertainment** – currently permitted by Special Exception (SE) in both General Use (GU) Districts and the Village Center (VC) District
 - a. Chair Spanos reminds the PB that Live-Recorded Adult Entertainment is protected speech under the 1st Amendment to the US Constitution.
 - b. BOS Robinson says Special Exception (SE) is required in both General Use (GU) Districts and the Village Center (VC) District and just leave it. The PB acquiesced.
3. **Restaurant and Drive-up Restaurant** – currently permitted in both General Use (GU) Districts and by Special Exception (SE) in the Village Center (VC) District.
 - a. Member Beaudin comments that a Special Exception (SE) is required for a restaurant and drive-up restaurant under the Village Center (VC) District.
 - b. No changes proposed.
4. **Restricted Multi-Family Residential Housing** - currently permitted in both General Use (GU) Districts and the Village Center (VC) District
 - a. No changes proposed.
5. **Tourist Attractions** - currently permitted in both General Use (GU) Districts and by Special Exception (SE) in the Village Center (VC) District
 - a. No changes proposed.
6. **Motor Vehicle Sales and Service** - currently permitted in both General Use (GU) Districts and by Special Exception (SE) in the Village Center (VC) District
 - a. BOS Robinson feels Motor Vehicle Sales and Service would be much more appropriate up on US Route 3/Daniel Webster Highway in the General Use Route 3 (GU3) District than on Main Street/NH Route 112/Kancamagus Highway in the General Use Downtown (GUD).
 - b. Chair Spanos suggests requiring a Special Exception (SE) for Motor Vehicle Sales and Service in the General Use Downtown (GUD) District.
 - c. Member Beaudin asks what the problem would be of having Motor Vehicle Sales and Service in

the General Use Downtown (GUD) District.

- i. Planner Bont reminds Member Beaudin about the number of complaints the Town has received about how Jon Ham's place Arnold's Auto Center (98 US Route 3 (Map 109 Lot 002) looks.
- d. The majority of PB members agree to requiring a Special Exception (SE) for Motor Vehicle Sales and Service in the General Use Downtown (GUD) District and permitting Motor Vehicle Sales and Service on US Route 3/Daniel Webster Highway.
- e. BOS Robinson feels there should be no Motor Vehicle Sales and Service in the General Use Downtown (GUD) District.

Chair Spanos polls the PB members:

- **No Motor Vehicle Sales and Service are permitted in the General Use Downtown (GUD) District**
 - **BOS Robinson and Alternate Black say no.**
 - **Motor Vehicle Sales and Service are permitted by Special Exception (SE) in the General Use Downtown (GUD) District**
 - **Chair Spanos, Vice Chair Chenard and Member Beaudin say yes with a Special Exception (SE).**
 - **3-2 vote in favor of permitting Motor Vehicle Sales and Service in the general Use Downtown (GUD) District by Special Exception (SE).**
7. **Gas/Fuel Sale/Storage** - currently permitted in both General Use (GU) Districts and by Special Exception (SE) in the Village Center (VC) District
- a. One person proposes that Gas/Fuel Sale/Storage should not be permitted in the General Use Downtown (GUD) District.
 - b. Chair Spanos asks about electric charging stations.
 - i. Planner Bont says the Town Office got a call today requesting all information on the electric charging stations up at the Loon Mountain Ski Area owned by Loon Mountain Recreation Corporation. The Town Offices did not know anything about the installation of any electric charging stations up at the Loon Mountain Ski Area; no applications for Land Use Authorization Permits were ever submitted and no Land Use Permits were ever issued by the Town.
 - c. Chair Spanos asks if the PB needs to specify whether an application for a Land Use Permit to install electric charging stations is just for a few spaces in an already established business or if the application is for a series of electric charging stations that would constitute a new business, for example, several electric charging stations installed on a vacant lot that is dedicated to that use.
 - d. Member Beaudin feels that if the electric charging stations are being installed in what already is an established business there may not be a "change of use". However, if the property owner installs a series of charging stations on a vacant parcel of land, then it is a change of use due to the charging station is a business that distributes fuel in the form of electricity.
 - e. **Alternate Black requests that the PB add this subject of the Business Use called Gas/Fuel Sale/Storage versus Electric Charging Stations to the next meeting for discussion.**
 - f. BOS Robinson suggests redefining the Business Use called "Gas/Fuel Sale/Storage" in the Land Use Plan Ordinance to specifically exclude electric charging stations.
 - g. BOS Robinson solicited PB members' thoughts on whether the Town should be more restrictive and not allow any more Gas/Fuel Sale/Storage stations in the General Use Downtown (GUD) on

Main Street/NH Route 112/Kancamagus Highway whereas they might want to encourage be in the General Use Route 3 (GU3) on US Route 3/Daniel Webster Highway. Gas/Fuel Sale/Storage Stations do pose an environmental threat. BOS Robinson asks if that's what the PB wants to see, more Gas/Fuel Sale/Storage Stations on Main Street/NH Route 112/Kancamagus Highway? Or did the PB want to see more Gas/Fuel Sale/Storage stations in the General Use Route 3 (GU3) on US Route 3/Daniel Webster Highway?

The PB voted to permit Gas/Fuel Sale/Storage by Special Exception (SE) in the General Use Downtown (GUD) District on Main Street/NH Route 112/Kancamagus Highway.

The PB voted to permit Gas/Fuel Sale/Storage in the General Use Route 3 (GU3) District along US Route 3/Daniel Webster Highway. 4 voted yes, 1 voted for Special Exception (SE) by Member Beaudin.

8. **Veterinarians/Dog Kennels** - currently permitted in both General Use (GU) Districts and by Special Exception (SE) in the Village Center (VC) District
 - a. Member Beaudin asks if the Business Use called "**Veterinarians/Dog Kennels**" includes pet grooming.
 - b. BOS Robinson and Planner Bont agree pet grooming is a Consumer Service under "Business Use" and would be listed in the same category as "Retail, Consumer Service, or other non-industrial use other than above which does not qualify as a home business". Member Beaudin now sees that.
 - c. No change.
9. **Retail, Consumer Service, or Other Non-Industrial Use Other Than Above Which Does Not Qualify as a Home Business** - currently permitted in both General Use (GU) Districts and in the Village Center (VC) District
 - a. No Change
10. **Junk Yards** - currently permitted by Special Exception (SE) in both General Use (GU) Districts and are not permitted at all in the Village Center (VC) District.
 - a. The suggestion is made to say "no" to **Junk Yards** in the General Use Downtown (GUD) District and to permit Junk Yards in the General Use Route 3 (GU3) District by Special Exception (SE) on US Route 3/Daniel Webster Highway.
 - b. Member Beaudin asks Vice Chair Chenard if he wants to change the Land Use Plan Ordinance so that Chenard's junkyard property can be allowed in the General Use Route 3 (GU3).
 - c. Vice Chair Chenard says technically he already is allowed to have his junkyard where his junkyard is currently located under a Supreme Court Ruling.
 - d. Vice Chair Chenard says he can open a junk yard and the Town can't stop him.
 - e. Chair Spanos asks PB members to stick to the business at hand.
 - f. Vice Chair Chenard says he might just open a junkyard on his property just to spite the town.

The PB voted to deny Junkyards in the General Use Downtown (GUD) District on Main Street/NH Route 112/Kancamagus Highway.

The PB voted to permit Junkyards by Special Exception (SE) in the General Use Route 3 (GU3) District along US Route 3/Daniel Webster Highway.

11. **Earth, Gravel & Stone Removal** - currently permitted in both General Use (GU) Districts and are not permitted at all in the Village Center (VC) District.
 - a. BOS Robinson suggests the Town not permit Earth, Gravel & Stone Removal in the General Use Downtown (GUD) District along Main Street/NH Route 112/Kancamagus Highway, but permit Earth, Gravel & Stone Removal in the General Use Route 3 (GU3) District along on US Route 3/Daniel Webster Highway.
 - b. Vice Chair Chenard advises there already a temporary gravel pit in Town at South Peak.
 - c. Member Beaudin disagrees and says there is no one mining gravel in the Town of Lincoln currently.
 - d. Discussion was had about commercial pits and about selling earth, gravel and stone.
 - e. PB agrees to permit Earth, Gravel & Stone Removal by Special Exception (SE) for in the General Use Downtown (GUD) District along Main Street/NH Route 112/Kancamagus Highway.
 - f. PB agrees to permit Earth, Gravel & Stone Removal in the General Use Route 3 (GU3) District along US Route 3/Daniel Webster Highway.
12. **Manufacturing (Other Than Home Business)** - currently permitted in both General Use (GU) Districts and are not permitted at all in the Village Center (VC) District.
 - a. PB agrees to permit **Manufacturing (Other Than Home Business)** by Special Exception (SE) for in the General Use Downtown (GUD) District along Main Street/NH Route 112/Kancamagus Highway.
 - b. PB agrees to permit **Manufacturing (Other Than Home Business)** in the General Use Route 3 (GU3) District along US Route 3/Daniel Webster Highway.
 - c. PB agrees to permit **Manufacturing (Other Than Home Business)** by Special Exception (SE) for in the Village Center (VC) District along Main Street/NH Route 112/Kancamagus Highway.
13. **Storage of Contractor's Equipment**- currently permitted in both General Use (GU) Districts and is permitted by Special Exception (SE) in the Village Center (VC) District.
 - a. Question asked if it means an electrician who has a business downtown can't park their equipment at home?
 - b. Chair Spanos feels it should remain that way. PB acquiesces.
14. **Bulk Storage/Warehousing** - currently permitted in both General Use (GU) Districts and is permitted in the Village Center (VC) District.
 - a. Vice Chair Chenard says **Bulk Storage/Warehousing** may include a brewery.
 - b. BOS Robinson defines a Business Use called **Bulk Storage/Warehousing** as Bulk Storage or Warehousing being their primary use, not as an accessory part of another business, like a brewery.
 - c. Vice Chair Chenard uses the example of The Woodstock Brewery which has bulk storage behind the restaurant. BOS Robison says that Bulk Storage is not The Woodstock Brewery's primary use. The Woodstock Brewery's primary use is a restaurant and lodging.
 - d. Member Beaudin asks if there are definitions for all of these terms in the Land Use Plan Ordinance. Chair Spanos says there is not.
 - e. Alternate Black asks if **Bulk Storage/Warehousing** should be permitted by Special Exception (SE) in the General Use Downtown (GUD) District.

- f. BOS Robinson asks if the PB chooses to permit the **Bulk Storage/Warehousing Use by Special Exception (SE)**, can they add another Business Use that specifically says, “**Self-Storage**” and put no in downtown? Proposal for no downtown. All agree.

15. **Self-Storage Units:**

- a. Add a new Business Use Category called “**Self-Storage Units**”.
- b. PB agrees the Town shall not permit **Self-Storage Units** in the General Use Downtown (GUD) District along Main Street/NH Route 112/Kancamagus Highway.
- c. PB agrees the Town shall not permit **Self-Storage Units** in the Village Center (VC) District along Main Street/NH Route 112/Kancamagus Highway.
- d. PB agrees to permit **Self-Storage Units** in the General Use Route 3 (GU3) District along US Route 3/Daniel Webster Highway.

16. **Dimensional Requirements for Duplexes**

- a. BOS Robinson proposes that the Town permit the construction of duplexes on smaller lots providing that there is a maximum of 3,000 SF of total of living space in the General Use Downtown (GUD) District along Main Street/NH Route 112/Kancamagus Highway. Reduce the minimum lot size for duplexes with a maximum of 3,000 SF of total living space.
 - i. Member Beaudin and Alternate Black disagree.
 - ii. Chair Spanos advises that currently in the zoning ordinance the minimum lot size for a duplex is 22,500 SF. Chair Spanos likes the idea as it encourages more affordable housing to be built.
 - iii. Member Beaudin and Alternate Black prefer a smaller minimum lot size for duplexes be permitted in the General Use Route 3 (GU3) District that up on US Route 3/Daniel Webster Highway.
 - iv. Member Beaudin feels if PB wants a pedestrian-friendly Main Street, the Town will need to encourage more businesses along Main Street on the lower level.
 - v. Chair Spanos reiterates the proposal is as follows:
 - o Currently the minimum lot size for a duplex is 22,500 SF in both General Use Districts. The proposal is to:
 - a. Keep the minimum lot size for a duplex to remain the same at 22,500 SF in the General Use Downtown (GUD) District;
 - b. Reduce the minimum lot size for a duplex from 22,500 SF to 15,000 SF, **provided** the duplex has a maximum of 3,000 square feet or less of total living space, in the General Use Route 3 (GU3) District.
 - c. If the duplex has more than 3,000 SF of total living space then the minimum lot size for a duplex remains at 22,500 SF in the General Use Route 3 (GU3) District.
 - d. PB agrees to the above proposal.
 - i. (Planner Bont asks for BOS Robinson to explain one more time. Robinson states she should use the wording on his spreadsheet.
 - e. Keep the minimum lot size for a duplex to remain the same at 22,500 SF in the Village Center (VC) District.

17. **Minimal lot sizes for all other uses-** no changes suggested.

18. **Setbacks**

- a. The minimum front, side and rear setback requirements are currently fifteen feet (15') from the property boundary line in both the General Use Downtown (GUD) District and General Use Route 3 (GU3) District.
- b. 1 person says leave the minimum setback requirements alone.
- c. Another person suggests reducing the minimum front, side and rear setback requirements from fifteen feet (15') to ten feet (10') in the General Use Downtown (GUD) District and keeping it at fifteen feet (15') in the General Use Route 3 (GU3) District along US Route 3/Daniel Webster Highway.
- d. BOS Robinson brings up the example of "over here" (pointing over his shoulder out the window of the Town Hall), referring to three (3) properties now merged, owned by Andrew (Drew) Goddard d/b/a Copley Loon Housing, LLC with Site Plan Review approval to construct a three-story apartment building:
 - i. 139 Main Street (Map 118 Lot 050);
 - ii. 141 Main Street (Map 118 Lot 051); and
 - iii. Church Street #LO (Map 118, Lot 052).
- e. BOS Robinson said at the hearing for that project, PB members complained that there wasn't enough green space, however, Andrew Goddard met the Town's maximum lot coverage requirement of 70%. A lot of Goddard's green space was along the frontage of all three (3) roads. If the Town had moved those front minimum requirements of five feet (5') out closer to ten feet (10'), it would have allowed for the creation of more usable green space in the front common area of any building built.
- f. Chair Spanos notes that Andrew Goddard's property is in Village Center (VC) District.
 - i. BOS Robinson agrees but he is just talking theoretically.
 - ii. Member Beaudin doesn't agree that builders will use the common areas for the right reasons. He feels builders will push their buildings right to the edge, not matter how large or small the minimum setback requirement is.

Chair Spanos polls the PB.

Current minimum front, side and rear setback requirements is fifteen feet (15') from the property boundary line in both General Use (GU) Districts.

- **General Use Downtown (GUD) District along Main Street/NH Route 112/Kancamagus Highway**
 - The proposal is to reduce the front setback requirement from fifteen feet (15') to ten feet (10') from the front property boundary line.
 - Yes-BOS Robinson, Chair Spanos.
 - No-Member Beaudin, Vice Chair Chenard, Alternate Black.
 - The front setback requirement will remain at fifteen feet (15').

iii. General Use Route 3 (GU3) District along US Route 3/Daniel Webster Highway

- Any changes to Route 3?
 - Initially, all agree leave as is.
- g. Vice Chair Chenard would like to reduce the minimum setback requirements for the rear and sides from fifteen feet (15') to ten feet (10'), but leave the minimum front setback requirement at fifteen feet (15').
- h. Vice Chair Chenard explains a reason why, but what he said is indiscernible on the video.
- i. Member Beaudin suggests a minimum front setback of five feet (5') for the General Use Route 3 (GU3) District.
- Member Beaudin asks if that will encourage more housing along US Route 3/Daniel Webster Highway.
 - Chair Spanos says the less restrictive land use regulations are, the more incentive there is to move building over there.

Final Proposal for minimum setbacks permitted for lots in General Use Route 3 (GU3) District:

- Fifteen foot (15') minimum front setback;
- Five foot (5') minimum side setback; and
- Five foot (5') minimum rear setback.
- All voted in favor.

19. Percentage of maximum lot coverage- currently 70% in both General Use (GU) Districts.

- a. One person suggested the PB reduce the percentage of maximum lot coverage to 65%.
- b. Alternate Black feels that would allow more green space.
- c. Member Beaudin agrees, before the Town of Lincoln becomes a "concrete jungle." He describes the removal of trees at Village Shops and the Lincoln Center North and elsewhere throughout the Village Center and General Use downtown areas where the Planning Board Site Plan Review approvals required trees and landscaping that has since disappeared and been replaced with additional asphalt and concrete.
- d. Planner Bont reminds the PB that in recent years many or most of the trees taken down along Main Street/NH Route 112/Kancamagus Highway were taken down by the utility companies that were protecting their utility lines and poles within their utility easements. Unfortunately, the landscaping and trees were within those utility easement areas.

PB votes on whether to reduce the percentage of maximum lot coverage permitted in the General Use Downtown (GUD) District from 70% to 65%.

- Voting "Yes" Member Beaudin, Alternate Black.
- Voting "No" – BOS Robinson, Chair Spanos, Vice Chair Chenard.
- Percentage of Maximum Lot Coverage in the General Use Downtown (GUD) District remains at 70% downtown.

PB votes on whether to increase the percentage of Maximum Lot Coverage permitted in the General Use Route 3 (GU3) District from 70% to 75%.

- **Voting “Yes” – Vote was unanimous.**
- **Percentage of Maximum Lot Coverage permitted in the General Use Route 3 (GU3) District increased from 70% to 75%.**
- **All voted in favor.**
- **Percentage of Maximum Lot Coverage permitted in the General Use Route 3 (GU3) District was increased from 70% to 75%.**

20. Accessory Building Minimum Setback Requirements - example of a shed, etc. In order for the lesser “accessory building” setback requirements to apply, the accessory building must be less than 150 SF in size and less than or equal to 15 feet to the peak of the roof.

For General Use Downtown (GUD) District, proposed to:

- **Leave front accessory building minimum setback requirement at ten feet (10’) from the front property boundary line; and**
- **Increase side accessory building minimum setback requirement from five feet (5’) to ten feet (10’) from the front property boundary line; and**
- **Increase rear accessory building minimum setback requirement from five feet (5’) to ten feet (10’) from the front property boundary line.**
- **All voted in favor.**

For General Use Route 3 (GU3) District, proposed to make no change to the accessory building minimum setback requirements:

- **Leave front accessory building minimum setback requirement at ten feet (10’) from the front property boundary line;**
- **Leave side accessory building minimum setback requirement at five feet (5’) from the front property boundary line; and**
 - Alternate Black suggests ten feet (10’) for side setback.
- **Leave rear accessory building minimum setback requirement at five feet (5’) from the front property boundary line.**
- **All voted in favor.**

21. Maximum Structure Height Requirements:

- a. BOS Robinson mentions that nowhere is height discussed.
- b. Vice Chair Chenard suggests that the Maximum Structure Height be kept “as is, for the time being”.
- c. Chair Spanos suggests a discussion about height in the Village Center (VC) District.
- d. Chair Spanos suggests that the PB consider whether to recommend changing the front setback for buildings that are greater than two (2) stories high (to mitigate the potential “tunnel effect”).
- e. Member Beaudin says he does not think a requirement like that would help to mitigate difficulties with the line of sight.
- f. BOS Robinson thinks a “story” needs to be defined. For example, if someone builds a hotel with two (2) stories of parking underground. Then he want to have four (4) stories of hotel space above ground. And then he adds storage space in the attic. That would make a seven (7) story building, however, there are not more than four (4) floors used as living space above or below ground level as measured through any vertical plane of the building.

Note: The Land Use Plan Ordinance does not use the word "story" but rather, it uses the word "floor". See "There shall not be more than three (3) floors used as living space above or below ground level as measured through any vertical plane of the building."

- g. Planner Bont references page 41 of the Land Use Plan Ordinance marked up for this meeting, directing PB's attention to the text in green ink, starting with B

5. HEIGHT REQUIREMENTS

- b. In the General Use, Village Center, Rural Residential and the Mountain Residential zones the following height restrictions shall apply:
 - i. The maximum structure height shall be thirty-five feet (35) feet measured from the primary eaves on the uphill side of the structure.
 - ii. There shall be no more than four (4) floors used as living space above or below ground level as measured through any vertical plan of the building.
- h. Currently, the General Use (GU) District and the Village Center (VC) District have the same height restrictions:
 - i. Maximum height is 35 feet from the primary eave on the uphill side.
 - ii. There shall be no more than 4 floors used as living space above or below ground level.
- i. BOS Robinson is fine with the concept of putting a parking garage underground, but objects to a rooftop being considered "usable space" for a pool or a bar.
- j. Further discussion was had about setbacks as it relates to building heights.
 - i. Member Beaudin feels the buildings would then be too huge for the lot since all the parking is underground, the developers would increase the number of rooms in a hotel and basically cover the entire building envelope with a building, leaving no green space.
 - ii. Planner Bont suggests considering a tradeoff such as, if there is underground parking in addition to the four stories of height permitted, then in exchange the developer can only have 65% lot coverage, allowing for the creation of more green space instead of crowding the lot.
 - iii. Discussion was had about the concept of underground parking versus onsite above ground parking, using examples like the Riverwalk, The Rapids and The Indian Head.

D. Revise Characteristics of Village Center (VC) District

1. Residential Uses

- i. No changes.

2. Public Uses

- i. No changes.

3. Business Uses

- i. **Veterinarians & Dog Kennels**, changed from "No" (Not Permitted) to Permitted by Special Exception (SE).

4. Industrial Uses

- i. **Bulk Storage/Warehousing – Currently permitted in Village Center (VC) District**
 - a) BOS Robinson says "No" to **Bulk Storage/Warehousing** in the Village Center (VC) District.

- b) Member Beaudin brings up the example of a brewery that has Bulk Storage/Warehousing as part of the brewery business. Member Beaudin thinks the PB should make **Bulk Storage/Warehousing** in the Village Center (VC) District permitted by Special Exception (SE).
- c) Chair Spanos advises that a brewery is considered “manufacturing” if it is not associated with a restaurant business. In this context we are talking about a business whose primary business is Bulk Storage/Warehousing.

For Village Center (VC) District, proposed to:

Change from not permitting Bulk Storage/Warehousing in the Village Center (VC) District, to allowing Bulk Storage/Warehousing in the Village Center (VC) District by Special Exception (SE).

All voted in favor.

5. Minimum Lot Size for Duplex

- i. BOS Robinson advises that the duplex lots are already small.
- ii. No change was recommended.

6. Percentage of Maximum Lot Coverage

- i. Member Beaudin would like to see **Percentage of Maximum Lot Coverage** in the Village Center (VC) District reduced from 70% to 65%.
- ii. Member Beaudin feels that’s why there should be less buildings and more green space. More discussion.
- iii. Vote 70%, 3 yes, 2 no.

For Village Center (VC) District, proposed to:

Keep the Percentage of Maximum Lot Coverage at 70%.

Voted in favor 3-2.

7. Accessory Building Setback Requirements

- i. Currently the Accessory Building Setback Requirements in the Village Center (VC) are:
 - Front Setback is five feet (5’);
 - Side Setback is ten feet (10’*) (*The setback is zero feet (0’) for additions to existing structures already in place within the ten-foot (10’) setback as of January 1, 1997).; and
 - Rear Setback is five feet (5’).
- ii. Alternate Black suggests ten-foot (10’) front setbacks like General Use Downtown (GUD) District.
- iii. BOS Robinson suggests front setback of five feet (5’); side setback of five feet (5’); and rear setback of five feet (5’).

Alternate Black motions the following Accessory Building Setback Requirements in the Village Center (VC) District:

- **Front setback of ten feet (10’);**
- **Side setback of five feet (5’); and**
- **Rear setback of five feet (5’).**

BOS Robinson seconds that. All members agree.

**B. Kamlesh Patel d/b/a Green Wood, LLC – Second Request for an Extension of Site Plan Review Approval
Fairfield Inn/Home2 Suites Hilton: Case #SPR 2018-07 M122 L001**

Applicant/Engineer: Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 agent for property owner Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102. Thomas Greer retired and William Walsh, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 is the successor Applicant.

Property Owner: Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102

Property: Pollard Road #LO (Map 122, Lot 001) northeast of the intersection of Forest Ridge Drive and NH Route 112 (Kancamagus Highway). The property is in the General Use (GU) District.

Proposed Project:

Application of Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc, for Kamlesh Patel d/b/a Green Wood, LLC, requesting Site Plan Review approval to change the use of one vacant lot of 6.35 acres and to make site improvements to include a 96-unit hotel and 5-unit condominium residential structure with parking for 121 cars for a total of 95,390 square feet of impervious surface. The project includes a gravel wetland for stormwater treatment & two infiltration systems to limit the total volume of runoff.

APPROVAL GRANTED WITH CONDITIONS:

On July 22, 2020, the Planning Board **GRANTED** the Application for Site Plan Review for the above-referenced project with the **FOLLOWING CONDITIONS:**

1. The Owner/Applicant shall provide a Mylar with three full sets of plans with all updates to the Town;
2. The Owner/Applicant shall relocate the crosswalk closer to the intersection with NH Route 112/Kancamagus Highway to connect the two ends of the bike/pedestrian pathways on either side of Forest Ridge Drive. The Owner/Applicant shall provide written approval by the NHDOT regarding the crosswalk.
3. The Owner/Applicant shall submit all necessary information and documentation on the proposed fire protection system as required by the Town. Information may include but not be limited to: a basis of design report describing the design and operations of the system, calculations, plans and details. The system shall meet all Town and NFPA codes and requirements. Information and documentation shall be prepared by a fire protection engineer licensed in the State of New Hampshire. Fire suppression system shall be reviewed and approved by the Town and the NH State Fire Marshalls Office.
4. The Owner/Applicant shall provide information to the Town and the Town's Engineer to verify the sewer capacity of the Main Street sewer. Information shall be as required by the Town's Engineer. Sewer capacity shall be sufficient to accept flows from the proposed development.
5. The Owner/Applicant shall provide performance bonding which is payable to the Town for all on-site improvements (i.e., the construction, drainage and all associated site development work, including all of the utilities, stormwater, and grading), in order to ensure that the Owner/Applicant will complete all site work in accordance with the plans. In the event the bond is called by the Town, the Planning Board shall schedule and hold a public hearing to consider revocation of the Site Plan Approval per RSA 676:4-a. No further work may proceed on site, and no further Land Use Authorization Permits shall issue without Planning Board approval in the event the bond is called, and the above-referenced revocation proceedings are initiated. The amount of the bond shall be based on the Owner/Applicant's engineer's estimate of \$1,700,000.00 construction costs for the project which includes a 15% contingency. The applicant can request release of the bond once all conditions have been met by the Planning Board.

Statutory Vesting (RSA 674:39)

The provisions of RSA 674:39 protect approved and recorded subdivision and site plans from subsequent changes in planning board regulations and zoning ordinances. They also protect municipalities from having development that is based on outdated regulations and ordinances, or from development work that has dragged on for years in a less-than-half completed state.

In the first instance, every approved and recorded subdivision or site plan is exempt from all subsequent changes in subdivision and site plan regulations and zoning ordinances for a period of five years after the date of approval (except those regulations and ordinances that expressly protect public health, such as water quality and sewage treatment), provided that:

- Active and substantial development has begun in accordance with the approved plat within 24 months after the date of approval;
- Development remains in full compliance with public health regulations;
- The subdivision plot or site plan conforms to the planning board's regulations in effect at the time of approval.

Discussion:

During meeting the following was discussed:

- Mr. Patel summarizing the reason for the extension is due to cost and what the State is “throwing at them” to keep modifying the plan. Therefore, he requests an additional 2-year extension.
- Member Beaudin asks how it works with giving a two (2) year extension, and through all of what the PB is doing here, some of the hotel requirements in the General Use (GU) District change?
 - Mr. Patel's project is not affected, says Chair Spanos, because he already has Site Plan Review Approval.
 - Member Beaudin asks if that is good or bad?
 - Alternate Member Black feels an extension shouldn't go that long. If the PB changes rules and ordinances, then Mr. Patel should comply with the new ordinances and not be “grandfathered” in.
 - Chair Spanos feels that Mr. Patel has been doing his due diligence and pulling the rug out from under him is not fair either.
- BOS Robinson comments that the idea behind changing the ordinances was going to prevent the overdevelopment of a lot right up on Main Street like building a five (5) or six (6) story building with two (2) levels underground. That is not happening here. BOS Robinson wouldn't want this Planning Board to become a vehicle where they're trying to rush people to get through the job as opposed to what Mr. Patel is going through with trying to comply with some state regulations.
- Planner Bont summarizes the issues Mr. Patel is having with curb cuts and relieving the constricted portion of the sewer main that runs under School Street right next to the intersection with Main Street/NH Route 112/Kancamagus Highway. She believes these particular issues are out of Mr. Patel's control.
- Member Beaudin suggests a one (1) year extension.
- Chair Spanos asks Mr. Patel if he could get this done within one (1) year. Mr. Patel agrees that he can if the board would agree to a one (1) year extension. He advises that one of his biggest issues is the increased cost of materials. He gave an example of the cost of certain materials for a project in 2019 in Portland Maine was \$455,000. The Lincoln project which is similar, with 20 more rooms, for those same materials was at \$998,000. His is also hopeful that the cost of borrowing will come down.

Member Beaudin motions to extend for 1 year. Vice Chair Chenard seconds. Chair Spanos advises to send the approval extension until 12/31/2024. All in favor. None opposed.

C. Review Pemi Base Camp Letter

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.

Write letter explaining all of the changes that were made that constitute a “substantial change or expansion of use”. **Request to be put off until the next meeting.**

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

D. Planning Board to appoint Jack Daly as a second Town of Lincoln representative to North Country Council, Inc.

Motion made to appoint Jack Daly as a second Town of Lincoln representative to North Country Council, Inc., by Vice Chair Chenard, BOS Robinson seconded. All in favor.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS:

A. South Peak Resort Water Storage Tank on Land of US Forest Service

- Vice Chair Chenard asked about the status of the water storage tank on land of US Forest Service.
 - BOS Robinson advises USFS approved the location of the water tank. Engineering contract has been signed. Next step is core sampling of soil and then engineers will start preliminary design.

B. Public Services Safety Building (Police Station)

- Member Beaudin asks about the status of the Public Services Safety Building.
 - BOS Robinson reports the Pre-Construction Meeting was today. A boundary survey is next, hopefully this month.
 - Member Beaudin asks if there was any discussion about using local people to do the work.
 - BOS Robinson says not that he knows of. BOS Robinson states that most of the local contractors, plumbers, electricians or house builders, already have months and months or years of work lined up already.

C. Jayne Ludwig Complaint re: Water Drainage from Property of Raymond Berglund

Vice Chair Chenard asks: “Steve Noseworthy and Jayne Ludwig’s house – they have water running down from the Raymond Berglund land going on 2 years now?”

Chair Spanos asks Planner Bont to reach out to Jayne Ludwig’s abutter Raymond Berglund and see where he’s at.

1. Properties involved:

- a. 11 School Street, Map 113 Lot 098 owned by Raymond William Berglund

b. 12 Pleasant Street, Map 113, Lot 092 owned by Jayne Sue Ludwig

4. Relevant Files

- a. LUP 2013-28 M113 L092 Jayne Ludwig – Addition of second story addition to 16’X30’ back section of house to include master bedroom, NO BATHROOM
- b. LUP 2020-050 M113 L098 Berglund – remodel home, replace foundation, addition of bathroom, dormer & deck
- c. C&V 2020-05 M113 L092 Ludwig/Berglund – Complaint re: Ludwig built on land of Berglund
- d. C&V 2022-02 M113 L092 Ludwig/Berglund – Complaint re: New Garage Foundation causing water runoff into Ludwig House

(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.)

VI. ADJOURNMENT.

BOS Robinson makes Motion to Adjourn.

Vice Chair Chenard seconds. All in favor.

Adjourns at 10:15:36 PM.

Respectfully submitted,

Kara Baker
Recording Secretary

Date Approved: January 31, 2024


Chairman Spanos