

**APPROVED**

**PLANNING BOARD  
PLANNING BOARD MEETING  
WEDNESDAY, May 24, 2023 – 6:00 PM  
\*Lincoln Town Hall, 148 Main Street, Lincoln NH**

\*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

**Meeting ID: 817 0076 6161**

**Passcode: 179696**

Find your local number: <https://us02web.zoom.us/u/kblNuPaMlG>

**Or dial by your location 1-929-205-6099 US (New York)**

(See also town website [www.lincolnnh.org](http://www.lincolnnh.org) for same link, meeting ID and passcode.)

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

**Present:** Chair James Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Paul J. Beaudin, II, Alternate Danielle Black (seated for this meeting)

**Excused:** Stephen Noseworthy, Alternate Mark Ehrman

**Staff Present:** Planner Carole Bont

**Consultant Present:** None

**Guests:**

- **Susanne (Susan) A. Chenard**, resident of 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069). Alternate member of the Zoning Board of Adjustment (via Zoom).
- **"iPhone 11"** – is an unidentified participant #1 who named their computer handle, "I-Phone 11" and who did not respond to requests to identify themselves (via Zoom).
- **Kevin Lloyd French**, nonresident, (APPLICANT's SURVEYOR), d/b/a **French Land Services, Inc.**, 581 School Street, Rumney, NH 03266
- **Alexander (Alex) Ray**, nonresident, (APPLICANT), d/b/a **Alex Ray North, LLC** and d/b/a **Alexander L. Ray, Trustee**, PO Box 581, Ashland, NH 03217. Alex Ray owns:
  - Map 117, Lot 102 (10 Pollard Road) (D/B/A Alexander L. Ray, Trustee) and D/B/A Common Man Restaurant

- Map 117, Lot 103 (Route 112, Near Pollard Brook #LO) (D/B/A Alex Ray North, LLC) 1.33 Acres in GU District.

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

- **May 10, 2023 (Wednesday)**
  - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black.

\*\*\*Meeting Minutes from May 10, 2023 are not complete at this time. \*\*\*

## **III. CONTINUING AND OTHER BUSINESS**

### **ALEX RAY D/B/A ALEX RAY NORTH, LLC:**

#### **A. CON 2022-10 M118 L003 Alex Ray d/b/a Alex Ray North, LLC– Diner. Alex Ray, PO Box 581, Ashland, NH 03217 - convert a vacant lot to a restaurant with parking.**

Alexander (Alex) Ray who owns the Common Man Restaurant on Map 118, Lot 002, purchased a diner in Portsmouth NH and would like to relocate the diner to the lot next to the Common Man Restaurant, possibly sharing some of the parking with the Common Man Restaurant. The diner would be open for three (3) meals per day whereas the Common Man Restaurant is only open for dinner. The Applicant received Site Plan Review approval for a 34-unit inn back in 2007, but he never constructed the inn.

Mr. Ray presented a Conceptual plan for a diner to the Planning Board at their Planning Board Meeting on May 3, 2022, but since then Mr. Ray has tweaked his conceptual substantially. He wants to present his "tweaked conceptual plan" to the Planning board for their input and advice before submitted a formal application for a full Site Plan Review.

(No updated plans submitted to date.)

#### **Presentation**

Mr. Ray and his surveyor Mr. French distribute plans for the Planning Board to review. Mr. French describes the diner as a twelve-foot by forty-two-foot (12'X24') diner to be located on the Southeast corner of the property. They plan to build a twenty-foot by thirty-foot (20'X30') addition onto the diner. There will be two (2) entrances, one off of Forest Ridge Drive and the other off of Pollard Road.

#### **Questions**

Member Beaudin asks Mr. French to clarify on the plans where the addition will be.

#### **Parking**

Chairman Spanos asks about the current paved parking lot. Mr. French answers that they will be adding paved parking to the existing parking lot.

**Drive-Through**

Mr. French continues his presentation and adds that they would like to have a drive-through service at the diner. The drive-through service will have two (2) lanes that would go around the diner. One lane would be for the service window and the other would be a pass-through lane.

**Access**

Member Beaudin asks if the access to Forest Ridge Drive will be an entrance or an exit. Mr. French replies that it will be an exit. There will be forty-four (44) parking spaces, with six (6) handicap parking spaces. Member Beaudin asks about the entrances and exits. Mr. French and Member Beaudin work through the plans and confirm that Forest Ridge Rd will be only one "right turn only" exit and on Pollard Road there will be an entrance/exit.

**Signage and Lighting**

Alternate Black asks about the signage. Mr. Ray explains that currently there is a major sign but he plans to put a sign mounted on the roof of the diner. Alternate Black asks if there will be lighting in the driveway. Mr. Ray and Mr. French review the plans but do not give an answer at this time.

**Parking**

Chairman Spanos asks how many parking spaces will be shared between the two (2) restaurants. Mr. Ray explains that there will be adequate parking for both restaurants and people can park where they want. They will be putting in a walkway to the Common Man restaurant as well.

Member Beaudin comments that these are two (2) separate businesses and will need two (2) separate parking areas.

Mr. French confirms there are forty-four (44) parking spaces.

Member Beaudin asks how many seats will they have. The Planning Board discusses the number of parking spaces needed as one (1) parking spaces per four seat table and one (1) plus one additional parking space for every ten (10) parking spaces for employee parking.

Chairman Spanos goes back to the issue of shared parking spaces between the businesses. The Planning Board discusses the shared parking issue. Member Beaudin adds that if the Common Man restaurant is open at the same time as the diner it will need to have parking of their own. He adds that they will need to figure out how many seats they will have and how many spaces they would need.

Chairman Spanos' main concern is that they will not be double counting parking spaces. The Planning Board determines that there will be plenty of parking spaces based on the diner having forty (40) seats.

**Outdoor Seating**

Alternate Black asks if there will be an outdoor space. Mr. Ray explains that there will be some patio outdoor seating on the West end of the diner. The Planning Board discusses outdoor seating. They conclude that as long as there is adequate parking to cover the outdoor seating then Mr. Ray does not need to add parking for that additional seating.

**Driveway/Short-Cut**

Vice Chairman Chenard asks about people from Forest Ridge using the driveway over the front of the subject lot (Map 117, Lot 103) as a short-cut out to the Common Man parking lot. Mr. Ray explains that he has considered changing the angle of the parking so people would have to drive all the way around the lot and would not try to use the short-cut out.

Vice Chairman Chenard comments that Mr. Ray could put up a gate during non-operating hours. Mr. Ray replies that he does not plan to put a gate in but may consider moving the driveway twenty or thirty (20 or 30) feet west to deter drivers from using the short-cut.

The Planning Board discusses the proposed change to the Forest Ridge Drive R/W and the development planned up on Forest Ridge and how it will impact traffic. Member Beaudin suggests they talk with the Forest Ridge Homeowner's Association and NH DOT regarding traffic.

**Water and Sewer**

Member Beaudin refers to the minutes from the previous conceptual meeting regarding the proposed diner and wonders if the sewer pipe size has been increased to accommodate the increased sewage out to Main Street.

Selectmen's Representative O.J. Robinson responds that there has not been an increase to the size of the sewer pipe yet and adds that engineers for the developer of Home2 Suites by Hilton are studying how their proposed sewer flow will affect sewer flow down Main Street.

Planner Bont explains that the Home2 Suites engineers are working with Town Engineer Ray Korber, and the Town Engineers who designed the water model, Weston & Sampson Engineers, Inc.

The Planning Board and Mr. Ray discuss the inadequately sized sewer pipe situation. The Planning Board advises Mr. Alex Ray that he should contact Town Engineer Ray Korber to find out what the status is for the sewer pipe on the north side of NH Route 112. Planner Bont will email Ray Korber to let him know Mr. Ray would like to speak to him.

Member Beaudin asks Selectmen's Representative O.J. Robinson if he is aware of any issues with potable or water for fire suppression. Selectmen's Representative O.J. Robinson answers "no".

**Stormwater Management Ordinance (SMO)**

Member Beaudin mentions that Mr. Ray will need to comply with the Stormwater Management Ordinance (SMO).

**Fire Truck Turnaround**

Member Beaudin mentions that they should talk with the Fire Chief to be sure there is plenty of room for a fire truck to turnaround prior to coming in for Site Plan Review.

**Sewer (cont.)**

The Planning Board discusses the sewer line issue. Mr. Ray explains that he has a contract deal to give Kamlesh Patel (d/b/a Green Wood LLC) who is developing Home2 Suites, an easement through his property if they need to increase the sewer line in exchange for a live

tap. The Planning Board discusses the deed that Green Acre Woodlands had on Forest Ridge Rd. and suggest that Mr. Ray look into that. Selectmen's Representative O.J. Robinson adds to the discussion with a bit of history regarding how and why the sewer pipe is an issue and stresses they need to research the deeds for more information. Member Beaudin suggests they also contact Nate Hadaway, DPW.

#### **Traffic from Forest Ridge Rd**

Member Beaudin suggests that Mr. Ray remove the exit onto Forest Ridge Rd. to avoid any issues with the Forest Ridge Homeowner's Association. Selectmen's Representative O.J. Robinson comments that if the deed states Mr. Ray has access rights to Forest Ridge, then it would not be a problem. The Planning Board discusses the traffic issue and suggests different scenarios for the traffic flow. The Planning Board suggests that Mr. Ray look into the traffic situation a bit further.

#### **Propane Tank**

Alternate Black asks where the propane tanks will be located. Mr. Ray mentions that the propane tank will be buried.

#### **Landscaping**

Alternate Black asks if there is a plan for landscaping. Mr. Ray replies that they haven't done a landscape plan yet but mentions that he would like to put in a stone wall where the road setback drops down about four or five (4 or 5) feet.

#### **Dumpster**

The dumpster will have a fence around it and will located across the driveway.

#### **People to Contact**

Mr. Ray and Mr. French review the list of people they will contact to discuss some of the issues brought up by the Planning Board:

- Town Engineer, Ray Korber
- DPW Director, Nate Hadaway, NH DOT.

#### **Timeline**

Member Beaudin asks if they have a timeline for the project. Mr. Ray replies that he doesn't have a timeline and is waiting for permits for adding fill and wetlands.

**B. 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? Review the file.**

This is a WORK SESSION item.

## **Planning Board Discussion**

### **History**

Member Beaudin references the original Building Permit [20]07-44 granted in November of 2004. Member Beaudin notes that the minutes from November of 2004 do not mention any approval, therefore the only information they can go off of are the water and sewer tap assessments which was for one hundred seventy-six (176) seats, no bars, and no kitchens. He adds that in 2020 there was a permit to operate a place of assembly for two hundred (200) inside seats. Planner Bont responds and notes that in a letter dated August 11, 2003 it also says two hundred (200) seats in the tent, which is a calculation based on space. Each person requires X number of square feet of space. The seat space is different than the fire safety code.

### **Ownership**

Member Beaudin mentions that Mark Bogosian owns the land and Loon owns the tent which is then leased to the New Hampshire Restaurant Group.

### **Changes made since 2004**

Member Beaudin and the Planning Board discuss changes that have been made since 2004.

1. Bar
2. Kitchen
3. Live music
4. Hours
5. Deck
6. Water and Sewer

### **Deck**

Chairman Spanos comments that he feels they should have come in for Site Plan Review when the deck was built and they probably owe the Town some water and tap fees.

### **Seating & Kitchens**

The Planning Board discusses seating (restaurant seating vs. bar seating) and kitchens.

### **Potential Tacit Approval**

Chairman Spanos reads the last paragraph of the Town Manager's letter dated August 11, 2003:

“As discussed, at the August 4<sup>th</sup> Selectman's Meeting; Do you agree to contact the town if any significant changes are made such as installation of a kitchen or construction of a more permanent structure, in that case, we would revisit this issue and determine, at that time what additional fees, if any, should be assessed. Under such a scenario consideration would be given to fees paid to date.”

Chairman Spanos comments that “Unfortunately, the Town Manager and the Board of Selectmen, at the time, appear to have blessed those changes that have taken place without any Site Plan Review.”

Member Beaudin argues that Mark Bogosian (d/b/a New Hampshire Restaurant Group, LLC) agreed that he needed to come in for Site Plan Review and was planning to do so on two or three (2 or 3) occasions and then he didn't.

Planner Bont comments that Loon Mountain Recreation Corporation's CEO and General Manager, Brian Norton, considers the New Hampshire Restaurant Group, LLC to be a caterer hired by Loon Mountain Recreation Corporation ("Loon") to provide food and drink at the Pemi Base Camp – the fabric building owned and operated by Loon and, therefore, the issue about changes or expansion of use at the Pemi Base Camp is Loon's issue, not an issue for the caterer.

The Planning Board further discusses the issue of the caterer as a subcontractor of Loon and if the changes that have been made constitute a "change in use" or an "expansion of use" thus requiring Site Plan Review.

#### **Changes in use that trigger Site Plan Review**

The Planning Board reviews the changes in use that would require Site Plan Review:

1. A change from one use to another
2. Expansion of five hundred (500) square feet or more
3. Five hundred (500) square feet of impervious surface
4. Expansion of existing use

The Planning Board discusses the changes that have been made and if they are significant enough to trigger Site Plan Review. They conclude that the deck would require a Land Use Permit but there is no written evidence of one being issued.

Selectmen's Representative O.J. Robinson comments that if they are to proceed with this issue, they should have the parties involved answer some questions the Planning Board has, such as:

1. How many seats do they have? If the answer is one hundred seventy-six (176) or less then that's not a change. He adds that it doesn't matter if the seats are restaurant seats or bar seats.
2. Do you have a kitchen downstairs and is it a cooking kitchen or a warming kitchen? What does the kitchen consist of?
3. When was the deck built? Was the deck part of the original construction or was that added on later? If so, was there any permitting related to the construction of the deck?

Member Beaudin responds to Selectmen's Representative O.J. Robinson's suggested questions. He comments that a change from a cafeteria to an area with two (2) bars and stage is a big change. He asks the Planning Board what would they think about a small coffee shop doing the same thing?

The Planning Board discusses conditions of approval and evidence of approvals. Selectmen's Representative O.J. Robinson comments that it is a ski base lodge and that has not changed.

#### **Conclusion to Discussion**

The Planning Board agrees that the questions posed by Selectmen's Representative O.J. Robinson should be asked of the landowner and Chairman Spanos adds that they should also ask if they are using paper plates, as that was the reason for the decrease in water tap fees.

### **Noise Concerns**

Member Beaudin recalls businesses that wanted to have bands outside and how it raised noise concerns. He asks if the Planning Board is concerned about the abutters as there could be noise complaints. The Planning Board discusses the issue as well as possible changes that could be made to the ordinance to address changes that are made within an approved restaurant.

Chairman Spanos agrees that there are some changes that have been made and that some of those changes would require Site Plan Review.

### **Conclusion Cont.**

The Planning Board would like to ask the following questions:

1. What is the total number of SEATS?
2. What are the KITCHEN details?
3. Did they have a permit for the DECK Permit?
4. Do they only use PAPER PLATES?

Chairman Spanos asks Planner Bont to draft a letter with the above questions and the Planning Board agrees to give the parties involved thirty (30) days to respond.

### **III. NEW BUSINESS**

None

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

Selectmen's Representative O.J. Robinson discusses the Public Hearing the Forest Service is having at the Lincoln Town Hall on May 26, 2023 to talk about plans for the Lost River Project, which includes land on NH Route 112 and land northward into the Town of Lincoln. He explains that it is a resource management study of that area.

Member Beaudin comments that Loon is planning to build a slide between Kissing Cousins Trail and a lot of other things. He is concerned with the parking and the possibility of the overflow parking on NH Route 112. The Planning Board discusses parking issues on the Kancamagus Highway.

Member Beaudin bring up concerns with the Forest Service and Stormwater issues that affect the Town.

Chairman Spanos asks Selectmen's Representative O.J. Robinson if the Forest Service will be giving an update on the water tank. Selectmen's Representative O.J. Robinson responds that they are not going to give an update. He explains that the original plan was for the Town to hire their own specialists, in certain fields, to do the research work and then the Forest Service would review it. This review was thought to be the faster process vs. the Forest Service actually going



out and doing the work. The Forest Service responded recently saying they could do the research part rather than a two (2) step process of hiring someone and then waiting for their review. The Forest Service will start the research as soon as they can. They plan is to be done by the end of the building season. This will allow the engineering and permitting to occur over the winter months and construction starting in April, 2024.

The Planning Board discuss problems that may arise which could stop the tank from being installed on Forest Service land. The Planning Board discusses the name of the new tank which is being referred to by the US Forest Service as the "Loon Village Tank". Vice Chairman Chenard discusses a scenario of buying land and putting in a tank for the Town if the "Loon Village Tank" location is denied by the Forest Service. The Planning Board discusses other scenarios for water tank locations.

## **VI. ADJOURNMENT**

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

Respectfully submitted,

*Judy Sherriff*  
Recording Secretary

Date Approved: June 14, 2023

  
Chairman Spanos

