

APPROVED

**Lincoln Planning Board
Public Hearing & Meeting
Wednesday, August 12, 2020 – 6:00 PM
Lincoln Town Hall - 148 Main Street, Lincoln NH 03251**

Due to the current COVID-19 situation, and the number of members on the Planning Board and staff, the Town Hall Conference Room can safely accommodate up to 8 public participants and seating is on a first-come basis. This meeting will also be available via the Zoom Meeting Platform to allow for town wide participation.

Present: Chairman Jim Spanos, Vice President Joseph Chenard, Board of Selectmen's Representative O.J. Robinson, Mark Ehrman (via Zoom), and Alternate Paul Beaudin

Members Excused: Steve Noseworthy **Members Absent:** None

Staff Present: Town Planner Carole Bont, Town Manager Butch Burbank (via Zoom) and Fire Chief/Forest Fire Warden/Code Enforcement Officer/Health Officer Ronald R. (Ron) Beard (via Zoom).

Guests:

- Joan D. Conn, resident (APPLICANT) and co-owner with James (Mike) M. Conn, of 9 West Street, Lincoln, NH 03251 (Map 112, Lot 030) and 15 West Street (Map 112, Lot 033).
- Mark D. Stiles, nonresident (APPLICANT) of 87 Edmund Road, Marshfield, MA 02050 and co-owner with Julie K. Stiles of 32 Fox Run Road #4 (Map 127, Lot 260) in Loon Village.

I. CALL TO ORDER by the Chairman of Planning Board (PB); announcement of excused absences, if any, and seating of alternates(s), if necessary. Chairman Spanos stated that Steve Noseworthy is excused and Alternate Paul Beaudin is seated in his place.

II. CONSIDERATION of meeting minutes from July 22, 2020 as amended:

MOTION: "To approve the meeting minutes of July 22, 2020 as amended."

Motion: OJ Robinson **Second:** Paul Beaudin **Motion carries.**

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

A. 6:00 PM – WAIVER OF DIMENSIONAL REQUIREMENTS:

WDR 2020-01 M112 L030 Conn – James (Mike) & Joan Conn Request for a Waiver of Dimensional Requirement (i.e., 15' rear setback) in the Village Center (VC) District.

Applicant & Property Owner: James (Mike) and Joan Conn, 9 West Street, Lincoln, NH 03251.

Property: 9 West Street, (Map 112, Lot 030). The entrance to the lot would be off West Street. Total of 0.15 Acres in the Village Center (VC) District.

Proposed Project: Request by James (Mike) Conn and Joan Conn, of 9 West Street, Lincoln, NH 03251 for a waiver of a dimensional zoning requirement (i.e., 15' rear setback) in the Village Center (VC) District) in accordance with Article VI (District and District Regulations), Section B (District Regulations), Paragraph 4 (Lot and Lot Coverage Requirements and Standards), footnote 5 on the Dimensional Chart) of the Land Use Plan Ordinance (LUPO). The property is 9 West Street (Map 112, Lot 030) in the Village Center (VC) District. Conns propose to build a 30'X24' garage ten feet (10) into the fifteen foot (15') rear setback. Footnote 5 says: "Dimensional Requirements for the Village Center may be waived by the Planning Board so long as they meet all other Zoning requirements." Conns had an earlier Conceptual with the Planning Board to seek advice about this request.

Presentation:

Joan Conn explained to the Planning Board that the proposed project does meet all of the LUPO setback requirements on all sides of their property except for the back side. The proposed garage will only be five feet (5') from the rear property line and thus will not meet the fifteen-foot (15') rear setback requirement. The existing parking lot (for the previous CPA business housed at this location) already runs five feet (5') from the rear property line which is where the Conn's would like to build their garage. Joan Conn said she has personally spoken or texted or emailed most of their abutters and the abutters contacted have no issue with the Conn's proposal. (Screen Shots and copies of the texts and emails were submitted.)

The Conns live at 9 West Street, (Map 112, Lot 030). Joan Conn contacted the following abutters:

1. David Rodgers (okayed via an in-person conversation and Rodgers initialed her abutter list) d/b/a Great Stone Face Skier II, LLC, for 29 Main Street (Map 112, Lot 026)
2. Herbert Lahout (okayed via text) d/b/a Herbert Lahout Shopping Center Inc 26 Union Street Littleton, NH 03561 for 31 Main Street (Map 112, Lot 027)
3. Karen O'Rourke (okayed via telephone conversation) for property owned by David O'Rourke & Karen M O'Rourke, 443 Eastside Road, North Woodstock, NH 03262-2616 for 5 West Street (Map 112, Lot 029)
4. Susan Champagne (okayed via text) for James & Susan Champagne, PO Box 1045, Lincoln, NH 03251 for 28 West Street (Map 112, Lot 044)
5. Joseph H. Lahout, Jr. (okayed via text) d/b/a Joseph H Lahout Jr., Trustee and Ron Lahout, Trustee of the '98 Rev Trust, 399 Mann's Hill Road, Littleton, NH 03561 for 41 Main Street (Map 112, Lot 051).

6. No contact with Ashok Patel, 440 Bedford Street Lexington, MA 02420 for 6 West Street (Map 112, Lot 050).
7. No contact with Joseph E Conn & Donna M Conn, Henry E. Strickland & Rose Strickland, 29 West Street, Lincoln, NH 03251 for 11 West Street (Map 112, Lot 044)

Joan Conn explained that if they do not build the garage in the proposed location, they will not have room to pull up and park a car in front of the garage.

Public Comment:

MOTION: "To open public comment."

Motion: OJ Robinson Second: Paul Beaudin All in favor.

No member of the public wished to comment on the matter.

MOTION: "To close public comment."

Motion: Paul Beaudin Second: OJ Robinson All in favor.

MOTION: "To approve the waiver of a dimensional zoning requirement (i.e., 15' rear setback) in the Village Center (VC) District) in accordance with Article VI (District and District Regulations), Section B (District Regulations), Paragraph 4 (Lot and Lot Coverage Requirements and Standards), footnote 5 on the Dimensional Chart) of the Land Use Plan Ordinance (LUPO) for property located at 9 West Street (Map 112, Lot 030) and owned by Mike & Joan Conn in order that they may build a 30'X24' garage ten feet (10) into the fifteen foot (15') rear setback."

Motion: Paul Beaudin Second: Joe Chenard All in favor.

III. NEW BUSINESS

- A. Conceptual – CON 2020-011 M118 L064 & L065. Mark Stiles, 87 Edmund Road Marshfield, MA 02050 has a purchase and sales agreement to purchase two (2) adjacent parcels at 153 Main Street (Map 118, Lot 064) and 155 Main Street (Map 118, Lot 065), in the Village Center (VC) District. 153 Main Street (Map 118, Lot 064) is owned by Saber Mountain Properties, II, LLC. 155 Main Street (Map 118, Lot 065) is owned by Saber Mountain Properties, LLC. Stiles wants to explore a number of options for the two adjacent properties, including combining the two lots and connecting the two buildings to get feedback from the Planning Board.**

Mark Stiles explained the concept of his project and presented a conceptual plan to the Planning Board. Stiles explained that both of the two (2) existing buildings encroach into the ten-foot (10') side setback areas on the Bel Casa Realty side of the properties. The abutter on the "Bel Casa Realty" side is 151 Main Street (Map 118, Lot 063) owned by Seminole 151 Main Street, LLC", 171 Plymouth Street, Hampton, NH 03842. However, the conceptual plan proposes to remove the two (2) nonconforming buildings, merge the two (2) lots into one (1) lot and then erect a new building that spans both lots and bring the entire new building footprint into compliance with the setback regulations for the Village Center (VC) District as outlined in the LUPO.

Mark Stiles said that after considering the different options, he determined that it would be more cost effective to demolish the two existing buildings and rebuild one new building in its place. Mr. Stiles is considering three store fronts (stores/office/retail space) on the ground floor and six (6) two-bedroom apartments above the store front space.

Mark Stiles said that his intent is to work with existing businesses to provide workforce housing options. The retail commercial space to be proposed is approximately one thousand one hundred eighty-two square feet (1,182 SF) with nineteen (19) parking spaces. The retail space would require twelve (12) parking spaces which would leave one (1) space per residential unit plus (1) one additional space.

Vice Chair Chenard questioned whether a sprinkler system was in the plans. Mr. Stiles did not think that a sprinkler system was required for the amount of square footage he is proposing.

Vice Chair Chenard also questioned whether these apartment units would be for short-term or long-term rentals. Mr. Stiles replied that he is hoping for long-term workforce housing.

Member Paul Beaudin stated that on-street parking on Main Street should not be considered as back-up parking as on-street parking spaces may not always be there.

Member Paul Beaudin added that on the conceptual plans it appears that the drainage is running to the front of the lot onto the sidewalk. This could pose a problem with snow falling from the roof etc.

Vice Chair Spanos noted the lack of adequate square footage of 15,000 square feet per dwelling unit to support the proposed number of apartments.

Further discussion regarding:

- sewer capacity,
- discussing the proposal with NHDOT for potential traffic impact
- potential increases in traffic, and
- protecting green space.

Selectmen's Representative OJ Robinson brought up the Stormwater Management Ordinance as this project does meet the lot coverage requirement (i.e., project is 74% lot coverage – greater than the 50% threshold amount). Different options for onsite drainage were discussed.

Selectmen's Representative OJ Robinson added that he believes the priorities for the applicant will be addressing sewer capacity, stormwater management, and project approval from the NHDOT.

B. Possible Purchase of Town Owned Land by Abutter Marcoccio and Request for a Lot Line Adjustment and sale to Marcoccio filed by: Agent: Attorney Raymond D'Amante.

Agent: D'Amante Couser Pellerin & Associates, P.A.
Nine Triangle Park Drive
PO Box 2650
Concord, NH 03302-2650

Property Owner/Applicant: Mike and Marian Marcoccio
45 Beechnut Drive
PO Box 806
Lincoln, NH 03251-0806

Property Location: 45 Beechnut Drive (Tax Map 131, Lot 013)

Proposed Project: The subject land was formerly the location where Beechnut Drive terminated with a traffic circle in front of what is now the Marcoccio house (across from “Wood Court”) along Beechnut Drive. [“Wood Court” appears to be the other part of the former traffic circle.] Later Beechnut Drive was extended beyond the location of the traffic circle and the southerly portion of the traffic circle in front of the Marcoccio home was abandoned. The pavement for that portion of the former traffic circle was removed and the area was graded, loamed and seeded. The Marcoccios have been maintaining the landscaped portion of the former traffic circle for many years and thought that the land where that part of the former traffic circle was formerly located was part of their lot until recently. The land under the area of the former traffic circle is in the Mountain Residential (MR) District. On July 31, 2020, the Attorney for the Marcoccios made a written request for a boundary line adjustment to the Town.

The Board of Selectmen shall submit any such proposed acquisition or sale to the Planning Board for review and recommendation in accordance with RSA 41:14-a,I, Acquisition or Sale of Land, Buildings, or Both. Following receipt of such a recommendation, the Board of Selectmen will hold two (2) public hearings on the proposed acquisition or sale.

Presentation:

Selectmen’s Representative OJ Robinson explained the above-mentioned proposed land sale to the Planning Board. Town Manager Burbank stated that the subject lot is a small piece of land, smaller than the average living room (0.09 Acres). Furthermore, the lot line adjustment will have no effect on the Town right-of-way or access to the drainage and culverts.

Town Manager Burbank said that Public Works Director Hadaway has no concerns as the homeowner plans to grant access to the Town for maintaining town utilities.

Member Paul Beaudin felt that there was some concern as to whether the Town owns the land. Selectmen’s Representative OJ Robinson stated that part of the land transfer would include a title search and title insurance.

Planner Bont questioned who will pay for the survey, fees for the lot merger, attorneys’ fees to draft the deeds and recording costs and fees. Attorney D’Amante’s letter asked for the land to be transferred to the Marcoccios at “no cost” to the Marcoccios.

After some discussion, the Planning Board agreed that the Marcoccio's would pay for the costs associated with the transfer and not the Town Taxpayers. The Planning Board would like to see the boundary line between Lot 12 and Lot 13 straightened out at the same time. [A small triangle (0.01 Acres) is actually more logically related to the adjacent lot owned by Robert J. & Lisa A. Drew, 39 Beechnut Drive (Map 131, Lot 012).]

MOTION: "To open public comment."

Motion: Paul Beaudin

Second: Joe Chenard

All in favor.

There was no public that wished to comment on the matter.

MOTION: "To close public comment."

Motion: Joe Chenard

Second: OJ Robinson

All in favor.

OJ Robinson stated that he will report back to the Select Board that the Planning Board will require a full title search, title insurance, water, sewer, and drainage easements as well as a boundary line adjustment (reserving or selling the small piece of land on Map 131, Lot 012 that is in front of that lot) at no cost to the Town. The Planning Board agreed that this piece of property cannot be used by anyone else for anything else, thus the Board recommended selling the lot for \$1.

MOTION: "To recommend the sale of Tax Map 131, Lot 013 (45 Beechnut Drive) to the Marcoccios for \$1 with the conditions that a full title search be done, title insurance obtained, water, sewer, and drainage easements be drawn up as well as a boundary line adjustment (reserving or selling the small piece of land in front of Map 131 Lot 12 that is in front of that lot) – all at no cost to the Town."

Motion: Paul Beaudin

Second: Joe Chenard

All in favor

IV. PUBLIC PARTICIPATION

Towle Road

- (Map 110, Lot 004, and Lot 014) owned by Peter F. Govoni & Carol C. Govoni, Trustees.
- (Map 110, Lot 007, Lot 008, Lot 010) owned by Peter F. Govoni & Carol C. Govoni.

Member Paul Beaudin stated that he had a question about Towle Road as Towle Road currently has a gate across it. He believes the Town Land Use Plan Ordinance requires that the owners of the gate obtain a Special Exception from the ZBA to have a gate there. A new gate was recently installed across the road without a Special Exception.

Vice Chair Joe Chenard stated that he thought that Towle Road was a "State Road". Town Manager Burbank stated that he believes Towle Road is a private driveway as it is not on the Town's "Road List" but he will look into the matter further.

V. ADJOURNMENT

MOTION: "To adjourn the meeting at 7:35pm"

Motion: Paul Beaudin

Second: Jim Spanos Motion carries.

Respectfully submitted,

Brook Rose

Recording Secretary

Date Approved: September 9, 2020


James Spanos, Chairman