

APPROVED

**Lincoln Planning Board
Public Hearing & Meeting
Wednesday, September 9, 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, Steve Noseworthy, and Alternate Paul Beaudin

Members Excused: Mark Ehrman

Members Absent: None

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

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).
- **Rene Darling** (via Zoom), of 258 West Manchester Street, Lowell, MA 01852.
- **Tammy Gauthier** nonresident (ABUTTER) of 147 Page Road, Litchfield, NH 03052 co-owner of 44 West Street (Map 113, Lot 033) with Ricky Edward Routhier.
- **Jenny Harrington**, resident (ABUTTER) of and owner of 40 West Street (Map 113, Lot 160) Lincoln, NH 03251.
- **Peter Marlowe**, nonresident, of 258 West Manchester Street, Lowell, MA 01852 (via Zoom) and owner of:
 - 38 LaBrecque Street (Map 113 Lot 020)
 - 36 Lodge Road #C113 (Map 117, Lot 121000-0C-00113)
- **Peter Marlowe d/b/a Degmar Development Corporation**, nonresident, of 258 West Manchester Street, Lowell, MA 01852 (via Zoom) and owner of:
 - 39 LaBrecque Street #LO (Map 113, Lot 029) Lot A
 - 43 LaBrecque Street #LO (Map 113, Lot 030) Lot B
 - 47 LaBrecque Street #LO (Map 113, Lot 030.1 Lot C)
- **William (Bill) McClarin**, resident (ABUTTER) of and owner of 36 West Street (Map 112, Lot 041) Lincoln, NH 03251

- **Joseph C. (Joe) Pelletier**, resident (ABUTTER) of and owner of 35 LaBrecque Street (Map 113, Lot 028) Lincoln, NH 03251.
- **Ricky Routhier**, nonresident (ABUTTER) of 147 Page Road, Litchfield, NH 03052 co-owner of 44 West Street (Map 113, Lot 033) with Tammy Ann Gauthier.
- **John Vaughan**, resident, (ABUTTER) resident and co-owner of 43 West Street, Lincoln, NH 03251-9707 with Susan Vaughan (via Zoom).
- **Susan Vaughan**, resident, (ABUTTER) resident and co-owner of 43 West Street, Lincoln, NH 03251-9707 with John Vaughan (via Zoom).

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 Mark Ehrman is excused and Alternate Paul Beaudin is seated in his place.

II. CONSIDERATION of meeting minutes from August 12, 2020:

MOTION: “To approve the meeting minutes of August 12, 2020 as presented.”

Motion: OJ Robinson Second: Paul Beaudin Motion carries.

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

STATUS REVIEW: Subdivision between 2 adjacent lots at the end of LaBrecque Street, reconfiguring and subdividing them into a total of 3 lots:

Applicant: Peter Marlowe, 15 Beechwood Avenue, York, ME 03909

Property Owner: Degmar Development Corporation, 258 West Manchester Street Lowell, MA 01852

Properties: After subdivision, the three (3) lots became as follows:

1. Lot A (Map 113, Lot 029) now 39 LaBrecque Street changed from 0.35 Acres to 10,594 square feet or 0.24 Acres;
2. Lot B (Map 113, Lot 030) now 43 LaBrecque Street changed from 0.38 Acres to 10,162 square feet or 0.23 Acres; and
3. Lot C (Map 113, Lot 031) a new lot was created now 47 LaBrecque Street of 10,753 square feet or 0.25 Acres.

The lots are in the General Residential (GR) District where minimum lot size for a single-family home is 10,000 square feet. Three (3) Land Use Authorization Permits were issued:

1. LUP 2020-33 M113 L029 - LOT A - Degmar Marlowe – House + Shed
2. LUP 2020-34 M113 L030 - LOT B - Degmar Marlowe – House + Shed
3. LUP 2020-35 M113 L030.1 - LOT C - Degmar Marlowe – House + Shed

Chairman Spanos stated that this is an informational hearing as individual members of the Planning Board have been receiving complaints from neighbors regarding activities on this property and would like to clear up any confusion as to what is being done on the property.

Paul Beaudin stated that he requested this hearing to discuss concerns as to whether there are potential land use violations dating back to July (when a Cease and Desist Order was issued and then rescinded two days later). Paul Beaudin added that he is disheartened to hear that the Town engineer is not aware that the order was rescinded. Paul Beaudin stated that it should not take such a long period of time for the Town to determine whether the applicant has exceeded the minimum lot coverage. The details of the Cease and Desist Order were discussed. Planner Carole Bont stated that the applicant has been granted permission to continue building what he was permitted to build which is a primary residence and a shed. Further discussion ensued.

MOTION: "To open up public comment."

Motion: Joe Chenard

Second: Paul Beaudin

All in favor.

Tammy Gauthier of 44 West Street stated that looking out from their property to the foundations poured on the lots behind their house, it appears that the foundations for the sheds are all equal in size. She stated that their concern is that the sheds would be turned into dwellings for rental units and not what was on the original application which was one single family dwelling per lot with a shed. Further, she added that having six (6) rental units with frequent turnover next door is vastly different than living next to three (3) single family homes.

Jenny Harrington stated that she is very concerned with the construction going on behind her house. She believes the work will end up requiring a variance which will make the neighbors very unhappy.

Peter Marlowe began by saying that it took him over three (3) months to get his permit. Chairman Spanos replied that this was during the period of the pandemic shut down. Mr. Marlowe stated that he has been working with all parties involved including Town staff, the Town engineer, as well as his Engineers and the State of New Hampshire.

Peter Marlowe stated that he has not been able to get a clear answer from any of the involved parties on what technically is "disturbing" the lot. Paul Beaudin stated that the Town and the Town engineer define disturbance as anything on top of the ground, even if it's just a dirt pile. Mr. Marlowe disagreed and advised that he got permission from the Town to clear the saplings which was all he did and that he only dug 8ft x 16ft foundations.

Peter Marlowe stated that he did not disturb more than fifty percent (50%) of the lot and if he did, he would do a stormwater management plan.

Peter Marlowe confirmed for the Planning Board that the home is two stories and the sheds are one story with the intended use of housing one snowmobile (which is all that will fit). Marlowe added that there is no water and sewer to the sheds.

The neighbors expressed concern that water and sewer were brought within five feet (5') of the sheds and that the sheds have full foundations with electricity to them. Marlowe replied that the sheds are just storage sheds and acknowledged that he understands that he would have to go to the ZBA if he wanted to apply to convert the sheds into accessory dwelling units.

Marlowe confirmed that his permit is for one single family home and one shed on each lot. Marlowe also stated that he would stand by his word to the abutters and the Town to plant mature trees on the lots to provide a buffer area and that he has done everything the Town has asked of him and will continue to do so.

One of the abutters questioned whether he could ask what Mr. Marlowe's long-range intentions are for the property. Marlowe stated that he planned to live on Lot B, his father will live on Lot C, and they may sell Lot A.

MOTION: "To close the public comment period."

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

Paul Beaudin would like the Planning Board to define what disturbed means in the Town ordinance. The Planning Board discussed this further and agreed it does need to be better defined as well as to see what the state defines as disturbance. Carole Bont added that the Town engineer and the Town's Technical Review Committee will meet to discuss this and make a determination for the Planning Board.

OJ Robinson thanked everyone for coming to discuss this matter with the Planning Board.

Lot owned by Mr. Paris

Paul Beaudin brought up the construction on Mr. Paris' lot. He stated that Mr. Paris' plans show that he is very close (within approximately 100ft) of meeting the minimum lot coverage (15,000sqft). Anything that disturbs the lot at or beyond fifteen thousand square feet (15,000 SF) requires a Stormwater Management Plan. The original area outlined in the plans as not being disturbed now appears to be all dug up. Some further discussion about what is considered "disturbance" ensued. Paul Beaudin stated that Stormwater Management Plans are for the protection of the Town.

Paul Beaudin said he would like to invite Mr. Paris to the next meeting to discuss this as well as to reach out to the engineer, Mr. Kellogg to inquire as to whether the applicant has exceeded the minimum lot coverage. The Planning Board discussed how to manage situations where the square footage of disturbed area is so close to the fifteen thousand square feet (15,000 SF) requirement for triggering a Stormwater Management Plan and how to incorporate this into the conditions of approval and the possibility of escrow requirements. All agreed that the term "disturbed" needs to be better defined in the Land Use Plan Ordinance and further that applicants who are close to meeting the fifteen thousand square feet (15,000 SF) may be required to mark off the area on the lot that cannot be disturbed.

Loon Mountain Resort Parking Lot

Paul Beaudin brought up the Loon Mountain parking lot that is located before the bridge on the left (east side) of the East Branch Pemigewasset River. It has never been approved for a parking lot and the access to the lot is actually a handicap ramp. Chairman Spanos questioned how long the lot has been there and whether it was permitted as part of original approval. Paul Beaudin replied that it has been there at least since the bridge was reconstructed. Paul Beaudin asked that the Planning Board consider requiring Site Plan Review for the lot. Further discussion ensued and the Planning Board agreed the matter should be researched further.

Towle Road Gate

The Planning Board also discussed rock landscaping, retaining walls, and private gates and whether Article V General Regulations, Section L Gated Communities of the Land Use Plan Ordinance (LUPO) may or may not apply. Specifically, Paul Beaudin brought up the gate owned by Carol and Peter Govoni located between 14 Towle Road (Map 110, Lot 008) and 40 Towle Road (Map 110, Lot 7) where both lots on either side of the road and the gate are owned by Carol and Peter Govoni as well as the South Peak gate located between 2 Landing Road (Map 130, Lot 085) owned by Timothy F. & Donna M. Desmond, Trustees of the Loon Landing Lodge Trust (Map 130, Lot 085) and 131

Black Mountain Road (Map 130, Lot 065) owned by Loon Landing Development, LLC. The Planning Board discussed what constitutes a gated community.

Chairman Spanos polled the Planning Board as to whether they thought the Govonis' gate requires a Special Exception from the ZBA:

- *OJ Robinson: No. (As long as the abutting land is owned by all one family and is not multi-family housing at this time.)*
- *Joe Chenard: No.*
- *Steve Noseworthy: No. (As long as it doesn't prevent the delivery of emergency services.)*
- *James Spanos: No. (It is not a gated community.)*
- *Paul Beaudin: Yes. (He does not want to prevent anyone from getting a gate as long as they are all dealt with fairly.)*

The majority of the Planning Board was in agreement that Mr. Govoni's property on Towle Road is not a "gated community" and thus does not require a Special Exception.

IV. ADJOURNMENT

MOTION: "To adjourn the meeting at 7:43pm"

Motion: Joe Chenard Second: Steve Noseworthy Motion carries.

Respectfully submitted,
Brook Rose
Recording Secretary

Date Approved: October 14, 2020



James Spanos, Chairman

