

**LINCOLN PLANNING BOARD  
REGULAR MEETING MINUTES  
WEDNESDAY, APRIL 26, 2017 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

**Present:** Chair Jim Spanos, OJ Robinson - Selectmen's Representative, John Hettinger, Ron Beard (alternate & Fire Chief), Norman Belanger (alternate)

**Members Excused:** Vice-Chair R. Patrick Romprey, Callum Grant (alternate), Paula Strickon

**Members Absent:** None

**Staff Present:** Planning and Zoning Administrator Carole Bont, and Wendy Tanner (recorder)

**Staff Excused:** Town Manager and Town Planner Alfred "Butch" Burbank

**Guests:**

- **Paul Rogers** – resident and property owner of 9 Riverside Terrace, 2E, Lincoln, NH 03251
- **Maureen Rogers-Parkin** – resident and property owner of 9 Riverside Terrace, 2E, Lincoln, NH 03251
- **Justin Roshak** - guest, 121 Toad Hill Road, Franconia, NH, student intern at the Littleton Courier newspaper.

**I. CALL TO ORDER** by the Chairman of Planning Board (PB); announcement of excused absences, if any, and seating of alternates(s), if necessary.

*Chair Spanos called the meeting to order at 6:00 pm.*

*Vice-Chair Pat Romprey, Paula Strickon and Callum Grant were excused.*

*Norman Belanger and Ron Beard are seated.*

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

- March 22, 2017

**Motion to approve the minutes of March 22, 2017 as amended.**

**Motion: Ron Beard      Second: Norman Belanger      All in favor: 4-0**

*John Hettinger abstained from the vote.*

- April 12, 2017

**Motion to skip over consideration of the minutes of April 12, 2017 until later in the meeting.**

**Motion: OJ Robinson      Second: Ron Beard      All in favor: 4-0**

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

**A. Conversion from Appointed to Elected Planning Board Members – Who gets to appoint alternates and when?**

Bont said that she spoke with Attorney Margaret Burns of the New Hampshire Municipal Association. The Town chose the staggered approach for converting from an appointed to an elected Planning Board and Zoning Board of Adjustment. The current appointed

Board members will continue in their positions on the Boards until their terms expire. As their terms expire those positions will be up for election. Each year as the terms of the members of the Board expire those positions will be filled in an election until the entire Board is comprised of elected members. The alternates are currently appointed by the Board of Selectmen. As the terms of the alternates to the Boards expire, new members will continue to be appointed by the selectmen until the entire Board is fully elected. Once fully elected the Planning Board and the Zoning Board of Adjustment will start appointing their own alternates. If an alternate still has part of their term left when the Planning Board becomes fully elected, that alternate will finish out his/her term. When the term is expired, the position for alternate will be appointed by the elected Board.

Currently there is only one alternate whose term expires after the Planning Board becomes elected, and that is Callum Grant. When Grant's term expires, it will be up to the Planning Board to decide to reappoint Grant or appoint someone else in his place.

Chair Spanos said that Alternate Grant's term will expire in 2020 and the Planning Board will be fully elected in 2019.

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

##### **B. Scott McIntyre, Property Manager for Lodge at Lincoln Station Resort – Conceptual – Lodge at Lincoln Station Resort Hotel/Condominiums (Map 121, Lot 117 36 Lodge Road) Wants to convert three separate locker storage rooms on three different floors into hotel rooms without kitchenettes. Does he need Site Plan Review?**

Chair Spanos said that Scott McIntyre, Property Manager for the Lodge at Lincoln Station Resort ("Lodge at Lincoln Station"), is not going to make it to this meeting. Bont concurred.

Bont said that initially McIntyre asked about converting a storage space into one (1) hotel room at the Lodge at Lincoln Station. The hotel room would not have any kitchen facilities. The "hotel room" would be comprised of a bedroom and full bath. Then he indicated that he wanted to convert three (3) storage units on three (3) separate floors into three (3) separate "hotel rooms".

Bont said she was confused because she could not determine whether the Lodge at Lincoln Station was a group of condominiums or a hotel or a timeshare hotel. The sign at the Lodge at Lincoln Station says that it is a "Resort Hotel" and a "Condominium Hotel". Bont said she explained to McIntyre that he would need to come before the Planning Board for Site Plan Review. (See attached signs in Appendix A.)

Bont said that in her conversations with McIntyre, McIntyre said he did not realize that he would have to pay water and sewer tap fees or bedroom impact fees for the additional room(s). The Board of Directors balked at the fees because there was not enough money for this expense, there was only enough money to construct the rooms. The extra expense associated with a Site Plan Review and then water and sewer tap fees and bedroom impact fees was not expected.

Bont said McIntyre said he will be meeting with the Board of Directors in June, after which he will contact Bont to make an appointment to come before the Planning Board for a "conceptual". Bont gave McIntyre the option of coming in to see the Planning Board for a "conceptual". Bont said she mentioned that in a Site Plan Review the issue of whether the Lodge at Lincoln Station

had adequate parking would be addressed. For example, under the Land Use Plan Ordinance (LUPO):

- For condominiums, a minimum of two (2) parking spaces per unit was required.
- For a hotel, one (1) parking space was required per unit.

Bont said she was not sure how many parking spaces the Lodge currently had in their parking lot. She cannot count them because the parking spaces are not marked or striped. (Bont later realized that she was looking at the Lincoln Station parking lot and that the spaces at the Lodge at Lincoln Station are in fact striped.) Bont reiterated that McIntyre will be back in June after he talks to his Board of Directors.

Chair Spanos said that in the past the Planning Board has asked the condominium or homeowners associations the question, “Do their condominium ‘docs’ allow them to add more units over there?” Bont said that she would mention that to McIntyre.

Robinson said that during the Site Plan Review process, McIntyre could request waivers for some of the things that are “totally irrelevant on the Site Plan Review Checklist because he is not proposing to change the outside of the building”. Lighting, signage and drainage will not change, so although the Site Plan Review form might look daunting, McIntyre could ask for waivers of some of the items. Robinson said that although he cannot guarantee that the Planning Board would say “yes” to all of the requests for waivers, history has shown that if the building is already built and the applicant is proposing to change something on the inside of the building, that becomes fairly irrelevant unless there are existing problems that the Town is aware of. The Site Plan Review process gives the Planning Board the opportunity to address existing problems.

Bont said that she asked Fire Chief Beard to go down and look at the site. When McIntyre originally described the site to Bont, he talked about one room and it sounded to her like the proposed hotel room might be an interior room with no windows. Bont told McIntyre that she was not sure if it was even possible to build any living space or rooms with no windows because it sounded like access/egress might be a problem. Bont said that she did not want McIntyre to incur any financial burden if the proposed room was not going to be possible. Later Bont learned that McIntyre was going to propose three (3) hotel rooms on three (3) different floors.

### **C. South Peak Resort Review**

Bont said that she was not giving the Planning Board a full review of the South Peak Resort approvals, but that she wanted to give the Planning Board a general heads up about the status of the South Peak Resort approvals because it has come to the Town’s attention that CRVI South Peak TRS Inc. who currently owns the property, is in the process of selling it and appears to be offering the property generally south of the Cooper Memorial Bridge as a separate property. At this time, the undeveloped portions of the South Peak Resort include:

- Map 118, Lot 039 (94.23 Ac)
- Map 118, Lot 040 (93.93 Ac)
- Map 119, Lot 003 (32.1 Ac)
- Map 119, Lot 004 (53 AcC) (The Hallisey Property)

Bont said the land area on which the South Peak Resort project was supposed to be situated consisted of approximately three hundred eleven (311) acres. Centex Destination Properties (CDP) had the option to acquire and add to the project an adjacent parcel of approximately fifty (50) acres (the “Hallisey Property”). Without the Hallisey property the project was approved for a total of a maximum of eight hundred seventy-nine (879) units. If the Hallisey Property was acquired and added to the project the Planning Board approved a total of up to one thousand eighteen (1,018) units (the “Maximum Project Density”).

Bont said that based on their research, it appears that the Planning Board granted the developers of South Peak Resort approval for one thousand eighteen (1,018) units was based on the entire acreage of three hundred and sixty-one (361) acres. The undeveloped acreage supports the density for the rest of the property.

Bont said that of the one thousand eighteen (1,018) units, two hundred two (202) units have already been “developed” (i.e., meaning the lots have been subdivided from Map 118, Lot 039) and some sold, even if no houses have been built on some of those lots yet). This means there are a maximum of eight hundred sixteen (816) units approved, but not yet developed.

Bont said that CRVI South Peak TRS Inc. who currently owns the property is talking about selling certain undeveloped sections of the project (179.3 acres).

- Map 118, Lot 040 (93.93 Ac)
- Map 119, Lot 003 (32.1 Ac)
- Map 119, Lot 004 (53 AcC) (The Hallisey Property acquired in 2006)

Total:  $93.93 \text{ Ac} + 32.1 \text{ Ac} + 53 \text{ Ac} = 179.3 \text{ Ac}$

Bont said that all of the Site Plan Review approvals that were issued for this property including Timberline and Village Condominiums have expired. Bont said that she wanted to talk to Attorney Malia to find out how much a developer needs to develop in order for the project to be vested. Bont was not sure of how vested the different phases of the project were at this time. Bont asked the Planning Board to start thinking about South Peak and handed them a summary chart showing what had been developed to date.

The Board reviewed the South Peak Master Plan and Development Agreement, the number of units and the different projects throughout the development and which of those different projects had been started or completed.

Chair Spanos questioned how the Planning Board could permit the developer to develop sixty-eight (68) units in 2004 when the Development Agreement was not signed until 2006.

There was a brief discussion comparing the South Peak development to the Forest Ridge development. Both developments have been sold multiple times. Robinson said that if the agreement was for a specific number of units and that number is reached, the excess land becomes undevelopable regardless of who owns the property.

There was a brief discussion about how many units have been approved for South Peak and how many have been subdivided to date.

Robinson said that purchasers of the South Peak Resort property should be aware that the original densities were based on the entire parcel and if a portion is sold off, that would then

change everything. If these parcels are sold, the parcels may not be able to be fully developed or not at all.

Chair Spanos said that the fact that there is a pending sale of the South Peak Resort development which has eight hundred sixteen units (816) left to build should not involve the Planning Board. Robinson said it does not involve the Planning Board, but that the sellers and the buyers and the realtors should be aware that the property they are trying to sell is attached to the Master Plan that involves more property.

Hettinger said that the developers already made one change to the Master Plan for the South Peak Resort. Along the East Branch Pemigewasset River the condominiums were originally going to be constructed all the way down along the east side of the development to Loon Brook. The developers converted that area to single family house lots. Hettinger said that this change alone would already change the density for the overall development. Hettinger thought that change would have lowered the maximum overall density for the development.

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

*Chair Spanos asked if anyone in the public had any comments or questions.*

### **South Peak Resort**

Paul Rogers said that he lives in the condominiums at the Lodge at Lincoln Station and has some knowledge about what goes on over there. South Peak was for sale. Bids were to be submitted by March 22<sup>nd</sup>. Rogers thought that the deadline for bids may have been extended but he was not sure of the current status. Rogers said he was aware that the developers took out all the condominium buildings and changed them over to single family house lots because the condominiums were not selling.

### **Helicopter Rides**

Maureen Rogers said that she saw a reference in previous minutes that helicopter rides could be coming to Lincoln. She was concerned about the path that the helicopter would be taking. Chair Spanos said that was only a “Conceptual” and that an actual Site Plan had not been filed with the Town. Chair Spanos added that the owner of the helicopter company was talking about only one or two days per year in the vicinity of the RiverWalk Resort.

Bont said that although the owner of the helicopter company came in for a “Conceptual”, she would be coming back before the Board for Site Plan Review soon. However, nothing has been formally submitted for this project to date.

Fire Chief Beard mentioned that a property owner at Rams Horn has been landing his helicopter at Rams Horn on the small spur roads for about ten (10) years. He just found out about it.

### **South Peak Resort**

Paul Rogers asked if there was another piece of the South Peak property that was for sale. Chair Spanos said that the Planning Board does not know the particulars and that it was just rumor at this point.

The Board had a brief discussion on the number of units built versus what is left using the numbers in the Master Plan for South Peak.

### **FEMA Flood Plain Maps**

The Board discussed the new preliminary FIRM flood plain maps just received from FEMA and how they relate to the South Peak area.

*Chair Spanos asked to close the public comment session.*

**Motion to close the public comment session.**

**Motion: OJ Robinson                      Second: John Hettinger      All in favor: 4-0**

### **Minutes**

The Board reviewed the minutes before making the following motion.

- April 12, 2017

**Motion to approve the minutes of April 12, 2017 as amended.**

**Motion: OJ Robinson                      Second: John Hettinger      All in favor: 4-0**

*Norm Belanger abstained from the vote.*

There was a brief discussion about applying the Land Use Plan Ordinance (LUPO) to generic situations and structures.

## **II. ADJOURNMENT**


**Motion to adjourn at 7:12 pm.**

**Motion: OJ Robinson                      Second: Ron Beard                      All in favor: 5-0**

Respectfully submitted,

Wendy Tanner,  
Planning and Zoning Recorder

Date Approved: May 10, 2017

  
James Spanos, Chairman

Appendix A. Photos of The Lodge at Lincoln Station Signs

