

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, MAY 8, 2019 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Mark Ehrman (participated by phone), Member Stephen Noseworthy, and Alternate Paul Beaudin

Members Excused: Alternate Deanne Chrystal

Members Absent: None

Staff Present: Town Planner Carole Bont, Town Manager Alfred "Butch" Burbank

Staff Excused: Ellyn Franklin, Recorder

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)
- **Michael (Mike) J. Donahue, Sr., (Contractor for Cotoia)** nonresident, 68 Potato Hill Road, Woodstock, NH 03293 and owner of J&M Donahue, Inc. (Excavating & Concrete), 1162 Daniel Webster Highway, PO Box 56, Woodstock, NH 03293-0056, and winning bidder for contract to develop the Lincoln Industrial Park in exchange for two (2) lots and rights of first refusal (RFR) for the other lots. He is a co-owner of the first two lots on the right on Arthur Salem Way in the Lincoln Industrial Park: (1) "Lot 1" Map 109, Lot 025 (0.49 Acres) and (2) "Lot 3" Map 109, Lot 024 (0.48 Acres) with Bobbi Anne Donahue.
- **Rudolph (Rudy) Glocker**, nonresident, (Potential Applicant/Conceptual Party), PO Box 1457, Meredith, NH 03253-1457. Rudy Glocker is represented by Justin Walsh - Sales Associate, BEL CASA Realty, 151 Main St, PO Box 1270, Lincoln, NH 03251-1270.
- **Marjorie R. (Margie) Gozdoff**, resident, PO Box 1503, Lincoln, NH 03251-1503 and co-owner of 19 Birch Road #1 (Map 129, Lot 032) with Daniel Gozdoff of PO Box 1503, Lincoln, NH 03251-1503.
- **Kelly Philbrick**, resident and co-owner with Lisa-Jane B. Philbrick of 11 Conn Drive, PO Box 1349, Lincoln, NH 03251-1349 (Map 117, Lot 032).
- **Lisa-Jane (Lisa) B. Philbrick**, Resident and co-owner with Kelly R. Philbrick of 11 Conn Drive, PO Box 1349, Lincoln, NH 03251-1349 (Map 117, Lot 032) and Lincoln Town Clerk.
- **Kim Pickering**, executive director of the Western White Mountain Chamber of Commerce, nonresident, 104 Lost River Road, North Woodstock, NH 03262.
- **Jay Scambio**, President and General Manager Loon Mountain Recreation Corporation, General Manager for Boyne Resorts, General Manager for CLP Loon Mountain, LLC & resident at 20 Pollard Pines Drive, Lincoln, NH 03251.

- **Justin Walsh**, nonresident, **Agent for Rudy Glocker**, Realtor, PO Box 31, North Woodstock NH, and Sales Associate for BEL CASA Realty, 151 Main St, PO Box 1270, Lincoln, NH 03251-1270.

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

*Member Noseworthy and Alternate Chrystal were excused.
Paul Beaudin was seated.*

II. CONSIDERATION of meeting minutes from:

- **April 24, 2019**

Present: Chairman Jim Spanos, Vice Chair Joe Chenard, Selectmen's Representative OJ Robinson, member Mark Ehrman, Alternate Paul Beaudin

Motion to accept minutes as presented: Robinson

Second: Noseworthy

All in favor: 5-0

Motion carries.

III. NEW BUSINESS

1. **6:00 PM. Conceptual – Potential tenant of Village Shops wants to combine retail with manufacturing in Village Shops in Unit A4 in a space that is formerly retail. The Village Shops are in the Village Center (VC) District where manufacturing is not a permitted use. The proposed manufacturing is in the nature of customizing apparel by cutting and sewing combined with a retail operation. Would a variance from the Zoning Board of Adjustment and/or Site Plan Review approval from the Planning Board be required?**

Party: Rudolph (Rudy) Glocker, PO Box 1457, Meredith, NH 03253-1457.

Agent: Rudy Glocker is represented by Justin Walsh - Sales Associate, BEL CASA Realty, 151 Main St, PO Box 1270, Lincoln, NH 03251-1270.

Property Owner: John & Marcia Imbrescia d/b/a The Village Shops ICH, LLC, (c/o) P. O. Box 127, Lincoln, NH 03251-0127

Property: 25 South Mountain Drive Unit A4. (Map 118, Lot 046 - Unit A4)

Discussion:

Rudy Glocker said he is in the process of creating a new outdoor apparel company that he is intending to base the business in Lincoln, NH. Glocker said he is launching to a highly competitive space and looking to differentiate their product from other manufacturer's product. One way he is differentiating is through an "experiential retail experience," which would create a direct connection between the customer, the product they are purchasing, and those who work on the product. This means direct contact with and the ability to see the employees customize or repair a garment. His goal is to create a unique retail experience, including tailoring for the customers. This would involve five (5) or six (6) sewing machines and the accompanying supplies. For example, most of the cutting would be done elsewhere, but maybe the sleeves and

the cuffs would be added at the shop because the customer has extra-long arms and the product would be finished to their liking. That would be a service his shop would offer. The clothing would be semi-finished off site.

Member Ehrman asked Glocker if he was just going to use traditional sewing techniques with or without machines. Glocker replied affirmative. Member Ehrman said that this is how clothing stores used to be. As there is nothing dangerous about this process, Member Ehrman thinks this is something the Planning Board should be encouraging.

Planner Bont said the reason she brought this issue of whether the proposal should be characterized as “manufacturing” or retail before the Planning Board was so the Board could give her guidance to help determine whether this activity qualifies as “manufacturing” under the Land Use Plan Ordinance (LUPO). Manufacturing is considered an “industrial use” under LUPO. Manufacturing is specifically prohibited in the Village Center (VC) District where the Village Shops are located under LUPO. Manufacturing is not defined in the LUPO.

Glocker said the sewing machines he is talking about are big, but not industrial sized machines, and they do make a little noise. Glocker said he does not know what the decibel level of the five (5) machines would be but he likened the sound level to be “Like a dryer in your basement.” The machines will make noise, but they are not big industrial sized machines. Glocker said that someone walking by would hear many other noises before they would hear the noise of the sewing machines.

Member Ehrman asked if he could isolate them or put up materials like a deadening wall or a subflooring or something that would isolate or deaden the sound and not have the sound go beyond the space he inhabits or disturb the neighboring tenants. Glocker said he thinks that doing that would be relatively easy to do.

Alternate Beaudin asked if they would be making garments from scratch. Glocker replied that they will be selling clothing finished off-site, but there also will be items they finish in the store, and they may use material scraps to create things within the store. He would envision making a set of ten to fifteen (10-15) different products with different sizes, such as an outer jacket, a base layer, etc. Some items of apparel would be finished completely off site, while others would be finished on site. There may be a few items of apparel created completely on site. He plans to hire three (3) on-site seamstresses, tailors or “sewers”.

Alternate Beaudin said that the Town Land Use Plan Ordinance (LUPO) does not even have a definition of “manufacturing”. Beaudin said the Planning Board should create a definition of manufacturing so they know what “tips the scale” when it comes to manufacturing.

Selectman’s Representative Robinson said this is an extension of a unique retail application. He does not believe the Planning Board needs to go through a complicated process where the Planning Board comes up with extensive definitions. Does this proposed activity fit under the manufacturing aspect of the Town’s Land Use Plan Ordinance or the Town’s bylaws? Robinson said he does not think it does.

Planner Bont said that Site Plan Review would be triggered if the proposed activity was a change or expansion of use. Right now, Glocker is representing that the proposed business will be sewing and retailing primarily apparel. If Glocker’s business expands so the primary use is no longer retail and it becomes more of a manufacturing operation, then that change in use would trigger Site Plan Review.

Member Ehrman agreed with Representative Robinson and Planner Bont. Member Ehrman commented that if something becomes a nuisance such as five hundred (500) sewing machines in one building, that can be addressed by the law of nuisance. Member Ehrman said he thinks we can say under the current application that the Town through its Planning Board says the proposed use and size of the use sounds “fine”, but the word “retail” has evolved since fifty (50) years ago and this evolved concept of “retail” needs to be considered.

The Board agreed that Glocker’s enterprise as proposed is not a manufacturing use; it is retail. If the business grows to the point of becoming a manufacturing use, that will trigger Site Plan Review.

B. 6:00 PM. Voluntary Lot Merger – James A. Odorcuk, 110 Bellevue Road, Swampscott, MA 01907 – wants to merge 31 Hemlock Drive (Map 125, Lot 002) with 27 Hemlock Drive (Map 125, Lot 001). The home is located at 31 Hemlock Drive (Map 125, Lot 002).

Chair Spanos said that if granting this voluntary lot merger request does not create a nonconforming lot, then the Planning Board must approve it.

Paul Beaudin asked Planner Board if these two (2) properties were part of the South Mountain Resort development and if the lots within the South Mountain Resort have any covenants or restrictions that say the property owners cannot merge two (2) adjacent lots.

Robinson said that he believes the Town does not have jurisdiction over the enforcement of the private covenants and restrictions associated with the lots. What happens if the Planning Board replies, “No,” the Board will not approve the Voluntary Lot Merger request because a merger would violate Homeowner’s Association rules that the Planning Board has no control over? The Planning Board cannot be blamed for not enforcing HOA rules. The legal fight would be between the South Mountain Resort Homeowners Association and the owner of the two (2) merged lots, not between the South Mountain Resort Homeowners Association and the Town.

Motion to approve as presented: Robinson

Second: Chenard

All in favor: 5-0

Motion carries.

C. Map 107, Lot 007 – west of intersection of Maltais Farm Road and Goodbout Road owned by Anthony & Cheryl Cotoia.

Presentation:

Planner Bont explained that Anthony & Cheryl Cotoia, the owners of a vacant lot west of the intersection of Maltais Farm Road and Goodbout Road, have hired contractor Mike Donahue, Sr. to put a small manufactured house on this small, 0.29 acre lot. They are going to be disturbing more than 50% of the lot. That means Stormwater Management Ordinance kicks in. Michael Donahue wants to ask for a waiver on behalf of property owners Anthony and Cheryl Cotoia.

Mike Donahue said the lot is flat, in fact that the ground around it is sunken, so it would require a huge flood to engulf this property. When it rains the water runs down into a brook, except for what goes into one catch basin on the lot.

Motion to grant waiver: Robinson

Second: Chenard

All in favor: 5-0

Motion carries.

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

A. 6:00 PM. Discussion about creating a process for selling lots in the Lincoln Industrial Park and a list of criteria to use when looking at proposals from potential buyers. Also, discussion about whether the Planning Board is the proper board to address this matter.

Discussion:

Alternate Beaudin said the process for selling lots in the Lincoln Industrial Park when looking at proposals from potential buyers is already set up. The Town approved a process for the industrial park that is set out in NH State law – in RSA 49:14A. The only thing the Planning Board has the authority to do is give their opinion/recommendation to the Board of Selectmen on buying and selling. If members of the Planning Board take a look at the Land Use Plan Ordinance (LUPO), and compare the limitations in the ordinance to the language in the Land Use Plan Ordinance they will find parts of the LUPO directly contradict what the covenants and restrictions of property are in the deeds. For example, the deed restrictions and covenants say you are not supposed to have storage of materials on the lot, but the LUPO said you can have bulk storage and warehouse.

Alternate Beaudin said he thinks that once the Selectmen sell the property, the Planning Board should only get involved when the applicant comes in for Site Plan Review approval.

Chair Spanos said that every time the Selectmen are going to sell a lot, the Planning Board can make a recommendation. Therefore, it might be helpful to come up with criteria that the Planning Board would use to base its determination on for their recommendations in the future.

Member Ehrman said the Board of Selectman requested that the Planning Board reconstruct their historical conditions. The Planning Board needs to put together a reasonable list of goals and limits for the use of the land in the Lincoln Industrial Park. He suggested members of the Planning Board go through John Hettinger's documents and deed covenants to see if they can glean those historical goals and limits.

Alternate Beaudin disagreed. Alternate Beaudin said that the voters in this Town voted to establish a Small Business Development (SBD) District. Conditions imposed through Site Plan Review approval for the Lincoln Industrial Park was evidenced by the deed restrictions already placed on the properties. Those deed restrictions established what the Town will allow to be put there, and

that has already been done. Alternate Beaudin's argument was that there is no need to re-invent the wheel.

Chair Spanos said that the Planning Board can at least come up with ideas for new restrictions, as the Board of Selectmen has requested, and show those restrictions to the Board of Selectmen. These criteria will assist the Planning Board in making an educated recommendation to the Board of Selectmen whenever the Board of Selectmen is considering a sale.

IV. 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.

Margie Gozdoff said she wanted the Planning Board to clarify that the ALL of the lots in the industrial park were currently not for sale; only lots 2 and 4 were available for sale.

VI. ADJOURNMENT

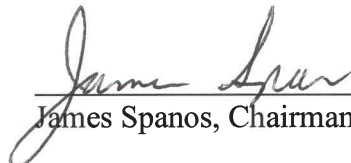
Selectmen's Representative Robinson made a motion to adjourn. Vice Chair Chenard seconded the motion and the Board voted all in favor. The motion carries, and the meeting adjourned at 7:10 PM.

Respectfully submitted,

Ellyn Franklin
Recorder

June 12, 2019

Date Approved: May 22, 2019


James Spanos, Chairman