

APPROVED

PLANNING BOARD
PLANNING BOARD 1ST MONTHLY MEETING
Wednesday September 14, 2022 – 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/kblNuPaMIG>

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

(See also Town website www.lincolnnh.org for same link, meeting ID and passcode.)

I. CALL TO ORDER: Chairman James Spanos

Members Present: Chairman James Spanos, Selectmen's Representative O.J. Robinson, Paul Beaudin, Stephen Noseworthy, Mark Ehrman (alternate) (via Zoom)

Staff Present: Town Manager Carina Park, Planner Carole Bont, Fire Chief and Code Enforcement Office/Health Officer/Zoom Host and Moderator Ronald Beard, Recorder Judy Sherriff (via Zoom)

Guests:

- **Mark Bogosian**, nonresident, (**APPLICANT and ABUTTER**) d/b/a Longfellow Design Build, Longfellow Design Build NH, FC-Loon, LLC, South Peak, LLC and South Peak Resort, 367 Main Street, Falmouth, MA 02540 (via ZOOM)

A. South Peak Resort Holdings:

1. Mark Bogosian, a developer who owns the following under his own name, **Mark Bogosian:**
 - South Peak Road (Map 121, Lot 057)
 - 43 Crooked Mountain Road (Map 121, Lot 011)
2. Mark Bogosian, a developer who owns the following property under the name "**Loon Slopeside, LLC**":
 - 9 Riverside Terrace #2C, (Map 118, Lot 039001-02-0000C)
3. Mark Bogosian, a developer who owns the following properties d/b/a "**FC-**

Loon, LLC”). At the time of his purchase of the main South Peak Resort development; he also purchased the FC-Loon LLC and therefore now owns “FC-Loon, LLC” and its assets:

- Crooked Mountain Road #100 (Map 118, Lot 018)
- Crooked Mountain Road #101 (Map 118, Lot 019)
- Crooked Mountain Road #102 (Map 118, Lot 020)
- Crooked Mountain Road #103 (Map 118, Lot 021)
- Crooked Mountain Road #104 (Map 118, Lot 022)
- Crooked Mountain Road #105 (Map 118, Lot 023)
- Crooked Mountain Road #106 (Map 120, Lot 001)
- Crooked Mountain Road #107 (Map 120, Lot 002)
- Crooked Mountain Road #108 (Map 120, Lot 003)
- Crooked Mountain Road #109 (Map 120, Lot 004)
- Crooked Mountain Road #110 (Map 120, Lot 005)
- Crooked Mountain Road #111 (Map 120, Lot 006)
- Crooked Mountain Road #112 (Map 120, Lot 007)
- Crooked Mountain Road #113 (Map 121, Lot 049)
- Crooked Mountain Road #114 (Map 121, Lot 051)
- Crooked Mountain Road #115 (Map 120, Lot 022)
- Crooked Mountain Road #116 (Map 120, Lot 021)
- Crooked Mountain Road #117 (Map 120, Lot 023)
- Crooked Mountain Road #118 (Map 120, Lot 024)
- Crooked Mountain Road #119 (Map 120, Lot 025)
- Crooked Mountain Road #120 (Map 120, Lot 026)
- (Added after purchase of LLC)
- Crooked Mountain Road #121 (Map 120, Lot 027)
- Crooked Mountain Road #122 (Map 118, Lot 035)
- (Added after purchase of LLC)
- Crooked Mountain Road #123 (Map 118, Lot 036)
- (Added after purchase of LLC)
- Crooked Mountain Road #124 (Map 118, Lot 037)
- (Added after purchase of LLC)
- Crooked Mountain Road #125 (Map 118, Lot 038)
- 24 Crooked Mountain Road (Map 121, Lot 021)
- (Added after purchase of LLC)
- South Peak Road (Map 121, Lot 060)
- (Added after purchase of LLC)
- South Peak Road (Map 121, Lot 071)
- (Added after purchase of LLC)

- South Peak Road (Map 117, Lot 128)
 - (Added after purchase of LLC)
4. Mark Bogosian, a developer who owns the following properties d/b/a “**South Peak LLC**”) as purchased from CRVI South Peak TRS, Inc. All properties currently owned by South Peak, LLC, 367 Main Street, Falmouth, MA 02540 are as follows:
- South Peak Road (Map 118, Lot 039) (95.71 Acres)
 - Parcel 2 #LO (Map 118, Lot 040) (93.93 Acres)
 - Parcel 1 #LO (Map 119, Lot 003) (32.1 Acres)
 - LO SS East Branch River (Map 119, Lot 004) (53 Acres)
 - 179 South Peak Road (Map 121, Lot 028) (0.76 Acres)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - 170 South Peak Road (Map 121, Lot 046) (0.46 Acres)
 - Crooked Mountain Road #LO (Map 121, Lot 050) (0.56 Acres – site of Pemi Base Camp)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - 144 South Peak Road (Map 124, Lot 046) (0.72 Acres)
 - Added after purchase from CRVI South Peak TRS, Inc.
 - South Peak L/O (Map 124, Lot 066) (28.28 Acres)

B. Village Shops Holdings:

1. Mark Bogosian, a developer who owns the following properties d/b/a “**Main Street Lincoln Investments, LLC**”) as purchased from Village Shops, ICH, LLC and from T&T Mountain Investments, LLC. All properties currently owned by Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655:
 - 25 South Mountain Drive #16 (Map 118, Lot 046) (3.47 Acres)
 - A portion of Main Street #D LO (Map 118, Lot 002002 [1.42 Acres] and Map 118, Lot 002003) [0.95 Acres].
- **Bill Brasky**, nonresident (via ZOOM).
 - **James (Jim) Burns**, nonresident, (**APPLICANT**), (via ZOOM) acting as:
 1. Business Development for South Peak Resort, now owned by:
 - (a) Mark Bogosian d/b/a FC-Loon, LLC, 367 Main Street, Falmouth, MA 02540; (30 Lots); and
 - (b) Mark Bogosian d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (6 Lots).
 2. Manager of The Village Shops Shopping Center, newly purchased by:
 - (a) Mark Bogosian d/b/a Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 where Longfellow Design Build Osterville, 866 Main Street, Osterville, MA 02655 is also located.
 3. Business Development for Longfellow Design Build owned by:
 - (a) Mark Bogosian d/b/a Longfellow Design Build, 367 Main Street, Falmouth, MA 02540.

4. Business Development for Longfellow Design Build NH, owned by:

- (a) Mark Bogosian d/b/a Longfellow Design Build NH, located at 9 Riverside Terrace Drive 2C, Lincoln, NH 03251 (property owned by Mark Bogosian d/b/a Loon Slopeside, LLC) (Map 118, Lot 039001-02-0000C).
- **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).
- **Philip E. Decato II**, nonresident of Plymouth, NH (**APPLICANT**) Director of Engineering & Facilities Manager at Mountain Club on Loon Resort & Spa, 90 Loon Mountain Road, Lincoln, NH 03251.
- **Dennis M. Ducharme**, resident (**ABUTTER**) (via ZOOM) d/b/a RiverWalk Resort at Loon Mountain, Developer & President, RRP, of RiverWalk at Loon Mountain, LLC, PO Box 69, Lincoln, NH 03251-0069 (Map 118, L044) and at 22 South Mountain Drive, Mailing address: 33 Brookline Road, PO Box 636, Lincoln, NH 03251-0636. Developer & President of 10 InnSeasons Resorts, headquartered in Hyannis, Cape Cod, Massachusetts, at 212 Mid Tech Drive, West Yarmouth, MA 02673, including two (2) InnSeasons Resorts in the Town of Lincoln:
 - (1) InnSeasons Resorts Pollard Brook at 33 Brookline Road (Map 122, Lot 002 & Lot 003), Lincoln, NH and
 - (2) InnSeasons Resort South Mountain at 23 InnSeason Drive (Map 118, L047), Lincoln, NH.
- **Nicholas (Nick) Adam DuFour**, resident (**ABUTTER**) PO Box 63, Lincoln, NH 03251-0063, co-owner of 3 Riverside Terrace #1B (Map 118, Lot 039001-01-0000B) (via ZOOM).
- **Andrea Karpinski** (via ZOOM), nonresident, PO Box 324, Auburn, NH 03032, Assistant Director Distribution Strategy & Analytics & Senior Product Strategist, Retail Segment, Lincoln Financial Group, 150 N Radnor Chester Road Ste A305, Wayne, Pennsylvania, 19087 (via ZOOM).
- **Richard (Rick) Kelley**, resident, (**APPLICANT**) of 16 Conn Drive (Map 117, Lot 036) owned by Rickey F Kelley & Anne Walsh Trustees, Kelley Family Revocable Trust, 26 Conn Drive, Lincoln, NH 03251. Richard Kelley is recently retired Senior Vice-President of Mountain Operations for Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan 49770.
- **Robert (Bob) Lamontagne**, resident, (**ABUTTER**) of 99 Pollard Road PO Box 847, Lincoln, NH 03251-0847 and co-owner with Paulette LaMontagne of 99 Pollard Road (Map 117, Lot 020).
- **Paulette LaMontagne**, resident, (**ABUTTER**) of 99 Pollard Road PO Box 847, Lincoln, NH 03251-0847 and co-owner with Robert (Bob) Lamontagne of 99 Pollard Road (Map 117, Lot 020).
- **Mary Jo Levitsky**, resident, (**ABUTTER**) and property owner of 11 O'Brien Avenue, Lincoln, NH 03251 (Map 117, Lot 024) whose address is PO Box 184, Lincoln, NH 03251-0184 who owns the following:

1. 11 O'Brien Avenue (Map 117, Lot 024) owned by F. Myles Moran and Mary J. Levitsky, as Co-Trustees, of Moran Levitsky Revocable Trust
 2. O'Brien Avenue #LO (Map 114, Lot 001) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust
 3. O'Brien Avenue #LO (Map 114, Lot 002) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust
 4. O'Brien Avenue – OFF (Map 117 Lot 027) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust
- **Karin Martel**, resident, **(ABUTTER)** of 113 Pollard Road, PO Box 66, Lincoln, NH 03251-0066 (Map 117, Lot 021) property owned by Jeffrey C. & Karin Martel, Trustees of the Martel Family Trust, PO Box 66, Lincoln, NH 03251-0066.
 - **Jeffrey C. Martel**, resident, **(ABUTTER)** of 113 Pollard Road, PO Box 66, Lincoln, NH 03251-0066 (Map 117, Lot 021) property owned by Jeffrey C. & Karin Martel, Trustees of the Martel Family Trust, PO Box 66, Lincoln, NH 03251-0066.
 - **Gabrielle S. Mogil**, nonresident, of Hebron, NH, **(APPLICANT)** Director of Finance & Human Resources at Mountain Club on Loon Resort & Spa, 9- Loon Mountain Road, Lincoln, NH 03251.
 - **Myles Moran**, resident, **(ABUTTER)** of 11 O'Brien Avenue (Map 117, Lot 024) whose mailing address is PO Box 184, Lincoln, NH 03251-0184 who owns the following:
 1. 11 O'Brien Avenue (Map 117, Lot 024) co-owned with Mary J. Levitsky, as Co-Trustees, of Moran Levitsky Revocable Trust.
 2. O'Brien Avenue #LO (Map 114, Lot 001) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust.
 3. O'Brien Avenue #LO (Map 114, Lot 002) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust.
 4. O'Brien Avenue OFF (Map 117 Lot 027) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust.
 5. Principal/Broker for Moosilauke Realty, PO Box 333, 104 Main Street, North Woodstock, NH 03262-0333.
 6. Principal of Kastmast Construction, LLC, PO Box 333, 104 Main Street, North Woodstock, NH 03262-0333 that owns 34 Maple Street (Map 114, Lot 009).
 - **Matt Nestor**, nonresident, (via ZOOM) Vice President of JP Morgan Asset Management, Los Angeles, CA (no discernable address).
 - **Brian G. Norton**, non-resident, of 20 Gray Road, Campton, NH 03223 **(APPLICANT & ABUTTER)**, President and General Manager of Loon Mountain Resort, 60 Loon Mountain Road, Lincoln, NH, 03251; Loon Mountain Resort is owned by Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan, 49770 (via ZOOM).
 - **Terry D. Ross**, resident, of 35 Pollard Road, PO Box 233, Lincoln, NH 03251-0233, speaking on behalf of her son and **(ABUTTER)** property owner Alex Atwood, of 35 Pollard Road, PO Box 233, Lincoln, NH 03251-0233 who owns 35 Pollard Road (Map 117, Lot 106).

- **Cristopher Salomon, AIA**, nonresident, **Samyn - D'Elia Architects, P.A., (APPLICANT'S AGENT & ARCHITECT)** 6 Central House Road, PO Box 229, Holderness, NH 03245 agent for Mountain Club at Loon, LLC.
- **Jason (Jay) W. Scambio**, resident (**APPLICANT & ABUTTER**) and co-owner with Katie W. Scambio of 20 Pollard Pines Drive, Lincoln, NH 03251 (Map 117, Lot 048), currently Chief Operating Officer, Day Operations for Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan, 49770 that is owner of Loon Mountain Recreation Corporation that owns 60 Loon Mountain Road (Map 126, Lot 020) a/k/a Loon Mountain Resort.
- **Thomas Tremblay**, resident (via ZOOM) (**APPLICANT**) at 19 Louann Lane (Map 117, Lot 017), owned by Thomas Tremblay, Trustee of Thomas P. Tremblay Revocable Trust, PO Box 235, Lincoln, NH 03251-0235, and owner of the following properties:
 1. 189 Main Street (Map 117, Lot 004) (
 2. Louann Lane #LO (Map 117, Lot 016) (0.43 Acres) (vacant)
 3. 19 Louann Lane (Map 117, Lot 017) (0.62 Acres) (has a single-family residence & LouAnn Lane [50' R/W])
 4. Louann Lane #LO (Map 117, Lot 018) (0.58 Acres) (vacant)
 5. Louann Lane (LO) (Map 117, Lot 019) (1.15 Acres) (vacant)
 6. Louann Lane (LO) (Map 117, Lot 025001) (0.46 Acres) (vacant)
 7. 31 O'Brien Avenue (Map 117, Lot 025002) (0.48 Acres) (single family residence)
 8. 30 O'Brien Avenue (Map 117, Lot 025003) (0.47 Acres) (detached garage & unpermitted accessory apartment above)
 9. (1.8 Acres) (single family residence with detached garage & unpermitted accessory apartment above)
 10. 189 Main Street (Map 117, Lot 004) (0.77 Acres) Has Half Baked Restaurant & Coldwell Banker Real Estate Office
- **Jon Warzocha, P.E.**, nonresident, (**AGENT/ENGINEER FOR 2 APPLICANTS**) Horizons Engineering, CEO of Horizons Engineering, 34 School Street, Littleton, NH 03561 working for Applicant Mark Bogosian d/b/a South Peak Resort developer and working for Applicant Loon Mountain Recreation Corporation.
- **David Yager**, nonresident, (via ZOOM) (**AGENT FOR APPLICANT & INVESTOR IN OWNER LLC/APPLICANT**) of 57 Flanagan Drive, Framingham, MA 01701, (VIA ZOOM) principal for DLNR Family Limited Partnership, 57 Flanagan Drive, Framingham, MA 01701, owner of 10 Hemlock Drive (Map 121 Lot 007) and

AGENT for APPLICANT & Investor in Mount Coolidge Construction, LLC
that owns:

Woodland Loop Land Only – Map 114, Lot 080 (Common Areas)

And (**INVESTOR IN ABUTTER LLC**) in **NEWCO, LLC** of 3 Amalia Drive, Nashua, NH 03063 that owns:

- a. Woodland Loop – Master Lot – Map 115, Lot 003-000-CL-00000

- b. 2 Forest Ridge #Parcel – Map 114, Lot 076-000-CL-00000
- c. Woodland Loop – Map 114, Lot 077-000-CL-00000
- d. Woodland Loop – Map 114, Lot 078-000-00-00000
- e. Parcel 2 Forest Ridge (13.52 Acres) – Map 114, Lot 079-000-CL-00000
- f. Woodland Loop – Map 114, Lot 081-000-CL-00000
- g. 2 Forest Ridge #Parcel – Map 114, Lot 082-000-CL-00000
- h. 123B Woodland Loop – Map 114, Lot 082-000-02-00041
- i. 123A Woodland Loop – Map 114, Lot 082-000-02-00042
- j. 121B Woodland Loop – Map 114, Lot 082-000-03-00043
- k. 121A Woodland Loop – Map 114, Lot 082-000-03-00044
- l. 119B Woodland Loop – Map 114, Lot 082-000-04-00045
- m. 119A Woodland Loop – Map 114, Lot 082-000-04-00046
- n. 111B Woodland Loop – Map 114, Lot 082-000-08-00053
- o. 111A Woodland Loop – Map 114, Lot 082-000-08-00054

II. CONSIDERATION of meeting minutes from:

- **August 24, 2022**
 - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy., Member Paul Beaudin II.

Motion to accept with corrections as approved by Selectmen's Representative O.J. Robinson.

Second by Member Beaudin

All in favor

Vice Chairman Chenard and Mark Ehrman abstained

III. NEW BUSINESS

- A. CONCEPTUAL => prior to review of application for Site Plan Review (SPR 2022-13 M001 L002, M118 L039, M118 L040, M126 L020 Loon Mountain Recreation Corporation – Expansion) Brian Norton, President, Loon Mountain Recreation Corporation–Expansion of ski trails into South Peak Resort & South Mountain Area**

Brian G. Norton, President and General Manager of Loon Mountain Resort, 60 Loon Mountain Road, Lincoln, NH, 03251; Loon Mountain Resort is owned by Boyne Resorts, 3951 Charlevoix Avenue, Petoskey, Michigan, 49770 (via ZOOM).

Potentially Impacted Properties:

- 1. Map 001, Lot 002 (Kancamagus Highway) owned by United States National Forest, Bureau of Land Management, 7450 Boston Boulevard, Springfield, VA 22153-3121) (63,874 Acres).**

2. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a Longfellow Design and d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (95.71 Acres).
3. **Map 118, Lot 040** (Parcel 2 #LO) owned by Mark Bogosian d/b/a Longfellow Design and d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (93.93 Acres).
4. **Map 126, Lot 020** (60 Loon Mountain Road) owned by Loon Mountain Recreation Corporation, 60 Loon Mountain Road, Lincoln, NH 03251 (74 Acres).

Presentation:

Loon Mountain Resort President & GM Brian Norton and his team (Horizons Engineering CEO Jon Warzocha, Chief Operating Officer, Day Operations for Boyne Resorts Jay Scambio and retired Senior Vice-President of Mountain Operations for Boyne Resorts Rick Kelley) discuss the conceptual plan for the proposed expansion of ski trails into South Peak Resort & South Mountain Area which includes a new four (4) person chair lift. He explains that the main purpose of the lift installation is to alleviate guest concerns regarding parking by using on-site parking versus off-site parking and to help with traffic problems in Town and make a better experience for their guests. He would like to learn more about the Site Plan Review Process and adds that historically they have not had to have Site Plan Review or had it waived for other lift installations. He is hoping to learn what is required and move forward with the project next summer (2023). The Planning Board reviews the plans that have been provided.

Discussion:

The Planning Board reviews the plans that were provided and asks for clarifications on some of the parking lot locations, new trail locations, and whether the lift will be new or replacing and existing lift. Mr. Norton explains that this is a new lift but was originally planned for a different location and was approved in the master development plan from 2006.

No Increased Visitor Capacity:

Member Beaudin asks if this lift is going to allow for more visitor capacity. Mr. Norton responds that they will not be increasing the number of skiers.

Escape Route Trail:

Selectmen's Representative O.J. Robinson asks for clarification on the existing Escape Route trail. Mr. Norton explains that the lift terminal will be at the base of the Escape Route Trail.

Property Lines:

Selectmen's Representative O.J. Robinson asks about the property line noted on the plans. Mr. Norton explains that the property line on the plans shows the Forest Service line and the Loon property line and the future permitted area in the Forest Service Zone which is outside of Loon's permitted area.

Site Plan Review?

Chairman Spanos polls the Planning Board to find out which members feel this project should come in for Site Plan Review.

The Planning Board discusses whether they will need to come in for Site Plan Review.

- Member Beaudin discusses issues of concern which include: traffic, stormwater management, and snow making. Mr. Kelley clarifies that the snow making was covered when they came in for the original development and is part of the Forest Service Permit.
- Member Beaudin discusses the South Mountain Bridge and notes that it was previously a two (2) lane road and it is now a one (1) lane road. The bridge is rated for certain weight and larger trucks are entering via Westwood. Member Beaudin does not believe that the current traffic pattern was part of the original approvals. Mr. Scambio disagrees with Member Beaudin and adds that the bridge is a separate topic from what is being discussed at this meeting as the bridge is owned by different people.
- Mr. Warzocha joins the discussion and argues that this project is not a significant change of use and that is what triggers Site Plan Review. Mr. Warzocha asks the Planning Board if this rises to the level of a significant change in use or not that requires Site Plan Review.
 - Member Beaudin recalls that with the addition of attractions Whales Tail and Clark's came in for Site Plan Review which gives an opportunity for the general public to weigh in.
- Vice Chairman Chenard asks where the people will park to access the new lift. Mr. Warzocha clarifies again that there will be no new parking and previously people would park in the main parking areas and take a shuttle over to South Mountain. The new lift will allow for people to ski over to South Mountain and not require additional parking.
- Chairman Spanos asks if they plan to increase ticket sales. Mr. Norton responds that there will not be an increase in ticket sales and this is a plan to improve the guest experience.
- Mr. Norton notes that the traffic experienced in Town is also experienced by the shuttle bus and guests. With the new lift there will be less traffic congestion.
- Planner Bont asks if there will be a building at the base of the chair lift. She refers to the ordinance and comments that a Site Plan Review is triggered if there is an addition more than five hundred (500) square feet of floor area or other impermeable surfaces.

Mr. Norton explains that the operator houses will be about eight by ten (8 x 10) feet and there will be one building at the top and one at the bottom of the lift.
- Vice Chairman Chenard asks if they plan to have any restaurants or food at this time. Mr. Norton answers "no."

- Selectmen's Representative O.J. Robinson notes that they will need to get an alteration of terrain permit which he assumes will address the stormwater issues during construction and the stormwater issues post-construction.
 - Mr. Warzocha agrees that they will need an Alteration of Terrain Permit plus a Wetlands permit for the trail construction.
 - Planner Bont informs them they will also need a Land Use Permit for the operator houses.
- Member Beaudin asks if they will need to meet both state and Town regulations for stormwater management. Town Engineer Ray Korber is asked to join the discussion and explains that the Town of Lincoln has different thresholds than the State in terms of impact. The information that is submitted under the Town's local ordinance is pretty much the same as the information that has to be generated for the State's Alteration of Terrain Permit. There is not a duplication of effort, per se, in terms of the work that the applicant or consultant must do. It will get reviewed and benchmarked against the Town's ordinance, as it has different thresholds, which are not articulated in the State's Alteration of Terrain Permit.
- Mr. Warzocha describes the work needed and does not feel it has much of an impact to storm water run-off.
- Planner Bont explains that the Town will review and include the disturbed areas which will include the operator houses and the support poles. Member Beaudin adds that the Town Stormwater Management Ordinance (SMO) is triggered when there is more than seventeen thousand (17,000) square feet of disturbance.
- There is more discussion about the SMO and how it could apply to this project. Mr. Warzocha is not intimately familiar with the Town's SMO. Mr. Korber clarifies that as part of the Land Use Permit on previous lift projects, they did a peer review as they triggered the SMO which is independent of the Site Plan Review. Mr. Warzocha understands and asks if there are any other issues separate from the SMO that would trigger the need for Site Plan Review.

Mr. Norton asks Chairman Spanos if the previously approved amusement attraction projects, that were required to come in for Site Plan Review, had master plans. Chairman Spanos explains that every phase of the Master Plan must come in for Site Plan Review. Chairman Spanos reads the definition of "Change or Expansion of Use" from page 4 from the Town of Lincoln's Site Plan Review Regulations:

ARTICLE IV. DEFINITIONS

A. As used in these Regulations, the following terms shall have the meanings indicated:

CHANGE OR EXPANSION OF USE:

- (a) The conversion of any lot, parcel or building, or portion thereof, from a residential use to a nonresidential or multi-family use;
- (b) The addition of more than 500 square feet of floor area or other impermeable surface to an existing nonresidential or multi-family use;

- (c) The addition of less than 500 square feet of floor area or other impermeable surface to an existing nonresidential or multi-family use, if constructed within 3 years of any prior construction on the same lot or parcel;
- (d) A change of use from one category of permitted or special exception use, as listed in the land use schedule of Article VI of the Lincoln Land Use Plan Ordinance, to another such category of listed use, regardless of whether the change involves construction;
- (e) Any material change to a previously-approved site plan, or series of changes over a 3-year period resulting cumulatively in a material change, as determined by the Planning Board Chair and Town Planner; and
- (f) Any material change to a development that pre-existed prior to the adoption of Site Plan Review Regulations, or a series of changes over a 3-year period resulting cumulatively in a material change, as determined by the Planning Board Chair and Town Planner.

Member Beaudin asks when they plan to start building. Mr. Norton answers that they want to start in the spring of 2023. Member Beaudin informs Mr. Norton that an Intent-To-Cut would be required. He also feels public input at this time would be beneficial to everybody.

Chairman Spanos asks Member Noseworthy his opinion about requiring Site Plan Review. Mr. Noseworthy is not in favor of having them come in for Site Plan Review.

Selectmen's Representative O.J. Robinson is asked to weigh in on the subject. He does not feel that there are any triggers to make them come in for Site Plan Review.

Mr. Korber joins the discussion and points out section b (above) and the Planning Board discusses the impervious surfaces that the top and bottom terminal pads would create. Planner Bont explains that the impervious surfaces will include the two (2) buildings and the twelve (12) towers which need to be included in the total calculation. Mr. Warzocha understands and will be sure to supply that information in more detail. Planner Bont explains that this will help them determine if they have more than five hundred (500) square feet of impervious surface which would then trigger the SMO.

Chairman Spanos asks Vice Chairman Chenard what his thoughts are and he agrees with Selectmen's Representative O.J. Robinson and does not think they need to come in for Site Plan Review.

Decision:

Chairman Spanos polls the Planning Board and the consensus is that the project does not require Site Plan Review.

A. CONCEPTUAL => prior to review of application for MAJOR SUBDIVISION & SITE PLAN REVIEW

Mark Bogosian, President & Owner of Longfellow Design Build, 866 Main Street, Osterville, MA 02655 re: South Peak Resort Expansion

Potentially Impacted Properties:

1. **Map 118, Lot 018** (Crooked Mountain Road #100) owned by FC-Loon, LLC, 2365 Rice Boulevard, Suite 201, Houston, TX 77005 (0.55 Ac).
2. **Map 118 Lot 035** (Crooked Mountain Road #122) owned by FC-Loon, LLC, 2365 Rice Boulevard, Suite 201, Houston, TX 77005) (0.44 Ac).
3. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a Longfellow Design and d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (95.71 Acres).
4. **Map 120, Lot 027** (Crooked Mountain Road #121) owned by FC-Loon, LLC, 2365 Rice Boulevard, Suite 201, Houston, TX 77005.
5. **Map 121 Lot 021** (24 Crooked Mountain Road) owned by FC-Loon, LLC, 2365 Rice Boulevard, Suite 201, Houston, TX 77005.
6. **Map 124, Lot 066** (South Peak L/O) owned by Mark Bogosian d/b/a Longfellow Design and d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (28.28 Acres).

Presentation:

Mr. Warzocha asks if the Planning Board would like them to address anything for the next meeting. An application for subdivision has been filed along with Site Plan Review for the next meeting. He explains that this project is on the thirty-thousand-foot (30,000') level and this is the initial subdivision project for the revitalization of the South Peak Project. They are proposing several out-parcel subdivision-lots. Mr. Warzocha details some of the plans but will discuss all the details at the next meeting. He will have a table of inventory of allocated units vs. unallocated units for the South Peak Master Plan approval. He asks the Planning Board if there is anything else they should be prepared to address at the next meeting.

Discussion:

Chairman Spanos asks if this is a new sub-division or an existing one and if it's with the same home-owners association. Mr. Bogosian clarifies the home-owners association will be the same and will continue to in-fill off from the existing streets with one small street that will be added for the six (6) lots and will provide and show how the lots are going to be added for single family homes and the overall plan. They will be under the maximum total of two thousand eighteen (2018) units and are not asking for any additional units.

*Note: Site Plan Approval for South Peak Resort is for 1,018 units, **not** 2,018 units.*

They will be showing how the next phase will look like and will focus on lots under nine hundred fifty (950) foot elevation which allows them to move forward while they are waiting for the water tank to continue through the process.

Planner Bont likes how they have presented this as two (2) subdivisions but in two (2) pockets. Member Beaudin asks how this relates to the original Master Plan. Mr. Bogosian replies that this will all be in keeping with the original Master Plan. Mr. Bogosian will provide a detailed

accounting table of all the lots that are added or removed and will be in line with the Master Plan.

Water Tank:

Member Beaudin asks if they plan to start this project before the competition of the water tank as he has an issue with the lack of fire protection on South Peak. Mr. Bogosian explains that the proposed project will be on lots under the nine hundred and fifty (950) foot elevation and will have adequate water pressure.

Member Beaudin feels that currently the existing development is not in compliance as they still have not solved the fire protection issue on Hemlock Road. and wants to know if Mr. Bogosian plans on addressing that issue prior to working on the lower lots. Mr. Bogosian replies that he was under the impression that this issue was previously addressed and they added more water pressure and fire protection to the neighborhood about six or eight (6 or 8) months ago. He is aware that he can't add any more units to the area above the nine hundred and fifty (950) foot elevation. He plans to only work on the lower portion (under 950-foot elevation) as they work with the Town to put in the new water tank.

Member Beaudin asks Fire Chief Beard if Hemlock Road. has fire protection. Fire Chief Beard replies that Hemlock Road does not have fire protection but the new tank will resolve that problem. Member Beaudin adds that as part of the original permit, the entire development was to have fire protection.

Representative O.J. Robinson clarifies the situation for Member Beaudin by letting him know that the houses that are being proposed are in the protected zone and are unaffected by the presence or absence of the tank. By saying they cannot work in this area will not make the tank appear any more quickly than otherwise. This developer has willingly delayed the installation of his tank so that the Town can benefit by doing a cooperative tank which will be higher and bigger than what he is required to do. It would be, in effect, a disadvantage to the Town to force him to build a small, lower tank.

Member Beaudin explains that he isn't against the growth of the development but wants to see the tank installed and functioning correctly prior to any new development going in.

Selectmen's Representative O.J. Robinson answers Member Beaudin's concern by letting him know that the developer could choose to install a smaller, lower tank for his development only but has agreed to work with the Town to install a larger, higher tank. Member Beaudin responds that he hasn't heard the developer say that. Selectmen's Representative O.J. Robinson reminds Member Beaudin that this issue was previously discussed with Mr. Bogosian and the Planning Board.

Mr. Bogosian explains that he has set aside the money that would have been used for a smaller, lower tank installation. The Town asked him to give them that money instead and together the Town and Mr. Bogosian would build a larger, higher tank. Mr. Bogosian understands that while he is waiting for the tank installation, he cannot build anything above the nine hundred and fifty (950) foot elevation. The Town has asked for another year's time to be able to locate the tank on the Forest Service property. He is 100% committed to putting in the water tank in as fast as

possible but knows waiting it out is for the greater good of everyone as the larger, higher tank will provide for more than South Peak.

Selectmen's Representative O.J. Robinson recalls previous meeting where they discussed some new lots off from Crooked Mountain Road and wants to know if those lots are part of this application. Mr. Warzocha replies "yes" and explains that the plan includes those lots (slightly modified) and an additional six (6) lot subdivision with a cul-de-sac located off from Crooked Mountain Road

Bridge:

Member Beaudin asks who owns the bridge. Mr. Bogosian replies that South Peak owns the bridge and will address the issues and bring some concepts to the next meeting. He adds that his intentions with South Peak development is to get ahead of issues and concerns by talking with the Planning Board. They are starting with some of the smaller projects, relative to the two thousand and eighteen (2018) units that are on the Master Plan, as they plan to continue to move forward with the development.

*Note: Site Plan Approval for South Peak Resort is for 1,018 units, **not** 2,018 units.*

Member Beaudin adds that Westwood homeowners may have issues with traffic and trucks driving around and suggests that Mr. Bogosian investigate those traffic issues. Mr. Bogosian intends to look at the bridge and work with his consultants to get more clarity. He is aware the bridge needs to be addressed and will work that issue into the plans early in the process and not later. He will be prepared to discuss the bridge issue at the next meeting and hopes to have some really positive solutions. Member Beaudin recommends Mr. Bogosian review the Master Plan for the detailed description of how the traffic was supposed to flow in and out of South Peak. Mr. Bogosian will review the Master Plan and may have some potentially better plans than what was initially proposed.

Mr. Warzocha informs Mr. Korber that he will be in touch soon to review the Master Plan and how the proposed project relates to it. Mr. Warzocha will come to the next meeting prepared to talk about this project and how it relates to the Master Plan.

B. MAJOR SUBDIVISION

Thomas Tremblay, Trustee, Thomas P. Tremblay Revocable Trust of 2006 – "The Meadows" Subdivision

Application for a Major Subdivision called "The Meadows," Part 2, between two (2) adjacent lots south of and including LouAnn Lane (50' ROW), abandoning the lot line between Lot 018 and Lot 019 and a further subdividing the two (2) lots, into four (4) single-family house lots and one (1) lot to support LouAnn Lane and the hammerhead turn around at the western end of LouAnn Lane.

Applicant/Property Owner: Thomas P. Tremblay, Trustee
Thomas P. Tremblay Revocable Trust of 2006
PO Box 235

Lincoln, NH 03251-0235.

Applicant's surveyor:

Gardner Kellogg, Kellogg Surveying & Mapping, Inc.
254 Mann's Hill Road
Littleton, NH 03561.

Properties: (Rural Residential (RR) District - minimum lot size is 15,000 SF or 0.34 Acres)

1. Louann Lane #LO (Map 117, Lot 018) (0.54 Acres) (vacant)
2. Louann Lane (LO) (Map 117, Lot 019) (1.67 Acres) (vacant)

Proposal: To subdivide two (2) existing lots into four (4) house lots and one (1) lot to support LouAnn Lane (ROW) with hammerhead turnaround. Three (3) new lots will be created. Improvements to LouAnn Lane R/W (to become a 50 ft ROW with 20 ft travel surface), the four (4) house lots, & an extension of municipal water lines, sewer lines & utilities will be required. Some of this improvement work on "the Meadows" was started in 2021 with the earlier subdivision of Lots 1, 2, and 3.

The remainder of Map 117, Lot 018 (0.54 Acres) and Map 117, Lot 019 (1.67 Acres) as follows:

1. **Lot 4:** 0.40 Acres (17,255 SF) (vacant) (to become a single-family house lot)
2. **Lot 5:** 0.36 Acres (15,539) (vacant) (to become a single-family house lot)
3. **Lot 6:** 0.35 Acres (15,403 SF) (vacant) (to become a single-family house lot)
4. **Lot 7:** 0.35 Acres (15,364 SF) (vacant) (to become a single-family house lot)
5. **Lot With No #:** 0.75 Acres (32,619 SF) (vacant) (to support LouAnn Lane R/W and hammerhead turnaround)

Presentation:

Mr. Thomas Tremblay discusses his plan to take the open field and make it into four (4) lots. He has provided the Planning Board with plans showing all the infrastructure that they plan to install. There will be a fifty (50) foot right-of-way, a twenty (20) foot roadway, and the new hammerhead turnaround which has been approved by Fire Chief Beard. All of the lots are in excess of fifteen thousand (15,000) square feet and are deep lots which will allow plenty of room for parking.

Chairman Spanos reviews the plans and notes Lots 4, 5, 6, 7 and the right-of way which will eventually be conveyed to the homeowners. He asks the Planning Board if they have any questions.

Questions:

Water/Sewer Lines:

Member Beaudin asks if the water and sewer allocations were done. Planner Bont explains that the plan was for Mr. Tremblay to fix the water lines for the pre-existing houses that are part of the first subdivision. He was to run the water lines along the roadway. He has not put in the curb stops as he is waiting for the delivery of the water pipes.

Member Beaudin suggests this needs to go before the Selectmen or Mr. Korber to make sure there is adequate water supply and that the sewer issues on Main Street ties into the project.

Selectmen's Representative O.J. Robinson explains that hotels and larger development projects do come before the Selectmen, but not single-family homes. The sewer requires the proper capacity pipe and the plan for how it joins the sewer system.

Member Beaudin argues that all developments regardless of size should be treated the same and come before the Selectmen. Mr. Tremblay adds that the sewer lines have all been designed with manholes and will be going into an existing manhole which is essentially behind the building near Lahouts. The manhole is large and has plenty of elevation to allow for gravity feed into it. He knows there is a substantial sewer line that leads out to the main drag.

Member Beaudin interjects and is not concerned with the size of the sewer pipe but whether the Town's infrastructure can handle the capacity and how many other approvals have been given. Vice Chairman Chenard believes this was previously discussed.

Town Engineer Korber joins the discussion and notes that on the previous project that have come before the Town, a Capacity Analysis for water and sewer but they were larger projects. He is not sure a four (4) lot subdivision is worthy of that type of analysis. He just received the plans and has not looked at them to see how it all ties into the system. He feels it warrants at least a conversation with Director of Public Works (DPW) Nate Hadaway to understand the infrastructure down gradient from this subdivision proposal. As this relates to process, Mr. Korber would recommend that any subdivision that comes before the Planning Board as it relates to water and sewer capacity should at least have a conversation or some kind of analysis to ensure the Town has sufficient capacity. He adds that accounting for the usage as new projects come forward needs to be taken into account.

Town Engineer Korber asks Mr. Tremblay if the infrastructure will be owned by the homeowner's association or is he expecting the Town to take responsibility for the water and sewer in the roadway.

Mr. Tremblay answers that they will be private utilities and that there is a provision in the declaration that permits the Town to take it over possibly down the road. DPW Hadaway has reviewed the plans and has visited the site. Town Engineer Korber adds that the concern would be an installation per Town standards and infiltration issues would add to the capacity issue associated in the community and on the water side to make sure that the water infrastructure is in accordance with Town standards because you would not want any leaks beyond the capacity issue.

Town Engineer Korber would be happy to discuss the project with DPW Hadaway if Mr. Tremblay would like.

Sewer Pump Station – Can It Be Eliminated?

Member Beaudin asks about the sewer pump and if it would alleviate the need for it. Mr. Tremblay said he and DPW Hadaway determined they would keep the pump. The sewer pump would not be alleviated, the Town would keep the pump.

Planner Bont believes Nate Hadaway had a good reason for keeping the pump.

Mr. Tremblay adds that the pump station could be eliminated if it was necessary, it is a possibility.

Traffic:

Member Beaudin wonders about the impact this will have on the traffic on Pollard Road. No answer.

Hydrant:

Member Beaudin asks about a hydrant at the Hammerhead. Mr. Tremblay answers that there is a hydrant at both ends and Fire Chief Beard confirms that there is enough water pressure.

LouAnn Lane is Not a Homeowners Association Road:

Vice Chairman Chenard asks about LouAnn Lane and the homeowners association. Mr. Tremblay responds that LouAnn Lane is a Town road not an association road.

Subdivision Application:

Chairman Spanos reviews the application and it is determined to be complete. Planner Bont asks if all the lots are part of the homeowner's association for the roadway agreement. Mr. Tremblay responds "yes" there will be eight (8) homeowners that will be part of the road maintenance agreement.

**Motion to open Public Comment by Selectmen's Representative O.J. Robinson
Second by Vice Chairman Chenard
All in favor**

Intersection of Pollard Road and LouAnn Lane:

Robert (Bob) LaMontagne lives on the corner of Pollard Road. and LouAnn Lane asks about the start of the project and if it starts on Pollard Road or at the end of the paved area, as he is concerned that it is a narrow road.

It is determined that the project will not start on Pollard Road. Mr. Tremblay responds that at the end of LouAnn Lane there is a manhole on the left side and they will be cutting that pavement to hook up the water line and then repaved.

Street Lights:

Paulette Lamontagne asks if there will be street lights on the road.

Mr. Tremblay does not intend to put street lights on the road.

Types of Homes:

Robert (Bob) LaMontagne asks what type of homes will there be and how long will the building of the homes take.

Mr. Tremblay says he does not know as he is not building “spec homes”.

Schedule of Construction:

Robert (Bob) LaMontagne is concerned with the length of time he would be dealing with building and construction disruptions.

The lots would most likely be sold over time and homes will be built as the lots are sold.

Myles Moran asks about covenants and restrictions for building guidelines on the types of homes that can be built.

Mr. Tremblay responds that there are restrictions but have not dictated what is to be built. It is suggested that the type of homes be craftsman style, arts and crafts style (fairly low-profile homes) opposed to a two-story colonial home. There can be a storage building on the property with a maximum of three hundred eighty-five (385) square feet. Mr. Tremblay says there is a declaration on file at the Town Hall.

Will the Roadway be a Town Road or a Private Right-of-Way:

Myles Moran asks if there is a right of way or is it Town land. Mr. Moran recalls there was a pedestrian pathway that used to travel to Main Street from LouAnn Lane. Mr. Tremblay responds that people do walk on that area and it is Town Land.

Myles Moran thinks the area should be opened up so homeowners can walk to Main Street from this proposed sub-division.

Mr. Tremblay recalls asking Lincoln’s previous Town manager (Butch Burbank) in 2020, for the Town to turn over this pathway area to allow for a better walkway and fencing but he did not receive an answer.

Abutter Letter of Support

Chairman Spanos reads a letter, for the record, submitted by a member of the public and abutter (**Herb Lahout**) dated August 31, 2022 received at the Town Hall on September 8, 2022.

“I am in favor of the proposal. Mr. Tremblay has done great things for the Town. Keep up the good work. Sincerely, Herb Lahout”

Will the LouAnn Lane Extension be Paved?

Chairman Spanos asks the public if they have any more questions.

Karin Martel asks if the road is going to be paved. Mr. Tremblay replies that LouAnn Lane is paved and the extension he is putting in will be an improved gravel road.

Proposed Name of the Road:

Myles Moran asks what the name of the road will be. Mr. Tremblay answers that the name for now is “Meadows Road.” He was not sure how the lots will have their numbers and names changed. Planner Bont is the 911 liaison and explains that the developer proposes the road names then she must run that information by the State of New Hampshire’s E-911 field office to make sure the name is not too similar to another road name and between the E-911 State field representative and herself, a road name will be assigned and an E911 number will be assigned to each home as it is built. She adds that if this subdivision is approved, Mr. Tremblay will need send Planner Bont an email requesting a road name.

Issue With Dust from a Gravel Roadway:

Karin Martel is concerned with the affects of keeping the road a gravel road. In the past she has experienced lots of dust from cars traveling fast down the current dirt roadway.

Motion to close Public Comment by Vice Chair Chenard

Second Selectmen's Representative O.J. Robinson

All in favor

Underground Utilities

Member Noseworthy asks about if there will be underground utilities or will there be telephone poles. Mr. Tremblay replies that the utilities will be underground, no poles.

Paving the Road

Member Beaudin asks Mr. Tremblay if he has plans to pave the road in the future. Mr. Tremblay replies that he does not plan to pave the road, in the future. The Planning Board discusses the old road and current road details as it relates to the problem with dust from speeding vehicles.

Karin Martel who mentioned the dust problem is asked to explain how the dust affects them.

According to **Karin Martel**, the main problem is caused by the four-wheeler off road vehicles as they stir up the dust.

Jeffrey C. Martel said his main concern is if the road continues to remain a gravel road and the traffic on it increases so will the dust.

The Planning Board discusses using other types of material on the road to keep down the dust.

Mr. Tremblay is agreeable to using stone dust/ledge pack.

Motion to reopen Public Comment by Selectmen's Representative O.J. Robinson

Second Member Beaudin

All in favor

Public Discussion Re: Whether to Pave the Road:

Myles Moran discusses the possibility of the homeowner's association (HOA) may or may not follow through with the maintenance of the dirt road. He suggests Mr. Tremblay put in a clause so when he turns the road over to the HOA that within twenty-four (24) months they'll pave it.

Planner Bont reads the Driveway Standards from the "Driveway Regulations for the Town of Lincoln, New Hampshire." (See Page 3.)

ARTICLE IV – DRIVEWAY STANDARDS

Section B Paving

"In order to protect the physical integrity of the roads the street side edge of all driveways must be paved.

(1) All driveways for commercial, non-residential and residential use shall be paved for at least ten (10) feet commencing at the edge of the pavement of the intersecting road"

Mr. Tremblay has plans to pave the twenty to thirty feet (20-30') of the driveway where it comes off from the Town maintained portion of LouAnn Lane.

Selectmen's Representative O.J. Robinson asks the members if they knew of any other subdivisions with more than two (2) lots where the Planning Board allowed for gravel roads? The Planning Board discusses and there are some subdivisions with gravel roads but those subdivisions were made before the Land Use Plan Ordinance (i.e., zoning ordinance) was adopted in 1986.

Note: The Driveway Regulations for the Town of Lincoln, New Hampshire were not adopted until March 2005.

Motion to re-close Public Comment again Selectmen's Representative O.J. Robinson

Second by Vice Chairman Chenard

All in favor

Conditions:

1. Road to have 3/4-inch hard pack or similar material
2. The Town Engineer needs to review the engineering calculations.
3. The Public Works Director and or the Town Engineer needs to review the plans for water and sewer.

Motion to accept application as complete by Vice Chairman Chenard

Second by Selectmen's Representative O.J. Robinson

All in favor

Motion to approve subdivision with three conditions

1. Road surface to have 3/4-inch hard pack or similar material.
2. The Town Engineer needs to review the engineering calculations.
3. The Public Works Director and or the Town Engineer needs to review the plans for water and sewer.

by Member Beaudin

Second by Selectmen's Representative O.J. Robinson

All in favor

Planner Bont asks Mr. Tremblay to put the three conditions on the plans and he says that he will.

C. SITE PLAN REVIEW

Mountain Club at Loon Unit Owners' Association, LLC – Explore options for increased employee housing.

Cristopher Salomon, AIA, Samyn - D'Elia Architects, P.A., 6 Central House Road, PO Box 229, Holderness, NH 03245 agent for Mountain Club at Loon, LLC – Increase capacity of apartment building/boarding house used for employee housing.

Applicant/Property Owner:

Mountain Club on Loon Unit Owners Association
90 Loon Mountain Road
Lincoln, NH 03251

Property: 29 Pollard Road, (Map 117, Lot 105). 0.34 Acres in the General Use (GU) District with 3-unit apartment building housing 11 employees.

Proposal: Owner wants to increase the number of employees that can be housed at 29 Pollard Road. Exploring options available under LUPO to make that happen. Application for Site Plan Review to put an addition onto the back of a three-unit apartment building and convert the three-unit apartment building into a “Restricted Multi-Family Residential Housing” apartment building with seven (7) dwelling units. A “Restricted Multi-Family Residential Housing” is restricted to long term tenancy, defined as greater than 180 days, permitted as a business use in the General Use (GU) District subject to the business use density requirements with a maximum 70% lot coverage. The existing building consists of the following:

- a. Apartment #1 = 3 bedrooms, 1 bathroom;
- b. Apartment #2 = 2 bedrooms, 2 bathrooms; &
- c. Apartment #3 = 4 bedrooms, 2 ½ bathrooms.

Proposed addition would include four (4) studio apartments with 1 bedroom, 1 kitchen & 1 bathroom in each apartment.

Presentation:

Applicant’s Architect Chris Salomon, Director of Finance & Human Resources Gabrielle Mogil, and Director of Engineering & Facilities Manager Philip Decato discuss the plans for the employee housing facility on Pollard Road. Currently, there is an existing, roughly fourteen thousand square foot (14,000 SF) property space with two (2) existing driveways with curbs cuts that come into the property that serves three (3) units with a total of nine (9) bedrooms. Currently, they are at thirty-one percent (31%) impervious surface on the lot and are proposing a roughly sixteen hundred square foot (1,600 SF) addition which puts them at forty-one percent (41%) impervious surface. This is a four (4) unit addition on the back each with a private bath, a small sleeping area and a kitchen in an open concept layout. They are within the lot coverage area requirement.

Discussion:

Parking:

Planner Bont discusses parking which needs to be fifteen (15) parking spaces. They will correct and add the one space. Ms. Mogil discusses that many of the residents do not have cars and will taking a shuttle bus to work at Loon and back to the residence. The shuttle will pick up or drop off at least two (2) to three (3) times a day depending on the work shifts. They have also supplied bicycles to the employee/residents and the employees have been riding the bicycles during the summer months.

Selectmen’s Representative O.J. Robinson asks for clarification regarding the number of existing bedrooms. Planner Bont confirms that there are a total of nine existing bedrooms.

Member Beaudin is concerned with parking and turn around space and wonders if there is a way to change the layout of the parking plan.

Mr. Salomon replies that would like to keep the grove of trees for the residents to enjoy and for added privacy also.

Member Beaudin suggests they use the extra land for parking instead of having cars parked one behind another.

Planner Bont suggests that they plan for the parking spaces and have it recorded but not actually create the extra parking spaces until they are needed.

The Planning Board discusses the parking problem as it is not a practical plan and will contribute to noise and difficulty allowing cars to get in and out.

Selectmen's Representative O.J. Robinson suggests a plan for improving the parking by angling some spaces to create a better situation for some of the cars to come and go.

Town Engineer Korber joins the conversation and asks Planner Bont about the Land Use Plan Ordinance that states a single parking space is defined as being one hundred seventy square feet (170 SF).

Article IV DEFINITIONS.

- 36. Parking Space** – A parking space is defined as a designated, exclusive and maintained parking space a minimum of one hundred seventy square feet (170 SF) in area.

Article V. GENERAL REGULATIONS

Section A. PARKING AND OFF-STREET LOADING.

2. All proposed new construction shall provide for adequate off-street parking spaces in accordance with the following standards, subject to modification by the approval of a special exception pursuant to Article V, Section A,3. A single parking space is defined as being one hundred seventy (170) square feet in area and having additional adequate area for maneuvering.
 - a. Residential (including dwellings, timeshare units, quarter share units, accessory apartments or other similar types of occupancy as determined by the Planning Board) – two (2) spaces for each residential unit for the first three (3) bedrooms and then one additional parking space for each additional two (2) bedrooms.

Town Engineer Korber is not sure that is what is depicted on the plan and wonders if the one hundred seventy (170) sq. ft. applies to the proposal. Planner Bont replies that it does apply. Mr. Korber does not think they will be able to achieve the parking requirement if that is the case.

Planner Bont answers Vice Chairman Chenard's question regarding the size of the lot. She explains that this is a proposal for a "Restricted Multi Family Residential Housing" use. A "Restricted Multi Family Residential Housing" use is considered a "Business Use" under the Land Use Plan Ordinance versus a "Residential Use." So, instead of applying the residential minimum lot size requirement of fifteen thousand square feet (15,000 SF) per dwelling unit, the "Restricted Multi Family Residential Housing" Use is treated as a "Business Use" like a hotel would be. Therefore, the density requirement that is applied for a "Restricted Multi Family Residential Housing" use is "Maximum Lot Coverage" instead of "Minimum Lot Size".

The parking discussion continues and a Special Exception is considered as an option.

Town Engineer Korber estimates that if the Town holds the Applicant to the standard one hundred seventy square foot (170 SF) parking space size, only five (5) parking spaces will fit on that side of the lot. A discussion regarding the parking space requirement continues.

Dumpster:

There is not dumpster onsite and there is not one proposed because they pick up the trash twice a week.

Property Manager on Site:

There is an onsite Manager that lives in the second apartment.

**Motion to open for Public Comment by Beaudin
Second by Selectmen's Representative O.J. Robinson
All in favor**

PUBLIC INPUT

Terry Ross of 35 Pollard Road. **agent for abutting owner Alex Atwood** speaks about parking issue being the least of the problems at this house. She lists numerous issues including:

1. Parking on the street all winter
2. The shuttle bus is noisy and the driver beeps the horn as well as others that pick people up.
3. Party noise
4. Not enough parking for extra cars that come for the parties.
5. Cars have difficulty backing out due to her privacy fence.
6. She has sent twelve (12) letters of complaint, starting in 2014. The problems she wrote about included: noise, pit bulls, bears, knocked down fence, snow up against fence.
7. No dumpster. Trash pickup three days a week is not enough as the residents put their trash on the porch and it attracts animals. Needs bear proof dumpster. Trash is everywhere, beer bottles etc.
8. No evidence of a manager as it is an eyesore and a nuisance house.
9. Transient people up between fifty and seventy (50-70) people a year. (Applicants disagree with that statement)
10. There are other opportunities for the Town to have employee housing where it would not impact residential neighborhoods as much.

Ms. Ross wonders how their lot and her lot went from being in the Rural Residential (RR) District to the General Use (GU) District as she has never received an answer from the Planning Board.

Ms. Ross wonders if this an addition and how is it physically attached. Mr. Salomon and the Planning Board explain the addition is connected by the roof line which they consider "attached" by the breeze way. The Planning Board discusses this issue.

Member Beaudin addresses Ms. Ross and asks if she could talk about some of the problems with the on-site manager and/or Loon Mountain Club. He wonders if they could make a condition that one of the rooms has to be reserved for an on-site manager to live in.

Ms. Ross adds that she likes that they left the trees and does not feel they need more parking. She wonders how parking was grandfathered in and believes that Mr. Korber is correct in that there is not enough space to accommodate the parking requirement.

Mr. Salomon is agreeable to adding a dumpster on-site.

Ms. Ross discusses areas where they could add parking. The Planning Board members join the discussion.

Chairman Spanos inquires about snow removal and is told that they plow the snow and push it out back. He also asks when they could come back with a revised site plan. Mr. Salomon answers that he can have it for the next meeting on September 28, 2022.

Discussion about parking continues and the Planning Board concludes they will add conditions for approval regarding the parking plan. Selectmen's Representative O.J. Robinson clarifies that the trash, noise, and fence issues are the main concern of the abutter. Adding a dumpster or a secure trash container would help to solve the trash problem.

Ms. Ross sums up her feelings regarding the house and all the problems associated with it and appreciates the efforts of the Planning Board.

Motion to close Public Comment by Vice Chairman Chenard
Second by Selectmen's Representative O.J. Robinson
All in favor

The Planning Board discusses what conditions to put in place. Member Beaudin asks about the manager that lives at the house and is not convinced that they are doing their job according to what he heard from the abutter. Mr. Decato responds that the manager has been there for six (6) years and lives in apartment #2. Mr. Decato adds that someone from the Mountain Club is there a minimum of four (4) times a day. Mr. Beaudin is concerned with solving Ms. Ross's issue with the trash around the property.

Possible Conditions Discussed:

1. Amend parking plan for nose-in spaces;
2. Add a dumpster;
3. Create a new design plan for parking in the rear of the building; and
4. Fence is to be maintained.

Motion that application is complete by Selectmen's Representative O.J. Robinson
Second by Member Beaudin
All in favor

Motion to Approve the plan based on the following conditions:

1. Convert the east side to diagonal parking of one hundred seventy square feet (170 SF) per parking space;
2. Put the west side additional parking of one hundred seventy square feet (170 SF) per parking space, on the plan, for when this building changes use or parking needs change in the future.

3. Put the trash containment area on the plan, whether it be a locked dumpster or a locked enclosure.
4. The current fence be maintained.

by Selectmen's Representative O.J. Robinson

Second by Member Beaudin
All in favor

Motion that application is complete
Second by Member Beaudin
All in favor

Chairman Spanos calls for a 2-minute recess

E. SMW => PARTIAL WAIVER OF STORMWATER MANAGEMENT ORDINANCE FOR DETENTION PONDS AT THE PINES AT FOREST RIDGE AS APPROVED IN SITE PLAN REVIEW APPROVAL – Planning Board to determine, is this a De Minimis change or not?

Mount Coolidge Construction, LLC, is seeking a waiver of a portion of the Stormwater Management Ordinance. They seek a waiver of Article V Stormwater Management Requirements, Section B of the Stormwater Management Ordinance. Section B reads as follows. "Post-development peak runoff rate and volume shall not exceed pre-development levels for a 25 year, 24-hour storm event."

Owner: Richard (Rick) Elliott (now deceased) and Jared Elliott d/b/a
Mount Coolidge Construction, LLC
3 Amalia Drive
Nashua, NH 03063

Agent: Marc Burnell, PE, Project Manager, Horizons Engineering, Inc.
34 School Street
Littleton, NH 03561

Property: Map 114, Lot 080 (Woodland Loop Land Only) (8.26 Acres) in the Rural Residential (RR) District

Proposal: Under predevelopment conditions, the 25-year storm event generates approximately 0.91 acre-feet of runoff volume. Under the current geometry of the pond, the 25-year storm event generates approximately 0.99 ac-ft of runoff volume. The pond has been in operation for over a year and there have been no issues with its performance in containing and attenuating storm events.

The request for a waiver is for the portion of the SMO pertaining to *volume*. Applicant is seeking a waiver of Article V Stormwater Management Requirements, Section B. of the Stormwater Management Ordinance as it relates to the requirement that the post-

development peak runoff volume shall not exceed the pre-development runoff volume for a 25-year, 24-hour storm event.

Would granting this request for a waiver constitute a *de minimis* change?

If granting the waiver would not constitute a *de minimis* change, a notice of hearing to amend the Site Plan Review Approval needs to be published in the newspaper and abutters need to receive abutter's notices.

Presentation:

David Yager asking for waiver for twenty-five (25) year stormwater event. The pond was designed to hold 0.99 acres feet of water run-off but only holds 0.91 acres feet of water run-off. The pond has been operational for about eighteen (18) months and there have been no issues of performance. He would like to get this pond tidied up by getting this waiver approved and installing the guardrail.

Discussion:

Town Engineer Korber joins the discussion. The ponds, as they are currently constructed, do not meet both criteria in the Stormwater Management Ordinance (SMO). One is the discharge rate and the other is the volume criteria. The SMO states that there needs to be a net zero discharge and a net zero increase in volume between pre and post development condition. Town Engineer Korber clarifies that the Applicant meets the discharge requirement and actually reduced the discharge rate from ten (10) CFS down to six (6) CFS plus or minus, but does not meet the volume criteria.

According to Town Engineer Korber, the volume criteria which is the amount of water coming off of the site, is about ten percent (10%) above the threshold that they need to be at. The waiver is only for the volume criteria portion of the ordinance.

Mr. Yeager adds that the pond has been in active use for over one (1) year and working properly.

Town Engineer Korber comments that the pond is doing, basically what it is meant to do, which is to slow down the discharge coming off the site and holding the water back. He has not noticed any downstream impacts relative to the operation of the pond.

Planner Bont explains that Town Engineer Korber has been communicating with Fire Chief Beard, and the Deputy Fire Chief Fairbrother who have been checking the detention pond fairly regularly to see how the detention pond is performing. These three people agree that the detention pond is working as it should.

De Minimis Change or Not?

Planner Bont also wants to know if the Planning Board could determine whether this request for a waiver constitutes what is a *de minimis* change in the Site Plan Review approval. If it is not a *de minimis* change, she will need to notice all abutters and people in the development. Chairman Spanos notes that this is a "Conceptual" before the Planning Board and asks for the Planning Board's thoughts on the issue.

Member Beaudin does not think this is a *de minimis* change because this has been an ongoing issue and a year is not long enough to judge whether or not this pond is performing as it should. He adds that there has not been any hurricanes or torrential rain events. He thinks the abutters have the right to weigh in on this. The pond was to be built as designed (inaudible) and there was oversight by Town staff, and the Town's engineer. Member Beaudin says it is ridiculous that at the end of the construction they are asking for a waiver and that it should not have happened this way. He does not agree with granting a waiver. Member Noseworthy asks why it was not built the way it was designed in the first place.

Why Does the Detention Pond Not Meet the Criteria

Selectmen's Representative O.J. Robinson asks Town Engineer Korber if this was a flaw in the design that did not meet the volume criteria or was it a flaw in the building of the engineering design.

Town Engineer Korber answers that it was noted on the as-built drawings that they noticed that capacity of the micro pool was about eight (8) percent lower than the design. He adds that just because it is eight (8) percent lower it does not mean the detention pond still cannot meet the criteria.

Town Engineer Korber said the Town needed verification from the developer's consultant (Horizons Engineering) and asked consultant to re-run the computer model. The consultant came back and confirmed that the pond, as built, did not meet the volume requirement. He notes that it is not a design issue on the part of the consultant, but it is a construction issue. The contractor did not build it to the exact specifications as shown on the consultant's plans.

Town Engineer Korber mentions that the Town staff is not responsible for making sure that the contractor does what they are supposed to be doing; that is the developer's responsibility and the developer should have had their consultant doing inspections.

Is the Town Engineer the Engineer On-Site:

Member Beaudin asks Town Engineer Korber if he was the engineer on-site.

Mr. Korber replies "Nope. I was not the engineer on-site, Paul." Member Beaudin replies, "The Town hired you to be able to over-see this project, didn't they?" Town Engineer Korber replies "No, the Town hired me to support staff."

Member Beaudin asks why the developer puts money into an escrow account to have it reviewed by a Town engineer and watch it to make sure that the detention pond is constructed [properly]. He wonders if there is a flaw in the way they are doing things because people are constructing things and they wait till the end to find out that it was poor construction then we need to change the way we are doing things. He adds "we should not be sitting here tonight with a flaw in something that's been going on for years." He apologizes for getting upset but he thinks it's ridiculous that they have to go through this.

Mr. Korber responds to Member Beaudin, "Well, the responsibility [for properly constructing the detention pond] is solely on the developer, the developer's contractor and the developer's consultant, it's not on the Town."

Member Beaudin responds “Ray, that’s (expletive deleted), that’s (expletive deleted).

Town Engineer Korber responds, “And that’s where [the legal responsibility] should be.”

Member Beaudin responds “That’s (expletive deleted), Ray!” Mr. Korber says “No, it isn’t Paul.”

Planner Bont comments that “Ray doesn’t design it or... [oversee it]” and is interrupted by Member Beaudin who states, “That’s why we have people like Ray to be able to look at something and say ‘you’re not doing this right’. Ray went up there and did inspection reports, I mean, you know he come and said this is what we think you need to do.”

Engineer Korber interjects and tells Member Beaudin to “Look at the inspection reports we submit every time we go up there. It’s pretty much the same punch list. We can’t get in the backhoe and make them do something. If we identify an issue and it doesn’t get done, what do you expect the Town staff to do?”

Member Beaudin asks “Can you answer me why this issue wasn’t on your inspections reports, as they’re building it up, they didn’t make it big enough?”

Town Engineer Korber answers, “That’s why the process that we have, has the checks that we have in there, which is:

- Submit the As-Built;
- Submit a Construction Control Affidavit.

Town Engineer Korber continued, “Those are the checks that are in place to make sure they meet the Planning Board requirements. We have now determined that they didn’t [comply with building the detention pond as designed], so the process works, doesn’t it?”

Member Beaudin responds, “It’s not working because we got to the end of it.”

Town Engineer Korber responds, “No. It doesn’t work for the developer. It’s not working for developer, but it is working for the Town. You have the authority to just tell the developer ‘Go back out and fix it.’ So, go tell them to go fix it or grant him the waiver. That’s just the process. Nothing fell through the cracks here, Paul.”

Member Beaudin states “That’s your opinion, you’re entitled to it.”

Chairman Spanos wants to move on.

Member Beaudin asks “How much will it cost to fix this? Can we just take the bond and the Town can fix it?”

Town Engineer Korber replies and says “I would not recommend that the Town take on that liability.”

Member Beaudin suggests that the Planning Board **not** accept this detention pond or grant the waiver as it is not the way things should happen.

Options:

Chairman Spanos discusses three (3) options.

1. The Planning Board can decide that the proposed change is *de minimis* and let it go as-is.
2. The Applicant can apply for a waiver and have a public hearing
3. The Applicant can come in for Site Plan Approval to have the ponds approved as-is.

Town Engineer Korber adds a fourth (4th) option:

4. The Applicant can make modifications to the pond to fix it.

The Planning Board discusses the options.

Chairman Spanos asks Mr. Korber about his comment that the Town should not take on the liability by invoking the bond. “At what point do we say we got to invoke the bond?”

Town Engineer Korber replies “If the developer walks away from the project, I guess. That’s why the bond is there, right? So, if the developer walks away from the project and you have no recourse to get the developer to come back to do whatever is necessary or meet the Planning Board requirements, then that’s what the bond is there for”.

Member Beaudin adds “if we ask him to do it and he doesn’t do it then we can take the bond and do it.”

Chairman Spanos asks the Planning Board if they have any thoughts.

Member Ehrman understands Town Engineer Korber’s point, but he disagrees with the outcome.

Member Ehrman agrees with Member Beaudin regarding the outcome and would like to see the Planning Board insist the issue be fixed and the detention pond functions as it was proposed, as the consequences are potentially quite severe.

Member Ehrman thinks there is contingent liability for the Town if a bad outcome should happen and it is likely to happen if there is a big rainstorm. He thinks it would be best if the detention ponds can be built under the terms of the deal that was made with the developer in the first place.

Selectmen’s Representative O.J. Robinson feels that there should not be a rush to decide this by saying it is a *de minimis* change and move on. Many people down-stream have been affected by stormwater run-off from this property and the abutters deserve a voice regarding the discharge issue. He does not feel the *de minimis* decision is the best way to handle this.

Mr. Ehrman agrees with Selectmen’s Representative O.J. Robinson and Member Beaudin.

Decision:

Chairman Spanos polls the Planning Board they all agree that it is **not** *de minimis* and the detention pond should be fixed and built as it was designed.

Mr. Yager understands and thanks the Planning Board for their time.

IV. CONTINUING AND OTHER BUSINESS

Complaints from three (3) neighbors about the mess at 41 Church Street.

Planner Bont reports that the owner of 41 Church Street was served with a Cease-and-Desist Order to stop work and clean up the current mess and submit a completed application for a Land Use Authorization Permit before starting work again.

The Town staff recently found out that the owner and his agent did do some cleaning up, but then the owner's agent started doing work again without a permit or permission.

Member Beaudin is concerned with safety and thinks the Town should act immediately and up a fence around the entire property and change the owner for it.

Selectmen's Representative O.J. Robinson noticed a refrigerator with doors attached and is concerned about safety. The Planning Board discusses the issue.

Life safety issues would fall under the Fire Department. Planner Bont will relay this information to Fire Chief Beard and Deputy Fire Chief Fairbrother for them to check on this situation.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS:

None.

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: September 28, 2022


Chairman Spanos