

**LINCOLN PLANNING BOARD**  
**REGULAR MEETING MINUTES**  
**WEDNESDAY, MAY 14, 2014 – 6:00PM**  
**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

**Present:** Vice-Chairman Jim Spanos, Clerk John Hettinger, Selectmen's Representative O.J. Robinson, Paula Strickon, Taylor Beaudin (alternate), Callum Grant (alternate)

**Members Excused:** Chairman R. Patrick Romprey, and Norman Belanger (alternate)

**Members Absent:** None

**Staff Present:** Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank, Nikki Donahue (recorder)

**Guests:**

- Cheryl Bailey, resides at 11 Maple Street, Lincoln, NH (Map 118, Lot 066)
- Paul Bartlett, abutter to RiverWalk and Co-Owner of Lincoln Center North Shopping Center, 20 Lumber Yard Drive (4, 6-24), PO Box 681, Lincoln, NH 03251
- Lincoln Fire Chief Ron Beard, Town of Lincoln, PO Box 25, Lincoln, NH 03251
- Desmarais, Denis E., Trustee of the Denis E. Desmarais Revocable Trust, PO Box 711, Lincoln, NH 03251, property owner of 11 Maple Street, Lincoln, NH (Map 118, Lot 066)
- Dennis M. Ducharme, Managing Member of RiverWalk at Loon Mountain, LLC, at 33 Brookline Road, Lincoln, NH 03251, and RRP (Registered Resort Professional), President of Inn Seasons Resorts [212 Mid Tech Drive, West Yarmouth, MA 02673, including InnSeasons at South Mountain and InnSeasons at Pollard Brook
- Lawrence George "Chopper" or "Larry" Hartle, Jr., PO Box 216, Lincoln, NH, owns 29 Main Street, (Tax Map 118, Lot 026).
- Marilyn Sanderson, resident of 12 Westwood Drive, PO Box 818, Lincoln, NH 03251-0818

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**I. CALL TO ORDER:** by Vice Chairman Jim Spanos called the meeting to order at 6:00 P.M.

*Chairman R. Patrick Romprey and Norman Belanger were excused.*

**Motion: To Skip Item Two on the Agenda and Move on to Item Four of the Agenda**

**Motion: John Hettinger.**

**Second: O.J. Robinson.**

**Motion passed (4-0).**

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**II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:**

- February 26, 2014 (if completed)
- March 26, 2014
- April 23, 2014
- April 30, 2014
- May 7, 2014

*The Board passed over the minutes. The minutes were considered later in the meeting.*

**Motion: “To Approve the Minutes from March 26, 2014 as Amended.”**

**Motion: John Hettinger.**

**Second: Taylor Beaudin**

**Abstained: Callum Grant, Paula Strickon.**

**Motion carried (4-0).**

**Motion: “To Approve the Minutes from April 23, 2014 as Amended.”**

**Motion: O.J Robinson.**

**Second: Paula Strickon.**

**Abstained: Callum Grant, Taylor Beaudin.**

**Motion carried (4-0).**

**Motion: “To Approve the Minutes from April 30, 2014 as Amended.”**

**Motion: John Hettinger.**

**Second: Paula Strickon.**

**Abstained: Callum Grant, O.J. Robinson.**

**Motion carried (4-0).**

**Motion: “To Approve the Minutes from May 7, 2014 as Amended.”**

**Motion: Paula Strickon.**

**Second: John Hettinger.**

**Abstained: Callum Grant, O.J. Robinson.**

**Motion carried (4-0).**

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

*No continuing business.*

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### **IV. NEW BUSINESS**

#### **A. 6:00 pm. Application To Extend Planning Board Approval of Site Plan Review**

**1. Application: (SPR 2014-05)**

**2. Property:** Tax Map 118, Lot 044, 22 South Mountain Drive (Project: RiverWalk)

**3. Proposal:** William Davidson, P.E., of Hoyle, Tanner & Associates, Inc., of Pease International Tradeport, 100 International Drive, Suite 360, Portsmouth, NH 03801, agent acting on behalf of applicant Dennis M. Ducharme, Managing Member of RiverWalk at Loon Mountain, LLC, at 33 Brookline Road, Lincoln, NH 03251, filed an Application To Extend Planning Board Approval of Site Plan Review to build on property owned by RiverWalk Loon Mountain, LLC formerly Southern Peaks Development, LLC, requesting that the Planning Board extend approval of the RiverWalk Project Resort Facility with associated drainage and

parking on 22 South Mountain Drive (Mill Road) (Tax Map 118 Lot 044), in accordance with Article IX, Section I of the Lincoln Site Plan Review Regulations. Site Plan Approval may be extended in one (1) year intervals. In 2013 PB granted a one year extension. Applicant requests another one year extension. The property is in the General Use (GU) District. The economy is showing signs of improvement for this type of project. Substantial monies and effort has been invested in this re-development project, including the demolition of the paper mill. The owners now have a commitment from financial institutions to finance this project and would like to commence construction sometime later in 2014.

4. **Property Owner:** RiverWalk Loon Mountain, LLC (formerly Southern Peaks Development, LLC), 33 Brookline Road, Lincoln, NH 03251.

Denis Ducharme requested for a one year extension on the River Walk project. He has a commitment from multiple lenders to get the project started, hopefully in the summer of 2014. Ducharme would like to get started in a few weeks to get rid of an old foundation that still remains on the land. Carole Bont stated that at a recent conference, she learned that the state statute has extended the time period to allow vesting if active and substantial development has begun within 24 months of the date of approval for a Site Plan Review (instead of 12 months). (See NH RSA 674:39,I,(a)-(c) in Appendix A.) She recommended that the extension for two years be done for this case. In her opinion, the application is complete. Ducharme is just asking for an extension of a prior approval. Town Manager/Town Planner Burbank stated a 2 year extension makes sense for this case.

**Motion: To Accept the Application as Complete**

**Motion: John Hettinger.**

**Second: O.J. Robinson.**

**Motion carried (4-0).**

**Motion: To Open Public Hearing.**

**Motion: John Hettinger.**

**Second: O.J. Robinson.**

**Motion carried (4-0).**

*No Public Participation.*

Hettinger asked about the trail behind the property. Ducharme stated that he has plans to clean up the trail and add hard pack. Burbank inquired about the old bridge on the property. Ducharme stated that the bridge will be removed and relocated as it is mostly intact.

**Motion: To grant an extension of 2 years on the River Walk project.**

**Motion: O.J. Robinson.**

**Second: John Hettinger.**

**Motion carried (4-0).**

**B. 6:00 pm. Application for Planning Board Site Plan Review Approval for an Expansion of Use.**

1. **Application:** (SPR 2014- 07)
2. **Property:** (Tax Map 118, Lot 047, 23 InnSeasons Drive
3. **Proposal:** William Davidson, P.E., of Hoyle, Tanner & Associates, Inc., of Pease International Tradeport, 100 International Drive, Suite 360, Portsmouth, NH 03801, agent acting on behalf of applicant Dennis M. Ducharme, RRP (Registered Resort Professional), President of Inn Seasons Resorts [212 Mid Tech Drive, West Yarmouth, MA 02673] requests the Planning Board grant approval for an expansion of use in the Village Center (V.C.) Zone at 23 Inn Seasons Drive (Tax Map 118, Lot 047). Inn Seasons has submitted a an Application for a Site Plan Review for construction of an “infill” building addition on top of an existing concrete terrace to house the InnSeasons timeshare sales center. This addition will be added to the addition currently under construction, approved in 2013 - a 3-story, 61-unit timeshare hotel addition to the existing South Mountain Resort. (Project Name: South Mountain Resort – East Wing Addition, Phases 1 and 2).
4. **Property Owners:** (1) Southern Peaks Resorts, LLC [4960 Conference Way No. #100, Boca Raton, FL 33431 and 33 Brookline Road , PO Box 1058, Lincoln, NH 03251]; (2) William Curran et al. & Dennis M. Ducharme, BlueGreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431]; (3) Dennis M. Ducharme & R. Scott McGreagor, Blue Green Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431]; and (4) Interval Ownership Trust – ISRSM, Bluegreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431 and 6210 Stoneridge Mall Road, Ste 4, Pleasanton, CA 04588].

Ducharme stated that the sales department is in need of more space, so he wants to add an “infill” addition to the addition to the South Mountain InnSeasons Resort that is currently under construction. He also explained that the lobby will come in at the second floor, so the sales area would be an extension of this area. The first floor (at ground level) would become a lounge area for guests of the hotel.

**Motion: To Accept Application as Complete.**

**Motion: O.J. Robinson.**

**Second: John Hettinger.**

**Motion carried (4-0).**

**Motion: To Open Public Hearing.**

**Motion: John Hettinger.**

**Second: Paula Strickon.**

**Motion carried (4-0).**

Fire Chief Ron Beard stated he has no problems with this site plan.

**Motion: To Close Public Hearing**

**Motion: John Hettinger.**

**Second: O.J. Robinson.**



**Motion carried (4-0).**

Paula Strickon stated that South Mountain Drive – the road between the Village Shops [Map 118, Lot 046 owned by Village Shops ICH, LLC, also known as the “Mill Front Shopping Center”] and the Lincoln Center North Shopping Center [Map 113, Lot 002 owned by Lincoln Center North, LLC] is in dire need of repairs. Ducharme stated that in about three weeks South Mountain Drive will be completely taken out and re-done. South Mountain Road is owned by RiverWalk Loon Mountain, LLC (formerly Southern Peaks Development, LLC), 33 Brookline Road, Lincoln, NH 03251.

**Motion: To Approve the Site Plan Review Application as Presented****Motion: John Hettinger.****Second: O.J. Robinson.****Motion carried (4-0).**

Selectman Robinson suggested that a “stop” sign is needed at the exit of the Village Shops a/k/a “Mill Front Shopping Center”. Dennis Ducharme (principal of RiverWalk Loon Mountain, LLC) and Paul Bartlett (principal of Lincoln Center North, LLC) stated that they will talk and a stop sign will be put in. Ducharme also discussed getting signs for the rotary at the end of South Mountain Drive (where South Mountain Drive divides into South Mountain Drive going northeast and Papermill Drive going southwest between the Village Shops and Lincoln Center North Shopping Center). Ducharme said he would contact Town Manager Burbank about the issue.

**C. 6:00 pm. Application for Site Plan Review Approval for Change of Use from a residential duplex to mixed use with home business woodworking/locksmith shop with sign in front with a residence in back.**

1. **Application:** (SPR 2014-06)
2. **Property:** (Tax Map 118, Lot 066, 11 Maple Street)
3. **Proposal:** Applicant Denis Desmarais on behalf of Denis E. Desmarais, Trustee of the Denis E. Desmarais Revocable Trust of 2012, requests Site Plan Review approval to change the use of a residential duplex to a mixed use with a woodworking/ locksmith shop with signage in front and a residence in back, in accordance with Article V of the Lincoln Site Plan Review Regulations and Article V, Section G & Article VI,B,2 of the Land Use Plan Ordinance. The lot is 111 Maple Street, (Tax Map 118, Lot 006) located in the Village Center (VC) District.
4. **Property Owner:** Denis E. Desmarais Trustee of the Denis E. Demarais Revocable Trust, 11 Maple Street, PO Box 711, Lincoln, NH 03251-0711.

Denis Desmarais stated that he lives in the addition that was added to his home, but wishes to convert the original part of the house into a woodworking/locksmith shop. He said that he would not be making any changes to the exterior, except for adding a sign to advertise his shop. Desmarais is concerned that his home is now listed as a “duplex”. Selectman Robinson asked if the addition was a separate entity and if the two parts are connected. Jim Spanos asked if the two spaces could be rented out separately. Desmarais answered “yes”. Carole Bont then clarified that

the space is a duplex then. Selectman Robinson asked if there will be any changes to exterior lighting. Desmarais said there will be no changes to the exterior lighting, but he wishes to move the sign from the west side of the property to the east side of the property. Selectman Robinson asked if the sign will interfere with snow plowing. Desmarais said that it would not. John Hettinger asked what the parking area will be constructed out of. Desmarais stated that he does not intend to add a parking area and will use street parking, but does not expect to take up a lot of the street parking. Hettinger then asked if any equipment will be kept outside and Desmarais stated that it will all be kept inside. Town Manager Burbank asked if deliveries will be done via the curb cut and if there will be a show room. Desmarais stated that the curb cut will be used for deliveries and there will not be a show room. Jim Spanos inquired if the business will operate during normal business hours and if trucks will come in the middle of the night. Desmarais said that he will operate his business during the day time.

**Motion: To Accept Application as Complete**

**Motion: O.J. Robinson.**

**Second: Paula Strickon.**

**Motion carried (4-0).**

**Motion: To Open the Public Hearing.**

**Motion: O.J. Robinson.**

**Second: Paula Strickon.**

**Motion carried (4-0).**

*No Public Discussion.*

**Motion: To Close the Public Hearing.**

**Motion: O.J. Robinson.**

**Second: Paula Strickon.**

**Motion carried (4-0).**

Selectman Robinson stated he had concerns with the sign being so close to the road due to snow blowing in the winter. Taylor Beaudin stated that snow blowing doesn't go that far up the street, so that should not be a problem.

**Motion: To Approve the Change of Use Application**

**Motion: O.J. Robinson.**

**Second: Paula Strickon.**

**Motion carried (4-0).**

**D. 6:00 pm. Application for Site Plan Review Approval for Change of Use/Expansion of Use from one business to a two business seasonal use.**

1. **Application:** (SPR 2014-04)
2. **Property:** (Tax Map 117, Lot 119, 278 Main Street)
3. **Proposal:** Applicant Larry ("Chopper") Hartle, Jr., d/b/a Pemi Valley Moose Tours, PO Box 216, Lincoln, NH 03251-0216, requests Site Plan Approval for a Change/Expansion of Use for property owned by David Rodgers (d/b/a

Mothership) at 278 Main Street (Tax Map 117, Lot 119), in accordance with Article V of the Lincoln Site Plan Review Regulations and Article VI,B,2 of the Land Use Plan Ordinance. Presently Mothership is busiest during the ski season. Hartle proposes using the Mothership building and parking lot to operate Pemi Valley Moose Tours during the spring – fall months. The lot is located in the General Use (GU) District.

4. **Property Owner:** David Rodgers, PO Box 68, Lincoln, NH 03251-0068

Carole Bont stated that she did not find any reason why the Planning Board should not approve the request for a waiver, as “Chopper” is not adding in another building or changing the existing building.

**Motion: To Grant Waiver of Accepted Plan.**

**Motion:** Paula Stricken.

**Second:** John Hettinger.

**Motion carried (4-0).**

Larry “Chopper” Hartle stated that he would only be using the parking space at the “Mothership” snowboard shop location. Carole Bont asked how many parking spots are at this location and Paula Strickon asked how many people were expected to park there? Hartle stated that the bus only holds forty-five passengers, and most carpool. John Hettinger asked if Hartle will be parking cars on the street at all. Hartle said that no cars would be parked on Main Street at all. Selectman Robinson asked if the existing sign will be used and just covered up. Hartle said that there is no existing sign on the building, but that the “Mothership” banner is down and the “Moose Tours” sign is now up. (Hartle previously filed a sign application.) Taylor Beaudin asked if the Moose Tours sign will come down at the end of the season when the Mothership snowboard shop will open again and Hartle said yes. It was clarified for the Planning Board members that there are fourteen parking spaces at the location.

**Motion: to Accept Application as Complete**

**Motion:** Paula Strickon.

**Second:** John Hettinger.

**Motion carried (4-0).**

**Motion: To Open the Public Hearing.**

**Motion:** O.J. Robinson.

**Second:** Paula Strickon.

**Motion carried (4-0).**

*No Public Discussion.*

**Motion: To Close the Public Hearing.**

**Motion:** O.J. Robinson.

**Second:** Paula Strickon.

**Motion carried (4-0).**



**Motion: To Approve Site Plan Review Application as Submitted.**

**Motion: John Hettinger.**

**Second: O.J. Robinson.**

**Motion carried (4-0).**

**E. 6:00 pm. Application for Voluntary Lot Merger.**

1. **Application: (VLM 2014-03)**
2. **Property:** (Tax Map 112, Lot 013) 9 Donovan Street, (Tax Map 112, Lot 014) 5 Railroad Street
3. **Proposal:** Applicant David Rodgers, General Partner of property owner Great Stone Face Skier, LLC, PO Box 68, Lincoln, NH 03251-0068, requests Voluntary Lot Merger for two abutting lots presently owned by Great Stone Face Skier, LLC of PO Box 68, Lincoln, NH 03251-0068: (Tax Map 112, Lot 013) 9 Donovan Street [0.23 Acres], and (Tax Map 112, Lot 014) 5 Railroad Street [0.16 Acres]. Combined the two lots will be 0.39 Acres.
4. **Property Owner:** Great Stone Face Skier, LLC, c/o David Rodgers, PO Box 68, Lincoln, NH 03251-0068

David Rodgers is requesting a voluntary lot merger of two abutting lots presently owned by Great Stone Face Skier, LLC; 9 Donovan Street and 5 Railroad Street. The two combined lots will be 0.39 acres total. Town Manager Burbank suggested that, essentially, it is better for the town if the two lots are merged. The application is complete.

**Motion: To Accept Application as Complete.**

**Motion: Paula Strickon.**

**Second: John Hettinger.**

**Motion carried (4-0).**

**Motion: To Open the Public Hearing.**

**Motion: O.J. Robinson.**

**Second: Paula Strickon.**

**Motion carried (4-0).**

*No Public Discussion.*

**Motion: To Close the Public Hearing.**

**Motion: O.J. Robinson.**

**Second: Paula Strickon.**

**Motion carried (4-0).**

**Motion: To Approve Voluntary Lot Merger.**

**Motion: O.J. Robinson.**

**Second: John Hettinger.**

**Motion carried (4-0).**

**VII. 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.

The Planning Board Members received a copy of an article titled “The National Flood Insurance Program and the Changes it Brings to New Hampshire” from *New Hampshire Town and City* magazine. Selectman Robinson stated that the article addresses how many towns in New Hampshire have not yet been re-mapped because of the unique structure of the land and rivers. Town Manager Burbank stated that the Board of Selectman had a recent conference call with FEMA where the Town Engineer in the Town of East Hartford, CT, discussed his town’s concerns as to how the town would get the funds needed to repair their structures. Selectman Robinson stated that the Army Corps is requiring the dam structure in Lincoln be repaired to 1960 standards. Beaudin asked what the point of this requirement was. Robinson stated that the goal of the dam is to be a “river bank stabilization structure”, which it would achieve at these 1960’s standards. Robinson also stated that the structure is classified as by NH Department of Environmental Services (NH DES) Dam Bureau as a “dam” now, not a levee.

Strickon stated that weather is getting more severe as time goes on and the National Flood Insurance Program will cover less and less of the damages caused by floods. Robinson stated that because Lincoln is participating in the National Flood Insurance Program, structures must be built to meet the minimum standards of the 100 Year Flood Elevation Level. Robinson stated that the article mentions that the lowest floor of the structure, including the basement, could be required to be set above the 100 Year Flood Elevation Level. Some towns have enforced a “free board requirement”. Robinson stated that once the structure is rebuilt to 1960’s standards, if there is another catastrophic storm, the Army Corp will cover any rebuilding costs.

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## **VIII. ADJOURNMENT**

**Motion to Adjourn.**

**Motion: O.J. Robinson**

**Second: Taylor Beaudin**

**Motion carries unanimously by all members present (4-0)**

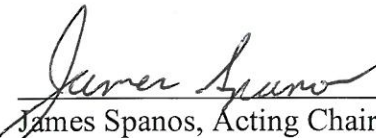
*The meeting was adjourned by 7:53 pm.*

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Respectfully submitted,

Nikki Donahue, Planning and Zoning  
Minute Taker

Dated: May 28<sup>th</sup>, 2014

  
James Spanos, Acting Chairman



**Appendix A.****TITLE LXIV  
PLANNING AND ZONING  
CHAPTER 674  
LOCAL LAND USE PLANNING AND REGULATORY POWERS  
Regulation of Subdivision of Land****Section 674:39****674:39 Five-Year Exemption. –**

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 5-year exemption described in paragraph I. The planning board may, for good cause, extend the 24-month period set forth in subparagraph I(a).

**Source.** 1983, 447:1. 1989, 266:17, 18. 1991, 331:1, 2. 1995, 43:5; 291:7, 8. 2004, 199:1, eff. June 7, 2004. 2009, 93:1, eff. June 12, 2009. 2011, 215:1, eff. June 27, 2011.





**TOWN OF LINCOLN, NH**  
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May 21, 2014

## NOTICE OF DECISION

**RE: Site Plan Conditional Approval Extension**  
(Tax Map 118 Lot 044) (22 South Mountain Drive) (Riverwalk at Loon Mountain Project)

The application to extend Site Plan conditional approval submitted by Riverwalk Loon Mountain, LLC formerly Southern Peaks Development, LLC for the Riverwalk at Loon Mountain project with associated drainage and parking was **APPROVED** by vote of the Lincoln Planning Board on May 14, 2014. There was **ONE CONDITION of APPROVAL CONTINUING FROM 2011:**

**The following is an administrative condition subsequent, to be met prior to issuance of a Building Permit:**

- 1. The applicant shall obtain all applicable State and Federal permits and plan approvals and provide copies to the Town of Lincoln, including the Alteration of Terrain permit must be obtained from NHDES and documentation provided to the Town of Lincoln. Should significant changes occur due to NHDES review for the Alteration of Terrain permit, additional review by the Town's Engineer is required.**

**Note:** Conditional site plan approval was granted for **two (2) years** from the date of approval May 14, 2014. If construction has not commenced <sup>two</sup> ~~one~~ years from this date the applicant must re-file for an extension prior to expiration date of May 13, 2016.

Dated: May 21, 2014

James Spanos, Acting Chair of Planning Board

Notice: This Notice of Decision has been placed on file and made available for public inspection in the records of the Planning Office on May 21, 2013. Any persons aggrieved by this decision of the Planning Board is referred to NH RSA 677:15, which sets forth the appeal procedure. Copies of this notice have been distributed on May 21, 2014 to:

- Applicant: Riverwalk Loon Mountain, LLC formerly Southern Peaks Development, LLC for the Riverwalk at Loon Mountain project, represented by William R. Davidson, P.E. Chief Civil Engineer, Hoyle & Tanner Associates, Inc.
- Board of Selectmen
- Town Clerk
- Tax Assessor
- Posted at Town Offices on May 21, 2014
- Posted at Post Office on May 21, 2014



## 677:15 Court Review

Last revised 1983

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the planning board voted to approve or disapprove the application, in accordance with RSA 21:35.

II. Upon presentation of such petition, the court may allow a certiorari order directed to the planning board to review such decision and shall prescribe therein the time within which return thereto shall be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from. The planning board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such order. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

III. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the referee's findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

IV. The court shall give any hearing under this section priority on the court calendar.

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

### Revisions

1983, 447:1. 1991, 231:14. 1995, 243:7, 8. 2000, 144:4. 2005, 105:2, eff. Aug. 14, 2005. 2009, 266:4, eff. Sept. 14, 2009.



**TOWN OF LINCOLN, NH**  
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May 21, 2014

## NOTICE OF DECISION

**RE: Site Plan Conditional Approval for an Expansion of Use**  
(Tax Map 118 Lot 047) (23 InnSeasons Drive) (InnSeasons South Mountain Resort)

**Applicant:**

- (1) William Davidson, P.E., of Hoyle, Tanner & Associates, Inc., of Pease International Tradeport, 100 International Drive, Suite 360, Portsmouth, NH 03801, as agent acting on behalf of
- (2) Applicant Dennis M. Ducharme, RRP (Registered Resort Professional), President of InnSeasons Resorts of 212 Mid Tech Drive, West Yarmouth, MA 02673.

**Property Owners:**

- (1) Southern Peaks Resorts, LLC [4960 Conference Way No. #100, Boca Raton, FL 33431 and 33 Brookline Road, PO Box 1058, Lincoln, NH 03251-1058;
- (2) William Curran et al. & Dennis M. Ducharme, BlueGreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431;
- (3) Dennis M. Ducharme & R. Scott McGreagor, BlueGreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431; and
- (4) Interval Ownership Trust – ISRSM, BlueGreen Corporation [4960 Conference Way No. #100, Boca Raton, FL 33431 and 6210 Stoneridge Mall Road, Ste 4, Pleasanton, CA 04588].

**Project Name:** "South Mountain Resort – East Wing Addition, Phases 1 and 2"

**Project:** Applicant submitted an Application for a Site Plan Review for an Expansion of Use to construct a 2 story "infill" building addition on top of an existing concrete terrace to house the InnSeasons timeshare sales center on the second floor and a guest lounge on the first floor. This addition will be added to the addition currently under construction, approved in 2013 - a 3-story, 61-unit timeshare hotel addition to the existing South Mountain Resort.

The infill building was **APPROVED** by vote of the Lincoln Planning Board on May 14, 2014.

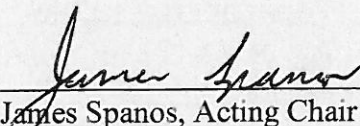
**The following is an administrative condition subsequent, to be met prior to issuance of a Land Use Permit:**

1. The applicant shall obtain all applicable State and Federal permits and plan approvals and provide copies to the Town of Lincoln and submit infill addition to same third party review as the rest of the building.



Note: Site plan approval was granted for twenty-four months from the date of approval, May 14, 2014. If construction has not commenced twenty-four months from this date the applicant must re-file for an extension prior to expiration date of May 13, 2016.

Dated: May 29, 2014

  
James Spanos, Acting Chair of Planning Board

Notice: This Notice of Decision has been placed on file and made available for public inspection in the records of the Planning Office on May 21, 2013. Any persons aggrieved by this decision of the Planning Board is referred to NH RSA 677:15, which sets forth the appeal procedure. Copies of this notice have been distributed on May 29, 2014 to:

- Applicant: William Davidson, P.E., of Hoyle, Tanner & Associates, Inc., of Pease International Tradeport, 100 International Drive, Suite 360, Portsmouth, NH 03801, agent acting on behalf of applicant Dennis M. Ducharme, RRP (Registered Resort Professional), President of Inn Seasons Resorts [212 Mid Tech Drive, West Yarmouth, MA 02673]
- Board of Selectmen
- Town Clerk
- Tax Assessor
- Posted at Town Offices on May 29, 2014
- Posted at Post Office on May 29, 2014

## **677:15 Court Review**

Last revised 1983

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the planning board voted to approve or disapprove the application, in accordance with RSA 21:35.

II. Upon presentation of such petition, the court may allow a certiorari order directed to the planning board to review such decision and shall prescribe therein the time within which return thereto shall be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from. The planning board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such order. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

III. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to



the court with the referee's findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

IV. The court shall give any hearing under this section priority on the court calendar.

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

#### **Revisions**

1983, 447:1. 1991, 231:14. 1995, 243:7, 8. 2000, 144:4. 2005, 105:2, eff. Aug. 14, 2005. 2009, 266:4, eff. Sept. 14, 2009.



**TOWN OF LINCOLN, NH**  
Planning & Zoning Department  
PO Box 25  
Lincoln, NH 03251-0025

Phone: 603-745-2757  
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Web: [www.lincolnnh.org](http://www.lincolnnh.org)

May 21, 2014

## NOTICE OF DECISION

**RE: Site Plan Approval for Change of Use from a residential duplex to mixed use with home business woodworking/locksmith shop with sign in front with a residence in back.**

**Property:** (Tax Map 118 Lot 066) (11 Maple Street) in the Village Center (V.C.) District

**Applicant:**

Applicant Denis Desmarais on behalf of Denis E. Desmarais, Trustee of the Denis E. Desmarais Revocable Trust of 2012, 11 Maple Street, PO Box 711, Lincoln, NH 03251-0711

**Property Owner:**

Denis E. Desmarais, Trustee of the Denis E. Desmarais Revocable Trust of 2012, 11 Maple Street, PO Box 711, Lincoln, NH 03251-0711

**Project Name:** Denis Desmarais

**Project:** Applicant submitted an Application for a Site Plan Review for a **Change of Use to change the use of a residential duplex to a mixed use** (residential and home business) and with a woodworking/ locksmith shop with signage downstairs in front, a residence in back and an apartment upstairs, in accordance with Article V of the Lincoln Site Plan Review Regulations and Article V, Section G & Article VI,B,2 of the Land Use Plan Ordinance. The following representations were made by Desmarais:

- No changes to the exterior of the building or to exterior lighting of the building.
- The new sign will not interfere with municipal snow plowing.
- There will be no show room.
- Equipment will be kept inside.
- No new parking will be constructed.
- The present curb cut will be used for deliveries.
- The business will operate during the day during normal business hours including truck deliveries.

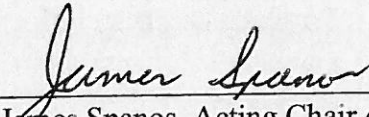
The change in use was **APPROVED** by vote of the Lincoln Planning Board on May 14, 2014.

**The following is an administrative condition subsequent, to be met prior to issuance of a Land Use Permit:**

1. The applicant shall obtain all applicable State and Federal permits and plan approvals and provide copies to the Town of Lincoln.

Note: Site plan approval was granted for **twenty-four months** from the date of approval, May 14, 2014. If construction has not commenced twenty-four months from this date the applicant must re-file for an extension prior to expiration date of May 13, 2016.

Dated: May 29, 2014

  
James Spanos, Acting Chair of Planning Board

Notice: This Notice of Decision has been placed on file and made available for public inspection in the records of the Planning Office on May 21, 2013. Any persons aggrieved by this decision of the Planning Board is referred to NH RSA 677:15, which sets forth the appeal procedure. Copies of this notice have been distributed on May 29, 2014 to:

- Applicant/Property Owner: Denis Desmarais on behalf of Denis E. Desmarais, Trustee of the Denis E. Desmarais Revocable Trust of 2012, 11 Maple Street, PO Box 711, Lincoln, NH 03251-0711
- Board of Selectmen
- Town Clerk
- Tax Assessor
- Posted at Town Offices on May 29, 2014
- Posted at Post Office on May 29, 2014

## **677:15 Court Review**

Last revised 1983

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the planning board voted to approve or disapprove the application, in accordance with RSA 21:35.

II. Upon presentation of such petition, the court may allow a certiorari order directed to the planning board to review such decision and shall prescribe therein the time within which return thereto shall be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from. The planning board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such order. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

III. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the referee's findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.



IV. The court shall give any hearing under this section priority on the court calendar.

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

#### **Revisions**

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May 29, 2014

## NOTICE OF DECISION

**RE:** (SPR 2014-04) Site Plan Approval for Change/Expansion of Use.

**Property:** (Tax Map 117, Lot 119), 278 Main Street in the General Use (G.U.) District

**Applicant:**

Applicant Larry ("Chopper") Hartle, Jr., d/b/a Pemi Valley Moose Tours, PO Box 216, Lincoln, NH 03251-0216

**Property Owner:**

David Rodgers (d/b/a Mothership) at 278 Main Street (Tax Map 117, Lot 119), PO Box 68, Lincoln, NH 03251-0068

**Project Name:** Pemi Valley Moose Tours using the Mothership during off season for skiing

**Project:** Applicant Applicant Larry ("Chopper") Hartle, Jr., d/b/a Pemi Valley Moose Tours, submitted an application requesting Site Plan Approval for a Change/Expansion of Use for property owned by David Rodgers (d/b/a Mothership) at 278 Main Street (Tax Map 117, Lot 119), in accordance with Article V of the Lincoln Site Plan Review Regulations and Article VI,B,2 of the Land Use Plan Ordinance. Presently the Mothership sells snowboarding and ski equipment. Mothership is busy during the ski season. Hartle proposed using the Mothership building and parking lot to operate Pemi Valley Moose Tours during the spring through the fall months when skiing/snowboarding is not in season. The following representations were made by Hartle:

- He will not be parking cars on Main Street.
- He will be using only the approximately 14 parking spaces at the "Mothership" snowboard shop location
- The bus only holds forty-five passengers, and most passengers carpool.
- He will take the "Mothership" banner down and put the "Moose Tours" banner sign up when his business is operating.
- The Moose Tours sign will come down at the end of the season when the Mothership snowboard shop will open again.
- The office opens at approximately 12 noon until the tour bus departs each evening. The tour bus leaves in early evening and returns in late evening.

The change in use was **APPROVED** by vote of the Lincoln Planning Board on May 14, 2014.

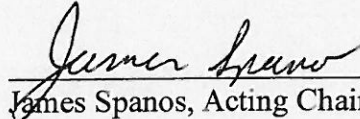


**The following is an administrative condition subsequent, to be met prior to issuance of any Land Use Permit:**

- 1. The applicant shall obtain all applicable State and Federal permits and plan approvals and provide copies to the Town of Lincoln.**

**Note: Site plan approval was granted for twenty-four months from the date of approval, May 14, 2014. If construction has not commenced twenty-four months from this date the applicant must re-file for an extension prior to expiration date of May 13, 2016.**

Dated: May 29, 2014

  
James Spanos, Acting Chair of Planning Board

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