



PLANNING & ZONING  
DEPARTMENT

PLANNING BOARD AGENDA  
PLANNING BOARD MONTHLY MEETING  
Wednesday, December 8, 2021 – 6:00 PM  
Planning Board Public Meeting  
Lincoln Town Hall, 148 Main Street, Lincoln NH

This hybrid meeting will be available both in person with social distancing & masks & via the 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 between 8 & 12 guests in addition to the Board members, due to the increase in COVID-19 cases, the public is encouraged to participate remotely using ZOOM.

Join Zoom Meeting

<https://us02web.zoom.us/j/81792963078?pwd=SzA0RWpnUEcvV0w2YTUzL29wdE5Odz09>

Meeting ID: 817 9296 3078

Passcode: 890619

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

(See also town website [www.lincolnnh.org](http://www.lincolnnh.org) for the same link, meeting ID and passcode.)

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

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II. CONSIDERATION of meeting minutes from:

• November 10, 2021

- Chair James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative O.J. Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Mark Ehrman.

• November 23, 2021

- Chair James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative O.J. Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Mark Ehrman.

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

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A. General Discussion re: What to Propose for Changes to Land Use Plan Ordinance (LUPO) including, but not limited to:

1. Add to definitions:
  - a. Manufactured Mobile Home Park
  - b. Campground
2. Whether to modify Article III.C.3 expressly states: “A non-conforming use may not be expanded, except upon a finding by the Board of Selectmen or their designee that (a) the expansion reflects the nature and purpose of the existing non-conforming use so as not to constitute a different use and(b) the expansion will not have a different or detrimental impact on the neighborhood in which the use is located.
3. Whether to Modify the Sign Ordinance portion of the LUPO to make it “Content Neutral”:
  - a. To comply with US Supreme Court case Reed v. Gilbert, 135 S. Ct. 2218 (2015)

- b. Whether the Town wants to impose the size restrictions in the “Free Standing Sign” section of the sign regulations on an “Off-Premises Sign,” because the Free-Standing Sign section regulates the size of Free-Standing Signs on the business lot when the sign proposed is not on the business lot, it’s “Off-Premises.” If the Town wants the size regulations contained in the Free-Standing Sign section to apply to an Off-Premises Sign, then the Off-Premises Sign section should be amended to incorporate those size limits. That would eliminate this dispute in the future.

**B. General Discussion re: What to Propose for Changes to Stormwater Management Ordinance, including, but not limited to:**

- a. Define “Area of Disturbance”
- b. Change “A temporary disturbance may be excluded from the calculation for the area of disturbance as long as the area of temporary disturbance
  - i. (a) can be restored to its original pre-development condition ~~within a specified time period~~ and can be stabilized within seven (7) days.
  - ii. (b) not result in the offsite erosion with sedimentation”.

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**IV. NEW BUSINESS.**

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**A. Mark Stiles d/b/a Flow State, LLC & It’s An I-M, LLC – New Conceptual**

**Applicant:** Attorney Mark D. Stiles, Trustee  
 S&A Offices Realty Trust  
 PO Box 1113  
 North Marshfield, MA 02059

**Current Property Owners:**

- (1) Attorney Mark D. Stiles d/b/a Flow State, LLC      now owns 155 Main Street (Map 118, lot 065)  
 PO Box 1113  
 North Marshfield, MA 02059-1113
- (2) Attorney Mark D. Stiles d/b/a It’s An I-M, LLC      now owns 153 Main Street (Map 118, Lot 064)  
 PO Box 1113  
 North Marshfield, MA 02059-1113

**Agent/Surveyor/Engineer:** Applicant/now owner & former property owners were represented by agent.

Joshua M. McAllister, PE  
 HEB Engineers, Inc.  
 2605 White Mountain Hwy  
 North Conway, NH 03860

**Property:** (1) 155 Main Street (Map 118, lot 065), Lincoln, New Hampshire  
 (2) 153 Main Street (Map 118, Lot 064), Lincoln New Hampshire  
 Both properties are located in the Village Center (VC) Zoning District.

**Initial Project:**

The initial Site Plan Review project includes:

1. Voluntary merger of two (2) adjacent lots,
2. Demolition of two (2) buildings (one on each of the adjacent lots); and
3. Replacing the two (2) buildings with the construction of a three thousand-five-hundred-eighty-six square foot (3,586 SF) multi-use building consisting of:
  - a. Retail and residential uses:
    - i. Three (3) commercial units totaling two-thousand-four-hundred-sixty square feet (2,460 SF) are proposed on the ground level;
    - ii. Three (3) apartment units on 2<sup>nd</sup> level; and
    - iii. Three (3) apartment units on 3<sup>rd</sup> floor.

**History:**

On January 13, 2021, after duly noticed public hearings, the Planning Board voted:

**A. "To waive the density requirements for this project." (4-1).**

**Rationale:** The Town's Master Plan states, "The Town's Zoning Ordinance should provide for some flexibility and design for residential units and mixed use in established commercial areas particularly in the Village District." The Town's LUPO allows for flexibility in density as long as a project meets all of the other zoning requirements. All other zoning requirements are met.

**AND**

**B. Voted TO APPROVE application for Site Plan Review Approval to merge two adjacent lots, demolish two buildings and replace buildings with one proposed multi-use building WITH THE FOLLOWING CONDITIONS:**

1. **Demonstrate they have sufficient water and sewer infrastructure to the satisfaction of Town Engineer Ray Korber;**
2. **Remove the snow from the parking lot within 48 hours of a storm;**
3. **A stormwater management plan approved by the Town Engineer Raymond Korber; and**
4. **Roof runoff mitigation plan approved by Town Engineer Raymond Korber.**

**Request for an Extension Granted:**

On October 27, 2021 the Planning Board granted an extension to January 13, 2023.

**Rationale:**

Applicant Stiles' Site Plan Review approval was in effect until January 13, 2022, but he wanted to extend his approval out another year and possibly change the plan in the interim. Applicant Stiles requested an extension to allow him to analyze of the approved project as lumber costs come down and the supply chain loosens up. (Problems caused by the COVID-19 pandemic.)

**Interim Project Does Not Require Site Plan Review Approval:**

Applicant Stiles developed an “Interim Plan” to downsize the approved project by putting a residential unit on the second floor of 155 Main St. to help stabilize the building and to “keep things moving in the right direction”. He asked the Planning Board if he needed Site Plan Review approval to go forward with his “Interim Plan”.

Planning Board determined:

1. The proposed “interim use” for 155 Main Street would not cause any parking issues and is a much less intensive use than the proposed new larger building’s mixed use with Site Plan Review approval.
2. The proposed interim project has less living space, less square footage, less runoff problems, less parking requirements, and no change in the setback areas than the approved project.
3. Applicant Stiles shall come in once a year for an extension of the Site Plan Review approval.
4. If Applicant Stiles changes his mind about the type of project he wants to do, he shall come in for a modification of the Site Plan Review plan.
5. In the meantime, Applicant Stiles has permission to use the existing building for (1) Business Use of “Retail, Consumer Service, ... or other business nonindustrial use which does not qualify as a Home Business” on the first floor and (2) A residential apartment on the second floor.
6. Applicant Stiles does not need to come back for a second Site Plan Review approval for the proposed interim use, but would require a Land Use Authorization Permit to add bedrooms and fixtures that use water and sewer services.
7. At this time the property of 153 Main Street will be left as it is right now.

**Decision:**

On October 27, 2021 at the Applicant’s request, the Planning Board voted to grant an extension to January 13, 2023.

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**B. Kamlesh Patel – Request for an Extension due to delays caused by COVID-19**

**Fairfield Inn: Case #SPR 2018-07 M122 L001 – Kamlesh Patel d/b/a Green Wood, LLC**

**Applicant/Engineer:** Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 agent for property owner Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102. Thomas Greer retired and William Walsh, P.E., of Walsh Engineering Associates, Inc., One Karen Drive Suite 2A, Westbrook ME 04092 is the successor Applicant.

**Property Owner:** Kamlesh Patel d/b/a Green Wood, LLC, 1150 Brighton Avenue, Portland, ME 04102

**Property:** Pollard Road #LO (Map 122, Lot 001) northeast of the intersection of Forest Ridge Drive and NH Route 112 (Kancamagus Highway). The property is located in the General Use (GU) District.

**Proposed Project:**

Application of Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc, for:  
Requesting Site Plan Review approval to change the use of one vacant lot of 6.35 acres and to make site improvements to include a 96-unit hotel and 5-unit condominium residential structure with parking for 121 cars for a total of 95,390 square feet of impervious surface. The project includes a gravel wetland for stormwater treatment & two infiltration systems to limit the total volume of runoff.

**APPROVAL GRANTED WITH CONDITIONS:**

On July 22, 2020, the Planning Board **GRANTED** the Application for Site Plan Review for the above-referenced project with the **FOLLOWING CONDITIONS:**

1. The Owner/Applicant shall provide a Mylar with three full sets of plans with all updates to the Town;
2. The Owner/Applicant shall relocate the cross walk closer to the intersection with NH Route 112/Kancamagus Highway to connect the two ends of the bike/pedestrian pathways on either side of Forest Ridge Drive. The Owner/Applicant shall provide written approval by the NHDOT regarding the crosswalk.
3. The Owner/Applicant shall submit all necessary information and documentation on the proposed fire protection system as required by the Town. Information may include but not be limited to: a basis of design report describing the design and operations of the system, calculations, plans and details. System shall meet all Town and NFPA codes and requirements. Information and documentation shall be prepared by a fire protection engineer licensed in the State of New Hampshire. Fire suppression system shall be reviewed and approved by the Town and the NH State Fire Marshalls Office.
4. The Owner/Applicant shall provide information to the Town and the Town's Engineer to verify the sewer capacity of the Main Street sewer. Information shall be as required by the Town's Engineer. Sewer capacity shall be sufficient to accept flows from the proposed development.
5. The Owner/Applicant shall provide performance bonding which is payable to the Town for all on-site improvements (i.e., the construction, drainage and all associated site development work, including all of the utilities, stormwater, and grading), in order to ensure that the Owner/Applicant will complete all site work in accordance with the plans. In the event the bond is called by the Town, the Planning Board shall schedule and hold a public hearing to consider revocation of the Site Plan Approval per RSA 676:4-a. No further work may proceed on site, and no further Land Use Authorization Permits shall issue without Planning Board approval in the event the bond is called and the above-referenced revocation proceedings are initiated. The amount of the bond shall be based on the Owner/Applicant's engineer's estimate of \$1,700,000.00 construction costs for the project which includes a 15% contingency. The applicant can request release of the bond once all conditions have been met from the Planning Board.

**Statutory Vesting (RSA 674:39)**

The provisions of RSA 674:39 protect approved and recorded subdivision and site plans from subsequent changes in planning board regulations and zoning ordinances. They also protect municipalities from having development that is based on outdated regulations and ordinances, or from development work that has dragged on for years in a less-than-half completed state.

In the first instance, every approved and recorded subdivision or site plan is exempt from all subsequent changes in subdivision and site plan regulations and zoning ordinances for a period of five years after the date of approval (except those regulations and ordinances that expressly protect public health, such as water quality and sewage treatment), provided that:

- Active and substantial development has begun in accordance with the approved plat within 24 months after the date of approval;
- Development remains in full compliance with public health regulations;
- The subdivision plat or site plan conforms to the planning board’s regulations in effect at the time of approval.

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**V. 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.

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**VI. ADJOURNMENT**