

PLANNING & ZONING
DEPARTMENT

PLANNING BOARD AGENDA **REVISED**
PLANNING BOARD MONTHLY MEETING
PUBLIC HEARING

Wednesday, February 23, 2022 – 6:00 PM

Planning Board Public Meeting

*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, 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/89529825602?pwd=Z2gwdEtCMjVwR1VpYVhDTsSrWWNVQT09>

Meeting ID: 895 2982 5602

Passcode: 722936

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

II. CONSIDERATION of meeting minutes from:

• December 8, 2021

- o Chairman Spanos, Selectmen’s Representative O.J. Robinson, Member Paul Beaudin, Member Stephen Noseworthy, Alternate Member Mark Ehrman (seated for Vice Chairman Chenard)

• January 26, 2022

- o Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative Jack Daly, (substituting for Selectmen’s Representative OJ Robinson), Member Stephen Noseworthy, Member Paul Beaudin.

• February 9, 2022

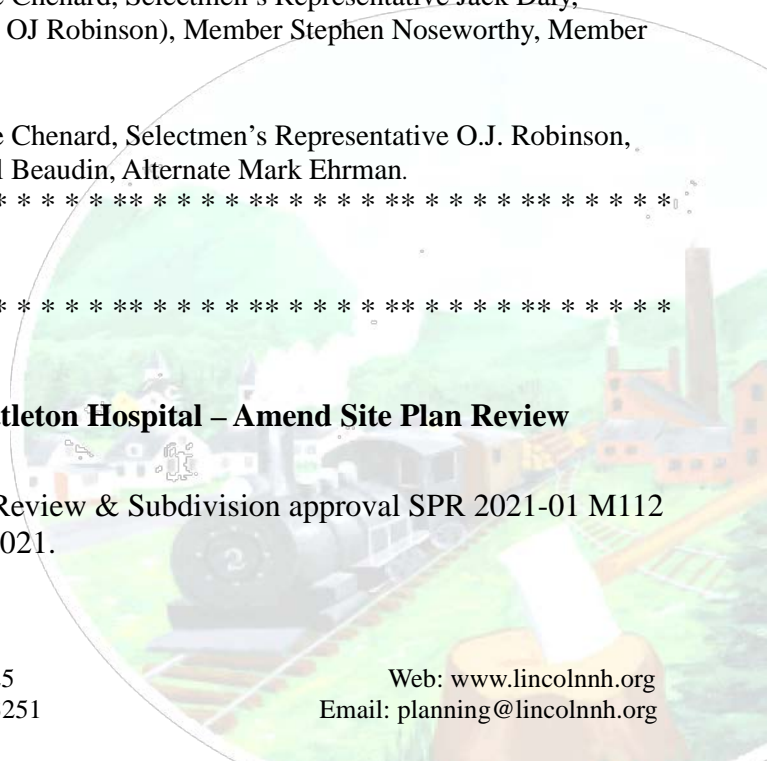
- o Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen’s Representative O.J. Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Mark Ehrman.

III. OLD BUSINESS

IV. NEW BUSINESS

A. 6:00 PM SPR 2021-01 M112 L018 Clark - Littleton Hospital – Amend Site Plan Review Approval

Request to amend the conditions of a Site Plan Review & Subdivision approval SPR 2021-01 M112 L018 Clark - Littleton Hospital dated May 12, 2021.



Original Applicants:

- (1) Littleton Development Medical Properties, Inc. 800 W. Madison Street, Suite 400 Chicago, IL 60607; &
- (2) Littleton Hospital Association d/b/a Littleton Regional Hospital 600 St. Johnsbury Road Littleton NH 03561

Original Property Owners granted approval:

Brenda Clark, Benjamin Clark, Jennifer Franz PO Box 9 Lincoln, NH 03251-0009

Subsequent Owner/Applicant:

- (1) Littleton Hospital Association d/b/a Littleton Regional Hospital 600 St. Johnsbury Road Littleton NH 03561

Agent/Surveyor/Engineer: Cathy Furtek Conway, P.E. Horizons Engineering, Inc. 34 School Street Littleton, NH 03561

Property: Railroad Street #LO (Map 112, Lot 018). General Use (GU) District.

SUBDIVISION: Divided 1 lot into 2 lots at the end of Railroad Street (50ft Private ROW). Lot was 5.51 acres. Applicant subdivided it into two (2) parcels: A. Lot 1: 33,867 SF (or 0.77 Ac); & B. Lot 2: 206,369 SF (or 4.74 Ac) One new lot was to be created. Improvements to these lots, extension of municipal water & sewer lines & extension of utilities were required. The plan included shared access easements to Lots 1 and 2. Final subdivision has been approved but not completed yet.

SITE PLAN REVIEW:

Phase I: Lot 1 (above) 33,867 SF (or 0.77 Ac): Development of 4,000 SF Medical Office Building with associated parking on Lot 1; &

Phase II: Lot 2 (above) 206,369 SF (or 4.74 Ac): Development of 48,000 SF Medical Office Building with associated parking on Lot 2.

On May 12, 2021, Subdivision and Site Plan Review Approval were granted (SPR with seven (7) conditions).

Condition 1 was “Applicant shall obtain all necessary State and Town permits and approvals.”

Condition 4 was “Applicants shall pay all engineering and construction costs related to obtaining and complying with NH DOT requirements with the exception of any resurfacing of the town portion of Railroad Street that is considered ordinary maintenance.”

Applicant constructed the Urgent Care building described as Phase I with a Land Use Permit, however, still lacks the NH DOT Driveway Permit. Because approximately the first 130 feet of Railroad Street is a Town Road, the Town is required to be the applicant for the NH DOT Driveway Permit. However, the current Applicant/Property Owner is required to work out the details with the NH DOT. Applicant is still working on it.

Applicant is requesting the Planning Board to amend the Site Plan Review conditions to allow the facility to be granted a Land Use Compliance Certificate and to operate prior to obtaining the NH DOT Driveway Permit per the State Governor’s request that they operate to provide COVID related services.

B. 6:00 PM VOLUNTARY LOT MERGER #1

Samuel W. Brooks & Laura A. Coleman, of 9 Kassala Road, London, SW11 4HN own two (2) adjacent lots in the “**The Landing at Loon Mountain**” development with the address of:

1. 8 Back Forty Road (Map 132, Lot 054) (0.73 Acres); and
2. 6 Back Forty Road (Map 132, Lot 055) (0.86 Acres)

For a combined total of 1.59 Acres.

C. 6:00 PM VOLUNTARY LOT MERGER #2

Joseph (Joe) E. Lynch d/b/a Loon Landing Development, LLC, 14 Montalcino Way, Salem, NH 03079 or 1 Connector Road, Andover, MA 01810:

1. 12 Back Forty Road (Map 132, Lot 052) (a/k/a “RR58”) 0.65 Acres;
2. 14 Back Forty Road (Map 132, Lot 051) (a/k/a “RR57”) 0.57 Acres; and
3. 16 Back Forty Road (Map 132, Lot 050) (a/k/a “RR56”) 0.60 Acres.

For a combined total of 1.832 Acres or 79,798.57 SF* per survey submitted by Applicant.

D. 6:00 PM VOLUNTARY LOT MERGER #3

Joseph (Joe) E. Lynch d/b/a Loon Landing Development, LLC, 14 Montalcino Way, Salem, NH 03079 or 1 Connector Road, Andover, MA 01810:

1. 15 Back Forty Road (Map 132, Lot 036) (a/k/a “RR42”) 0.56 Acres; and
2. 17 Back Forty Road (Map 132, Lot 037) (a/k/a “RR43”) 0.53 Acres.

For a combined total of 1.09 Acres or 47,480.4 SF.

E. 6:00 PM NEW CONCEPTUAL #1

Ethan J. Conley (& McManus), 43 Forrest Street, Plaistow, NH, 3865-2608 (Map 114, Lot 049) Development of a Lot on Mansion Hill #LO Map 114, Lot 049 (16.7 Acres) in Rural Residential (RR) District

1. **Adjustment to Acreage:** Reminder: Subtract from 16.7 Acres any year-round stream or water body. (See Article XI District and District Regulations, Section B District Regulations, Paragraph 4 Lot and Lot Coverage Requirements and Standards, Subparagraph a says “The area of any year-round stream or water body shall not be included in determining compliance with minimum lot size under this Section.”)

F. 6:00 PM NEW CONCEPTUAL #2

MARK STILES, Trustee of S&A Offices Realty Trust, and d/b/a “Flow State, LLC”, and d/b/a “It’s An I-M, LLC”.

1. **Attorney Mark Stiles**, nonresident, (APPLICANT) d/b/a Mark Stiles Trustee, S&A Offices Realty Trust, PO Box 1113, North Marshfield, MA 02059. Owner of:
 - a. 155 Main Street (Map 118, lot 065)
Mark Stiles d/b/a Flow State, LLC
PO Box 1113
North Marshfield, MA 02059

- b. 153 Main Street (Map 118, Lot 064)
Mark Stiles d/b/a It's An I-M, LLC
PO Box 1113
North Marshfield, MA 02059.

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 included:

1. Voluntary merger of two (2) adjacent lots,
2. Demolition of two (2) buildings (one on each of the adjacent lots); and
3. Replace 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 2nd level; and
 - iii. Three (3) apartment units on 3rd floor.

Prior Approvals:

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. 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.

#1 Proposed Interim Project Did Not Require Site Plan Review Approval:

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.)

December 8, 2021, 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.

#2 New Proposal for Tap Room in 155 Main Street:

Applicant Stiles is coming in for another conceptual.

C. 6:00 PM NEW CONCEPTUAL #3 "The Rapids" (25.24 Acres – CU)

Weston (Wes) O. Graves, Jr. and Russell Cooley d/b/a Lincoln South Mountain Partners, LLC, 39 Fieldstone Lane, Candia, NH 03034 are Applicants for a Conceptual – requesting an extension of 2007 Site Plan Review approvals for "The Rapids" and requesting approval to adjust the location of a few of the proposed buildings to accommodate the easement that was part of a 2018 agreement with the Town Board of Selectmen.

On November 14, 2007, the Planning Board approved a Site Plan Review Plan for a 78-unit resort residential subdivision development on 25 acres of land for property located at former Tax Map 16, Lot 310 (current Map 118 Lot 003 titled "the Rapids at South Mountain" with conditions with a plan created by Horizons Engineering, PLLC, dated May 2007, titled "Lincoln South Mountain Partners, LLC The Rapids at South Mountain Lincoln, New Hampshire Presentation Plan".

On February 28, 2018 the Town of Lincoln by and through its Town Manager signed an agreement with Lincoln South Mountain Partners, LLC.

Per Graves, the reason it took 15 years and then 4 years after signing the 2018 agreement for Lincoln South Mountain Partners to re-apply is because they had to wait for the failed levee/dike on East Branch Pemigewasset River to be rebuilt.

The rebuild of the levee/dike was completed and certified in 2021.

Lincoln South Mountain Partners, LLC is requesting:

- Planning Board restore their Site Plan Approval for 78 duplex units.
- Planning Board to change the date of the town's approval from 2005 to 2022.
- Planning Board determine that the proposed changes to the previously approved site plan are *de minimis* and are necessary to reflect the 2018 agreement.

D. 6:00 PM NEW CONCEPTUAL #4

Kamlesh Patel d/b/a Green Wood, LLC (formerly the Lincoln Hotel/Fairfield, now the Home2 Suites Hilton Hotel)

6:00 PM Application for Site Plan Review Approval – Kamlesh Patel by and through his Applicant/Engineer received Site Plan Review approval for a hotel on July 22, 2020.

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.

Approved Project:

Thomas S. Greer, P.E., of Walsh Engineering Associates, Inc, for Kamlesh Patel d/b/a Green Wood, LLC received 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 included a gravel wetland for stormwater treatment & two infiltration systems to limit the total volume of runoff.

Status:

On July 22, 2020 Planning Board approved the Application for Site Plan Review 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.
3. The Owner/Applicant shall provide onsite water storage for fire suppression.

4. The Owner/Applicant shall provide to the Town and the Town's Engineer the sewer capacity final review to verify that the slope and capacity of the sewer line are sufficient for the project.
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."

Waste Water Treatment Capacity

On 2021-06-23 Town Engineer Korber reported to the Planning Board regarding current waste water and water capacity. His bottom-line assessment of the water and waste water capacity was there was sufficient waste water capacity to accommodate current demand plus the demand that is expected from a full buildout for vested developments at the waste water treatment plant and the interceptors that are leading into the waste water plant. However, a segment of the collection system has to be upgraded between the Fairfield Inn and the waste water treatment plant before the Fairfield Inn can make a sewer connection. This was determined after the engineers for Kamlesh Patel d/b/a Fairfield Inn did a capacity analysis for the Fairfield Inn development using the Weston & Sampson, Inc., Water Model.

Extension:

On December 8, 2021, Applicant Kamlesh Patel requested and was granted an extension due to the increase cost of building materials due to Covid-19 to August 5, 2023.

New Conceptual:

Applicant Kamlesh Patel has changed his flagship from the Fairfield Inn to Home2 Suites by Hilton. The new flagship has different requirements requiring some changes.

Applicant Kamlesh Patel is coming before the Planning Board to discuss those proposed changes as required by the new flagship and for the Planning Board to determine:

- The proposed changes to the previously approved site plan are *de minimis*;
- The proposed changes are acceptable to the Planning Board.

III. 6:00 PM CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

A. Discussion about what triggers the need for a Stormwater Management Plan.

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.

VI. ADJOURNMENT