



REVISED PLANNING BOARD AGENDA
PLANNING BOARD MEETING & PUBLIC HEARING

Wednesday, January 8, 2020 – 6:00 PM

Planning Board Public Meeting

Lincoln Town Hall, 148 Main Street, Lincoln NH

- 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 11, 2019 (Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Mark Ehrman, Alternate Paul Beaudin, and Alternate Deanne Chrystal)
- III. **CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

A. 6:00 PM Review of Legal Advice re: Conceptual:

Applicants & Business Owners/Operators of the business known as “Lincoln Nail Salon” and tenants of 31 Main Street (Map 112, Lot 027):

Morgan Cramer & Minh (a/k/a “Megan”) Nguyen
59 Main Street, PO Box 1484
Lincoln, NH 03251-1484

Property Owner:

Herbert J. Lahout
64 Sunset Hill Road
Sugar Hill, NH 03586

Property Location: Tax Map 112, Lot 27 (31 Main Street)
(Village Center District)

Proposal:

Morgan Cramer and Minh Nguyen would like to change the use of the rear portion of the building currently used as a customer service/retail use (i.e., a Nail Salon) into a residential use – a residential 2-bedroom, 1-bathroom apartment – so they can live behind the Nail Salon. The building is currently subject to a Site Plan Review approval from 2014. Do the new renters need Site Plan Review approval to convert retail space to residential space? Is this a “material change” or can Site Plan Review approval requirement be waived?

On December 11, 2019, Planner was asked to get legal advice about whether Nguyen could live in the back of the Nail Salon as a matter of right and to report back to the January 8, 2020 Planning Board meeting.

IV. **NEW BUSINESS**

- A. **State Fire Marshal's Code for Occupancy Standards:** To be explained/reviewed by Fire Chief Ron Beard.

B. Short Term Rentals:

1. Should the Planning Board regulate or register Short Term Rentals? If so, to what extent? Should the Planning Board try to propose something for the March annual Town Meeting? If so, what? Potential Matters to be addressed: Whether to treat Short Term Rentals as a Commercial/Business Use per the NH Supreme Court case, Registration (e.g., Identify a contact person for each unit), Life-Safety Inspections, Occupant Safety, Fire Safety Protocols, Noise Ordinance, and Disability Accessibility.

C. Revise Definition of Boarding House or Rooming House:

1. Should the Planning Board change the definition of Boarding House or Rooming House so that it does not include a requirement that the building be owner-occupied. Should the Planning Board clearly define what a “transient” is?
 - i. **Current Definition of Boarding or Rooming House:** A building or premises, other than a hotel, inn, motel, or Bed and Breakfast, where rooms are let which are used primarily for sleeping and toiletry; for not less than three (3) persons and not more than twelve (12) persons (not including the property owner and their immediate family) provided that the house is also occupied as an owner-occupied private residence; not open to transient guests; in contradistinction to hotels and restaurants, which are open to transients. A Boarding or Rooming House is a business use and requires Site Plan Review approval with a conditional use permit.

D. Vote to recommend or not recommend the Petition for Town Meeting Article to be Placed on Warrant “To see if the Board of Selectmen will convey the town owned land on Arthur Salem Way, in the Lincoln Industrial Park known as Lot #4 to O’Connell Builders, LLC?”

E. CONCEPTUAL:

1. **Property Owner:** Hermann Pfeuti d/b/a HGP Holdings, LLC
PO Box 114
Lincoln, NH 03251-01214
2. **Property Location:** Tax Map 117, Lot 120000-01-00003 (264 Main Street Unit 3)
3. **Zoning District:** General Use (GU) District
4. **Proposal:**

Hermann Pfeuti, d/b/a HGP Holdings, LLC, PO Box 114, Lincoln, NH 03251-0114, owns two business condominiums at The Depot, 264 Main Street in Building 1:

- Unit #4 (Tax Map 117, Lot 120000-01-00004) (264 Main Street Unit #10) and
- Unit #5 (Tax Map 117, Lot 120000-01-00005) (264 Main Street Unit #5).

Pfeuti owns and operates a restaurant by the name of **Black Mountain Burger Co** out of Units #4 and #5.

Pfeuti owns another business condominium Building 1, Unit #3, next door, (Tax Map 117, Lot 120-000-01-00003) that he uses to operate a gelato bar by the name of **Alotto Gelato** with related drinks and desserts with a small number of tables and chairs in the unit with a couple of benches outside.

Pfeuti d/b/a HGP Holdings, LLC, recently purchased a condominium unit formerly operated as a dental office located adjacent to his two units where he operates the Black Mountain Burger Co restaurant. He wants to expand his restaurant into the former dental office space using a portion of the space for additional storage for the restaurant, a portion of the space to expand the size of the waiting area for the restaurant and use the existing bathroom, and adding an extra sink. He wants to use small portion of the space to add two tables to his restaurant.

Does he need to come before the Planning Board for full Site Plan Review? Would he qualify for a waiver of Site Plan Review?

F. SIGN COMPLAINT

1. **Property Owner:** Linwood School District
72 Linwood Drive
Lincoln, NH 03251-4441
2. **Property Location:** Tax Map 113, Lot 077 (72 Linwood Drive)
3. **Zoning District:** Village Residential (VR) District and Village Center (VC) District –
Sign is in the Village Center (VC) District
4. **Proposal:**

SAU 68 Linwood School District Superintendent Judith McGann applied for and was granted a sign permit. The condition for granting the sign was that it was supposed to be a static display. The sign was installed and the display was not static. The school district was notified that it was not in compliance with its condition of approval. The school district responded that they are still learning about the sign and will make efforts to comply.

Discussion re: enforcement and whether to add a definition of static.

- 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

