



PLANNING & ZONING DEPARTMENT

PLANNING BOARD AGENDA

PLANNING BOARD 1ST MONTHLY MEETING & PUBLIC HEARING

Wednesday, April 10, 2024 – 6:00 PM

Planning Board Public Meeting

*Lincoln Town Hall, 148 Main Street, Lincoln NH

*Hybrid meeting available both in person & via Zoom Meeting Platform to allow for town wide participation. A quorum of Planning Board members must be physically present at the meeting. Although there is space in the large conference room for 8-12 guests in addition to the Board members, the public is welcome to participate remotely using ZOOM. Planning Board Meetings can be attended in-person at the Town Hall Building. Recordings of all Planning Board meetings can be found at www.youtube.com (Lincoln NH Planning Board Meeting 04-10-2024). Zoom access is for your convenience; use at your own risk. If any technical difficulties or if ZOOM should go down, the meeting will NOT be rescheduled.

Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

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** 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:

- **January 31, 2024 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joseph Chenard (arrived late), Selectmen's Representative OJ Robinson, Member Steve Noseworthy (who stepped down for Ludwig matter) and Member Paul Beaudin.

- **February 14, 2024 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black.

- **February 28, 2024 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black.

- **March 13, 2024 (Wednesday)**

- Chairman James Spanos, Selectmen's Representative OJ Robinson, Member Steve Noseworthy, Member Paul Beaudin and Member Danielle Black.

III. 6:00 PM NEW BUSINESS

- A. Nate Gianino – Conceptual – Owners of the Red Sleigh Inn (A “Contactless Boutique Inn”) currently has 6 rental rooms. They would like to add additional rental units.**

Property Owners: Red Sleigh Inn
owned and operated by
Danielle M. Gianino & Nate Gianino d/b/a
191 Pollard Rd, LLC
5 Lynn Street
Woburn, MA 01801

Property: 191 Pollard Road (Map 113, Lot 056)

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

A. NOTICE OF PUBLIC HEARING ON REQUEST FOR SUBDIVISION APPROVAL:

SUB 2024-01 M118 L039 Mark Bogosian d/b/a South Peak LLC – Modify 3 lots and create a total of 28 new lots referred to as “Phase IV” or “Upper Crooked Mountain Road Subdivision” or “Aspen Heights”.

SUBDIVISION:

Application for Subdivision was submitted to the Planning Board during a regular meeting on Wednesday February 14, 2024 at 6:00PM. The hearing was continued to Wednesday, March 13, 2024 at 6:00 PM. At the hearing on March 13, 2024, Applicant’s Engineer said additional adjustments were being made to the proposed plan so the hearing was continued again to Wednesday, April 10, 2024.

Applicant: Mark Bogosian
850 Main Street
Falmouth, MA NH 02540

Agent/Surveyor/Engineer: Andrew J. Nadeau, L.L.S.
Horizons Engineering, Inc.
34 School Street
Littleton, NH 03561

Property Owner: Mark Bogosian d/b/a
South Peak, LLC
850 Main Street
Falmouth, MA 02540

Properties are all within South Peak Resort and in the General Use (GU) District:

1. **Map 118, Lot 039** (South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC (38.94 Ac).
2. **Map 121, Lot 051** (Crooked Mountain Road #114) owned by Mark Bogosian d/b/a South Peak, LLC, (0.46 Ac).
3. **Map 118, Lot 039.25** (Crooked Mountain Road) owned by Mark Bogosian d/b/a South Peak, LLC, (0.45 Ac).
4. **Map 118, Lot 039.26** (Crooked Mountain Road) owned by Mark Bogosian d/b/a South Peak, LLC, (0.43 Ac).

Proposal: A total of twenty-eight (28) new lots will be created along new road frontage created by Upper Crooked Mountain Road. Three (3) existing lots along existing road frontage on Crooked Mountain Road will be adjusted along the new Upper Crooked Mountain Road. Infrastructure improvements to such as extension of municipal water & sewer lines & extension of utilities, grading and drainage system will be required.

Application for Subdivision proposes to divide portions of the lots listed above in one (1) subdivision of thirty-one (31) - lots:

1. **Map 118, Lot 039**
(South Peak Road) owned by Mark Bogosian d/b/a South Peak, LLC (38.94 Ac).
2. **Map 121, Lot 051**
(Crooked Mountain Road #114) owned by Mark Bogosian d/b/a South Peak, LLC, (0.46 Ac).
3. **Map 118, Lot 039.25**
(Crooked Mountain Road) owned by Mark Bogosian d/b/a South Peak. LLC, (0.45 Ac).
4. **Map 118, Lot 039.26**
(Crooked Mountain Road) owned by Mark Bogosian d/b/a South Peak, LLC, (0.43 Ac).

Three (3) existing lots adjusted on Crooked Mountain Road to be as follows:

1. **Map 121, Lot 051** (From 0.46 Ac to 0.74Acres.)
2. **Map 118, Lot 039.25** (From 0.45 Acres to 0.44 Acres.)
3. **Map 118, Lot 039.26** (From 0.43 Ac to 0.48 Acres.)

Twenty-eight (28) new lots created on Upper Crooked Mountain Road to be as follows:

1. **Map 118, Lot 039.27** (0.41 Acres)
2. **Map 118, Lot 039.28** (0.38 Acres)
3. **Map 118, Lot 039.29** (0.25 Acres)
4. **Map 118, Lot 039.30** (0.30 Acres)
5. **Map 118, Lot 039.31** (0.39 Acres)
6. **Map 118, Lot 039.32** (0.39 Acres)
7. **Map 118, Lot 039.33** (0.44 Acres)
8. **Map 118, Lot 039.34** (0.37 Acres)
9. **Map 118, Lot 039.35** (0.38 Acres)
10. **Map 118, Lot 039.36** (0.52 Acres)
11. **Map 118, Lot 039.37** (0.64 Acres)
12. **Map 118, Lot 039.38** (0.46 Acres)
13. **Map 118, Lot 039.39** (0.50 Acres)
14. **Map 118, Lot 039.40** (0.37 Acres)
15. **Map 118, Lot 039.41** (0.44 Acres)
16. **Map 118, Lot 039.42** (0.35 Acres)
17. **Map 118, Lot 039.43** (0.70 Acres)
18. **Map 118, Lot 039.44** (0.42 Acres)
19. **Map 118, Lot 039.45** (0.35 Acres)
20. **Map 118, Lot 039.46** (0.35 Acres)
21. **Map 118, Lot 039.47** (0.37 Acres)
22. **Map 118, Lot 039.48** (0.36 Acres)
23. **Map 118, Lot 039.49** (0.48 Acres)
24. **Map 118, Lot 039.50** (0.54 Acres)
25. **Map 118, Lot 039.51** (0.47 Acres)
26. **Map 118, Lot 039.52** (0.42 Acres)
27. **Map 118, Lot 039.53** (0.47Acres)
28. **Map 118, Lot 039.54** (0.37 Acres)

No revised plans have been received by the Planning Department since last hearing.

Upon finding application meets submission requirements of the Lincoln Subdivision Regulations, Board will vote to accept each application as “**complete**” & a public hearing on the merits of proposal will follow immediately. Should a decision not be reached at the public hearing, the applications will stay on the Planning Board agenda until such time as the applications are either approved or disapproved.

B. TWO (2) MAJOR SUBDIVISIONS (RELATED):

1. **SUB 2023-08 M114 L049.3 Ethan Conley agent for Kyle McManus d/b/a Coolidge Ridge, LLC – Major Subdivision dividing One Lot into 10 Lots: 4 lots for duplexes & 6 lots for Single Family Residences (SFR).**
2. **SUB 2023-09 M114 L049 Ethan Conley agent for Sean G. Conley d/b/a C2 Equity Partners, LLC d/b/a Lincoln Valley Development, LLC – Major Subdivision dividing One Lot into 18 lots: 17 lots for 17 Single Family Residences (SFR) and 1 lot for 1 Duplex.**

Two (2) Applications for Major Subdivisions were submitted. First part of hearing was held on Wednesday, January 10, 2024 at 6:00 PM. Hearing was continued to Wednesday February 14, 2024 at 6:00 PM, with additional notification to owners of additional “affected lots”. Continued hearing was held on Wednesday February 14, 2024 at 6:00 PM, with hearing continued to March 13, 2024 at 6:00 PM. Some revisions to the plan were made – see changes marked in “red” on the agenda. On March 13, 2024, the PB found application was “Complete”, triggering the 65-Day Approval/Disapproval Period. A public hearing on the merits of the proposal followed immediately. The hearing was not completed and was continued to April 10, 2023.

Should a decision not be reached at the public hearing, the applications will stay on the Planning Board agenda until such time as the applications are either approved or disapproved.

- A. Chair Spanos referenced 2 abutters’ letters submitted regarding the Mansion Hill Subdivisions. The letters will be read at the April 10, 2024 meeting.

1. Susan Doran, dated March 8, 2024
2. Frank Pasciuto, dated March 8, 2024

Two additional abutters’ letters received since last hearing,

3. Frank Pasciuto, dated March 15, 2024; and
4. John Gardener, dated March 23, 2024

1. **Application#1** for Major Subdivision of vacant land at the top of Mansion Hill & at termination of Mansion Hill Drive & Valley View Lane, dividing one lot into 10 lots: 4 lots for Duplexes & 6 lots for Single Family Residences (SFR).

Applicant/Property Owner: Kyle R. McManus d/b/a
d/b/a **Coolidge Ridge, LLC**
c/o Total Construction Solutions Co.
2 Mockingbird Lane
Kingston, NH 03848.

Applicant/Property Owner’s Agent: Ethan Conley
16 Kayla Avenue
Salem, NH 03079

Applicant’s surveyor: James M. Lavelle, LLS
2 Starwood Drive
Hampstead, NH 03841

Applicant's Engineer:

Keith Curran, P.E.
Bohler Engineering, Inc.
3 Executive Park Drive, Suite 202
Bedford, NH 03110

Property: Mansion Hill #LO (Map 114, Lot 049003-00-00000) (6.81 Acres) (Rural Residential (RR) District – (minimum lot size is 15,000 SF or 0.34 Acres)

REVISED Proposal: To create ~~10~~ **8** parcels for ~~4~~ **3** duplexes & ~~6~~ **5** Single Family Residences with access to the proposed developments to be provided from Mansion Hill Drive and Valley View Lane, depending on the location of the individual lots :

Lot 01 (0.48 0.82 Acres) Single Family Residence (SFR);	Lot 02 (0.55 0.86 Acres) Duplex SFR ;
Lot 03 (0.34 0.63 Acres) SFR;	Lot 04 (0.37 1.46 Acres) SFR;
Lot 05 (0.38 1.39 Acres) SFR;	Lot 06 (0.38 0.52 Acres) SFR Duplex ;
Lot 07 (0.38 0.57 Acres) SFR Duplex ;	Lot 08 (0.38 0.57 Acres) Duplex;
Lot 09 (0.38 Acres) Duplex;	Lot 10 (0.38 Acres) Duplex;

2. **Application#2 for Major Subdivision of land on Mansion Hill & at termination of White Birch Lane dividing one lot into 18 lots for 17 Single Family Residences (SFR) and 1 duplex.**

Applicant/Property Owner:

Sean G. Conley d/b/a
*C2 Equity Partners, LLC d/b/a
Lincoln Valley Development, LLC
7 Colchester Road
Windham, NH 03087

*C2 Equity Partners LLC's registered agent's name is:
Andrew L. Share, Esq.
Nixon Peabody, LLP
900 Elm Street
Manchester, NH 03101

Applicant/Property Owner's Agent:

Ethan Conley
16 Kayla Avenue
Salem, NH 03079

Applicant's surveyor:

James M. Lavelle, LLS
2 Starwood Drive
Hampstead, NH 03841

Applicant's Agent/Engineer:

Keith Curran, P.E.
Bohler Engineering, Inc.
3 Executive Park Drive, Suite 202
Bedford, NH 03110

Property: Mansion Hill #LO (Map 114, Lot 049) (10.11 Acres) (Rural Residential (RR) District – (minimum lot size is 15,000 SF or 0.34 Acres) the property includes an existing pump house building and associated wells.

REVISED Proposal: To create ~~18~~ **17** parcels, ~~17~~ **15** parcels for ~~17~~ **15** Single Family Residences and ~~1~~ **2** parcels for ~~a~~ **2** duplexes with access to the proposed developments to be provided from an extension of White Birch Lane:

Lot 11 09 (0.38 0.34 Acres) SFR;	Lot 12 10 (0.38 0.34 Acres) SFR;
Lot 13 11 (0.38 0.35 Acres) SFR;	Lot 14 12 (0.38 0.35 Acres) SFR;
Lot 15 13 (0.38 0.35 Acres) SFR;	Lot 16 14 (0.38 0.64 Acres) SFR;

Lot ~~17~~ **15** (~~0.38~~ **0.35** Acres) SFR;
Lot ~~19~~ **17** (~~0.38~~ **0.50** Acres) SFR;
Lot ~~21~~ **19** (~~0.38~~ **0.35** Acres) SFR;
Lot ~~23~~ **21** (~~0.38~~ **0.41** Acres) SFR;
Lot ~~25~~ **23** (~~0.38~~ **1.37** Acres) **SFR DUPLEX**;
Lot ~~27~~ **25** (~~0.38~~ **0.70** Acres) SFR;

Lot ~~18~~ **16** (~~0.38~~ **0.71** Acres) SFR;
Lot ~~20~~ **18** (~~0.38~~ **0.35** Acres) SFR;
Lot ~~22~~ **20** (~~0.38~~ **0.42** Acres) SFR;
Lot ~~24~~ **22** (~~0.38~~ **0.37** Acres) SFR;
Lot ~~26~~ **24** (~~0.38~~ **1.03** Acres) Duplex;
~~Lot 28 (0.38 Acres) SFR.~~

Road and Infrastructure: Also creating an extension to White Birch Lane with associated infrastructure.

Two Proposals Together: To create a total of ~~28~~ **25** parcels for 5 duplexes & ~~23~~ **20** Single Family Residences with access to the proposed developments to be provided from Mansion Hill Drive, White Birch Lane and Valley View Lane, depending on the location of the individual lots.

No revised plans have been received by the Planning Department since last hearing.

C. UPDATE RE: DRAINAGE PROBLEM BETWEEN RAYMOND BERGLUND, 11 SCHOOL STREET (MAP 113, LOT 098) AND JAYNE LUDWIG, 12 PLEASANT STREET (MAP 113, LOT 092) AND PLANS FOR SOLUTION FROM PLANNING BOARD MEETINGS OF JUNE 8, 2022 AND AUGUST 10, 2022.

On June 8, 2022 and then August 10, 2022, Raymond (Ray) Berglund, owner of 11 School Street, (Map 113, Lot 098) updated the Planning Board on the drainage issues between his property and the property of Jayne Ludwig at 12 Pleasant Street (Map 113, Lot 092).

Berglund planned to put a fence between 12 Pleasant Street and 11 School Street. His plan entailed creating a retaining wall in the rear of the 11 School Street property with an above ground drainage run off system to force water down to a dry well. He was going to add French drains as well. He was going to install fencing after the drainage problems are fixed and the fence would be seven (7) inches onto the property of 11 School Street which will still allow both properties to access their garages. He was to email the plans to Planner Bont. Mr. Berglund asked to have this matter put on the agenda for September, 2022.

On October 26, 2022, at the Planning Board meeting Jayne Ludwig asked the Planning Board to request a status update as nothing has been done to date. The parties attended the Planning Board on November 9, 2022, but the Board did not have a quorum. The parties were asked to come to the next meeting on November 22, 2022. On November 22, 2022, Mr. Berglund was unable to attend the meeting. The Planning Board agreed to notify both parties and let them know that the Planning Board will not take up this matter until they are both present for the meeting.

On Wednesday, January 24, 2024, Mr. Berglund was unable to attend the meeting due to illness. The Planning Board continued the matter to February 28, 2024.

On Thursday, January 25, 2024, Mr. Berglund indicated by email that this project is “first on the list” the moment they can do the work when the ground thaws. The project is “paid for” and “on the schedule”. Email was forwarded to the Planning Board members, Ms. Ludwig and Mr. Noseworthy.

On February 28, 2024, PB asked for “proof” project was “contracted for”, “paid for”, and “on the schedule”. On April 2, 2024, Mr. Berglund sent requested proof. Copies of the plans were sent to Town Engineer Korber for his review.

D. 2024-03-13 REQUEST FOR WAIVER OF STORMWATER MANAGEMENT ORDINANCE (SMO)

REQUEST FOR PLANNING BOARD CLARIFICATION BY STAFF – Definition of the Area of “Disturbance” per Stormwater Management Ordinance, per State Regulations and per every other

application that has come before PB and applied by staff includes areas disturbed that lay outside the subject lot.

Per the Stormwater Management Ordinance:

C. Disturbance – Means filling, grading, dredging, mining, excavation, construction, removal of topsoil, removal of stumps, stockpiling of earth material, or any other activity that results in a temporary or permanent change to the preexisting ground conditions or contours, or both.

- a. The Area of “Disturbance” includes “disturbance” on adjacent lots and in other areas, not just the areas within the subject lot.*
- b. Applicant’s Engineer disagrees with the definition in the ordinance and how the Town has been interpreting the definition for many years now and does not think this definition of “disturbance” should apply to any area other than that of the subject lot.*

a. Applicant’s Engineer reached out directly to Chair of Planning Board for personal clarification after disagreeing with staff about the definition of the area of disturbance.

b. Chair of Planning Board responded without bringing it to the Planning Board for clarification.

c. CONDITIONS, INCLUDING REPORTING AND MONITORING REQUIREMENTS ARE MISSING FROM THE MINUTES. MINUTES NEED TO BE AMENDED.

Case:

WSMO 2024-01 M132 L039 Jay Johonnett PE – Request for Waiver of Stormwater Management Ordinance: Change location of building after removing trees – Request to Avoid Stormwater Management Plan.

On March 13, 2024, PB held a Public Hearing and granted the Applicant the ability to submit an amended site plan with conditions that include a reforestation plan, would allow the applicant to do some reforestation to reduce the impact of the area that has already been disturbed. Conditions were included, however, those conditions do not appear in the draft minutes.

Property Owner/

Applicant: Joseph Lynch, Manager & d/b/a
Loon Landing Development, LLC
14 Montalcino Way
Salem, NH 03079

Agent(s): **Jay Johonnett, P.E.** (Senior Geotechnical Engineer) &/or
George C. Holt, P.G. (Principal Hydrogeologist)
Aries Engineering, Inc.
46 South Main Street, Suite 3
Concord, NH 03301

Property: 23 Back Forty Road (Map 132, Lot 039) 0.64 Acres, Rural Residential (RR) District; part of the development known as “The Landing at Loon” and a member of “The Landing at Loon Mountain Homeowners Association”.

SMO: Under the SMO, property owners are required to submit a Stormwater Management Plan if they disturb more than (formerly 50%, now 55% of the lot) or more than (formerly 15,000 SF and now 17,000 square feet).

Background: In 2021, Town issued a Land Use Permit (LUP 2021-055 Joseph Lynch - New Single-Family Residence) & an extension was issued on March 29, 2023 (expires on March 29, 2024).

Applicant, Joseph Lynch d/b/a Loon Landing Development, LLC, initially intended to disturb more than 50% of the lot at 23 Back Forty Road (Map 132, Lot 039) of 0.64 acres on Back Forty Road to construct a Single-Family Residence (SFR)

with an attached garage. The subject lot is in an area of steep slopes within the Planning Board approved development called "The Landing at Loon Mountain". Per Applicant, after clearing the lot and working with building site challenges, Applicant wants to relocate the proposed building from the middle of the lot to the front of the lot, closer to Crooked Mountain Road. Although the lot was cleared, the house is not constructed yet. He would like to avoid the requirement to provide a Stormwater Management Plan and is requesting a waiver. Applicant is requesting a chance to mitigate the clearing to "start over" with a "blank slate".

Request: Applicant is requesting Planning Board grant a waiver of that requirement as provided for under Article V, Section E of the SMO. According to the Applicant:

"3,530 square feet of previously disturbed area will be restored to natural forest floor with tree plantings consistent with pre-disturbed species. This action will reduce the total area of disturbance to 15,328 square feet. Total lot size is 27,878 square feet. The stormwater management ordinance would no longer apply."

Upon a finding by Board that application meets submission requirements of Request for a Waiver from Stormwater Management Ordinance, Board will vote to accept above applications as **complete**, and, if Board finds application to be complete, then a public hearing on the merits of proposal will follow immediately. Should a decision not be reached at public hearing, this application will stay on Planning Board agenda until such time as it is either approved or disapproved.

E. Review Pemi Base Camp REVISED DRAFT Letter

SPR 2022-20 M121 L050

South Peak LLC (Mark Bogosian d/b/a) &

Loon Mountain Recreation Corporation (Brian Norton, President and General Manager)

Did Loon Mountain Recreation Corporation (LMRC) ever receive Site Plan Review approval for the Pemi Base Camp Ski Warming Hut in South Peak (75 Crooked Mountain Road – Map 121, Lot 050) from the Planning Board? Does the Pemi Base Camp require Site Plan Review approval after reviewing the history of the Pemi Base Camp? Review files and response from Attorney for LMRC President & General Manager Brian Norton. Review Draft letter to President and General Manager of LMRC.

VI. 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.

VII. ADJOURNMENT.