

**PLANNING BOARD MEETING MINUTES
PLANNING BOARD 1ST MONTHLY MEETING
& PUBLIC HEARING**

Wednesday, February 14, 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 02-14-2024). 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.

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<https://us02web.zoom.us/j/81700766161?pwd=WUFRK2NlZk9xSzI1bVFPRWVzby14UT09>

Meeting ID: 817 0076 6161

Passcode: 179696

Find your local number: <https://us02web.zoom.us/u/kblNuPaMlG>

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 Chair Spanos

Present: Chairman James Spanos, Vice Chairman Joseph Chenard, Selectmen's Representative OJ Robinson, Member Steve Noseworthy, Member Paul Beaudin and Alternate Member Danielle Black.

Excused: Alternate Member Mark Ehrman

Staff Present: Planner Carole Bont

Guests: See attached excel spread sheets

II. CONSIDERATION of meeting minutes from:

• **January 10, 2024 (Wednesday)**

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

Discussion- Minutes were not yet available.

• **January 31, 2024 (Wednesday)**

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

Discussion- Minutes were not yet available.

Motion made to skip over Item II and move on to item III was made by BOS Robinson and seconded by Vice Chair Chenard, all in favor.

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

A. 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.

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)

Proposal: To create 10 parcels for 4 duplexes & 6 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 Acres) Single Family Residence (SFR);	Lot 02 (0.55 Acres) Duplex;
Lot 03 (0.34 Acres) SFR;	Lot 04 (0.37 Acres) SFR;
Lot 05 (0.38 Acres) SFR;	Lot 06 (0.38 Acres) SFR;
Lot 07 (0.38 Acres) SFR;	Lot 08 (0.38 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 18 17 Single Family Residences (SFR) and one duplex.**

(Correction to be made advised by Planner Bont that it is to be 1 duplex and 17 single family residences.)

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.

Proposal: To create 18 parcels, 17 parcels for 17 Single Family Residences and 1 parcel for a duplex with access to the proposed developments to be provided from an extension of White Birch Lane:

Lot 11 (0.38 Acres) SFR;	Lot 12 (0.38 Acres) SFR;
Lot 13 (0.38 Acres) SFR;	Lot 14 (0.38 Acres) SFR;
Lot 15 (0.38 Acres) SFR;	Lot 16 (0.38 Acres) SFR;
Lot 17 (0.38 Acres) SFR;	Lot 18 (0.38 Acres) SFR;
Lot 19 (0.38 Acres) SFR;	Lot 20 (0.38 Acres) SFR;
Lot 21 (0.38 Acres) SFR;	Lot 22 (0.38 Acres) SFR;
Lot 23 (0.38 Acres) SFR;	Lot 24 (0.38 Acres) SFR;
Lot 25 (0.38 Acres) SFR;	Lot 26 (0.38 Acres) Duplex;
Lot 27 (0.38 Acres) SFR;	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 parcels for 5 duplexes & 23 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.

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 the 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.

Discussion:

Present at the Meeting Representing Applicants:

- Keith Curran, Applicants’ Engineer speaking on behalf of the applicants (authorized agent).
- Ethan Conley, property owner;
- Sean Conley, property owner; and
- Their Attorney Derek Lick.

Technical Review Team Letter & Engineer’s Technical Review Memorandums:

- a) Applicant’s Engineer Curran advises they submitted responses to the Technical Review letter
- b) They received engineering comment letters from abutters.
- c) Review of the Town Engineer’s Technical Memorandum with the most recent one being February 8, 2024, revised on February 13, 2024.
 - a. Comment 1 - Ownership of roadway and utilities needs to be clarified. Note that there are tie-ins to public utilities within the existing public right-of-way (Mansion Hill Drive; Valley View Lane) as well as extensions of roadways and utilities (White Birch Lane) from public ways into private property. A clear delineation of ownership should be understood before final approval. If privately owned, appropriate HOA and easement documents should be drafted for Town review and approval.
 - ii. Applicant’s Response: Applicant’s Engineer Curran reads response
 - a) For Mansion Hill Drive, a Homeowner’s Association (HOA) will be created among Lots 1-5 for ownership of the roadway, utilities, and stormwater management basin.
 - b) For White Birch Lane, a separate HOA will be created for ownership of the roadway, utilities, and stormwater management basin.
 - c) Draft HOA and easement documents will be provided to the Town for review and approval.
 - iii. Questions: Chair Spanos asks the Planning Board if there are any questions.
 - a) Town Engineer Korber advises he had a conversation with Public Works Director Nate Hadaway about the Mansion Hill Drive extension and the Town possibly taking it over. The extension is confirmed to only be about 130 feet in length. Town Engineer Korber believes it would be advantageous for the Town to own that. Mr. Hadaway seemed to be in favor of it, but no decisions finalized at this point.
 - b) Vice Chair Chenard asks who takes up the expense of building that portion of the road.
 - c) Town Engineer and Board members confirmed building that portion of the roadway would be at the expense of the developers/property owners.

- b. **Comment 2** - Consideration should be given to ensuring the wetlands are preserved and protected as they offer attenuation of upgradient stormwater flows through the site that discharge to the stream running parallel to Pollard Road and ultimately to the culvert located behind the Father Roger Bilodeau Community Center (Community Center) at 194 Pollard Road (Map 113, lot 054). Note that the parking lot at the Community Center has flooded in the past due to overtopping of the culvert. A clear understanding of if and how these areas will be protected from future impacts should be understood before final approval. If areas are to be set aside, appropriate easement documents should be drafted for Town review and approval. Easement documents shall be recorded in the Grafton County Register of Deeds.

i. **Applicant's Response:** Applicant's Engineer Curran reads response:

- a) The road was located and designed to minimize direct disturbance to the wetlands. The disturbances are limited to those necessary to build the roadway to Town standards. Also, the drainage analysis shows no increase in rates of stormwater runoff from the proposed development. Therefore, no adverse impacts to the existing culvert are anticipated. No areas are designated to be 'set aside'.
- b) Member Beaudin requested Town Engineer Korber to comment.
 - 1) Town Engineer Korber states that the wellness complex that is in the development provides a lot of attenuation of stormwater runoff coming from mountainside. Downstream at the culvert near the [Lincoln-Woodstock] Community Center, it would be advantageous to maximize the probability that wetland complex will be maintained in its natural state. The concern would be future development by individual lot owners of various outbuildings, such as sheds within the wetland areas. Individual owners would then have to get a Wetlands Permit. Then if multiple property owners put up buildings in the wetlands, over time multiple buildings being created in the wetlands could cause issues with drainage and stormwater runoff. He recommends a conservation easement so that property owners cannot do that, and the wetlands can be preserved.
- c) Member Beaudin asks Town Engineer Korber, reference memorandum 119 to 124, regarding calculations for a 25-year storm event. Noting that the values were different between the property owner's engineer and Town Engineer Korber. Member Beaudin asks if that affects this.
 - 1) Town Engineer Korber states it does not because the developers will have to achieve net zero runoff between pre and post development.
- d) BOS Robinson asks about the calculation for the storm water runoff. Is it just regarding the roadways being built or does it consider the houses that will be built?
 - 1) Applicant's Engineer Curran states the calculation for the storm water runoff considers the full load from driveways to houses and roadways.
- e) BOS Robinson asks what size the footprint of the house is using for the calculation.
 - 1) Applicant's Engineer Curran states there are several sizes, he doesn't have those sizes in front of him, but the sizes are on the plan. The plans

show the maximum [proposed] footprint for each site.

f) Chair Spanos asks if these restrictions will be in the HOA documents.

- 1) Applicant's Engineer Curran advises the restrictions will be in the HOA documents or added.
- 2) Applicant's Attorney Derek Lick advises size restrictions don't have to be in an HOA document as the Town has control over them if the developers ever build.
- 3) BOS Robinson's concern is not the initial building of the home but in years from now when the property owners buy a 36-foot RV and extend their driveway to park it and would create a new impervious surface.
- 4) Applicant's Attorney Lick comments that he doesn't believe an HOA document would solve the problem because the Town has the authority.
- 5) Applicant Conley advises that they have the wetlands on a delineated survey calculated accurately. But they would be more than willing to create an easement on that [detailed survey] but not have to be the ones who police it.
- 6) Applicant's Attorney Lick brings up the example of South Peak having a "non-disturbance easement" that the Town is the beneficiary and has the right to enforce.

ii. **Comment 3 – Clarity should be sought as to the ownership and long-term operation and maintenance responsibilities of permanent stormwater management facilities. If privately owned, appropriate HOA and easement documents should be drafted for Town review and approval. Easement documents shall be recorded in the Grafton County Register of Deeds.**

a) **Applicant's Response:** Applicant's Engineer Curran reads response:

- 1) On Mansion Hill, maintenance of the stormwater management basin will fall to the created HOA.
- 2) This will be similar for the stormwater management basin associated with White Birch Lane.
- 3) The HOAs created for ownership of the roadway and utilities will also include language for operation and maintenance of the stormwater management systems.
- 4) Draft HOA and easement documents will be provided to the Town for review and approval.

b) No questions from PB

c) Town Engineer Korber is asked if he has any comment, and he does not.

iii. **Comment 4- Consideration should be given to requiring performance bonds for protection of Town-owned infrastructure and site restoration in the event the project is abandoned after commencement of construction. Note that the proposed project is located in an established residential neighborhood.**

a) **Applicant's Response:** Applicant's Engineer Curran reads response:

- 1) A performance bond will be prepared and submitted for review and approval by the Town.
- 2) The bond will be posted prior to the start of construction.
- b) Member Beaudin asks who releases the bond when it's done.
 - 1) Chair Spanos advises there would be a hearing by the PB.
- c) Applicant's Engineer Curran asks if there can be releases along the way? Or does the release have to wait until the end.
 - 1) Chair Spanos advises there would still have to be a hearing.
 - 2) Alternate Member Black states the release of the bond should be done at the end of the project to ensure it is complete before the bond is released.
 - 3) Member Beaudin brings up an example in Forest Ridge where the roads were degrading, and the HOA didn't want the bond released until construction was complete. He feels that a bond should be held in its entirety until it is complete.
 - 4) Chair Spanos states that these are two (2) subdivisions, and the bond could be split in two (2).
 - 5) Vice Chair Chenard brings up what happened in the Town of Haverhill. The Court ordered the Town of Haverhill to provide water and sewer services to the property owners in [Mountain Lakes] development when the developer bailed out, even though no one else in that part of Town had access to water or sewer services.
 - 6) Chair Spanos concludes the bond terms need to be worked out.
- iv. **Comment 5- State and federal permits are required for the project. It is our understanding that the applicant is awaiting Town review prior to submitting the required permit applications. Since the subdivision is subject to revision based on review by other agencies, the Planning Board should consider withholding approval until there is clarity that changes made through the state and federal permitting process are de minimis.**
 - a) **Applicant's Response:** Applicant's Engineer Curran reads response:
 - 1) The applicant will be seeking all the required State and Federal permits and requests town approval with conditions the requires all state and federal permits to be obtained prior to construction.
 - b) Member Beaudin believes the application shouldn't be approved until all permits are in hand.
 - c) Chair Spanos advises, in the past, the Planning Board has given conditional approval.
 - d) Applicant's Engineer Curran confirms they cannot start construction without all state permits acquired.
 - e) **Who Owns, Operates and Maintains the Private Roads and the (Privately Operated Redistribution Systems) PORS?**
 - 1) Member Beaudin asks who the owner of the PORS (Privately Operated Redistribution Systems) water distribution center is going to be.

- 2) Applicant's Engineer Curran advises the Planning Board that the owner would be the Town.
 - 3) Member Beaudin does not agree and asks for clarification from Town Engineer Korber.
- f) Town Engineer Korber asks Member Beaudin if it's not true that the Town owns the assets (water and sewer) in Mansion Hill Drive.
 - g) Member Beaudin confirms that Mansion Hill Drive is a [Class V] Town road so the Town would own the water/sewer infrastructure along the Class V Road, however, this proposed development would be on private land. Furthermore, he provided a list of examples of Privately Operated [Water] Redistribution Systems (PORS). The following are the PORS (Privately Operated Redistribution Systems) in the Town of Lincoln:
 - a. Coolidge Falls
 - b. South Peak (portion of S.P.)
 - c. The Landing
 - d. Part of Clearbrook
 - h) Town Engineer Korber summarizes that the Applicants are proposing to create an HOA for the roadway extension for White Birch Lane.
 - i) Chair Spanos brings up the portion of the subdivision on Mansion Hill Drive, lots 1-5, where Applicants have suggested that the Town have ownership of that portion of the road.
 - 1) Chair Spanos said Town Engineer Korber states because it's such a short part of the road. It only makes sense for the town to own all of Mansion Hill Rd, in his opinion.
 - 2) Chair Spanos said the acceptance of the road as a Class V Town maintained road would have to go before the annual Town Meeting.
 - 3) Planner Bont asks what happens if the Town Meeting does not accept ownership of the roadway or extension of the roadway.
 - i. Member Beaudin states it would then be owned by the HOA.
 - j) **Applicants' Attorney Lick** states he does this work all over the state and he is not aware of any town that withholds [subdivision] approval until all other permits are granted.
- v. **Comment 6** – The project is currently in the design review stage, and, at a minimum, we recommend any approvals granted for the project be conditioned on the completion of the Town's technical review process. Please note that the technical review process is on-going. Attached for your review www.BohlerEngineering.com please find the latest peer review comments submitted to the applicant's consultant by our Town Engineer, KVPartners.
- a) **Applicant's Response:** Applicant's Engineer Curran reads response:
 - 1) The applicant will work with the KVPartners to resolve the review comments.
 - 2) Member Beaudin asks that the Planning Board be updated when the technical review committee makes changes or recommendations.

3) Chair Spanos affirms.

- vi. **Comment 7** – Staff is seeking guidance from the Planning Board to see if the Planning Board wishes to apply the steep slope criteria to the subject development as articulated in Article VIII, Section A, Paragraph 2.a.i.b)4) of the Land Use Ordinance (LUO) when calculating “useable space” as defined in the LUO. Based on discussions with NHDES and the town attorney, as currently written, steep slopes are defined as slopes that are greater than 15%. Note that the exclusion criteria for wetlands as articulated in Article VIII, Section A, Paragraph 2.a.i.b)3) is currently being applied to the subject development as we understand the Planning Board wishes to do so.

a) **Applicant’s Response:** Applicant’s Engineer Curran reads response:

- 1) Building on steep slopes is not desirable from an owner’s and/or developer’s perspective. However, areas with 15% slope or greater are not unusable buildable areas when incorporating design elements that reduce impact like walk-out conditions, natural retaining walls, and 3:1 or 2:1 slopes (33% and 50%). As such, not including at least a significant percentage of these areas in the usable space calculation precludes “as-of-right use” on most of this property and could set an unintentional precedence for limiting even thoughtful development in Lincoln.
- 2) The proposed site plans demonstrate that development of this density on these slopes is achievable without significant impact to the steep slopes by the careful placement and sizes of houses. Also, the site plans to achieve NH’s target 10-65 Rule of less than 10% impervious coverage and greater than 65% undisturbed cover.

b) Member Beaudin asks if this has been voted on yet.

c) Planner Bont states this part pertaining to “adequate useable space” is already in the zoning ordinance (Land Use Plan Ordinance). The question is how the standards will be applied.

d) Member Beaudin states they haven’t yet voted on this matter; however, he would like to have an engineering perspective. Member Beaudin asks Town Engineer Korber is asked for his perspective.

e) Town Engineer Korber says that this will be the first new subdivision in front of the PB in some time and it would benefit the Planning Board to take the time and debate the merits of the steep slope criteria.

f) Town Engineer Korber says he did ask Applicants’ Engineer Curran to show on a map what the impact of taking out the steep slopes would be for a steep slope development. Applicants’ Engineer Curran does have the information available tonight. He states it was 15% and if those areas of steep slopes are taken out then the lots would be unbuildable as stated in his memo (and noted above).

g) Applicants’ Attorney Lick states he looked at the Land Use Plan Ordinance and spoke to the Town Attorney [Jason Dennis]. The current state provisions focus on special exceptions, and it is a zoning board issue and is designed for a use that isn’t typically permitted and [applicants] could ask for a waiver from the ordinance.

1) *[Note: Town Attorney Jason Dennis did not attend the Planning Board*

meeting. Prior to the Planning Board meeting, Town Attorney Jason Dennis was not asked for, nor did not proffer his legal opinion to anyone on the Planning Board or to the Planner or to the Town Manager or to the Town Engineer on this matter.]

- h) Planner Bont asks if the PB wants to see what the area removed due to steep slopes (15%) would look like and then to see what the adequate useable space would be like removing the “Extremely Steep Slopes of 25% or greater”. She reminded the PB that everyone will have to be treated the same.
 - 1) Chair Spanos agrees.
 - 2) Member Beaudin asks if the 15% slope is the percentage of steep slopes is what is going before the Town Meeting.
 - 3) Chair Spanos says the percentage of slope that qualifies as a “steep slope” is not specified.
- i) Town Engineer Korber states the phrase “15% slope is considered to be a ‘steep slope’” is not articulated directly in the Town Land Use Plan Ordinance. He agrees with Planner Bont that if a specific slope percentage that qualifies as a “steep slope” is chosen, it would be applied for all applicants.
- 10. Member Beaudin says he read the “state ordinance”[sic]* which is what the Town uses, where it refers to a few different slope numbers. He asks if that’s what the Town needs to go by.

[*Beaudin refers to the excerpt of the NH Stormwater Manual, Volume 3, Chapter 4 Construction Phase Erosion & Sediment Controls, 4-1 Erosion Control Practices provided in the Planning Board member packets that spells out stormwater mitigation measures to take to help control erosion on “Steep Slopes (15% or greater)” and “Moderate Slopes (greater than 8%)”].
- j) Town Engineer Korber affirms it is. NH DES currently only defines “steep slopes” as 15% or greater.
- k) Member Beaudin suggests that the Town should define “steep slopes” if the Town is going to have it in the Land Use Plan Ordinance.
- l) Town Engineer Korber agrees.
- m) Chair Spanos asks Town Engineer Korber if the Town went with the steep slope limitation of 15% what effect that would have on unbuilt up land in Lincoln.

Question was answered by several in the audience: “A lot!”

[Note: Not sure if Town Engineer Korber also answered this question.]
- n) Applicant’s Engineer Curran presents a map, showing the portions of the Mansion Hill lots that has a 15% or greater slope in red ink. He also spoke, however, while setting up the stand, so Curran was too far from the microphone to understand what he was saying (1:03:01).
- o) Vice Chair Chenard brings up other areas of Town where there has been development on steep slopes.
- p) Member Beaudin says back then it was tough because houses built on steep

slopes were built using only rock walls [for support] and now, they are using “engineered practices”.

- q) Alternate Member Black asks, aren't there 2 units “over there” [referring to Forest Ridge Resort and South Peak Resort] already that are starting to slide?
- r) Planner Bont advises there are two (2) houses that the Town knows of that are currently sliding.

Building Permit – BP 2008-22 Brook & Alexandra Ablon (**20 Crooked Mountain Road**) – new Single-Family Residence – Part of “South Peak Resort Community Association” Phase I (68 Single Family Homes), issued June 27, 2008 and built by The Lawton Company, Inc., inspected on May 22, 2009 and granted a Certificate of Occupancy in 2009. 20 Crooked Mountain Road is now owned by Daniel & Michelle Carbonneau.

Variance – Var 2021-03 M121 L022 Daniel & Michelle Carbonneau (**20 Crooked Mountain Road**) Part of “South Peak Resort Community Association” Phase I (68 Single Family Homes Lots) –variance granted to put a backup retaining wall within setbacks to try to stabilize house from sliding downhill.

Land Use Authorization Permit – LUP 2015-035 Map 116 Lot 034 Carmine Cutone (**6 Spruce Drive**) – new Single-Family Residence formerly owned by Carmine Cutone, now owned by Steven L. Perkins & Mary M. Perkins Trustees, Steven L. & Mary M. Perkins Revocable Trust. Single-Family Residence at **6 Spruce Drive** in Mountain View Homes Homeowners Association (Junior Association) and part of Forest Ridge Property Owners Association (Master Association) part of the Forest Ridge Resort built by Kevin McNamara d/b/a Pemi Valley Custom Home in 2015-2016.

- s) Applicant’s Engineer Curran discusses retaining walls that will be built to help [support] the roads and near the basins, but he says the houses will not be built with rock walls.
- t) Applicant’s Engineer Curran shows, on the map, the red portions are 15% or greater in slope and points out different areas of Mansion Hill Drive and where the development would be.
- u) Planner Bont asks Applicant’s Engineer Curran how labor intensive creating a map like this is and what it would take to create another map showing what areas would be greater than a 20% slope and then again what areas would be greater than a 25% slope.
- v) Applicant’s Engineer Curran shows the Planning Board a different map showing the areas that are greater than a 25% slope.

(Note: Applicant’s Engineer Curran did not leave a copy of this map for the Planning Board, nor did he provide duplicate copies of this map for the members. The Town has no copy of this map.)

- w) Member Beaudin asks if it makes sense to leave the decision of what should be considered steep slopes to be excluded from “adequate useable space” as a Zoning Board of Adjustment (ZBA) decision so the applicant can show if the lot has a slope that is greater than a 25%, they can show the ZBA that they’re using quality engineered retaining structures.
- x) Chair Spanos advises the issue is that the Planning Board has already voted to

send off to the town meeting the warrant article about duplicating of the definition of “useable space” in the front of the Land Use Plan Ordinance.

- y) Engineer Curran suggests that the NH DES has already addressed the issue of steep slopes by issuing an Alteration of Terrain Permit.
- z) Planner Bont says all “they” [NH Department of Environmental Services (NH DES) Alteration of Terrain Bureau] cares about is: Are the roads going to be stable and stay where they belong? She has contacted NH DES AoT in the past and they spoke to her about what they look for and about enforcement.
- aa) Applicant’s Engineer Curran explains he’s had a different experience.
- bb) Town Engineer Korber advises that when the NH DES AoT Bureau receives an application for an Alteration of Terrain (AoT) Permit, the Bureau begins by looking at the drainage analysis that the consultant puts in front of them such as building size and the size of the impervious footprint. Once they sign off on the permit, the AoT Bureau is done. It then becomes a local responsibility to ensure that what gets built is what is reflected and approved by the Alteration of Terrain Permit.
- cc) Attorney Lick discusses his conversation with the [Planning Board’s] Town Counsel and summarizes that the PB, at their discretion, can say they don’t like a particular lot on a case-by-case basis.
 - 1) *[Note: Town Attorney Jason Dennis did not attend the Planning Board meeting. Prior to the Planning Board meeting, Town Attorney Jason Dennis was not asked for, nor did not proffer his legal opinion to anyone on the Planning Board or to the Planner or to the Town Manager or to the Town Engineer on this matter.]*
- dd) BOS Robinson says he believes there is a difference between developing a steep slope and then a steep slope that is not developed. He asks Applicant’s Engineer Curran to confirm that his calculations include the steep slope as “useable”/“countable” space. Applicant’s Engineer Curran affirms it does.

*Note: Land Use Plan Ordinance says: The definition of “useable space” **excludes:***

4) Land with steep slopes as defined by NH Department of Environmental Services (DES). NH DES defines an “Extremely Steep Slope” is a slope of greater than 25% prior to site disturbance. Under NH DES regulations, no section of any driveway may exceed a 10% slope for residential subdivisions or 8% slope for nonresidential site plans. (According to NH DES, most communities define “steep slope” as having a grade of 15% or greater; meaning that the vertical elevation increases by 15 feet over a horizontal distance of 100 feet.);

- ee) Member Beaudin notices on the map that some of the lots are on 25% slopes and asks how they can build or develop on slopes that steep.
- ff) Town Engineer Korber says the steep slope gets applied under the existing conditions. If the steep slope is 25% that is the application. He says they need to consider the steep slopes within the context of “useable space” on the lot; not whether the house on steep slopes can be engineered per the Town ordinance.

- gg) BOS Robinson suggests they move past the discussion of changing the ordinance and not get stuck on it, and allow the public to put in their comments.
- hh) Applicant's Engineer Curran says his client has been here (6) times now in front of the PB, he has been here three (3) times. During the preliminary meeting there was no discussion about steep slopes. He has spent a lot of time and money addressing the PB's questions and developing plans. He states the PB is creating hardship for his client with a potential redesign. They have fully engineered plans that Town Engineer Korber has already reviewed.
- ii) Applicant's Attorney Derek Lick (1:25:44), states his clients need an answer. His clients have their plans before the PB. They've met all the Town's regulations. If the PB is going to apply something new, they need to know. He continues that this matter of steep slopes has been raised "so late in the game" he is unsure why. If the PB decides to do a restriction of 15% slope then the entire subdivision cannot be built. He states he has never had a PB propose something in a Special Exception part of the [zoning] ordinance to a subdivision plan and then does not actually know what it means and how they're going to apply it.
- jj) Member Beaudin asks if the PB must apply that [criteria now] in order to accept the application [as complete].
- kk) Chair Spanos advises whatever they decide now will set precedent to everyone else going forward.
- ll) Member Beaudin suggests that at Town Meeting, someone from the PB or Planner Bont let the Town [voters] know, as they go in to vote, that the PB is not recommending this application[sic] [warrant article] because the PB needs to revisit the ordinances.
- mm) Chair Spanos asks if Member Beaudin would be willing to stand out there outside the polling place and convince people not to vote for something on the warrant that the Planning Board has already recommended. He says he would.
- nn) Vice Chair Chenard advises he will be there too.
- oo) BOS Robinson states because this is on the ballot, the PB has the right to enforce it even though it hasn't been voted on yet. However, he doesn't believe the PB is required to enforce it until it becomes the law. He feels the PB should proceed as if they don't know how the vote is going to come out as they have the last two (2) decades he's been involved.
- pp) Chair Spanos asks to poll the PB.
- 1) Member Beaudin said he agrees with BOS Robinson

BOS Robinson states because this is on the ballot, the PB has the right to enforce it even though it hasn't been voted on yet. However, he doesn't believe the PB is required to enforce it until it becomes the law. He feels the PB should proceed as if they don't know how the vote is going to come out as they have the last two (2) decades he's been involved.
 - 2) Member Noseworthy states that if this land was any good someone would have done something with the land years ago. Member Noseworthy says he doesn't know and says it's a crappy site for development.

qq) Town Engineer Korber suggests if it would be helpful for the PB to hear from their Town Attorney on this matter. It could be at the next PB meeting or in writing. The PB decides to ignore Town Engineer's advice and stick to the question.

- 1) BOS Robinson says to enforce it as its written right now with applying the standards only to requests for special exceptions.
- 2) Chair Spanos agrees with Member Beaudin and BOS Robinson.
- 3) Vice Chair Chenard will "go with it."
- 4) Alternate Black is asked if she has anything to add; she says "no".

rr) Chair Spanos advises they will proceed without the steep slope requirement.

vii. Chair Spanos confirms if there are any more questions or concerns regarding the memo.

Water

- a) Member Beaudin wants to make sure Town Engineer Korber is good with the calculations for the water up there.
- b) Applicant's Engineer Curran states they must resubmit a response back to Town Engineer Korber by addressing the comments made. He will be addressing Town Engineer Korber's concerns. And this would be a part of the condition of final approval.

Driveway Widths

1. Vice Chair Chenard advises when he has driven up there, he thinks the road should be wider than twenty feet (20'). He discusses another unidentified development where the developer was supposed to put in a roadway with a width of twenty-four feet (24') but according to Chenard's measurement with his tape measure the roadway was only eighteen feet (18') wide, and the Town never took steps to enforce it.
2. Too many people talking at once, cannot understand the discussion (1:35:45).
3. Applicant's Engineer Curran states the widths of the driveways on the plan match the Town's standards.
4. Vice Chair Chenard says he's not comfortable with that width.

Motion made for public comment by Member Beaudin.

Vice Chair Chenard seconds. All in favor.

PUBLIC COMMENT

1. **Gary Casinghino** of 9 Valley View Lane.

Casinghino thanks the PB for doing this and doesn't envy them. The last meeting went past 11 pm. That was long.

Casinghino brings up what BOS Ham said at the last meeting that the Town voted against the Town buying the Mansion Hill property. BOS Ham suggested that the vote against purchasing the property must mean the voters wanted the property developed in this manner.

a. Land Is Not Appropriate or Suitable for Proposed Development:

Casinghino states just because the land is within Rural Residential (RR) District zoning district

doesn't mean that the development of every useable square foot is an appropriate use under these circumstances. He suggests this land is not appropriate or suitable for this development. Much of the land east of Valley View Lane is very steep and all the water accumulates into the wetlands. He states there are several concerns.

Casinghino says there is a letter between the Town Engineer and the Applicants' Engineer that is detailed with several concerns. The letter is 11 pages with very significant concerns.

- b. **Road Widths:** Example provided was on page 4, paragraph 20a regarding the top of Mansion Hill Drive and the proposed Mansion Hill extension and the existing roadway width and length. The Mansion Hill Drive [travel surface] is twenty-four feet (24') wide, and the Mansion Hill Drive Extension is designed to only be 20 feet wide but should be the same width as Mansion Hill Drive. He also measured the width of Valley View Lane and White Birch Lane [travel surface] and the travel surface for both is twenty-four feet (24') wide.

Note: On the tax maps the right of way for Class V roadways: Valley View Lane, White Birch Lane and Mansion Hill Drive is forty-feet (40') wide versus a travel surface of twenty-four feet (24') wide.

- c. **NH DOT Road Standards:** On page 3, paragraph L, Town Engineer Korber states all streets should meet all Town standards and DOT standard widths. The standard width is twenty-four feet (24') to meet the NH DOT State Road Standards. If this change must occur it means that some of the lots would not meet the [minimum lot size] 15,000 square foot requirements.
- d. **Exclude Steep Slopes and Wetlands from "Useable Space":** **Casinghino** states, regarding the steep slopes, BOS Robinson made the point that the PB needs to exclude steep slopes and wetlands from the size of the lot to find "adequate useable space" which the majority of the PB didn't seem to care about.

Cannot Credibly Meet Minimum Lot Size Requirements: **Casinghino** states there are three (3) duplexes proposed for the top of Valley View Lane; the minimum lot size for a duplex in the Rural Residential (RR) District is 22,500 sq feet. Proposed Lot 8 can only meet the requirement by including a weird thin sliver of property he points out on the map. He points to another lot and states that it only meets the minimum lot requirement by including the wider sliver "down there." He feels that weird lot configuration violates the spirit of the minimum lot size requirements. He agrees the applicant has the right to build duplexes, but they should build them on lots that are big enough to support them.

- e. **Driveways Not Perpendicular to Roadway:** One of Town Engineer Korber's suggestions was that all driveways be perpendicular to the road. A lot of the driveways are not, which would require redrafting of the surveys.

Casinghino suggests this subdivision should not be conditionally approved until a lot of changes are made and State approval is made.

2. **Tammy Gionet Dutilly** of 229 Pollard Road.

Environmental Impact Study:

Tammy Gionet Dutilly asks if anyone has done a complete environmental impact study.

Applicant's Engineer Curran states an Environmental Impact Study is not required.

Town Engineer Korber states he has not received one.

Tammy Gionet Dutilly highly recommends a complete Environmental Impact Study. She gives an example of her friends' property that needed to have a sump pump running around the clock and there will be so much more flooding once this proposed project is developed. She feels that if the trees are removed there will be nothing left to absorb the water. She would hope that all the people being affected get an attorney to protect their rights and to go after the Town.

Disturb the Quiet Residential Neighborhood:

Tammy Gionet Dutilly asks if the land is abutting Main Street extension because it will affect the quiet residential area of Mansion Hill to include the elderly and the kids that play in the road.

She understands developers have their rights, but this is overkill, and they are not looking at the whole picture.

The people that will move in will not live here year-round. They will be outsiders who don't understand. The residents already here enjoy life in a quiet residential neighborhood. She is not sure these people will know how to enjoy life.

She asks how many cars these people will have? She already has three (3) cars for her house. Traffic will be an issue. She thinks there can be a way to tap into using Forest Ridge Road instead.

She hopes the PB will consider those that live here year-round and start listening.

She reiterates that those affected need to get attorneys that specialize in this type of law.

3. **Frank Pasciuto** of 16 Valley View Lane.

Frank Pasciuto states that he presented several issues at the last meeting and wants to add to it this time. He read a 5-page letter he had written and emailed Planner Bont prior to this meeting. (See attached.)

4. **Matthew Leidner** (on Zoom) of 75 Manor Dr. #4.

Matthew Leidner spoke at the last meeting about the project with concerns for the drainage analysis and its impact with drainage directed to Mansion Hill Condominiums. They remain a concern of his.

Regarding the peer review letter, **Matthew Leidner** agrees with the previous public that spoke as there are some fundamental concerns. Until those are addressed, the meeting should remain open.

Matthew Leidner says based on the issues that keep coming up, storm water, wetlands, traffic, etc. The density of the development is too much and should be scaled back.

5. **John Kimball** (on Zoom) 9 White Birch Lane.

John Kimball spoke at the last meeting.

John Kimball at the last meeting brought up the issue of the drainage issues at Forest Ridge Development and this new proposed development. The response he received was that they were mutually exclusive of one another. He wonders if the proposed Mansion Hill projects are approved now and they have a negative consequence on the Lincoln-Woodstock Senior Center [at Lincoln-Woodstock Community Center] what fiscal impact would the Town bear for legal defense?

Chair Spanos says these are two (2) separate developments. If the PB approves the Mansion Hill proposed projects, the PB can't reduce Forest Ridge's density.

Member Beaudin states that the post development runoff cannot be greater than pre-development runoff per Town ordinance.

John Kimball states that difference between the post development runoff cannot be greater than pre-development runoff is just an engineering calculation. He would like to know about the actual effects.

John Kimball states should approval of this development be delayed until Forest Ridge Resort development is complete?

Chair Spanos advises Forest Ridge Resort development has been "on the books" (i.e., approved) for 35 years and they can't wait another 35 years.

(Note: Forest Ridge Development Agreement for 498 Dwelling Units on a 814-acre Forest Ridge property signed January 25, 1996 between Granite State (GS) Phoenix, LLC & Town of Lincoln. Grafton County Register of Deeds Book 2252, Page 0784.)

John Kimball asks has anyone looked at the master plan recently. The Land Use Development Ordinance, regulations, Zoning Ordinance, and Site Plan Review Regulations are subordinate to the Master Plan. According to page 2, the resident taxpayers are linked in value to its rural and spectacular White Mountain setting and its small-town characteristics. He continues that the Lincoln Master Plan discusses the disproportioning between seniors and younger residents. He states the age disproportionality is due to the younger generations not being able to afford to live here. Regarding workforce housing, he doesn't see any workforce housing in this development.

John Kimball notes the fire flow assessment report from October of 2018. Page 1 says the system contains 1.6 million gallons from the three (3) storage tanks. But none of that storage is considered available to provide fire flow duration based on acceptable minimum pressure criteria. In conclusion it states that soon it will exceed the system's ability to keep up with development and meet normal demands. He asks if any studies have been done on what this development will do to the existing water availability on Mansion Hill and surrounding communities.

Adequate Fire Flow Per 2020 Fire Flow Assessment Report

Fire Chief Beard advises that 2018 Fire Flow Assessment Report from Hoyle, Tanner Associates, Inc., is not the most current report. He believes the most current Fire Flow Assessment Report is DuBois & King, Inc., from 2020.

Chief Beard states that DuBois & King, Inc., redid the whole water model which changed calculations for the available fire flow storage and the maximum daily demand.

BOS Robinson says there have also been two (2) significant upgrades to the water system.

Applicant's Engineer Curran asks for confirmation as to his understanding that Town Engineer Korber and others have reviewed the water supply.

Adequate Sewer Capacity Study

Member Beaudin asks if that capacity study includes sewer.

Applicant's Engineer Curran the sewer capacity study is being worked on.

Water Capacity Study

Town Engineer Korber says that a hydraulic analysis was completed for this project. According to the hydraulic analysis, the municipal water system can provide 35 PSI or greater to this location. Also, the hydraulic analysis confirms that the Lincoln water system can furnish up to 1,250 gallons per minute of fire flow for a 2-hour duration while maintaining residual pressure in the entire system that meets NH Department of Environmental Services (DES) requirements.

Sewer Capacity Study

Town Engineer Korber states, regarding sewer capacity, they do need to look deeper into capacity, however, he believes that the sewer capacity in the water treatment plant is sufficient as well.

Member Beaudin asks if that sewer capacity includes the current infrastructure underground.

Town Engineer Korber says no condition assessment has been done but that can be considered under the application.

Flooded Basements at Bottom of Mansion Hill – Town Engineer Needs More Information.

After hearing several people discuss flooded basements, Town Engineer Korber would like to learn more about that.

Traffic Study

Chair Spanos asks members of the PB if a traffic study should be required for this project.

Town Engineer Korber says the Planning Board can request a traffic study if they want. He believes this proposed project will nearly double the number of lots with dwelling units in that area of the community.

He states the Lincoln Police Department could be a good resource to find out what traffic issues are like on Mansion Hill Drive, Valley View Lane and White Birch Lane (include the traffic coming from Mansion Hill Condominiums on Manor Drive (R/W) that enters into Mansion Hill Drive.

Planner Bont says that Police Chief Morris spoke to her and did express concern about additional traffic on Pollard Road, and he does have some data.

Applicants' Engineer Curran says they have done a traffic memo. They just hadn't submitted it to the Planning Board. Applicants' Engineer Curran says they looked at total daily trips and peak hours of AM and PM on the weekday and midday on Saturday. Weekday daily trips were 334. Peak hour weekday trips 25 trips in AM and 32 in PM. Saturday midday peak is 40.

Member Beaudin requests "Traffic Study" be submitted to Planner Bont and to the Police Chief.

6. Michael Snyder of 166 Pollard Rd.

Michael Snyder says besides the flooding situation, the 3-way stop is a nightmare. No one pays attention to the stop signs. Adding more traffic would make it that much worse.

7. Ethan Conley, Applicants' Agent

Applicants' Agent Conley asks if someone could tell him how many units are in the Mansion Hill Condos. He feels the discussion of the new development being too dense is less than the Mansion Hill Condominium complex.

Someone in the audience said Mansion Hill Condos is 128 units on 16 acres.

(Note: Mansion Hill Condominiums are located on two separate lots.

*1. **Map 114, Lot 026** = Built (8) 8-unit buildings = 64 Dwelling Units on **11.65 Acres**;*

[Condominium units were finished in 1986; adoption of the Zoning Ordinance was in 1986.]

*2. **Map 114, Lot 027** = Built (8) 8-unit buildings = 64 Dwelling Units on **9.36 Acres**;*

[Condominium units were finished in 1990, four years after the adoption of Zoning Ordinance.

*Total of **128 Dwelling Units on 21.01 Acres** with tennis courts, club house and amenities.*

21.01 Acres divided by 128 Units = 7,150 SF or 0.16 Acres per dwelling unit.

Applicants' Agent Ethan Conley states he and his cohort want to put only 26 lots on 16 acres. He reminds the PB that drivers from those 128 units from Mansion Hill Condominiums all dump out on to the same road (i.e., the bottom of Mansion Hill Drive). He also states that if the public feels these units will be all secondary homes, will the traffic really be an issue [i.e., second home owners won't be there all of the time].

(Note: Proposed Mansion Hill Development is located on two separate lots.

3. **Map 114, Lot 049** = Proposed 17 lots for 17 Single Family Residences & 1 Duplex = 19 Dwelling Units on **10.11 Acres**:

4. **Map 114, Lot 049.3** = Proposed 10 lots for 4 duplexes & 6 Single Family Homes = 14 Dwelling Units on **6.81 Acres**:

21.01 Acres divided by 128 Units = 7,150 SF or 0.16 Acres per dwelling unit.

8. **Patricia Delosa** of 11 Goldfinch Rd #3.

Patricia Delosa asks **Applicants' Agent Conley** what [benefit] their development brings to the Town.

Chair Spanos advises the audience they cannot cross-examine the applicants and all comments must go through the PB.

Patricia Delosa has a home in the Mansion Hill Condos and her 2 daughters have residences on Mansion Hill Drive. She states that this area has been residential for the past twenty (20) years and cars are already an issue on the road. She asks if the developers have another plan for access.

Patricia Delosa wants to know what this will bring to the town other than adding more people. There aren't enough restaurants, and she doesn't understand it. She asks if it's just about money.

Applicants' Agent Conley states that the traffic analysis speaks for itself. The proposed development brings 30 cars per hour. That is 1 car every 2 minutes, in his opinion, it's not a lot.

Patricia Delos says her two (2) grandsons play outside.

9. **Tammy Gionet Dutilly**

Tammy Gionet Dutilly says regarding traffic coming down the hill, the traffic that currently comes down, takes East Spur and connects on to the interstate from Main Street. On the weekends and holiday weeks or foliage time, there was no break in traffic. It is a speedway, a death trap. She states she's had to wait 10-15 minutes just to get out of her driveway. She's glad the police department is going in there but doesn't think it will do any good.

10. **Frank Pasciuto**

Frank Pasciuto hopes the PB will not provide a conditional approval, but if they do, he thinks the public should know what the implications are. He reminds the PB that once it is approved, the public no longer has any involvement.

Chair Spanos asks if Applicants'

Frank Pasciuto affirms Engineer Curran has seen Mr. Pasciuto's memo.

Chair Spanos mentions how the memo states that there is public land that will no longer be accessible with the development.

(See Pollard Road (NS) #LO (Map 117, Lot 053) owned by Society for the Protection of NH Forests, 54 Portsmouth Street, Concord, NH 03301-5486.)

Alternate Member Black comments that this proposed development feels like it represents a suburb of a city and with the lots so small and on a steep grade, it seems that the disturbance is much greater. She says it feels like this is an overdevelopment. She agrees it fits all the ordinances, but some lots are so narrow the excavation will spill over into the neighbor's lot. She says she would not approve of it.

11. **Gary Casinghino**

Gary Casinghino mentions one of the subdivision regulations that Mr. Pasciuto brought up in his memo, section 5.01 subsection c:

“Where there is a question as to the suitability of a lot for its intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configuration, tendencies to periodic flooding, poor drainage, unsuitable soils and inadequate capacity for sanitary sewage disposal, the Board may, after investigation, withhold approval of such lot.”

He reminds the PB they do have the authority to withhold approval.

Vice Chair Chenard motions to close public comment. Member Beaudin seconds, all in favor.

Chair Spanos speaks about Town Engineer Korber’s 11-page memo, revised on February 8, 2024.

1. Chair Spanos states he believes the PB is not ready to accept the application as it is not complete. Member Beaudin states this meeting has generated new comments and new concerns. He feels it is appropriate to wait until the technical review team answers the peer review. He states they are still in the information gathering phase.
2. Chair Spanos asks if they plan on selling the lots or building on them themselves. Applicant Conley in audience says yes, they plan on building on the lots themselves, but may sell one (1) or two (2) lots off. Chair Spanos asks about the timeframe of buildup of the development. Applicant Conley states market is difficult right now.
3. BOS Robinson states his biggest concern is the storm water runoff:
 - a. Regarding the retention pond on Lot 1. He asks what lots that retention pond covers. Video goes digital and words were tough to make out (2:38:02) but could hear someone say retention pond covers Lots 1-7.
 - b. Regarding the road with all the duplexes and such, are there any manmade retention ponds, swales or any other stormwater management devices? Applicants’ Engineer Curran states there is a basin there. Lots 27/26 was confirmed by BOS Robinson.
 - c. In their calculations, are each house's dimensions on the plan? Applicants’ Engineer Curran confirms they are.
 - d. Regarding the undisturbed sections, what if the new owner cuts down the trees and creates a lawn instead? How does that become accounted for? Applicants’ Engineer Curran states that would change the grading. BOS Robinson asks if their calculations include that possibility. Applicants’ Engineer Curran advises they count the area cleared to build the house and do not consider the possibility of a lawn being added. Someone in the audience asks about decks. Applicants’ Engineer Curran says decks are not impervious. The PB brings up other things that could happen and property owners would remove trees for other reasons. Applicants’ Engineer Curran states he can’t design to “what if.”
 - e. BOS Robinson would like to wait and see what their plan is for Lots 1, 6 and 7 for storm water runoff. There are some setbacks that he feels cause a problem. Applicants’ Engineer Curran states he’s been doing this for a very long time, and he understands the PB’s concern, but he’s never modeled by what “could be.”
 - f. BOS Robinson asks Town Engineer Korber to respond in regard to a factor of safety. Town Engineer Korber states that a safety analysis does take into consideration a percentage. The only way to do that in terms of the model is to expand the area of disturbance. He continues that once you get into the site inspections during the building process, that’s when the PB can see what was approved versus what gets built. According to Town Engineer Korber, South Peak is a good example. South Peak Resort was supposed to have 2,500 sq foot homes with gravel driveways, instead the homes up in South Peak are 6-7,000 sq foot homes with paved driveways, and much longer driveways than was originally approved.

- g. Discussions continued about other areas within Lincoln. Town Engineer Korber suggests they continue to work with the applicant to build a set of documents that puts those safety checks into the plans.
- h. Alternate Member Black brings up that the HOA documents are the only way to secure the vegetation and trees are preserved but Applicants do not have those documents.
- i. BOS Robinson suggests that the **preservation of vegetation and trees can be a condition of the HOA documents** and those documents do get reviewed.
- j. Member Beaudin suggests **bonding** too. The PB discussed the Forest Ridge Resort situation again regarding their bond and the issues they had.

Motion to continue this hearing to March 13, 2024 was suggested by Chair Spanos. But first, ...

- k. BOS Robinson suggests the PB make a list of things for the applicant to respond to:
 - i. Changes made to the storm water plan with Lots 1, 6 and 7.
 - ii. Chair Spanos asks for confirmation on whether Lot 1 and Lots 6 and 7 are a part of separate HOA's.
 - iii. Voice in public states Lots 6 and 7 are not a part of an HOA. They have a different (too far away from microphone, can't understand the audio 2:57:27)
 - iv. Applicants' Engineer Curran says they won't [be part of an HOA].
- a. Applicants' Engineer Curran sums up that they will be submitting updated plans, responding to Town Engineer Korber's memo and a revised "[can't understand the word here]" report to the PB.
- b. Member Beaudin advises he would like to see Town Engineer Korber's peer review comments answered.
- c. Chair Spanos asks to include the roads being 24 feet wide.
- d. Member Beaudin says Town Engineer Korber addresses that in his memo. Town Engineer Korber says a narrower road makes less impervious land. But if the PB is more worried about pedestrian traffic then a wider road is better. Applicants' Engineer Curran confirms the current width on White Birch way is twenty feet (20') plus about a one foot (1') wide curb. Town Engineer Korber suggests matching the width on Mansion Hill Drive. As for the White Birch Lane, with the curbs, in Town Engineer Korber's opinion, with White Birch Lane also being a dead end, twenty feet (20') wide is sufficient. A smaller width would also minimize the impervious area.
- e. Member Beaudin confirms everything has been listed for the next meeting as stated above.
- f. BOS Robinson adds a **draft of the conservation easement** should be available. Planner Bont adds the traffic issue.
- g. Chair Spanos advises the PB that someone from the public has a question. He asks the PB if anyone objects to this.
- h. Member Beaudin has one more question for Town Engineer Korber. Is there a way he could make a decision about flooding basements and the changing of water once the construction begins? Town Engineer Korber advises the best way to address it is to go to the problem and work your way backwards. If existing homes are having issues with flooded basements, they would have to go into those houses and work out the issues.
- i. Unidentified female in audience asks if there may be someone else on Zoom that may want to speak. Chair Spanos advises he already asked.

- j. Member Beaudin asks Applicants' Engineer Curran if the motion to come back on March 14th is enough time. Applicants' Engineer Curran says it is enough time to revise the plans but then for Town Engineer Korber to review it and get a new letter could take a couple of weeks. Town Engineer Korber says they do their best to turn it around in no more than 15 business days once Applicants' Engineer Curran can update his plans.

Motion to continue this hearing to March 13, 2024, by Vice Chair Chenard.

Member Beaudin seconded, all in favor. (Ended at 3:11:18)

IV. NEW BUSINESS

A. NOTICE OF PUBLIC HEARING ON REQUEST FOR MODIFICATION AND/OR NEW SITE PLAN REVIEW APPROVAL:

SPR 2024-01 M118 L064 & L065 Mark Stiles d/b/a Flow State, LLC – Modification of Prior Site Plan Review Approval and/or New Site Plan Review – Demolish 1 of 2 buildings and Construct 2-story 1,501 SF mixed use building consisting of 3 retail units & 4 apartments.

Application for Site Plan Review will be submitted to the Planning Board during a regular meeting on Wednesday February 14, 2024 at 6:00PM.

Applicant: Mark D. Stiles, Trustee

S&A Offices Realty Trust
PO Box 1113
North Marshfield, MA 02059

Agent: Stuart J. Anderson
alba architects LLP
137 Main Street
PO Box 186
North Woodstock, NH 03262

Property #1

Property Owner of Property #1: **155 Main Street (Map 118, lot 065) (0.15 Acres)**
located in the Village Center (VC) Zoning District.

Mark Stiles d/b/a Flow State, LLC
PO Box 1113
North Marshfield, MA 02059

Property #2

Property Owner of Property #2: **153 Main Street (Map 118, lot 064) (0.16 Acres)**
located in the Village Center (VC) Zoning District.

Mark Stiles d/b/a It's An I-M, LLC
PO Box 1113
North Marshfield, MA 02059

Former Agent/Surveyor/Engineer: Applicant & property owners were represented by agent.
Joshua M. McAllister, PE
HEB Engineers, Inc.
2605 White Mountain Hwy
North Conway, NH 03860

Proposed Project: SPR 2024-01 M118 L064 & L065 Mark D. Stiles, Trustee, S&A Offices Realty Trust
– Request to modify the former Site Plan Review approval (never recorded) or new Site Plan Review Approval.

Proposed development consists of:

- Demolition of 153 Main Street;
- Construct 2-story 1,501 SF mixed use building consisting of retail & residential uses.
 - **Retail Use:** 3 retail units totaling 480 SF proposed on ground level;
 - **Residential Use:** 2 apartments on the ground level & 2 apartments on the second level.

Formerly Approved Site Plan Review Project: SPR 2020-20 M118 L064 & L065 Mark D. Stiles, Trustee, S&A Offices Realty Trust/– Multi-Use Building. Granted 3 Extensions of Site Plan Review Approval. Approval expired January 2024.

Site Plan Review approval was granted January 13, 2021 with 4 conditions. Applicant Stiles requested & was granted 3 extensions until January of 2024 to allow for him to do an analysis of the approved project as the lumber costs come down and the supply chain loosens up. Meanwhile, he considered whether to downsize the approved project. The project included:

- Demolition of 2 buildings on 153 Main Street & 155 Main Street
- Voluntary merger of 2 adjacent lots
- Construct 3-story 3,586 SF mixed use building consisting of retail & residential uses.
 - **Retail Use:** 3 retail units totaling 2,460 SF proposed on ground level;
 - **Residential Use:** 3 apartments on the 2nd level & 3 apartments on the 3rd level.

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.

Discussion

1. Member Beaudin asks if the applicant has seen the technical review committee's review. Planner Bont has only just emailed Applicant's Authorized Agent, Mr. Stuart Anderson today.
 - a. Member Beaudin states that it says since the lots have different ownership, there was no application for voluntary merger. It would require both lots to be under the same ownership. Applicant's Agent Anderson agrees and says although the two lots have different ownership, both owner LLCs are owned by Applicant Stiles. There is no proposal to merge the two (2) lots and the lots would remain as two (2) separate lots with respective setbacks.
 - b. Chair Spanos asks if there is a reason why Applicant Stiles does not want to merge the lots. Applicant Stiles states because there is no reason to merge them.
 - c. Member Beaudin says that Applicant Stiles is looking to make changes to 153 Main Street, but he is planning to use offsite parking on 155 Main Street. Parking is required to be onsite parking. Applicant's Agent Anderson asks if Applicant Stiles grants himself an easement, would that be okay. Member Beaudin is unsure and will have to ask “somebody” possibly legal.
 - d. Chair Spanos asks for questions to stop until Applicant's Agent Anderson finishes the presentation.
 - e. Applicant's Agent Anderson completes the presentation which is summarized above in the agenda.

- f. Chair Spanos asks what the existing building at 153 consists of. Applicant's Agent Anderson states it is an abandoned single-family residence, currently not in use. The new building at 153 Main Street will consist of a mixed-use building. Small business use and small residential use.
- g. Applicant's Agent Anderson adds that they will be removing the Main Street access and make the lot solely accessible via Maple Street.
- h. Member Beaudin asks about the dumpster pad shown on the plan. Applicant Stiles advises that it is not their dumpster. The dumpster belongs to Bel Casa. Member Beaudin asks if they will have dumpsters. Applicant Stiles advises they will not have dumpsters as these will be "micro units" that don't require it.
- i. Applicant's Agent Anderson says that he believes the PB's concerns were parking and accessibility. Would these changes suffice. Chair Spanos states that there are 2 apartments and per ordinance they need 15,000 square feet per unit and the lot is not big enough for that. Applicant Stiles was hoping they could request waivers as they did at the last presentation where it was approved. Member Beaudin asks the size of the units. Applicant's Agent Anderson states they are 160 square feet, and the others are 320 square feet.
- j. Alternate Member Black asks if Applicant Stiles still intends to use these for STR's. Applicant Stiles has decided he will not.
- k. Chair Spanos states he is concerned about the architectural requirements not looking "New England-y." Applicant Stiles discusses the roofline change would keep the A-frame millhouse look. Planner Bont asks about the windows being large panes. Applicant's Agent Anderson states the plans may just be a scale issue. He says the windows are no larger than the ones in the Town Hall Conference Room.
- l. Member Beaudin asks what the 3 retail spaces will be used for. Entrepreneurs was stated by Applicant Stiles. Member Beaudin says he asked so he could understand if it would require more parking such as a business with outside seating. BOS Robinson advises that this is an example of food use and that is not what is being applied for here. Applicant Stiles states there is the opportunity for there to be a "grab and go" style business but not a sit-down restaurant. Chair Spanos advises that would require a food permit. Applicant Stiles advises that would require the proprietor to get that. Applicant Stiles states there are 19 parking spaces between the 2 lots. BOS Robinson says the plans only show 16. Applicant Stiles states they must have counted the 3 out front last time.
- m. BOS Robinson asks about how some of the buildings have vertical siding and others have horizontal. He's asking for material to be used. Applicant's Agent Anderson states since the buildings are containers, they do have a weather exterior skin, and some have horizontal lines and others have vertical. Applicant Stiles states they don't plan on leaving it as a "straight container" look. Some of the containers will show, but the rest will be matched to the siding of 155. Spots to keep the container look would be around the windows on the commercial parts and the residential would have siding. Member Beaudin can't tell that from the plan. Applicant's Agent Anderson says they can clarify that.
- n. Planner Bont advises one of the concerns brought up by the Town attorney is that the lot is land locked. This causes restrictions to allow the granting of a land use permit. Applicant Stiles advises there is a curb cut and it abuts Main Street. BOS Robinson states that if there is an easement then it isn't landlocked. Applicant's Agent Anderson states if it is landlocked, it's only for vehicular, not pedestrian.

- o. Alternate Member Black asks about fuel tank locations. Applicant Stiles advises it will be electric heating. She also asks about the drainage on the eastern side as there is a low point that may pool and encroach on the neighbor's property. Applicant's Agent Anderson states it is consistent with the existing grades. Applicant Stiles corrects that it is on the western side. She also confirmed landscaping/greenspace.
- p. BOS Robinson asks if the ADA bathroom is servicing all 3 retail spaces. Applicant Stiles confirms it is and includes the public as well. BOS Robinsons asks about the location of the door and the direction it was facing from the bottom of the ramp. Applicant's Agent Anderson says it can be redesigned but it was designed that way to prevent congestion at the bottom of the ramp.

Motion to open public comment made by Member Beaudin.

BOS Robinson seconded, all in favor.

Public Comment:

- 1. **Denis Desmarais**, neighbor in red house.
 - a. **Denis Desmarais** thinks it is a unique plan and is in favor of it. He likes this new plan better.
- 2. **Mike Fossa** lives at 36 Lodge Road.
 - a. **Mike Fossa** asks about the basements. Applicant's Agent Anderson states there are no basements. The units will be on helical piles.

Motion to close public comment made by Member Beaudin.

BOS Robinson seconded, all in favor.

Completeness

Chair Spanos asks the PB if they want to accept this application as complete. And then they can discuss the Request for a Waiver.

- 1. The PB goes over the Site Plan Review Approval Checklist
 - a. Section 23. "The location, size and design of proposed signs and other advertising or instructional devices."

BOS Robinson motions to accept a waiver for signage.

Member Beaudin seconds. All in favor.

- b. Discussion was had regarding lighting.
- c. Regarding state approval and permits. No issues.
- d. Town Engineer Korber advised the PB that they may have to get a DOT excavation permit to take care of the sidewalk.
 - i. Applicant Stiles advised he was not in favor of getting rid of the curb cut.
 - ii. Town Engineer Korber states that it is in their site plans to do that.
 - iii. Applicant Stiles advises the current curb cut is currently being used as a parking space. Applicant Stiles will omit it from the plan.
 - iv. Applicant's Agent Stuart Anderson advises he thinks this would also fix the issue of landlocking.

Site Plan Review Approval & Request for Waiver of Minimum Lot Size Requirement

Motion to accept application for Site Plan Review approval made by BOS Robinson.

Seconded by Vice Chair Chenard. All in favor.

1. Discussion of a waiver was had regarding the required minimum lot size per residential unit is 15,000 sq feet per unit. Currently the plan is for 7,000 SF per dwelling unit. Applicant's Agent Anderson reminds the PB that the last time the PB met about a previous applicant's plans [(i.e., Copley Loon Housing, LLC 141 Main Street Map 118, Lot 051)], the PB approved a waiver of the minimum lot size requirement [in the Village Center District]. Chair Spanos advises the [zoning] ordinance has changed since the last meeting. Applicant Stiles advises he is asking for the waiver so he can help with the housing crisis.

Motion to grant waiver made by BOS Robinson.

Seconded by Member Beaudin. All in favor.

1. Review of the conditions for approval:
 - a. The siding, final architectural design with list of materials;
 - b. Easements for parking;
 - c. Finish Technical Review;
 - d. Obtain legal opinion from Town Attorney Dennis on whether subject lot is a landlocked parcel;
 - e. Lighting plan; and
 - f. Permitting for signs.

Motion to approve [Site Plan Review with] the above conditions made by BOS Robinson.

Seconded by Member Beaudin. All in favor. (4:21:55)

B. 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 will be submitted to the Planning Board during a regular meeting on Wednesday February 14, 2024 at 6:00PM.

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** (0.47 Acres)
28. **Map 118, Lot 039.54** (0.37 Acres)

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.

Presentation

1. Plans and maps were handed out to PB by Applicant’s Engineer Scott P. Miccile, P.E., of Longfellow Design Build LLC.
2. Presentation discussed overall aspects of project.
 - a. Single family lots
 - b. Modifying the 2 landlocked lots needing road frontage (Lot 39.50 & Lot 39.41)
 - c. Utilities
 - i. Water main, easement under Fox Run trail
 - ii. Sewer split from 2 directions
 - iii. 2 underground storm water systems at the end of each project.
 - d. Unique project as it crosses a ski trail
 - e. Ski home trail for residents
 - f. Open space restrictions
3. PB observes that some of the open space includes the [East Branch Pemigewasset] River. PB says the river cannot be included.
 - a. Town Engineer Korber confirms the PB is correct. The property line goes to the thread of the river and their designated green space includes that river area. Town Engineer Korber said that map of proposed open space has been reviewed and comments have been made back to applicant. He recommends that where the shoreline protection area is, to benchmark the green space area against land that is already regulated. Member Beaudin advises the purpose of green space is to break up the development. Having the green space in the river, does not do that.
4. Member Beaudin brought up Town Engineer Korber’s memo regarding 8 items that need to be answered. Chair Spanos reads the memo, and the board discusses the issues.
 - a. Given that the proposal includes 28 new lots, approximately 2,300 feet of new roadway, a bridge and associated water and sewer system extensions, consideration should be given to whether the subdivision plan should be a standalone subdivision plan versus an amendment to a previously approved amended subdivision plan. As stated on the plan, the purpose is to “amend the second amendment to Crooked Mountain Woods Phase II Subdivision” (i.e., the recently approved 8-lot subdivision plan). The applicant is seeking to amend the 8-lot subdivision by revising 3 lots and adding 28 new lots with new roadway, bridge and utilities. As an alternative, the Town could

require that the applicant submit an amended 8-lot subdivision plan for the 3 lots they seek to revise and a separate subdivision plan for the proposed new lots and infrastructure.

- i. Member Beaudin confirms this proposed plan would require a new application. Attorney Lick states he doesn't feel it requires a new application as it is just a modification. (4:44:56)
 - ii. Planner Bont is asked her opinion and she doesn't feel it needs a new application.
 - iii. Town Engineer Korber clarifies that all it would be is 2 subdivision plans under 1 application.
- b. There are lots with slopes in excess of 50%; some of which do not meet the minimum 15,000 square foot (SF) lot size requirement. Consideration should be given to applying steep slope criteria in accordance with applicable Town regulations. Based on discussions with NHDES and Town Attorney Dennis, as currently written, steep slopes are defined by ordinance as slopes that are 15% or greater. Please refer to the attached PDF.
 - i. Town Engineer Korber states this is just a reminder that there are some very small lots on grades that are over 50% and does the PB want to apply these as per the Town zoning ordinance or not.
 - ii. Attorney Lick states he doesn't think any steep slope ordinance that may be imposed can apply to this project given that the master plan was already approved. He feels this would be an undermining of the master plan approval.
 - iii. Member Beaudin agrees with this regarding the steep slope but disagrees with the required 15,000 square foot minimum.
 - iv. Applicant's Engineer Miccile believes not being able to meet the minimum required on a few of the lots may be a mistake and believes all the lots can meet the minimum lot size requirement.
 - v. Attorney Lick advises that if the PB looks at the entire plan's size of 362.3 acres and dividing by 15,000 SF (the minimum lot size requirement), because South Peak is a "cluster development", the plans meet the minimum lot size requirements.
- c. Applicant is proposing several easements (utility, drainage, driveway, slope, resource areas) for the project. Consideration should be given to understanding the purpose and application of each easement. It is recommended that easement documents be reviewed and approved by the Town Attorney prior to subdivision approval.
 - i. No questions from PB.
- d. Proposed Lot Nos. 39.28, 39.29, 39.30, and 39.54 do not meet the minimum lot size requirement of 15,000 SF.
- e. Consideration should be given to providing a natural resource protection easement at the brook crossing between Lots 39.33 and 39.34 in a manner consistent with the previously required/approved natural resource protection easement for lots located downgradient from these lots.
 - i. Discussion had prior. No new discussion needed.

- f. A wingwall easement is proposed on Lots 39.36, 39.37, 39.48, and 39.49. Instead of easements, consideration should be given to extending the roadway right-of-way to include all areas required for the installation, maintenance, repair and replacement of the proposed bridge structure.
 - i. Applicant's Engineer Miccile advises he is not opposed to that and feels they can make it work.
- g. Proposed Lots 39.41 and Lot 39.50 do not have roadway frontage. Special utility and driveway easements are necessary to access these lots. In addition, while an easement is not depicted on the subdivision plans, a common drive is proposed to access Lot 39.38 and Lot 39.37; so, an access easement will likely be required for these lots as well. Prior to subdivision approval, we recommend the Town review the proposed access at these respective lots and understand both local and state requirements for land locked lots and access requirements.
 - i. It has been discussed previously and will be remedied.
- h. The proposed project is in the Main Pressure Zone of the Lincoln water system. As per the September 2020 report entitled *Water Storage Tank Storage Assessment & Model Update*, the highest water service elevation served by the Pollard Tank within the Main Street Zone is 1,000 feet at Crooked Mountain Road. Note that 20 lots are either partially or completely above the 1000-foot elevation.
 - i. Member Beaudin asked when construction would begin. Applicant's Engineer Miccile advises they hope to start this summer. The ski bridge is important to get in first. The [water storage] tank will be complete by August of 2025.
- 5. Alternate Member Black asks if the Applicant has an update on the water and sewer that they've already built. BOS Robinson recalls they have sent in their information. Applicant's Engineer Miccile confirms they did as well. Alternate Member Black couldn't recall. She said it was based off 4-bedroom lots but believes there are many more now. Planner Bont called that a bedroom counter that is missing. Attorney Lick summarized rough numbers that did meet requirements. Fire Chief Beard says that it would be easier to assess once the tank is put in and if meters are put on the lines, you can get accurate numbers.
- 6. Chair Spanos asks if there is more discussion and advises the PB is not ready to accept the application as "complete".
- 7. BOS Robinson asks about a passageway to a parking lot. Applicant's Engineer Miccile reports that this is a new entry way for residents to access the lot.
- 8. Planner Bont asks if they can get going as it is past 11pm. Chair Spanos advised this would continue on the agenda for February 28, 2024 at 6:00 PM if Applicant's Engineer Miccile would be ready. Applicant's Engineer Miccile agrees to the March 13, 2024 PB meeting at 6:00 PM.

Motion made by Member Beaudin to continue this [hearing]/discussion for March 13, 2024 at 6:00 PM.

Seconded by Vice Chair Chenard. All in favor.

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.

_____ makes Motion to Adjourn.

_____ seconds. All in favor.

Adjourns at 11:22:09 PM. (5:22:09)

Respectfully submitted,

Kara Baker
Recording Secretary

Date Approved: April 10, 2024


James Spanos, Chair

Planning Board Meeting February 14, 2024 - Guests - In Person Attendance

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
		alba architects LLP 137 Main Street PO Box 186 North Woodstock, NH 03262 & Agent for Mark Stiles (1) d/b/a Stiles & Associates, LLC; (2) Mark Stiles d/b/a Trustee of S&A Offices Realty Trust; (3) Mark Stiles d/b/a Flow State, LLC (4) Mark Stiles d/b/a It's An I-M, LLC PO Box 1113 North Marshfield, MA 02059	Nonresident	N/A	N/A	N/A	alba architects LLP 137 Main Street PO Box 186 North Woodstock, NH 03262-0186
Anderson	Stuart J.						
Bearden	Lynne	Property Owner	Resident	15 Valley View Lane	114-044	Harold Bearden & Lynne Bearden, Trustees, Bearden Family Trust of 2019, 15 Valley View Land, PO Box 476, Lincoln, NH 03251-0476	476, Lincoln, NH 03251-0476

Planning Board Meeting February 14, 2024 - Guests - In Person Attendance

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
		<p>Property Owner & AGENT FOR MARK BOGOSIAN D/B/A SOUTH PEAK, LLC AND FC-LOON LLC</p> <p>Acting as:</p> <p>A. Business Development for South Peak Resort, now owned by:</p> <p>Mark Bogosian d/b/a FC-Loon, LLC, 367 Main Street, Falmouth, MA 02540; (30 Lots); and</p> <p>Mark Bogosian d/b/a South Peak, LLC, 367 Main Street, Falmouth, MA 02540 (6 Lots).</p> <p>B. Manager of The Village Shops Shopping Center, newly purchased by:</p> <p>Mark Bogosian d/b/a Main Street Lincoln Investments, LLC, 866 Main Street, Osterville, MA 02655 where Longfellow Design Build Osterville, 866 Main Street, Osterville, MA 02655 is also located.</p> <p>C. Business Development for Longfellow Design Build owned by:</p> <p>Mark Bogosian d/b/a Longfellow Design Build, 367 Main Street, Falmouth, MA 02540.</p> <p>D. Business Development for Longfellow Design Build NH, owned by:</p> <p>Mark Bogosian d/b/a Longfellow Design Build NH, located at 9 Riverside Terrace Drive 2C, Lincoln, NH 03251 (property owned by Mark Bogosian d/b/a Loon Slopeside, LLC) (Map 118, Lot 039001-02-0000C). & Co-owner with Mackenzie Gaudet: (1) 36 LaBrecque Street (M113 L021); (2) 3 Hummingbird Road #1 (M114 L027000-0L-000890</p>	Resident		(1) 36 LaBrecque Street (M113 L021); (2) 3 Hummingbird Road #1 (M114 L027000-0L-000890	James Francis Burns & Mackenzie Gaudet co-owners of: (1) 36 LaBrecque Street (M113 L021); (2) 3 Hummingbird Road #1 (M114 L027000-0L-000890	James Francis Burns 36 LaBrecque Street Lincoln, NH 03251-4415
Burns	James Francis		Resident	& Co-owner with Mackenzie Gaudet			
	Brian	Property Owner	Resident	17 White Birch Lane	114-048	Brian Calaio & Lynn Murray, 17 White Birch Lane, Lincoln, NH 03251	Brian Calaio & Lynn Murray, 17 White Birch Lane, Lincoln, NH 03251
	Vincent	Related to Property Owner	Resident	Brian Calaio & Lynn Murray own 17 White Birch Lane	114-048	Brian Calaio & Lynn Murray, 17 White Birch Lane, Lincoln, NH 03251	Brian Calaio & Lynn Murray, 17 White Birch Lane, Lincoln, NH 03251
	Gary	Property Owner	Resident	9 Valley View Lane	114-043	Gary Casinghino & Denise Raiche-Casinghino, 9 Valley View Lane, Lincoln, NH 03251	9 Valley View Lane, Lincoln, NH 03251
	John	Property Owner & Realtor for Coldwell Banker Real Estate 189 Main Street PO Box 700 Lincoln NH 03251-0700	Resident	26 White Birch Lane	114-050	John Chamberlain White Birch Lane PO Box 1001 Lincoln, NH 03251-1001	John Chamberlain White Birch Lane PO Box 1001 Lincoln, NH 03251-1001
Chamberlain	John		Resident				
	Susanne A. (Susan)	Property Owner & Loon Reservation Service Employee	Resident	19 Maple Street	118-069	Susanne A. Chenard, 11 Liberty Road, Lincoln, NH 03251	Susanne A. Chenard, 11 Liberty Road, Lincoln, NH 03251
Chenard	Susanne A. (Susan)		Resident				

Planning Board Meeting February 14, 2024 - Guests - In Person Attendance

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
Conley	Ethan J.	Ethan J. Conley is the Developer & agent for Lincoln Valley Development, LLC. & Developer & Agent for Coolidge Ridge, LLC who are property owners	Nonresident	N/A	2 Mansion Hill Lots: (1) Coolidge Ridge LLC owns Mansion Hill #LO [M114 L049.3]; AND (2) Lincoln Valley Development, LLC owns Mansion Hill #LO [M114 L049]	(1) Lincoln Valley Development, LLC. [Primary owner is Sean G. Conley d/b/a C2 Equity Partners, LLC & C2 Equity Partners, LLC is d/b/a Lincoln Valley Development, LLC] AND (2) Coolidge Ridge, LLC. [Primary owner is Kyle R. McManus d/b/a Total Construction Solutions d/b/a Coolidge Ridge, LLC.] Ethan J. Conley is the agent for Lincoln Valley Development, LLC. AND (2) Coolidge Ridge, LLC.	Ethan Conley, 16 Kayla Avenue, Salem, NH 03079
Conley	Sean G.	Primary Owner for (1) Lincoln Valley Development, LLC. [Sean G. Conley is d/b/a C2 Equity Partners, LLC & C2 Equity Partners, LLC is d/b/a Lincoln Valley Development, LLC]. Ethan J. Conley is the agent for Lincoln Valley Development, LLC.	Nonresident	Mansion Hill #LO	114-049	(1) Lincoln Valley Development, LLC. [Primary owner is Sean G. Conley d/b/a C2 Equity Partners, LLC & C2 Equity Partners, LLC is d/b/a Lincoln Valley Development, LLC] Ethan J. Conley is the agent for Lincoln Valley Development, LLC	Sean G. Conley, 7 Colchester Road, Windham, NH 03087
Crowley	Eugene (Gene)	Eugene Crowley, Secretary of Westwood Homeowners Association 77 Lake Street MA 01770	Nonresident	82 Loon Brook Road	124-056	Crowley, Eugene (Gene) L & Gay E. 77 Lake Street Sherborn, MA 01770	Crowley, Eugene (Gene) L & Gay E. 77 Lake Street Sherborn, MA 01770
Curran PE	Keith	Senior Project Manager, Land Development & Engineer for (1) Lincoln Valley Development, LLC. [Primary owner is Sean G. Conley d/b/a C2 Equity Partners, LLC & C2 Equity Partners, LLC is d/b/a Lincoln Valley Development, LLC] AND (2) Coolidge Ridge, LLC. [Primary owner is Kyle R. McManus d/b/a Total Construction Solutions d/b/a Coolidge Ridge, LLC.] Ethan J. Conley is the agent for Lincoln Valley Development, LLC. AND (2) Coolidge Ridge, LLC.	Nonresident	None	2 Mansion Hill Lots: (1) Coolidge Ridge LLC owns Mansion Hill #LO [M114 L049.3]; AND (2) Lincoln Valley Development, LLC owns Mansion Hill #LO [M114 L049]	(1) Lincoln Valley Development, LLC. [Primary owner is Sean G. Conley d/b/a C2 Equity Partners, LLC & C2 Equity Partners, LLC is d/b/a Lincoln Valley Development, LLC] AND (2) Coolidge Ridge, LLC. [Primary owner is Kyle R. McManus d/b/a Total Construction Solutions d/b/a Coolidge Ridge, LLC.] Ethan J. Conley is the agent for Lincoln Valley Development, LLC. AND (2) Coolidge Ridge, LLC.	Keith Curran, PE, Bohler Engineering, Inc., 352 Turnpike Road, Southborough, MA 01772
Desmarais	Denis E.	Property Owner	Resident	11 Maple Street	118-066	Denis E. Desmarais, Trustee of 2012 11 Maple Street Lincoln, NH 03251	Denis E. Desmarais, Trustee of 2012 11 Maple Street Lincoln, NH 03251

Planning Board Meeting February 14, 2024 - Guests - In Person Attendance

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
DeLosa	Patricia B.	Patricia B. DeLosa, Trustee, Patricia B. DeLosa Revocable Trust 2022, 11 Goldfinch Road #3, PO Box 418, Lincoln, NH 03251-0418	Resident	11 Goldfinch Road #3	114-026000-0C-00019	Patricia B. DeLosa, Trustee, Patricia B. DeLosa Revocable Trust 2022, 11 Goldfinch Road #3, PO Box 418, Lincoln, NH 03251-0418	Patricia B. DeLosa, Trustee, Patricia B. DeLosa Revocable Trust 2022, 11 Goldfinch Road #3, PO Box 418, Lincoln, NH 03251-0418
Dutilly	Tammy Gionet	Property Owner	Resident	229 Pollard Road	113-061	Tammy Gionet, 229 Pollard Road, PO Box 291, Lincoln, NH 03251-0291	Tammy Gionet, 229 Pollard Road, PO Box 291, Lincoln, NH 03251-0291
Fossa	Michael Kelley	Director of Operations for Mark B. Fossa	Resident	N/A	117-121000-0C-00307	Glenn Fossa PO Box 7007 Fitchburg, MA 01420	Michael Kelley Fossa Road C307 PO Box 1388 Lincoln, NH 03251-1388
Gardner	John E.	Property Owner	Resident	28 Mansion Hill Drive	113-048	John E. Gardner & Riley E. O'Connell, 28 Mansion Hill Drive, Lincoln, NH 03251	John E. Gardner & Riley E. O'Connell, 28 Mansion Hill Drive, Lincoln, NH 03251
Heaney	Eugene	Property Owner	Resident	5 Valley View Lane	114-042	Eugene Heaney d/b/a Heaney Gaelic Group, LLC, 5 Valley View Lane, Lincoln, NH 03251	Heaney Gaelic Group, LLC, 5 Valley View Lane, Lincoln, NH 03251
Lick, Esquire	Derek D.	Attorney for: (1) Sean Conley d/b/a Lincoln Valley Development LLC; (2) Kyle McManus d/b/a Coolidge Ridge LLC; (3) Mark Bogosian d/b/a South Peak LLC & d/b/a FC-Loon, LLC	Nonresident	N/A	N/A	N/A	Orr & Reno 45 South Main Street P.O. Box 3550 Concord, NH 03302-3550
McDermott	Kathleen	Tenant	Nonresident?	16 Valley View Lane	114-046	Frank & Virginia Marie Pasciuto, 16 Valley View Lane, PO Box 192, Lincoln, NH 03251	Frank & Virginia Marie Pasciuto, 16 Valley View Lane, PO Box 192, Lincoln, NH 03251
McIntosh	Rhonda	Tenant	Nonresident?	Tenant of: Santos Hill Drive	114-053	c/o Craig Santos Mansion Hill Drive Lincoln, NH 03251	c/o Craig Santos Mansion Hill Drive Lincoln, NH 03251
McManus	Kyle R.	Applicant & Property Owner (1) d/b/a Total Construction Solutions Co. 2 Mockingbird Lane Kingston, NH 03848 & (2) d/b/a Coolidge Ridge, LLC, 2 Mockingbird Lane Kingston, NH 03848	Nonresident	Mansion Hill #10 (Map 114, Lot 049-003-00-000000) 6.81 Acres was transferred from Susan L. Smith, et al. to Coolidge Ridge, LLC, 2 Mockingbird Lane, Kingston, NH 03848. Deed recorded Book 4786, Page 742. Address for the LLC is the same as the address for Kyle R. McManus. Kyle R. McManus is listed as the principal of this LLC.	114-049-003	Kyle McManus d/b/a Coolidge Ridge, LLC c/o Kyle McManus d/b/a Total Construction Solutions Co., 2 Mockingbird Lane Kingston, NH 03848	Kyle McManus d/b/a Coolidge Ridge, LLC c/o Kyle McManus d/b/a Total Construction Solutions Co., 2 Mockingbird Lane Kingston, NH 03848
Micille, PE	Scott P.	Civil Engineering and Land Development Director Longfellow Design Build Street Falmouth, MA 02540	Nonresident	N/A	N/A	N/A	Longfellow Design Build, Inc. 367 Main Street Falmouth, MA 02540

Planning Board Meeting February 14, 2024 - Guests - In Person Attendance

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
Pascuito	Frank	Property Owner	Resident	16 Valley View Lane	114-046	Frank & Virginia Marie Pascuito, 16 Valley View Lane, PO Box 192, Lincoln, NH 03251	Frank & Virginia Marie Pascuito, 16 Valley View Lane, PO Box 192, Lincoln, NH 03251
Pascuito	Virginia ("Gina")	Property Owner	Resident	16 Valley View Lane	114-046	Frank & Virginia Marie Pascuito, 16 Valley View Lane, PO Box 192, Lincoln, NH 03251	Frank & Virginia Marie Pascuito, 16 Valley View Lane, PO Box 192, Lincoln, NH 03251
Santos	Craig	Property Owner	Resident	34 Mansion Hill Drive	114-053	Craig Santos Mansion Hill Drive Lincoln, NH 03251	34 Mansion Hill Drive Lincoln, NH 03251
Snyder	Michael W.	Owners of One Love Brewery, Tenant at 25 South Mountain Drive, Unit #4, Lincoln, NH 0321 & Jennifer Riley & Michael W. Snyder Trustees of Snyder Family Revocable Trust, 16 Pollard Road, Lincoln, NH 03251	Resident	166 Pollard Road	114-059	Jennifer Riley & Michael W. Snyder Trustees of Snyder Family Revocable Trust, 16 Pollard Road, Lincoln, NH 03251	Jennifer Riley & Michael W. Snyder Trustees of Snyder Family Revocable Trust, 16 Pollard Road, Lincoln, NH 03251
Warzocha P.G.	Jon L.	P.G., CEO Engineering, Inc. 34 School Street Littleton, NH 03561	Nonresident	N/A	N/A	N/A	Horizons Engineering, Inc. 34 School Street Littleton, NH 03561
Whitman	Susan	Property Owner	Resident	45 Mansion Hill Drive	114-030	Susan M. Whitman, Trustee, Susan M. Whitman Revocable Living Trust, 45 Mansion Hill Road, Lincoln, NH 03251	Susan M. Whitman, Trustee, Susan M. Whitman Revocable Living Trust, 45 Mansion Hill Road, Lincoln, NH 03251

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Blais	Kristen	Property Owner	Resident	72 Mansion Hill Drive	114-049001-00-00000	Kristen Blais, 72 Mansion Hill Drive, Lincoln, NH 03251	Kristen Blais, 72 Mansion Hill Drive, Lincoln, NH 03251
Dineen	Deborah E. (Deb) & Paul J.	Property Owner	Nonresident	75 Manor Drive #8	114-072000-0P-000128	Dineen, Paul J. & Deborah E. Dineen 136 Azalea Drive Norwood MA 03062	Dineen, Paul J. & Deborah E. Dineen 136 Azalea Drive Norwood MA 03062
Dineen	P & D (Could this be Patti O. Dineen & Cornelius W. Dineen II?)	Property Owner	Nonresident	36 Lodge Road #A116	117-121000-0A-00116	DINEEN II CORNELIUS W & PATTI O. DINEEN 128 MAIN STREET ROCKPORT, MA 01966	DINEEN II CORNELIUS W & PATTI O. DINEEN 128 MAIN STREET ROCKPORT, MA 01966
Ednie	Brian	Brian Ednie Partner with Mark Stiles Vice President Civil Engineering Lockwood Kessler & Bartlett One Aerial Way Syosset, NY 11791	Nonresident	N/A	N/A	Brian Ednie Vice President Civil Engineering Lockwood Kessler & Bartlett One Aerial Way Syosset, NY 11791	Brian Ednie Vice President Civil Engineering Lockwood Kessler & Bartlett One Aerial Way Syosset, NY 11791
Faherty	Terrance F.	Property Owner - Wife Maureen L. Faherty is on Board of Directors for South Peak Resort	Nonresident	36 Yellow Birch Circle	121-031	Terrence F. Faherty & Maureen Faherty 17 Bayberry Lane Cohasset, MA 02025	Terrence F. Faherty & Maureen Faherty 17 Bayberry Lane Cohasset, MA 02025
Fisher	Christine	Property Owner	Nonresident	(1) 80 Easterly Road #2 & (2) South Peak Road	(1) 133-039 & (2) 121-062	Brian D. Fisher & Christine M. Fisher 18 Saw Mill Road Duxbury, MA 02332	Brian D. Fisher & Christine M. Fisher 18 Saw Mill Road Duxbury, MA 02332
Kimball	John Henry	N/A	Nonresident?	No property owner listed for name of John Henry Kimball.	No property owner listed for name of John Henry Kimball.	2 properties owned by people named "Kimball" - None owned by John Kimball	Unknown
Korber, PE	Raymond H. (Ray)	Town Engineer	Town SubContractor	N/A	N/A	N/A	KV Partners LLC PO Box 7721 Gilford, NH 03249-7721
Leidner	Matthew Adam	Property Owner	Nonresident	75 Manor Drive #4	114-027000-0P-00124	Matthew Adam Leidner & Jennifer Lynn Leidner 25 Andersen Drive Boxford, MA 01921	Matthew Adam Leidner & Jennifer Lynn Leidner 25 Andersen Drive Boxford, MA 01921

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Mulhall	Mary Kathryn ("Kathy")	tenant of property owned by Robert F. Mulhall, Trustee, former resident of 1 Jason Terrace, South Boston, MA 02127	Resident - 2 homes, but is now registered to vote in Lincoln NH	54 Crooked Mountain Road	121-014	Robert F. Mulhall, Jr., Trustee et al., Robert F. Julhall Jr Trust, PO Box 1491, Lincoln, NH 03251-1491 & 1 Jason Terrace, South Boston, MA 02127	Robert F. Mulhall, Jr., Trustee et al., Robert F. Julhall Jr Trust, PO Box 1491, Lincoln, NH 03251-1491 & 1 Jason Terrace, South Boston, MA 02127
Sack	Brian	Property Owner? Perhaps an LLC? Computer handle "bs"?	Nonresident	No address assigned yet	118-039.5 (not on tax maps yet)	Brian & Amy Sack 63 Crescent Street Duxbury, MA 02332	Brian & Amy Sack 63 Crescent Street Duxbury, MA 02332
Stiles	Mark	(A) Mark D. Stiles, Trustee S&A Offices Realty Trust PO Box 1113 North Marshfield MA 02059; (1) Mark Stiles d/b/a It's An I-M, LLC; (2) Mark Stiles d/b/a Flow State, LLC (B) d/b/a Stiles & Associates LLC	Nonresident	(1) 153 Main Street & (2) 155 Main Street	(1) 118-064 & (2) 118-065	(A) Mark D. Stiles, Trustee S&A Offices Realty Trust PO Box 1113 North Marshfield MA 02059; (1) Mark Stiles d/b/a It's An I-M, LLC; (2) Mark Stiles d/b/a Flow State, LLC	(A) Mark D. Stiles, Trustee S&A Offices Realty Trust PO Box 1113 North Marshfield MA 02059; (1) Mark Stiles d/b/a It's An I-M, LLC; (2) Mark Stiles d/b/a Flow State, LLC
Vorlicek	Martha	Property Owner	Nonresident	49 Crooked Mountain Road	121-012	Anthony M. Vorlicek & Martha Vorlicek 5 Fieldmont Road Belmont, MA 02478-2606	Anthony M. Vorlicek & Martha Vorlicek 5 Fieldmont Road Belmont, MA 02478-2606
Wesemann	Carol	Property Owner & realtor for Charles Rutenberg Realty Inc.	Nonresident	21 Riverside Terrace #48	118-039001-04-00008	Carol Wesemann 618 Shore Drive Oakdale, NY 11769	Carol Wesemann 618 Shore Drive Oakdale, NY 11769
Yanofsky	Debra	Property Owner	Nonresident	86 Loon Brook Road	124-055	Steven M. Schulman & Debra S. Yanofsky 30 Goddard Circle Brookline, MA 02445	Steven M. Schulman & Debra S. Yanofsky 30 Goddard Circle Brookline, MA 02445

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Unknown	Adam	Unknown	Unknown	There are 10 Property Owners whose first name is Brian - Don't know which one this is.	Unknown	Unknown	Unknown
Unknown	Carol	Unknown	Unknown	There are 25 Property Owners whose first name is Carol - Don't know which one this is.	Unknown	Unknown	Unknown
Unknown	I Phone 13	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Unknown	Susan	Unknown	Unknown	There are 57 Property Owners whose first name is Susan - Don't know which one this is.	Unknown	Unknown	Unknown
Unknown	"Tom"	Unknown	Unknown	There are 56 Property Owners whose first name is Tom - Don't know which one this is.	Unknown	Unknown	Unknown

