

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

Wednesday, March 13, 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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(See also Town website www.lincolnnh.org for same link, meeting ID and passcode.)

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

Attendees

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

Excused: Alternate Member Mark Ehrman

Staff Present: Planner Carole Bont, Fire Chief Ron Beard

Consultant Present: Town Engineer Raymond Korber (via Zoom)

Guests: See Attached Spreadsheet

Congratulations and Appointment of Alternates

Chair Spanos congratulated Member Black on her win last night as a member of the PB. He would also like to thank Vice Chair Chenard for his many years of service. However, he didn't make reelection. Chair Spanos advises they will need to choose officers for the upcoming year.

Member Beaudin makes a motion that Chair Spanos continue to be chair for the upcoming year. Chair Spanos accepts that. BOS Robinson seconds. All in favor.

Member Noseworthy made a motion to nominate Member Beaudin as Vice Chair. Seconded by BOS Robinson. All in favor.

Chair Spanos states they will have to reach out to Mark Ehrman to see if he would like to remain an alternate.

The PB received a letter of interest from a person interested in being an alternate. Chair Spanos reads the letter to the PB from requestor, Joe Chenard.

Motion made by Member Beaudin to place Mr. Chenard on as an alternate.

Seconded by Member Black. All in favor.

BOS Robinson would like to make a motion for a second alternate for the PB, Michael (Mike) Kelley Fossa. (Fossa is not present now.)

Mike Fossa should submit a letter of interest.

II. CONSIDERATION of meeting minutes from:

• **February 14, 2024 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black.
 - Minutes are not ready

• **February 28, 2024 (Wednesday)**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin, Alternate Danielle Black.
 - Minutes are not ready

- Motion made by BOS Robinson to skip section 2 as no minutes are ready. Seconded by Vice Chair Beaudin. 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, with additional notification to owners of additional “affected lots”. Continued hearing was held on Wednesday February 14, 2024 at 6:00 PM, with hearing continued to March 13, 2024 at 6:00 PM. Some revisions to the plan were made – see changes marked in “red” on the agenda.

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

Applicant/Property Owner:

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

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

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

Applicant's Engineer: Keith Curran, P.E.
Bohler Engineering, Inc.
3 Executive Park Drive, Suite 202
Bedford, NH 03110

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

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

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

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

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

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

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

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

Applicant's Agent/Engineer: Keith Curran, P.E.
Bohler Engineering, Inc.
3 Executive Park Drive, Suite 202
Bedford, NH 03110

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

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

Lot 11 09 (0.38 0.34 Acres) SFR;	Lot 12 10 (0.38 0.34 Acres) SFR;
Lot 13 11 (0.38 0.35 Acres) SFR;	Lot 14 12 (0.38 0.35 Acres) SFR;
Lot 15 13 (0.38 0.35 Acres) SFR;	Lot 16 14 (0.38 0.64 Acres) SFR;
Lot 17 15 (0.38 0.35 Acres) SFR;	Lot 18 16 (0.38 0.71 Acres) SFR;
Lot 19 17 (0.38 0.50 Acres) SFR;	Lot 20 18 (0.38 0.35 Acres) SFR;
Lot 21 19 (0.38 0.35 Acres) SFR;	Lot 22 20 (0.38 0.42 Acres) SFR;
Lot 23 21 (0.38 0.41 Acres) SFR;	Lot 24 22 (0.38 0.37 Acres) SFR;
Lot 25 23 (0.38 1.37 Acres) SFR DUPLEX ;	Lot 26 24 (0.38 1.03 Acres) Duplex;
Lot 27 25 (0.38 0.70 Acres) SFR ;	Lot 28 (0.38 Acres) SFR.

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

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

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.

Letter from Alternate Danielle Black and Recusal

Chair Spanos reads letter from Danielle Black, dated February 23, 2024.

February 23, 2024

Dear members of the Lincoln Planning Board.

I wanted to take time to express to you my concerns for the recent discussion of the Mansion Hill Subdivision.

Firstly, I'd like to say that the opinion and the suggestions made by The Developers' Attorney Derek Lick, is for the benefit of the developers for whom he is being paid, and not the TOL, nor the abutting properties and when taking advice from such a position, the PB should seek advice from the TOL Attorney. The PB should only take advice from the Towns attorney.

The matter of storm water mitigation is a very large concern and should be taken seriously. In my time working the steep and diverse property in Coolidge Falls HOA over the past 20+ years, reviewing & altering/correcting prints and seeing the construction through its process, it always looks better on paper than what we are left with after the machines leave site. The course of water run off always follows the path of least resistance above as well as below ground, and it changes every year. Storm water mitigation tends to the water above the ground, not below. The hilltop on Mansion Hill is extremely wet and once the aquifer is disturbed by the installation of underground utilities, blasting ledge and hardpack, there is no telling what the water will do when the veins are opened.

Fortunately for Coolidge Falls, where we hold full-time year-round employees that monitor the property and have the ability to make repairs and corrections ourselves quickly before small matters become a large problem, these new developments do not. These new developments are managed by the HOA board members and subbed out maintenance workers that are there to complete one job and leave. Most now use management companies that have less vested in monitoring these properties carefully and picking up on slight changes before they become larger issues.

Who will monitor future tree cutting and installation of lawns? Tree cutting for a vista to see more of the ski area? Who will monitor the drainages as they fill in with leaf debris, sticks and erosion? Second homeowners are not as vested in the community and area surrounding their homes. I see it here in the property that I manage.

One comment that left a bad feeling in my heart, was when the presenting party stated that water in the homes below this development, was the problem of the homeowners with no consideration to how those new developments might have either caused or exacerbated those water problems.

The question on an Environments Impact Study was brushed off by the PB when it was brought up by me, as well as a member of the community. How embarrassing... and environmental impact study should be completed.

I also question why the PB did not inquire for an easement to access the trail system throughout this subdivision as it had with the recent discussion with the purchaser of the Forest Ridge Property?

The subdivision as proposed is trying to squeeze 7 cents from a nickel. It is too Dense.

Lastly, the maximum grade or steep slope of 15% needs to be moved to the front of the Land Use Plan Ordinance in our documentation to be enforced or modified.

The statement, "we've done it all these years, why change now" sets a bad precedent and to me, makes the PB less attentive. If we are not going to use the current Ordinances as written, then it should be modified. It is as bad as the common phrase used "the horse is already out of the Barn". Horses are easily caught, and fences easily mended.

I am not by any means opposed to change, nor do I mind progress. However, as an invited Seated Alternate for the past 8 months I've noted old tactics, antiquated methods and a lot of opinions being used in lieu of facts. And a lot of the ordinances being swayed from.

I am honored to sit with you and admire all of the time you have spent doing this thankless job, your diligence and the knowledge backs that you all hold for the history of the Town of Lincoln.

I am still learning a great deal here as an alternate member and have appreciated the opportunity to work with you.

We are indeed an ever -hanging community and I look forward to working with you to better this Town, not to diminish its "community" reputation."

Sincerely

Danielle Black

Member Black has recused herself during discussion of this matter and sat in the audience.

Presentation Of 1st Applicant

Applicants' Attorney Bob Carey, a colleague of Applicants' Attorney Derek Lick, comes forward to speak on behalf of Applicants Mr. Conley and McManus. Discussion was had about submissions made since the February 14th PB meeting.

A. Updated/Adjusted Traffic Memo

Applicant's Engineer Curran sent in an updated memo yesterday. Since the project has gotten smaller, the traffic memo has been adjusted per Planner Bont.

B. Request to Treat Application as "Complete" & Vote on Conditional Approval

Applicants' Attorney Carey is asking the PB to accept the application as complete and to vote on a conditional approval.

C. Landlocked Parcels: No Legal Liability for TOL to Provide Safety Services

1. Chair Spanos says there has been some concerns that some of the parcels are land locked, per NH RSA 674:41.
2. Applicant's Engineer Curran advises he and Town Engineer Korber to discussed this yesterday and believes that landlocked parcels are either Lots 2 or 3. Other land locked parcels mentioned were Lots 4 and 5. However, they were able to adjust those. He advises he can adjust Lots 2 or 3 to have road frontage.
3. Chair Spanos advises there is concern regarding lot 4 still being landlocked. Applicant's Engineer Curran states he believes that Lot 4 has frontage now. Planner Bont shows Applicant's Engineer Curran where Lot 6 needs to be adjusted, as well as Lot 13 where the driveways are going over other parcels. She also points out the duplex where the driveway is going over an adjacent lot.
4. Planner Bont continues to advise the PB that they don't want to create a new development where even one lot is landlocked with an easement over another lot; she can't issue a Land Use Permit (LUP) without having the BOS vote to allow that particular situation to exist. In addition, the developer would need to sign [and record] a release of legal liability associated with each landlocked lot. She summarizes that TOL would have this large new development where there is no legal responsibility for the TOL to provide safety service to each of those approved landlocked parcels "up there." She urges the PB that they "just don't want to go there." This is a new development, and you want to do it right.
5. Chair Spanos asks Planner Bont what happens when the property is transferred and how does the owner become aware of this issue. She says that's exactly the issue. The problem with this community is most people do not get a mortgage to finance the purchase of their property; they pay cash. Because they do not involve a bank, they don't do a title search and they have no idea what the deed restrictions are, and they don't care. In her experience working for this Town, realtors do not come in and ask to see anything about the lots they are selling. They tell her, if they don't know it, they don't have to disclose it to buyers.
6. Vice Chair Beaudin asks if the new road will be a [Town-maintained] Class V Road. Planner Bont states the new road will not be a Class V Road; it will be a private road. Discussion continues about all the private roads that will be developed.
7. BOS Robinson comments that Lot 2 has a driveway on to Mansion Hill Drive. Planner Bont states that the driveway for Lot 2 is over another lot so it needs an easement, [BOS approval and recorded release TOL of legal liability].
8. Applicant's Engineer Curran advises they have revised their plans and there is only one (1) private road within their development now.
9. Vice Chair Beaudin wants to be assured that the Town can enforce on a road that is not Class V. Applicant assures they will make the lot adjustments.

D. Town Engineer Korber's Email re: Request for PB Input/Guidance

1. Vice Chair Beaudin asks for discussion regarding the email Town Engineer Korber sent that day. Chair Spanos reviews the email. Town Engineer Korber advises the email's purpose was to ensure the applicant answered all his questions.

- a) Does the PB wish to provide sidewalks?
 - i. Vice Chair Beaudin states they don't require them in any of the other developments. Planner Bont reports South Peak is supposed to have them. Vice Chair Beaudin says there aren't any and it's too late now, it's all developed.
- b. Does the PB wish to have open space set aside?
 - i. Vice Chair Beaudin thinks it should be considered.
 - ii. Applicant's Engineer Curran reports there will be a "no disturbance" over the wetlands.
 - iii. Mr. McManus and Mr. Conley comment a conventional subdivision would put a circle of conservation and then cluster the homes in the middle. With their development, it is not conventional, and their lots are bigger and if they were doing a more of an open space plan everything would be pushed towards the road, leaving the back half open. Their effort is the no disturbance areas.
- c. Does the PB need clarification of ownership or roadway and utility extensions?
 - i. Applicant's Engineer Curran says since none of these would be public roads, the maintenance wouldn't fall on the Town. Under HOA ownership is where the maintenance would be responsible. For example, Lot 1 has the storm water basin that handles the drainage for Lots 1, 2 and 3. Also, Lots 4 and 5 have a basin and White Birch lots will have their own HOA and have a basin. Each HOA will have ownership and rights.
 - ii. Town Engineer Korber asks why they are creating three (3) HOA's instead of one (1). Applicant Conley states there is only one (1) HOA for the White Birch Lane extension. There are no other HOA's. The other areas are set up for easements for drainage and shared obligations of maintenance and not considered HOA's.
- d. Does the PB wish to consider special provisions for protecting wetlands? Applicant's Engineer Curran states they have addressed this.
- e. Does the PB have concerns regarding density and lot size? No comments.
- f. Will a performance bond be required?
 - i. Applicant's Engineer Curran states he addressed that last time, and they would have one.
 - ii. Vice Chair Beaudin asks for Town Engineer Korber to get an estimate for that. Town Engineer Korber states estimate comes from the Applicant's [engineering]consultant and he will review it on behalf of the Town.
- g. Does the PB wish to apply "usable space" solutions to the project? Special attention to steep slopes and wetlands.
 - i. BOS Robinson brings up Lot 24, where the duplex is proposed. There are four (4) non-contiguous areas that surround a single area of wetlands. Of those four (4) areas, only one (1) area is large enough for construction. Nearly half (½) of that usable area is taken up by the drainage structure. Is that still considered "usable space"? Applicant Conley answers by saying wells and septic need to be separated and this works for this lot and creates a buffer for other properties. Applicant's Engineer Curran reminds the PB that when they started this application process, they started with thirty-five (35) lots and are now down to twenty-five (25) lots. They have backed out of all the wetland calculations and still meet the requirements for all Town ordinances.
- h. Will the PB approved land locked lots? Chair Spanos says it has already been discussed.

- i. Does the PB wish the **Town to retain a traffic engineer?**
 - i. Chair Spanos advises they have reviewed the traffic plan by the Applicant's Engineer, which was within the acceptable minimum.
 - ii. Town Engineer Korber brought this up since Planner Bont received more information from the police department. The Police Department only collects data and does not have the professional expertise to interpret it. She wanted to be sure the PB could decide whether they wanted a traffic engineer to weigh in. There were some concerns.
 - iii. Applicant's Attorney Carey states the memo from the police department shows a seasonal occurrence of heavier traffic from 4pm-5pm. However, it is a limited time frame and only impacts Pollard Road seasonally.
- j. **Road Width Discussion**
 - i. Vice Chair Beaudin brings up the width of twenty-four-foot (24') Town road into the development's road proposed with a width of twenty feet (20'). Applicant's Engineer Curran reports on their updated design, on Mansion Hill Drive; only has a driveway there now and no road. As for White Birch Lane extension, they will continue with a roadway of twenty feet (20') wide per Town ordinance.
- k. Is there any **clarification needed regarding the technical memorandum dated March 4th**?
 - i. Chair Spanos asks Town Engineer Korber if these answers satisfy his questions. He has not reviewed what was sent last week.
 - a) Applicant's Engineer Curran asks if this can be a part of the conditional offer. Vice Chair Beaudin is not comfortable with a conditional offer now. He would like to wait until Town Engineer Korber can review the answers. Applicant's Engineer Curran states they would be happy to go over their answers now if the PB would like.
 - b) Applicant's Engineer Curran discusses the significant changes they've made for storm water drainage since the last meeting. Example, the one section that had 5 lots, now only has 3. Also, reconfiguring one of their basins.
 - c) Attorney Carey asks Town Engineer Korber how long he will need to review their response. Town Engineer Korber feels it can be done within 2 weeks.
 - d) Applicant Conley reminds the PB that they continue to make the development smaller and smaller and really would like to see conditional approval tonight.
 - e) Town Engineer Korber states that if the applicant complies with the storm water management ordinance, that is the Town engineer's review.
- l. **Concerns About Drainage System Maintenance and Associated Legal Responsibility**
 - i. BOS Robinson brings up that one of their discharge points has a net zero (0) difference between now and after development. The other five (5) or six (6) discharge points are less after the development than they are now. Applicant's Engineer Curran affirms. BOS Robinson is comfortable with this.
 - ii. BOS Robinson continues, his only concern, however, is the drainage study maintenance and inspection process, schedule and adherence are the homeowners' responsibility for upkeep.
 - a) BOS Robinson reads a memo regarding his suggestion for storm water operations and maintenance plan, the long-term pollution prevention plan and the operations

and maintenance training program should all be attached to the permit as a condition for approval.

- b) BOS Robinson continues, also, the parties of responsibility need to be named prior to the TOL issuing ~~building~~ [sic] [Land Use Authorization] permits.
 - c) BOS Robinson would also like a filed annual report to the TOL documenting all inspections and actions required by these plans.
 - d) BOS Robinson said there would also be an annual fee attached to submitting that report and a late fee if not filed.
 - e) Applicant Conley states that could be designated by a property maintenance company.
- iii. BOS Robinson requests more to be added to the inspection and maintenance report: A wetland disturbance inspection.
- a) Applicant Conley states the public and the PB have already discussed an ongoing issue and why hasn't that been corrected yet. They feel the PB is insinuating that the work won't get done properly. And if they do follow through for the next 100 years, would that make a difference to the people sitting behind him now [with drainage problems in their homes]? He reminds the PB they are not increasing the amount of water already going into the area that is already an issue. However, the problem will still exist prior to their development. When will the PB correct the problem?
- iv. The reports should include the dates that the items that need inspection occurred.
- v. Annual training program should include name of the trainer, personnel in attendance, topics covered and length of training.
- vi. Vegetative filter strips that are inspected 2x/year should be in the report.

m. **Concern About Compliance:**

- i. Vice Chair Beaudin comments that there is/was a compliance officer for the TOL and that's who should be confirming all is being done properly.
- ii. Town Engineer Korber states there is a requirement for self-reporting for the maintenance and inspection manual that should make its way to the TOL.
- iii. Planner Bont asks, since there is no HOA for the smaller developments off Mansion Hill Drive, is it the specific lot owner who is responsible for maintaining and reporting. Applicant Conley states it will be a proportionate cost with a shared maintenance responsibility. Also, the deed will make reference to the easement.
- iv. Vice Chair Beaudin asks about the three (3) lots tied in to one system, the Town would need documentation for what systems they are responsible for. Attorney Carey states that will be in the easement.
- v. Vice Chair Beaudin comments that the inspectors must be certified professionals and it can't just be the homeowner. That is a concern of his.
- vi. Town Engineer Korber asks if the infiltration system is a bioretention facility. Applicant's Engineer Curran affirms it is and the pretreatment system is also bioretention. Town Engineer Korber states his concern is that if this bioretention facility is the homeowner's responsibility, and if something happens and the fix is a costly expense, how will that homeowner finance that expense? His suggestion is to have the entire

development under one HOA. Applicant states they are two (2) different companies and two (2) separate applications. Discussion continued about the effects of causing damage to someone else's property if it is not taken care of when an issue arises.

- vii. Member Beaudin asks Town Attorney Jason Dennis if some language can be put in the deed that says if the bioretention facility is not kept up the Town will fix it and then the homeowners will be responsible for paying or reimbursing the Town.
 - a) Applicants' Attorney Carey states there is already something in place that protects the homeowner from someone else's property affecting theirs. It is called a "*private nuisance case*".
 - b) Town Attorney Dennis comments that he agrees the private nuisance action does exist. However, it requires that one of the homeowners would have to care enough to sue their neighbor. **He feels it would be beneficial for the Town to put a condition that the Town has "any of the statutory lien mechanisms."** He doesn't recommend that the Town get involved with the possibility of multiple homeowners suing each other. Instead, the Town tells all parties involved they are responsible, and they need to figure it out amongst themselves.
 - c) Applicants' Attorney Carey asks if Town Attorney Dennis is aware of any current deed with that language. Town Attorney Dennis said he doesn't believe there is, but he can come up with language. And this would be based off historical experience with issues in Town and going forward, the conditions can be different based on what the Town has learned from the experiences of other subdivisions. This would not be treating anyone different that is similarly situated. This is based on new information provided.

n. **Concern About Shared Driveways**

- i. Applicants' Attorney Carey asks if they can discuss the issue related to the lots with shared driveway issue with Attorney Dennis. Chair Spanos advises it's okay and a few of the PB members also have questions.
- ii. Vice Chair Beaudin wants to ensure whatever legal language is used that the Town can do the work and then collect for that service with a strong enough penalty to ensure it is completed. Applicant's Engineer Curran advises he has seen this before as it being called a self-help clause and gave an example.
- iii. BOS Robinson asks Town Attorney Dennis to confirm that all storm water management structures in Town, currently, are either on a single lot serving a single lot or on common land controlled by an HOA. Town Attorney Dennis affirms and he suggests speaking to PB, offline, to discuss further. There are statutes that could answer both BOS Robinson and Vice Chair Beaudin's concerns regarding Public Works and property owners. It may include tax liens.
- iv. Regarding shared driveways, Planner Bont discusses the easements and the issues with land locked properties. Town Attorney Dennis's understanding is that there have been some changes, but he would need to see the current proposal in order to weigh in on it.
 - a) Applicant's Engineer Curran discusses Lot 2 and 3. Lot 2 shares Lot 3's driveway to give access to Mansion Hill Drive. The shared driveway would adjust lot lines so both would have road frontage.
 - b) Town Attorney Dennis states the driveway would have to meet the definition of a private road/way to satisfy the State statute.

- c) Vice Chair Beaudin advises Town Attorney Dennis the PB has done that in the past. Planner Bont says the PB shouldn't have.
- d) Applicant's Engineer Curran says they've done what the PB asked of them, and it meets the TOL code.
- e) Chair Spanos advises the State statutes supersede the Towns' code.
- f) Town Attorney Dennis agrees. Town Attorney Dennis suggests that if this were to proceed, the applicant could go to the ZBA and request a variance.
- g) Planner Bont states for the applicant to request a variance, they must have a "hardship".
- h) Applicant Conley states that both lots would have road frontage than there are no landlocked lots. Applicant Conley confirms with Applicant's Engineer Curran that they can do that, creating no land locked lots.
- i) Member Noseworthy asks why both developments can't be in an HOA. Applicant Conley advises there are two (2) separate applications, two (2) separate developments. Both have different responsibilities.
- j) Vice Chair Beaudin asks Town Attorney Dennis if getting copies of the forms stating who is responsible for maintenance [of the roadways and bioretention facilities] could be a part of the condition for approval. Attorney Dennis agrees.

o. Public Comment:

Vice Chair Beaudin makes a motion to open for public comment.

Seconded by Member Noseworthy. All in favor.

p. Is Application Complete?

- 1. Applicants' Attorney Carey asks if the PB has a list of the conditions needed to accept the application.
- 2. Chair Spanos asks if Planner Bont considers the application "complete" at this time.
- 3. Planner Bont says she doesn't have an answer yet from PB to the questions she and the Town Engineer submitted to the Planning Board asking for input and guidance about what information the PB wants about the proposed project.
- 4. Chair Spanos has decided to proceed with public comment now.
 - a) BOS Robinson asks Chair Spanos if there should be accepting the application before the public speaks as the public hearing is not about completeness but on the actual "thing."

BOS Robinson makes a motion that the PB review the application as complete instead of public comment.

Vice Chair Beaudin Seconds. All in favor.

The PB reviews the checklist for both applications.

- 5. Chair Spanos goes over the **checklist for 1st application, M114 L049.3**, missing items are:
 - a) Estimated cost for securing a bond. Typically, not required before approval.

- b) Legal documents for HOA. Typically, not required before approval.
- c) A statement of responsibility and liability for roads and maintenance. Applicant states there are no roads on this plan. Vice Chair Beaudin states it should say that on the plan.
- d) The subdivision regulation compliance statement. Applicant's Engineer Curran says that comes from the State if there are no public water or septic facilities [to support the proposed development]. This should not be applicable.

Motion to accept application as complete made by BOS Robinson.

Seconded by Vice Chair Beaudin. All in favor.

- 6. Chair Spanos goes over the checklist for 2nd application, M114 L049, with PB.

Motion to accept application as completed by Vice Chair Beaudin.

Seconded by BOS Robinson. All in favor.

Motion to open for public comment made by Vice Chair Beaudin.

Seconded by BOS Robinson. All in favor.

I. Public Input:

A. Tammy Dutilly of 229 Pollard Road. (2:39:10 to 2:52:30, 13 minutes)

- 1. Brings up the water issue on Pollard Rd that already exists. More developments mean more issues.
- 2. Reminds the PB about the pedestrian issues on Mansion Hill Drive.

B. Frank Pasciuto of 16 Valley View Lane (2:52:40-3:10:10 -18 minutes)

- 1. Reminds the PB he has addressed them prior and would like to review what he has spoken about previously.
- 2. Mr. Pasciuto would like the application to be denied by the PB.
- 3. Mr. Pasciuto is reading from a letter that he tells the PB will be provided with a written version. (Mr. Pasciuto is far from the microphone and only every other word is being heard, will summarize best as possible).
- 4. Discussion of the requirement of calculating "Adequate Usable Space" as defined in the Land Use Plan Ordinance in Article VIII, Section A,2,a), 4), "steep slopes".

- a. *The site is suitable for the proposed use, structure or development; that the specific site is an appropriate location for the proposed use, structure or development. This includes:*

i. *Adequate usable space.*

- a) *The definition of "useable space" is any portion of a lot or a structure which is designed to be or can be used to support development.*

b) *The definition of "usable 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.);*

5. Due to the delicate nature of this land.

6. He requests the PB continue public participation on the outstanding items.

7. The roadways appear to be something less than what the Fire Chief would like to see.

- a. Vice Chair Beaudin asks if Fire Chief Beard would like to speak on this. Fire Chief Beard states he had concerns when he thought the road width was only eighteen feet (18'). He is okay with twenty-foot (20') road width.

C. Matthew Leidner of 78 Manor Drive (via Zoom) (3:10:24-3:18:30- 8 minutes)

1. Reminds the PB that he has spoken at previous hearings for this development.
2. He has reviewed the most recent plans and wished the developer would have spoken about those at the beginning of this meeting. Mr. Leidner feels a lot of improvements have been made to the plan. He hopes it has been due to what he's talked about and others, including the PB, and summarized the improvements and feels they have listened to the comments brought before.
3. Regarding the bioretention basin on Lot 1, with its reduction in size has caused more outflow with only a stone spillway. He feels it will only reconcentrate the water outflow a little further down. Also, the basins' flooring is higher up, away further from the groundwater. He recommends it be looked at to have it piped to the Town's stormwater drainage system Mansion Hill Drive.

D. John Kimball of 9 White Birch Lane (via Zoom) (3:25:56-3:35:15-9 minutes)

1. He agrees with those that have spoken before him.
2. He would like to be included in the performance bond.
 - a. Attorney Dennis is going to research it if it's possible.
3. Reviewed what he said at previous meetings.

E. Gary Casinghino of 9 Valley View Lane (3:35:26-3:50:28- 15 minutes)

1. Agrees with what others have said this evening and supports Danielle Black's letter.
2. He commented on the steep slopes, drainage issues and wetlands issues.
3. Reviewed what he discussed at the last public hearing.

E. Tammy Dutilly (3:50:30-3:53:46- 3 minutes)

1. Discussed potential damages and traffic caused by developers' anticipated logging trucks and what can be handled on the road and times of day/year.

Vice Chair Beaudin motions to close public comment.

Seconded by BOS Robinson. All in favor.

II. Follow Up

- A. Vice Chair Beaudin reviews what the responsibilities will be after this meeting for follow up.
- B. Vice Chair Beaudin asks for Town Engineer Korber to look into the rerouting of the drainage to the Towns' drainage, the storm water management response from Bohler, and the driveway issue.
- C. PB asks Town Attorney Dennis to work on the responsibilities of the storm water management paperwork and driveways meeting the correct lot lines.

III. Further PB Discussion

A. Driveways

1. BOS Robinson asks about the 3 duplex driveways, that slope towards Valley View Lane. He asks if that is a drainage point.
2. Applicant's Engineer Curran affirms it is and they are still meeting at or below that point.

B. Space Between Lots

1. Regarding the space between Lots 5 and 8, mentions a proposed level spreader, see grading plan.
2. Applicant's Engineer Curran states water runoff from Lots 4 and 5 currently would head to the road. Their plan is to have that water diverted to the wetlands.
3. BOS Robinson asks to define a rain garden for the public.
4. Applicant's Engineer Curran states a rain garden is also known as a bioretention area. Runoff goes to these areas that have vegetation with a special medium that uptakes a lot of the runoff.
5. BOS Robinson asks where the conservation area is that abuts the property.
6. Planner Bont states from the subject properties, you have to cross over Forest Ridge Resort property to get to the conservation land. The conservation land is an approximately 13-acre parcel owned by the Society for the Protection of New Hampshire Forest.
7. Applicants' Attorney Carey confirms the conservation land does not directly abut his clients' properties. The conservation land abuts Forest Ridge Resort.
8. BOS Robinson asks about sidewalks and confirms with Applicants that there is no plan for sidewalks within the development. Applicant confirms.
9. BOS Robinson asks about blasting and if there would be a lot of blasting. Applicant advises until they get in there, they won't know.

C. Acceptance of Applications as Complete Triggers 65-Day Approval/Disapproval Period

1. Attorney Dennis reminds the PB, now that the application has been accepted, it now triggers the 65-day period. He advises that the PB does not have to accept any expert opinions. Regarding conditions on approval, they need to be heard at a hearing. Vice

Chair Beaudin asks Attorney Dennis to send these reminders in an email to Planner Bont.

Motion to continue hearing to April 10th at 6:00 PM made by Vice Chair Beaudin.

Seconded by BOS Robinson. All in favor.

5-minute break at 4:32:00

Member Black has rejoined the board, 4:37:29

F. Chair Spanos requests reference to 2 letters submitted regarding the Mansion Hill Subdivisions. They will be read at the next meeting. He apologizes for not reading them during this meeting.

1. Susan Doran, dated March 8, 2024

2. Frank Pasicuto, dated March 8, 2024

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 was submitted to the Planning Board during a regular meeting on Wednesday February 14, 2024, at 6:00PM. The hearing was continued to Wednesday, March 13, 2024, at 6:00 PM.

Applicant:	Mark Bogosian 850 Main Street Falmouth, MA NH 02540
Agent/Surveyor/Engineer:	Andrew J. Nadeau, L.L.S. Horizons Engineering, Inc. 34 School Street Littleton, NH 03561
Property Owner:	Mark Bogosian d/b/a South Peak, LLC 850 Main Street Falmouth, MA 02540

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

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

Proposal: A total of twenty-eight (28) new lots will be created along new road frontage created by Upper Crooked Mountain Road. Three (3) existing lots along existing road frontage on Crooked Mountain Road

will be adjusted along the new Upper Crooked Mountain Road. Infrastructure improvements to such as extension of municipal water & sewer lines & extension of utilities, grading and drainage system will be required.

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

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

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

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

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

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

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. Chair Spanos requests an update from the last meeting.
 - a. Applicant states they have been working on the 8-10 comments Town Engineer Korber had addressed. On March 4, 2024, Town Engineer Korber provided civil engineering comments, and they went through some of that with him earlier today. Still awaiting Town Engineer Korber’s stormwater management comments. They request a short continuance to address the rest of Town Engineer Korber’s comments.

PEMI BASE CAMP & NEW SKI LIFT PARTIALLY ON LAND OF SOUTH PEAK RESORT

(Not on Agenda for This Meeting)

1. Vice Chair Beaudin informs Applicant Mark Bogosian, regarding being the owner (d/b/a South Peak, LLC) of the property at Pemi Base Camp, that the PB is preparing to send him a letter.
2. Vice Chair Beaudin informs Applicant Mark Bogosian that he is also concerned about the new lift at South Peak – the DES and EPA issues with the washouts near the new ski lift towers.
3. In Vice Chair Beaudin’s opinion, he recommends they get these two matters be resolved as they are violations.
4. Applicant Bogosian confirms these matters are not in relation to what he and his team are there for tonight. Vice Chair Beaudin confirms that it is true. However, it’s the same applicant for the South Peak issues. Applicant disagrees and says they are completely unrelated. The only relationship is that they are on the same parcel but different owners of projects and separate matter.
5. Vice Chair Beaudin states this is his opinion only, not the Planning Board’s. He feels the applicant needs to address these issues before moving on to a bigger project. Applicant Bogosian states not everything is in their hands. Vice Chair Beaudin reminds them that “they” (i.e., Mark Bogosian d/b/a South Peak LLC) is the property owner of both lots.
6. BOS Robinson states that if there is nothing new to be said, they need to move on. He doesn’t feel it is appropriate to have the PB speaking about a separate issue, other than the noticed Crooked Mountain Road Subdivision.
7. Applicant Bogosian states to Vice Chair Beaudin that these are two (2) separate and distinct projects and not what Bogosian and his team are there for tonight. BOS Robinson asks if the letter has even been sent yet. Planner Bont says it was to be discussed tonight; they have not received the letter yet. BOS Robinsons asks how they can respond to a letter they haven’t received yet. Member Black offers to help Planner Bont get the letter written. Attorney Dennis states that different plots are legally meant to be judged upon their own merit.
 - a. Planner Bont reviews what the applicant needs to have for the April 10th meeting.
 - b. PB reviews Town Engineer Korber’s memo with questions for the PB to get answers for the project and have their application ready and whether the PB cares for these to be included.
 - i. Sidewalks – No.
 - ii. Open space set aside – Yes.
 - iii. Usable space exclusions – No.

- iv. Street grades greater than right of way – Applicant Bogosian suggests the bridge should be considered an easement and not separate from the property.
- v. Land locked lots – already discussed.
- vi. Traffic studies – last traffic study was in 2004-2005. Applicant states their numbers don't come close to max.
- vii. Any clarification in comments for technical memo number 1.

Motion made to continue this application until April 10th at 6:00 PM by Vice Chair Beaudin.

Seconded by BOS Robinson. All in favor.

IV. NEW BUSINESS

A. REQUEST FOR WAIVER OF STORMWATER MANAGEMENT ORDINANCE (SMO)

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

Public Hearing: Interested parties are invited to attend, in person, or by agent, to show why this project should, or should not, be granted a waiver from the requirements of the Stormwater Management Ordinance or be required to provide something less than a stormwater management plan. Should a decision not be reached at the public hearing, this application will stay on the PB agenda until such time as it is either approved or disapproved without further published notice.

Property Owner/

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

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

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

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

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

Applicant, Joseph Lynch d/b/a Loon Landing Development, LLC, initially intended to disturb more than 50% of the lot at 23 Back Forty Road (Map 132, Lot 039) of 0.64 acres on Back Forty Road to construct a Single-Family Residence (SFR) with an attached garage. The subject lot is in an area of steep slopes within the Planning Board approved development called “The Landing at Loon Mountain”. Per Applicant, after clearing the lot and working with building site challenges, Applicant wants to relocate the proposed building from the middle of the lot to the front of the lot, closer to Crooked Mountain Road. Although the lot was cleared, the house is not constructed yet.

He would like to avoid the requirement to provide a Stormwater Management Plan and is requesting a waiver. Applicant is requesting a chance to mitigate the clearing to “start over” with a “blank slate”.

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

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

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

Presentation

Vice Chair Beaudin recused himself for this discussion due to a conflict of interest. He moved to sit in the audience as a member of the general public. However, then he spoke as an advocate on behalf of his employer, Applicant Joseph Lynch d/b/a Loon Landing Development, LLC.

1. Applicant’s Engineer Holt summarized the above information provided on the agenda.
2. Applicant’s Engineer Holt is requesting a possible PB vote to allow the applicant to submit a revised land use permit application instead of requesting a waiver.
 - a. Town Engineer Korber advises the PB that if they can agree to this, since the land was already disturbed which triggered the storm water management ordinance, for the applicant to get under the threshold they will have to take an area already disturbed and return it to forest. This could take decades. If the PB finds that acceptable.
3. Applicant’s Engineer Holt said the applicant intends to match what the pre-existing conditions were. However, these would not be mature trees, but saplings.

Questions

1. BOS Robinson asks if, under this proposal, there would be no storm water study? Applicant’s Engineer Holt advises they will be under the Stormwater Management Ordinance threshold and will not need to. However, they would still have an erosion plan.
2. Town Engineer Korber reminds the PB that this would only be under the threshold if they agree that forest restoration is an appropriate measure for stormwater mitigation.
3. Town Engineer Korber requests that Applicant’s Engineer Holt explain their **hardship**. Applicant’s Engineer Holt states since they are not waiving any rules, there is no hardship [required].
4. Applicant’s Engineer Holt showed the PB some maps and presented to the camera regarding the lot where the area of restoration would occur.
5. Chair Spanos asks how long this area of restoration will need to be monitored. Applicant’s Engineer Holt says until the reforestation has stabilized, then the silt fence can be taken down. This would be 85% stabilization.
6. Town Engineer Korber advises this reforestation measure would need to be monitored by the Town for several years with at least an annual physical inspection by the Town.

Motion to open public comment by BOS Robinson. No second. No vote.

BOS Robinson states if public comment is opened, Mr. Beaudin can speak as a member of the public.

Mr. Beaudin says he has nothing to say, but that the erosion control plan is going to be approved by Town Engineer Korber and discussed what will be happening to make the planted trees grow successfully. He believes this plan is a much better plan for the lot than the original plan.

The PB begins to discuss what conditions the PB might consider placing on the proposed plan when Town Attorney Dennis interrupts.

Legal Advice

Town Attorney Dennis says he would like to address a legal nuance. If a waiver is granted, typically there aren't any conditions upon that waiver. Instead, an amended site plan would allow conditions to be put into effect.

Further Discussion

1. PB discusses their concern about stormwater runoff effects on the downhill lot from this subject lot.
 - a. *Note: Joseph Lynch, d/b/a Loon Landing Development, LLC is the successor developer of the development known as "The Landing at Loon Mountain" and owns the downhill lot from the subject lot as well as many, but not all of the surrounding lots.*
2. Mr. Beaudin discusses how that would be avoided.
3. PB agrees that an amended Land Use Permit would be better than a waiver.
4. Chair Spanos polls the board to have the plan reviewed by the Town Engineer.
 - a. Member Black – Yes.
 - b. BOS Robinson – Yes.
 - c. Mr. Beaudin advises the lot is ready for construction and to start planning and would like to get moving on it.
 - d. Chair Spanos suggests they get started and come back in a couple of months with a status update, if the PB votes in applicants' favor.
 - e. Applicant's Engineer Holt advises they can do quarterly reports in the first year and then annually until stabilized.
 - i. **Town Engineer Korber suggests the area should not just be stabilized but also established.**

No motion made.

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.

BOS Robinson makes Motion to Adjourn.

Member Noseworthy seconds. All in favor.

Adjourns at 12:09:01 AM.

Respectfully submitted,

Kara Baker
Recording Secretary

Date Approved: April 10, 2024


Chairman Spanos

Planning Board Meeting March 13, 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
Bartlett						Bartlett, Norman F & Kathleen 136 Pollard Road PO Box 255 Lincoln, NH 03251-0255	Bartlett, Norman F & Kathleen 136 Pollard Road PO Box 255 Lincoln, NH 03251-0255
Bearden	Norman F.	Property Owner	Resident	136 Pollard Road	114-074	Harold Bearden & Lynne Bearden, Trustees, Bearden Family Trust of 2019, 15 Valley View Land, PO Box 476, Lincoln, NH 03251-0476	Harold Bearden & Lynne Bearden, Trustees, Bearden Family Trust of 2019, 15 Valley View Land, PO Box 476, Lincoln, NH 03251-0476
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	Harold Bearden & Lynne Bearden, Trustees, Bearden Family Trust of 2019, 15 Valley View Land, PO Box 476, Lincoln, NH 03251-0476
Bearden	Harold	Property Owner	Resident	15 Valley View Lane	114-044	Frank R. Bill Jr. & Jean L. Bill 56 Black Mountain Road Box 517 Lincoln, NH 03251-0517	Frank R. Bill Jr. & Jean L. Bill 56 Black Mountain Road Box 517 Lincoln, NH 03251-0517
Bill	Jean	Property Owner	Resident	56 Black Mountain Road	130-112		

Planning Board Meeting March 13, 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				
Burns	James Francis	<p>Attorney for:</p> <p>(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</p>	Nonresident	N/A	N/A	N/A	
Caringhino	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

Planning Board Meeting March 13, 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 [M1114 L049.3]; AND (2) Lincoln Valley Development, LLC owns Mansion Hill #LO [M1114 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, 15 Kayla Avenue, Salem, NH 03079
Crowley	Eugene (Gene)	Eugene Crowley, Secretary of Westwood Homeowners Association 77 Lake Street Sherborn, 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 [M1114 L049.3]; AND (2) Lincoln Valley Development, LLC owns Mansion Hill #LO [M1114 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
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
Holt PG	George C.	Engineer & Principal HYDROGEOLOGIST for Joseph Lynch d/b/a Loon Landing Development LLC	Nonresident	23 Back Forty Road (owned by client)	132-039	N/A	Aries Engineering Inc. 46 South Main Street, Suite 3 Concord, NH 03301
Kelley	Nicole A.	Property Owner	Resident	22 Mansion Hill Drive	113-050	Kelley, Stephen S. ("Spencer") & Nicole A. 22 Mansion Hill Drive Lincoln, NH 03251-4228	Kelley, Stephen S. ("Spencer") & Nicole A. 22 Mansion Hill Drive Lincoln, NH 03251-4228
Kelley	Stephen S. ("Spencer")	Property Owner	Resident	23 Mansion Hill Drive	113-050	Kelley, Stephen S. ("Spencer") & Nicole A. 22 Mansion Hill Drive Lincoln, NH 03251-4228	Kelley, Stephen S. ("Spencer") & Nicole A. 22 Mansion Hill Drive Lincoln, NH 03251-4228

Planning Board Meeting March 13, 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
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
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	Manson Hill #10 (Map 114, Lot 049, 003-00-00000) 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
Miccile, PE	Scott P.	Civil Engineering and Land Development Director Longfellow Design Build 367 Main Street Falmouth, MA 02540	Nonresident	N/A	N/A	N/A	Longfellow Design Build, Inc. 367 Main Street Falmouth, MA 02540
Pasciuto	Frank	Property Owner	Resident	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
Pasciuto	Virginia ("Gina")	Property Owner	Resident	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
Snyder	Jennifer (Jenn)	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
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 Horizons Engineering, Inc. 34 School Street Littleton, NH 03561	Nonresident	N/A	N/A	N/A	Horizons Engineering, Inc. 34 School Street Littleton, NH 03561

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
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

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
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
Chenard	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
Dennis, Esq.	Jason	Town Attorney	Nonresident	N/A	N/A	N/A	Jason Dennis Esq. Hastings Law Office, P.A. 376 Main Street PO Box 290 Fryeburg, ME 04037-0290
Gallant	Eileen	Property Owner	Resident	21 Valley View Lane	114-049002-000-00000	Gallant Mark W & Eileen C. Gallant 39 Cypress Avenue Shrewsbury, MA 01545	Gallant Mark W & Eileen C. Gallant 39 Cypress Avenue Shrewsbury, MA 01545
Grove	Janet K.	Property Owner	Nonresident	69 Manor Drive #6	114-027000-00-00118	Janet K. Grove, Trustee Janet K. Grove Family Trust 3187 Redstone Lane Boulder, CO 08305	Janet K. Grove, Trustee Janet K. Grove Family Trust 3187 Redstone Lane Boulder, CO 08305
Kimball	John Henry ("Henry")	Tenant?	Resident?	9 White Birch Lane	114-041	2 properties owned by people named "Kimball" - None owned by John Kimball. Ann Marie Kimball owns 9 White Birch Lane	Ann Marie Kimball 9 White Birch Lane Lincoln, NH 03251
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
O'Connell	Riley	28 Mansion Hill Drive	resident	28 Mansion Hill Drive	113-048	John E. Gardner & Riley O'Connell 28 Mansion Hill Drive NH 03251	John E. Gardner & Riley O'Connell 28 Mansion Hill Drive Lincoln, NH 03251

Last Name	First Name	Company/ Title	Resident?	Lincoln Property Owned Street Address	Map/Lot	Property Owned by	Mailing Street Address
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	(Yes, it is a only a dot!	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Unknown	iPhone	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

February 23, 2024

Dear members of the Lincoln Planning Board

I wanted to take time to express to you my concerns for the recent discussion of the Mansion Hill Subdivision.

Firstly, I'd like to say that the opinion and the suggestions made by The Developers Attorney Derek Lick, is for the benefit of the developers for whom he is being paid, and not the TOL, Nor the abutting properties and when taking advice from such a position, the PB should seek advice from the TOL Attorney. The PB should only take advice from the Towns attorney.

The matter of storm water mitigation is a very large concern and should be taken seriously. In my time working the steep and diverse property in Coolidge Falls HOA over the past 20+ years, reviewing & altering/correcting prints and seeing the construction through its process, it always looks better on paper than what we are left with after the machines leave site. The course of water run off always follows the path of least resistance above as well as below ground, and it changes every year. Storm water mitigation tends to the water above the ground, not below. The hilltop on Mansion Hill is extremely wet and once the aquifer is disturbed by the installation of underground utilities, blasting ledge and hardpack, there is no telling what the water will do when the veins are opened.

Fortunately for Coolidge Falls, where we hold full-time year-round employees that monitor the property and have the ability to make repairs and corrections ourselves quickly before small matters become a large problem, these new developments do not. These new developments are managed by the HOA board members and subbed out maintenance workers that are there to complete one job and leave. Most now use management companies that have less vested in monitoring these properties carefully and picking up on slight changes before they become larger issues.

Who will monitor future tree cutting and installation of lawns? Tree cutting for a vista to see more of the ski area? Who will monitor the drainages as they fill in with leaf debris, sticks and erosion? Second homeowners are not as vested in the community and area surrounding their homes. I see it here in the property that I manage.

One comment that left a bad feeling in my heart, was when the presenting party stated that water in the homes below this development, was the problem of the homeowners with no consideration to how those new developments might have either caused or exacerbated those water problems.

The question on an Environments Impact Study was brushed off by the PB when it was brought up by me, as well as a member of the community. How embarrassing... and environmental impact study should be completed.

I also question why the PB did not inquire for an easement to access the trail system throughout this subdivision as it had with the recent discussion with the purchaser of the Forest Ridge Property?

The subdivision as proposed is trying to squeeze 7 cents from a nickel. It is too Dense.

Lastly, the maximum grade or steep slope of 15% needs to be moved to the front of the Land Use Plan Ordinance in our documentation to be enforced or modified.

The statement "we've done it all these years, why change now" sets a bad precedent and to me, makes the PB less attentive. If we are not going to use the current Ordinances as written, then it should be modified. It is as bad as the common phrase used "the horse is already out of the Barn". Horses are easily caught, and fences easily mended.

I am not by any means opposed to change, nor do I mind progress. However, as an invited Seated Alternate for the past 8 months I've noted old tactics, antiquated methods and a lot of opinions being used in lieu of facts. And a lot of the ordinances being swayed from.

I am honored to sit among you and admire all of the time you have spent doing this thankless job, your diligence and the knowledge backs that you all hold for the history of the Town of Lincoln.

I am still learning a great deal here as an alternate member and have appreciated the opportunity to work with you.

We are indeed an ever -hanging community and I look forward to working with you to better this town, not to diminish its "community" reputation.

Sincerely

Danielle Black