

APPROVED

PLANNING BOARD
PLANNING BOARD MONTHLY MEETING
Wednesday June 8, 2022 – 6:00 PM
***Lincoln Town Hall, 148 Main Street, Lincoln NH**

*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

Join Zoom Meeting

<https://us02web.zoom.us/j/86403215400?pwd=NFE1L1NSdHZZOGxSV085dHpTaXBiUT09>

Meeting ID: 864 0321 5400

Passcode: 762987

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: Chairman James Spanos

Members Present: Chair James Spanos, Vice Chairman Joe Chenard (arrives at approximately 6:02 PM), Selectmen's Representative O.J. Robinson, Member Paul Beaudin, Alternate Mark Ehrman (via Zoom)

Excused: Member Stephen Noseworthy

Staff Present: Fire Chief and Code Enforcement Office/Health Officer/Zoom Host and Moderator Ronald Beard, Planner Carole Bont, Planning Board Recorder Judy Sherriff (via Zoom)

Guests:

- **Raymond (Ray) Berglund**, (nonresident) (ABUTTER), London, England, US Address: c/o Kenneth & Grace Berglund, PO Box 1295, Lincoln, NH 03251-1295 and property owner of 11 School Street, Lincoln, NH 03251 (Map 113, Lot 098). [His parents are Kenneth & Grace Berglund who live next door at 15 School Street (Map 113, Lot 099).]
- **Susanne (Susan) A. Chenard**, (resident) of 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069). Alternate member of the Zoning Board of Adjustment.
- **Christopher Cuddy** (nonresident) (ABUTTER), of Cuddy Brothers Plumbing & Heating, part of Cuddy Brothers, Incorporated, 17 Schoolhouse Road, Medford, MA 02155 co-owner with Jennifer Kierce-Cuddy of 17 School Street (Map 113, Lot 100) (via Zoom).

- **Jennifer Kierce-Cuddy** (nonresident) (ABUTTER) owner & operator of J.J. Kierce Build & Design (part of Cuddy Brothers. Incorporated, 17 Schoolhouse Road, Medford, MA 02155 (via Zoom), co-owner with Christopher Cuddy of 17 School Street (Map 113, Lot 100) (via Zoom). Contractor for Raymond Berglund to do work on 11 School Street (Map .113, Lot 098)
- **Jayne S. Ludwig**, (resident) of 12 Pleasant Street, Lincoln, NH 03251 and owner of 12 Pleasant Street (Map 113, Lot 092).
- **Stephen (Steve) Noseworthy** (resident) of 12 Pleasant Street, Lincoln, NH 03251, and Planning Board member.

II. CONSIDERATION of meeting minutes from:

• WEDNESDAY April 27, 2022

- Vice Chairman Joe Chenard (arrives at approximately 6:06 PM), Selectmen's Representative Jack Daly, Alternate Mark Ehrman (via Zoom and seated for Stephen Noseworthy), Member Paul Beaudin

Motion to approve April 27, 2022 minutes by Member Beaudin

Second Vice Chairman Chenard

Four in favor

One abstained

Motion passes

• TUESDAY May 3, 2022

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

Motion to approve by Selectmen's Representative O.J. Robinson

Second Member Beaudin

All in Favor

III. OLD BUSINESS - None

IV. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

1. C&V 2022-01 M113 L092 Jayne S. Ludwig re: Stormwater Management Ordinance issues

Presentation

Ms. Jayne Ludwig starts by explaining that she is before the Planning Board as required under Part II of the **RSA 674:16.*** According to Ms. Ludwig, the first part of RSA 674:16 says to go before the Board of Selectmen (BOS) and the second part says to go before the Planning Board. She adds she cancelled her scheduled appearance at the BOS meeting (she wasn't able to be present) and the BOS meeting took place without her. *See Appendix A.)

Ms. Jayne Ludwig brought in pictures of her property to demonstrate to the Planning Board how the water run-off from her neighbor, Raymond Berglund's lot on 11 School Street (Map 113, Lot 098), has affected her property in a negative way. She recalls the problem began in 2020 when the new foundation for the Berglund building was being built and there was a large mound of dirt in the yard. The areas of Ludwig's property that are most affected by the water run-off are the patio and the other side of the house (which consists of lawn). The water run-off from the Berglund property causes Ludwig's turf to detach from the ground and becomes spongy.

Ms. Ludwig notes that she had discussed the issue with the owner's son but has not heard back from Mr. Berglund. She is interested in selling her house at 12 Pleasant Street and would like the run-off issue resolved before she puts her house on the market. She is not interested in receiving any money, but wants the run-off issue resolved.

Ms. Ludwig, Mr. Noseworthy and the Planning Board review and discuss some of the photos that have been provided. Vice Chairman Chenard asks what the entire square footage of the Berglund lot (11 School Street) is but Ms. Ludwig does not know. [Note: 11 School Street has 0.11 Acres = 4,791.6 SF]. It is determined that the proposed area of disturbance for the project on the 11 School Street lot is under the threshold for triggering the Stormwater Management Ordinance to be in effect. The threshold for requiring a Stormwater Management and Erosion Control Plan was 50% of the lot (now 55% of the lot) or 15,000 SF (now 17,000 SF). According to Ms. Ludwig, the work done on the Berglund lot is what is causing the run-off onto the Ludwig property.

Mr. Berglund joins the meeting. Mr. Berglund mentions that he had sent two (2) emails to Ms. Ludwig in the last month and a half. Ms. Ludwig confirms that the email address Mr. Berglund has for her is incorrect and provides Mr. Berglund with her work email address:

[\(jludwig@littletonschools.org\)](mailto:jludwig@littletonschools.org).

Mr. Berglund explains to the Planning Board that he has put together pictures and a video proposal that demonstrates what he and Ms. Ludwig had discussed to address the run-off, but he hasn't completed it for the Planning Board's review. He will try to make his yard as flat as possible with the use of a retaining wall and then he will put in a French drain to another dry well in the back of his lot.

Member Beaudin asks for clarification from Mr. Berglund that he plans to make changes so that no water runs off of his property onto abutting properties. Mr. Berglund responds in the affirmative and the timeline for the improvements will be sometime in August. He will put together a proposal prior to starting the improvements. Member Beaudin wonders if the statement that there will be no water run-off from his property onto abutter's property should be put in writing.

Chairman Spanos recommends that the parties involved should work this out amongst themselves and another follow-up hearing can be scheduled after Labor Day.

Ms. Ludwig states that she wants to put her house on the market but the water run-off issue would need to be resolved before she can market the house. She adds that the kitchen is sinking and tiles are cracking due to water getting under the house.

The Planning Board discusses the situation and feels that a French drain would help. Mr. Berglund adds that he will be working on the solution and plans to send it to Planner Bont once it is completed so she can share it with the Planning Board.

The Planning Board discusses whether or not the Ludwig-Berglund water run-off issue should be put on a future agenda. They decided they will not put this issue on a future agenda. Ms. Ludwig can meet with the Planning Board later if she needs to.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS:

Sign Ordinance

Member Beaudin would like to plan on a time to discuss the Sign Ordinance and have North Country Council discuss their suggestions with the Planning Board.

Planner Bont will look into the cost of having North Country Council work on the Sign Ordinance.

In the meantime, the Planning Board agrees that the current Sign Ordinance is enforceable but the Planning Board cannot restrict any of the content of the sign. The Planning Board continues a discussion on the Sign Ordinance staying content neutral. Selectmen's Representative O.J. Robinson suggests that the Planning Board review the current Sign Ordinance line-by-line as a committee and if there are questions, they will ask North Country Council for help.

Member Beaudin would like to see how much it would cost the Town to have North Country Council review the ordinance first and then decide how the Planning Board approaches making the necessary changes based on the new laws.

Member Beaudin asks if there was a way to clean up some of the unpermitted signs. The Planning Board agrees that enforcing or cleaning up existing signs is a very time-consuming and therefore costly activity.

Chairman Spanos adds that historically, they only looked at signs that people complained about or that were a physical danger to the public. It is clear to all of the Planning Board members that the Sign Ordinance needs to be reviewed and amended to meet the new laws. They will plan to have it on the agenda moving forward as a continuing item and review it piece by piece as time allows.

VI. ADJOURNMENT

Motion to adjourn by Vice Chairman Chenard

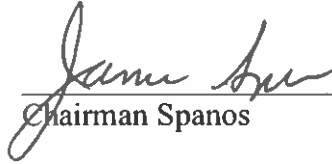
Second by Selectmen's Representative O.J. Robinson

All in favor

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: June 22, 2022


Chairman Spanos

APPENDIX A

***RSA 674:16 Grant of Power. –**

- I. For the purpose of promoting the health, safety, or the general welfare of the community, the local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of RSA 675:2-5. The zoning ordinance shall be designed to regulate and restrict:
 - a) The height, number of stories and size of buildings and other structures;
 - b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces;
 - c) The density of population in the municipality; and
 - d) The location and use of buildings, structures and land used for business, industrial, residential, or other purposes.
- II. The power to adopt a zoning ordinance under this subdivision expressly includes the power to adopt innovative land use controls which may include, but which are not limited to, the methods contained in RSA 674:21.
- III. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate and control the timing of development as provided in RSA 674:22.
- IV. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt or amend a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio services that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.
- V. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate and control accessory uses on private land. Unless specifically proscribed by local land use regulation, aircraft take offs and landings on private land by the owner of such land or by a person who resides on such land shall be considered a valid and permitted accessory use.

Source. 1983, 447:1. 1985, 103:19. 1989, 266:14, 15. 1995, 176:1. 1996, 218:1, eff. Aug. 9, 1996.