

PLANNING & ZONING DEPARTMENT

PLANNING BOARD AGENDA **REVISED** PLANNING BOARD 1ST MONTHLY MEETING & PUBLIC HEARING

Wednesday, February 28, 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.

Join Zoom Meeting

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

Meeting ID: 817 0076 6161

Passcode: 179696

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

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

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

II. CONSIDERATION of meeting minutes from:

- **January 10, 2024 (Wednesday)**

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

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

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

- **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.

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

A. Review Pemi Base Camp DRAFT Letter

SPR 2022-20 M121 L050

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

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

Did Loon Mountain Recreation Corporation (LMRC) ever receive Site Plan Review approval for the Pemi Base Camp Ski Warming Hut in South Peak (75 Crooked Mountain Road – Map 121, Lot 050) from the Planning

Board? Does the Pemi Base Camp require Site Plan Review approval after reviewing the history of the Pemi Base Camp? Review files and response from Attorney for LMRC President & General Manager Brian Norton. Review Draft letter to President and General Manager of LMRC.

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

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

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

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

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

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

C. Review of Planning Board’s Position on One Proposed Amendments to Zoning Ordinance (Land Use Plan Ordinance [LUPO]) including:

- a. Add Definition of “Useable Space” to Definition Section of LUPO & to Site Plan Review Regulations and to Subdivision Regulations.**
- b. Bring “Adequate Useable Space” Criteria to the front of the LUPO where it can be found.**

Article 04 Explanation:

The Planning Board proposed duplicating the definition of “Useable Space” found in the rear of the LUPO under ARTICLE VIII BOARD OF ADJUSTMENT, Section A. *BOARD OF ADJUSTMENT* (related to appeals for a Special Exception) and adding it to the front Section of LUPO where most of the other definitions are located. The Planning Board also recommends duplicating the rest of the text describing the criteria for a “Site Shall Be Suitable for Proposed Use, Structure or Development” and putting that text in the front of the LUPO ARTICLE VI, DISTRICT AND DISTRICT REGULATIONS, Section B. *DISTRICT REGULATIONS*. Paragraph 4. Lot and Lot Coverage Requirements so people can find it.

After Town Meeting, the Planning Board will take appropriate steps to include it in Site Plan Review Regulations and Subdivision Regulations where it will be easier to find and access as recommended by the Town Attorney. There is no change in what is required. The standards will be easier to find and access.

[Note: The definition and standards for “Adequate Useable Space” are already in Article VIII Board of Adjustment, Section A. Board of Adjustment related to appeals for a Special Exceptions. This move makes

the standards easier to find within the 100+ page document.] (Recommended by Town Attorney).

Article 04: Planning – Duplicate Portions of Useable Space & Suitable Site

Are you in favor of the adoption of Amendment No. 04 as proposed by the Planning Board for the Town Zoning Ordinance known as the “Land Use Plan Ordinance” (LUPO) to:

1. Duplicate the definition of “Useable Space” as set forth in LUPO ARTICLE VIII BOARD OF ADJUSTMENT, Section A. *BOARD OF ADJUSTMENT* related to appeals for a Special Exception and add it to the definition section of the LUPO ARTICLE IV DEFINITIONS.
2. Duplicate the text for “Site Shall Be Suitable for Proposed Use, Structure or Development” as set forth in ARTICLE VIII BOARD OF ADJUSTMENT Section A. *BOARD OF ADJUSTMENT* related to appeals for a Special Exception and add it to ARTICLE VI, DISTRICT AND DISTRICT REGULATIONS, Section B. *DISTRICT REGULATIONS*. Paragraph 4. Lot and Lot Coverage Requirements and Standards.

(Recommended by the Planning Board)

IV. NEW BUSINESS

A. Non-public session under RSA 91-A:3 II (I), Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

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.