

**APPROVED**

**PLANNING BOARD**  
**PLANNING BOARD 2ND MONTHLY MEETING**  
Wednesday December 28, 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/81700766161?pwd=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

**Meeting ID: 817 0076 6161**

**Passcode: 179696**

Find your local number: <https://us02web.zoom.us/j/81700766161?pwd=WUFKR2NlZk9xSzI1bVFPRWVzbyt4UT09>

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

(See also town website [www.lincolnnh.org](http://www.lincolnnh.org) for same link, meeting ID and passcode.)

**I. CALL TO ORDER** by Chairman James Spanos

**Members Present:** Chairman James Spanos, Vice Chairman Chenard, Selectmen's Representative OJ Robinson, Stephen Noseworthy, Member Paul Beaudin, II

**Excused:** Alternate Mark Ehrman.

**Staff Present:** Planner Carole Bont.

**Guests:**

- **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.
- **Michael C. Shepard, Esq.**, nonresident (APPLICANT/AGENT), 88 Hyde Avenue, Newton, MA 02458. Also, with an address of Shepard Law, 160 Federal Street, 13th Floor, Boston, MA 02110. Co-owner with Daryl L. Shepard as co-Trustees Shepard Family Trust, 88 Hyde Avenue, Newton, MA 02458 of the following properties:
  - 21 Hay Hill Road (Map 130, Lot 075) (0.72 Acres)
  - 19 Hay Hill Road (Map 130, lot 074) (0.69 Acres)Michael C. Shepard, Esq., is also, a principal of New Jefferson Holdings, LLC, with Raymond P. D'Amante, Esq. (agent) & John Imbrescia (manager) and David Yager, c/o Michael Shepard, Esq., Shepard Law, 160 Federal Street, 13th Floor, Boston, MA 02110 which is owner of the following properties in the Forest Ridge Resort:

- LO Parcel 3 (Map 408 Lot 001) (530 Acres)
- Woodland Loop #LO (Map 115, Lot 011) (3.99 Acres)
- Pond Woodland Loop (Map 115, Lot 010) (3.38 Acres)
- Woodland Loop LO (Map 114, Lot 080001) (8.27 Acres)
- Parc 2 Forest Ridge (Map 115, Lot 017) (154 Acres)

*Note: Mike Shepard left just as the meeting was getting started.*

## **II. CONSIDERATION of meeting minutes from:**

- **December 14, 2022 (Wednesday)**
  - Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Member Stephen Noseworthy, Member Paul Beaudin (via Zoom). Alternate Mark Ehrman (excused).

**Motion to approve as presented by Selectmen's Representative O.J. Robinson  
Second by Vice Chairman Chenard  
All in favor**

## **III. NEW BUSINESS**

None.

## **IV. CONTINUING AND OTHER BUSINESS:**

### **A. WORK SESSION. NO PUBLIC PARTICIPATION.**

**Review Legal Advice re: proposed changes to Sign Ordinance recommended to comply with Clyde Reed et. al. v. Town of Gilbert Arizona, 576 U.S. 155 (2015), 135 S Ct 2218 (2015).**

**Do final review of proposed changes to Sign Ordinance.**

#### **Discussion:**

Chairman Spanos asks the Planning Board if they have any questions regarding the changes that have recently been made to the Sign Ordinance. The Planning Board agrees to review the letter from the attorney with his recommendations along with the changes that the Planning Board recently made starting on Page 63 of the Sign Ordinance. The Planning Board reviews the Sign Ordinance and any new changes or corrections are recorded by Planner Bont.

A public hearing to discuss the changes to the Sign Ordinance is scheduled for January 4, 2023 at 6:00PM.

**Review Proposed Changes to Lincoln's Floodplain Development Ordinance (FDO) and Site Plan Review Regulations identified by NH Office of Planning and Development on September 16, 2022 of Lincoln's Floodplain Regulations. Proposed changes to be adopted at the annual 2023 March Town Meeting are necessary for the Town of Lincoln to comply with the requirements of the National Flood Insurance Program.**

**Discussion:**

Member Beaudin reads from the Floodplain Development Ordinance (FDO) and has questions regarding the new requirement that Land Use Permit applicants having all State and Federal permits in place for the Planning Board to review prior to building.

The Planning Board discusses the issue and determine that the statement in the FDO refers to subdivisions that are located on land designed as special flood hazard areas and as a condition of approval the Planning Board will be required to review the application to assure that all permits are in place.

Selectmen's Representative O.J. Robinson explains that FEMA is producing new floodplain maps for the Town of Lincoln showing the special flood hazard areas. Those maps are in the process of being completed and should be ready for the next Town Meeting.

Selectmen's Representative O.J. Robinson explains the Town received a notice from Judy Faran, Chair of Pemigewasset River Local Advisory Committee (PRLAC) that to remain in the National Flood Insurance Program (NFIP) all municipalities need to have a floodplain ordinance that is fully compliant with the NFIP regulations. The Town will need to adopt the proposed changes to the FDO as recommended by Kathryn O. Paight, State Floodplain Management Program Coordinator for the State of New Hampshire's Office of Planning and Development, Department of Business and Economic Affairs and Jennifer Gilbert, Senior Planner & State Floodplain Program Coordinator of the NH Office of Strategic Initiatives, Division of Planning.

The Planning Board discusses how the new FIRM maps and amended floodplain ordinance effects future federally subsidized flood insurance coverage for structures located in floodplain areas and how long it has taken to get completed maps from the FEMA (federal government).

Planner Bont clarifies that until the new FIRM maps are completed it is important to let landowners know the current floodplain maps in effect may change when the new maps are completed and they should consider those pending changes before they apply for a Land Use Authorization Permit to begin building as they may be subject to new restrictions. For example, the value of improvements to property in the floodplain is limited to a maximum of 50% of the fair market value of the property at the time the application is submitted. If a house is the floodplain and an owner wants to upgrade the house or increase the size (and thus increase the value of the home by more than 50% of its current fair market value), the owner will have to bring the upgraded house fully in compliance with all of the provisions of the FEMA regulations. For example, this may mean an owner would have to raise the entire house up on stilts or make the house "floodproof" – both potentially very costly.

The Planning Board discusses how to handle the issue in the interim as it may be another year until the new FIRM maps are complete. The Planning Board is not allowed to waive any of the floodplain requirements as they wait for the new maps.

Planner Bont explains that Kathryn O. Paight, State Floodplain Management Program Coordinator for the State of New Hampshire's Office of Planning and Development, Department of Business and Economic Affairs explained to her that the Town of Lincoln

is relatively unique in that the Town of Lincoln has several watershed areas (five watershed areas) that FEMA needs to review as FEMA is reviewing one watershed at a time and with five watersheds, that review takes time.

Planner Bont will put the Land Use Plan Ordinance, the National Flood Insurance Program and Site Plan Review on the Agenda for the Planning Board meeting scheduled for January 4, 2023.

**V. PUBLIC PARTICIPATION AND OTHER BUSINESS:**

None

**VI. ADJOURNMENT**

**Motion to adjourn by Vice Chairman Chenard**  
**Second by Member Beaudin**  
**All in favor**

Respectfully submitted,

*Judy Sherriff*  
Recording Secretary

Date Approved: January 25, 2023

  
Chairman Spanos