

Meeting Minutes

Zoning Board of Adjustment May 28, 2008

Lincoln Town Hall Main Street, Lincoln, New Hampshire 5:00 PM

Present: Chairman Joe Chenard, Vice Chairman Comeau, Member W.T. Bishop, Selectmen's Representative Patricia McTeague, Member Pat Leary and Alternate Tom Smith

Staff Present: Stacey Boyce, Zoning Administrator

Others Present: Susan Chenard, Kevin Sullivan and Delia Sullivan

5:05 PM CALL TO ORDER by the Chairman

Chairman Chenard called the meeting to order. Full quorum present.

5:05 PM CONSIDERATION of the Draft Minutes of the September 27, 2007 meeting.

Selectmen's Representative McTeague made a **motion** to approve the minutes of September 27th as presented; seconded by Member Bishop: Affirmative vote. Vice Chairman Comeau abstained, as he was not present for this meeting.

5:07 PM Case 08-01: Kevin Sullivan, Tax Map 18, Lot 144-0000-001

The Applicant is seeking a variance from the setback requirements of the Lincoln Land Use Plan Ordinance, Article VI, Section B-4 to construct a second floor deck within the required setbacks.

Mrs. Sullivan addressed the Board and explained the drawing that was presented of the proposed 10' X 14' second floor deck. Currently the Sullivan's have a permit for a 3 foot deck but it is really not enough to fit any chairs on. They are asking for a variance to encroach into the 10-foot setback by seven (7) feet.

Chairman Chenard confirmed that even though the certified notice had been returned unclaimed for the Coolidge Place condos he has spoken with Kathleen McSweeney, a representative from

Coolidge Place condos, and she said they would have no problems with the second floor deck being built. Mrs. Boyce said she as well had spoken with the next-door neighbor, Jon Kwiatkowski who said he has no problems with the deck being built either. Alternate Smith asked if the deck would be enclosed and wanted to know hat would be supporting it. The Sullivan's stated that the deck would not be enclosed and sono tubes would support the deck.

Selectmen's Representative McTeague stated there should be a better system for getting a hold of condo associations for notification of these meetings and at the very least have something in writing from them if they do not have someone represent them at the meetings. Chairman Chenard called Ms. McSweeney and asked her if she would write a letter on behalf of the association stating they don't have an issue with the deck being built so it can be placed on file. Ms. McSweeney said she would be willing to do that.

Member Leary made a **motion** to open the Public Hearing; seconded by Vice Chairman Comeau: Unanimous affirmative vote.

There were no comments.

Member Bishop made a **motion** to close the Public Hearing; seconded by Selectmen's Representative McTeague: Unanimous affirmative vote.

Member Leary made a **motion** to go into voting mode; seconded by Member Bishop: Unanimous affirmative vote.

1. **Regarding diminution in value:** It would be an improvement to the property and potentially increase taxation. 5 votes yes
2. **Regarding benefit to the public interest:** It would provide more taxation and would be an enhancement to the neighborhood. 5 votes yes
3. **Regarding unnecessary hardship:** The deck would be towering over a parking area and would enhance the neighborhood. Substandard lots make it hard for homeowners to conform to some of the current regulations. 5 votes yes
4. **Regarding substantial justice:** It would allow the homeowner to further enjoy the property and would not impact neighboring properties. 5 votes yes
5. **Regarding spirit of the ordinance:** the proposed deck does not impact neighbors and the physical set back would be 10 feet still allowing the enhancement to the neighborhood. 5 votes yes

Selectmen's Representative Moore made a **motion** to close voting mode for the variance; seconded by Member Bishop: Unanimous affirmative vote.

Chairman Chenard noted the voting passed, granting the variance in the affirmative with the stipulation that a letter is received by the Coolidge Place condos association stating they do not object to the deck being built.

5:50 PM OTHER BUSINESS

Chairman Chenard stated it was time to do re-election of officers.

Chairman – Selectmen’s Representative McTeague nominated to re-elect Chairman Chenard, seconded by Member Leary. Unanimous vote.

Vice Chairman – Member Leary nominated to re-elect Vice Chairman Comeau, seconded by Selectmen’s Representative McTeague. Unanimous vote.

Secretary – Chairman Chenard nominated Alternate Smith, seconded by Member Bishop. Unanimous vote.

5:55 PM ADJOURNMENT

There being no additional business, Selectmen’s Representative McTeague made a **motion** to adjourn the meeting; seconded by Member Bishop: Unanimous affirmative vote.

DATE: _____

APPROVED: _____

Joseph Chenard
Zoning Board Chairman