

Meeting Minutes

Zoning Board of Adjustment March 14, 2007

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

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

Staff Present: Stacey Havlock, Planning Administrator; Ted Sutton, Town Manager

Others Present: Thomas Smith, Darlene Smith, Steve LaFrance, Ed Brisson, Stan Duda, Tom Adams, Pat Romprey, and Susan Chenard

5:07 PM CALL TO ORDER by the Chairman

Chairman Chenard called the meeting to order. Alternate Noel and Vice Chairman Comeau were excused and Alternate Leary was seated. Full quorum present.

5:08 PM CONSIDERATION of the Draft Minutes of the May 10, 2006 meeting.

Selectmen's Representative McTeague made a **motion** to approve the minutes of May 10th as amended; seconded by Member Bishop: Affirmative vote. Alternate Leary abstained, as she was not present for the meeting.

5:16 PM Case 07-01: Centex Destination Properties, Tax Map 2, Lot 3.2

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 63-unit condominium building to be built in two sections making a zero lot line.

Mr. LaFrance stated he was asking for a variance from section B-4 of Article VI regarding the 15-foot setback. He gave an overview of the proposed project and noted the 63-unit building would be built in two sections, which was one of the variances needed. The second one would be because a corner of the building encroached the 15-foot setback area. He also noted the first part of the building would be built on lot #1 and the second phase on lot #2. Mr. LaFrance said the only way that the second phase would be built was if sales warranted it otherwise they may decide to do something else with that lot at which time they would put in some type of an easement stating nothing else could be built within 40 feet of the first phase to comply with fire codes.

Mr. Sutton said a letter had been received from the Town's attorney, Peter Malia, stating there should not be an issue with granting this variance, as he doesn't feel this project would present a problem.

Selectmen's Representative McTeague made a **motion** to open the Public Hearing; seconded by Alternate Leary: Unanimous affirmative vote.

Mr. Romprey asked if the application covered both variances being requested. Mr. LaFrance responded both of the areas were within the same regulation, the setback area, so therefore he believes that should cover any area not meeting the setbacks.

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

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

1. **Regarding diminution in value:** The proposed project would not diminish surrounding property values because the proposed project will be the construction of a 63-unit condo hotel structure that will be compatible with surrounding uses, including other condo hotel structures, day skier drop off area and services, and other amenities. 4 votes yes
2. **Regarding benefit to the public interest:** Granting the variance would be of benefit to the public interest because it would allow the applicant to move forward with the construction of the condo hotel which will provide residential housing units that are in demand in the Town of Lincoln and would provide a measurable increase in the tax base for the community. 4 votes yes
3. **Regarding unnecessary hardship:** Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguishes it from other properties similarly zoned: The proposed use of the property is the construction as a 63-unit condo hotel. The proposed ownership and phased construction approach necessitates the creation for two separate parcels for each phase of construction. If the variance were not granted, the project would have to be constructed in a single phase as one lot, which would create undue and unnecessary risk for the applicant. 4 votes yes
4. **Regarding substantial justice:** Granting the variance would do substantial justice because it would allow the applicant the highest and best use of the property, in accordance with the previously approved master plan, and would not do harm to abutting property owners or the town as a whole. 4 votes yes
5. **Regarding spirit of the ordinance:** The use is not contrary to the spirit of the ordinance. The setback provision in the ordinance is intended to provide a buffer between abutting property owners. In this case, the proposed use of Lots 1 & 2 is for the construction of a single 63-unit building. 4 votes yes

Selectmen's Representative McTeague 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.

Mr. Sutton said to Mr. LaFrance in the future all items part of an application should be noted when applying. Mr. LaFrance said he understood.

5:35 PM OTHER BUSINESS

Chairman Chenard said Member Fink and Alternate Draper have both relocated to different areas and therefore had to resign from the ZBA. He said he would like to make Alternate Leary a fulltime voting member and if anyone knew of anyone who would like to become and alternate on the ZBA to have them

submit requests to the Board of Selectmen. Vice Chairman Chenard did note that Mr. Thomas Smith was interested in one of the open positions and recommended he submit his interest to the Selectmen.

Chairman Chenard instructed Miss Havlock to send letters to Alternate Draper and Member Fink thanking them for their service to the ZBA.

Chairman Chenard said it was time to do the re-election of officers, however, being that Vice Chairman Comeau was absent it was decided to wait until all Board members were present to elect the officers.

5:38 PM ADJOURNMENT

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

DATE: _____

APPROVED: _____

Joseph Chenard
Zoning Board Chairman