TOWN OF LINCOLN, NH
Planning & Zoning Department
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July 24, 2013

NOTICE OF DECISION

RE: **Site Plan Approval**
(Tax Map 102 Lot 005) (749 US Route 3)

Applicant:	Don Landry 11 Kanc Rec Road Lincoln, NH 03251	Property Owner:	Greenside Ink PO Box 953 Lincoln, NH 03251-0953

The application for a change in use submitted by Don Landry d/b/a Greenside Ink for a change of use of a building from a printing press company to a landscape company was **APPROVED** by vote of the Lincoln Planning Board on June 26, 2013. According to NH Revised Statutes Annotated 676:4,I (d) and the Town of Lincoln Site Plan Review Regulations and Land Use Plan Ordinance, the Town is required to notify the public of a proposal for land intended for a **CHANGE OF USE**. The Board found that the application met the submission requirements of the Site Plan Review Regulations. The Board voted to accept the application as complete. The change in use was approved after a public hearing on the merits of the proposal.

Note: Site plan approval was granted for one (1) year from the date of approval June 26, 2013. If the change has not commenced one year from this date the applicant must re-file for an extension prior to expiration date of June 25, 2014.

Dated: July 24, 2013

Alfred ("Butch") Burbank
Town Manager/Town Planner

Notice: This Notice of Decision has been placed on file and made available for public inspection in the records of the Planning Office on July 24, 2013. Any person aggrieved by this decision of the Planning Board is referred to NH RSA 677:15, which sets forth the appeal procedure. Copies of this notice have been distributed on July 24, 2013 to:

- Applicant: Don Landry.
- Board of Selectmen
- Town Clerk
- Tax Assessor
- Posted at Town Offices on July 24, 2013
- Posted at Post Office on July 24, 2013

677:15 Court Review

Last revised 1983

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the planning board voted to approve or disapprove the application, in accordance with RSA 21:35.

II. Upon presentation of such petition, the court may allow a certiorari order directed to the planning board to review such decision and shall prescribe therein the time within which return thereto shall be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the order shall stay proceedings upon the decision appealed from. The planning board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such order. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

III. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the referee's findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

IV. The court shall give any hearing under this section priority on the court calendar.

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

Revisions

1983, 447:1. 1991, 231:14. 1995, 243:7, 8. 2000, 144:4. 2005, 105:2, eff. Aug. 14, 2005. 2009, 266:4, eff. Sept. 14, 2009.