

**LINCOLN ZONING BOARD OF ADJUSTMENT (ZBA)
NOTICE OF PUBLIC HEARING FOR ZBA TO CONSIDER REQUEST FOR AN
ADMINISTRATIVE APPEAL PER RSA 676:5,II(b)**

Continued to WEDNESDAY, November 30, 2016, at 6:00 PM.

Notice is hereby given that Petitioner is appealing a decision of the Planning and Zoning Administrator made on March 1, 2016, (then reiterated in a letter from the Town Attorney Peter Malia to the Town Planner dated August 17, 2016, and forwarded to the petitioner) to the ZBA. Petitioner requests ZBA grant an administrative appeal was scheduled to be presented to the ZBA on **Wednesday, October 19, 2016 at 6:00 PM** in the Conference Room of the Lincoln Town Hall on 148 Main Street, Lincoln, NH 03251. Applicant requested and was granted a continuance until **WEDNESDAY, November 30, 2016**.

Petitioner is Herbert Lahout d/b/a Herbert Lahout Shopping Center Inc., of 26 Union Street Littleton, NH 03561. Lahout will be represented by Shawn Bergeron of Shawn Bergeron Technical Services, LLC, 50 Seavey Street, North Conway, NH 03860.

The petition was filed in connection with a request by Aubuchon Hardware Store, a tenant of Herbert Lahout Shopping Center Inc., to put in a propane refilling station behind Aubuchon Hardware Store located in the "Lahout's Square" shopping center located at 165 Main Street (Tax Map 118, Lot 076).

Petitioner proposes putting in a propane filling station where is currently is none in a shopping center where there are retail shops and restaurants. The Administrator stated that the Petitioner would need Site Plan Approval for a "change or expansion of use" as defined in Article IV, Paragraph A, subparagraph (d) of the Site Plan Review Regulations. Furthermore, the Administrator stated that the Petitioner would need a Special Exception from the ZBA to put a "Gasoline/Fuel Oil Sale & Storage" in the Village Center (VC) District as required under Article VI, Section B., Paragraph 2, Land Use Schedule, and Business Uses.

Petitioner argues that the Administrator has "mistakenly determined that a propane filling station (PFS) is within the gasoline/fuel oil sale and storage land use category when in fact the PFS is consumer service and retail sale of a product" and therefore no Site Plan Review is required and a PFS is allowed as a matter of right within the Village Center (VC) District.