

**LINCOLN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
WEDNESDAY – JUNE 19, 2019 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Member Jack Daly, Member Ray D’Amante, Member Paul Beaudin, Member Myles Moran, Member Delia Sullivan, and Alternate Susan Chenard

Members Excused: Chair Jonathan Ham, Alternate Margie Gozdoff, Alternate Stephen Noseworthy, Vice Chair Don Landry

Members Absent:

Staff Present: Town Planner Carole Bont,

Staff Excused: Recorder Ellyn Franklin

Guests:

- **Patrick Goode**, contractor, (7 Sundance Rd., Apt. #1, North Woodstock)

I. CALL TO ORDER by the Chairman of Zoning Board of Adjustment; announcement of excused absences, if any, and seating of alternates(s), if necessary.

Chair Jonathan Ham, Vice Chair Don Landry, Alternate Stephen Noseworthy, and Alternate Margie Gozdoff were excused.

II. CONSIDERATION of meeting minutes from:

- June 5, 2019 (Present: Chair Jonathan Ham, Member Jack Daly, Member Ray D’Amante, Member Paul Beaudin, Member Delia Sullivan, and Alternate Susan Chenard)

Motion to approve the June 5, 2019 meeting minutes as revised: Daly

Second: Beaudin

All in favor: 6-0

Motion carries.

III. NEW BUSINESS (Staff and Zoning Board Member/Alternates).

A. 6:00 PM. Variance for Structure within the front setback area to support a replacement pre-existing nonconforming deck in the front setback area:

VARIANCE concerning Article VI District and District Regulations, Section B District Regulations, Paragraph 4 (Dimensional Chart) of the zoning ordinance known as the Land Use Plan Ordinance (LUPO) to remove the current pre-existing nonconforming deck and replace the deck with a deck of the same dimensions and likeness as the existing deck, however, he wants to replace the concrete piers that are supporting the house where the deck is attached with a 10-inch-wide and 8-foot-tall concrete foundation wall. Approximately 10 feet of the deck and concrete wall would be within the 25-foot side setback area.

Agent & Appellant:

Patrick Goode d/b/a Woodstock Building Company
PO Box 548
North Woodstock, NH 03262

as agent and appellant for property owner:

Property Owners:

Mary E. McGuinness
32 Sears Road
Southborough, MA 01772

Property:

59 Beechnut Drive (Map 126, Lot 008) Mountain Residential (MR) District
Part of “Beechnut I” – the homeowner’s association is not active

Property owner Mary E. McGuinness, owns 59 Beechnut Drive (Map 126, Lot 008). McGuinness’ home was built in 1970 before zoning was adopted in 1986. It is part of Beechwood I which does not have an active homeowners’ association at this time. The lot is located within the Mountain Residential (MR) District where the front, side and rear minimum setbacks are 25 feet. A good portion of the house and part of the deck are within the 25-foot side setback area. The deck has deteriorated and needs to be replaced.

Appellant proposes to remove the current deck and replace the deck with a deck of the same dimensions and likeness as the existing deck, however, he wants to replace the concrete piers that are supporting the house where the deck is attached with a 10-inch-wide and 8-foot-tall concrete foundation wall. Approximately 10 feet of the deck and concrete wall would be within the 25-foot side setback area.

The proposed porch needs a **variance** as specified in the Land Use Plan Ordinance, Article VI Article VI District and District Regulations, Section B District Regulations, Paragraph 4 (Dimensional Chart) to encroach into the twenty-five-foot (25') front setback area.

ACTION: Acceptance of the application as administratively complete by the ZBA.

ACTION: ZBA may conduct a public hearing, or schedule a public hearing at some future date established during this meeting.

ACTION: Approval of request for extension of Special Exception, approval with conditions, or disapproval by the ZBA.

Discussion:

Member Beaudin said he believes this application should not come before us tonight, because this is an application for a continuation of nonconforming use. They are not expanding it, so all it needs to have is a building permit.

Member D'Amante thought this building was built before the zoning rules. Thus, elements of this do not truly comply. He believes that for some kind of certainty in finance, it might be helpful for us to have said this is acceptable and in compliance.

Member Beaudin said they have one year after it is damaged or destroyed by natural causes to rebuild. This building has / is in the process of collapsing, and has been over the past winter.

Member Daly said if this wall is not built, it will probably cause more damage.

The applicant only needs the land use permit.

Motion to allow the owner to replace this deck and add the concrete wall in compliance with applicability of nonconforming uses: Beaudin

Second: Daly

All in favor: 6-0

Motion carries.

IV. OTHER BUSINESS

A. Review and amend the Rules of Procedure for the Zoning Board of Adjustment to reflect elected versus appointed positions.

Planner Bont will go through this document.

B. Look over letter to Board of Selectmen.

The Board revised the letter and signed it.

V. PARTICIPATION AND OTHER BUSINESS: Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

There was no public participation.

V. ADJOURNMENT

Motion to adjourn at 6:20 pm: Beaudin

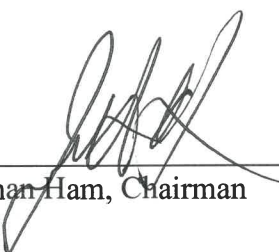
Second: Sullivan

All in favor: 6-0

Motion carries.

Respectfully submitted,
Ellyn Franklin, Recorder

Date Signed: February 28, 2020
Date Approved: 7/3/2019



Jonathan Ham, Chairman