

**APPROVED**

**LINCOLN ZONING BOARD OF ADJUSTMENT  
WEDNESDAY MARCH 31, 2021 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**Due to the current COVID-19 situation, this meeting will only be available via the Zoom Meeting Platform to allow for town wide participation.**

**Present:** Vice Chair (then Chair) Paul Beaudin, Member (then Vice Chair) Ray D’Amante, Member Jack Daly, Member Delia Sullivan, Alternate (then Member) Myles Moran, and Alternate Susan Chenard (all via ZOOM).

**Members Excused:** Alternate Margie Gozdiff

**Members Absent:** None

**Staff Present:** Planner Carole Bont, Fire Chief/Health Officer/Code Enforcement Officer/Zoom Host & Moderator Ron Beard (all via ZOOM).

**Consultants:** None.

**Guests:** (all via ZOOM)

- **David Beaudin**, resident, 138 Pollard Road (Map 114, Lot 072), owned by Aaron & Kristin Loukes, 138 Pollard Road, Lincoln, NH 03251.
- **Eugene (Gene) Crowley**, nonresident (APPELLANT), 77 Lake Street, Sherborn, MA 01770, co-owner with Gay Crowley of 82 Loon Brook Road in Westwood Acres Resort (Map 124, Lot 056)
- **Gay Crowley**, nonresident (APPELLANT), 77 Lake Street, Sherborn, MA 01770, co-owner with Eugene (Gene) Crowley of 82 Loon Brook Road in Westwood Acres Resort (Map 124, Lot 056).
- **Andrew J. Nadeau**, LS, PLS, nonresident (APPELLANT’S ENGINEER) *President, Principal Surveyor*, Horizons Engineering, Inc., 34 School St., Littleton, NH 03561
- **Steven M. Shulman**, nonresident (ABUTTER), 30 Goddard Circle, Brookline, MA 02445 and co-owner with Debra S. Yanofsky of 86 Loon Brook Road in Westwood Acres Resort (Map 124, Lot 055).
- **Debra S. Yanofsky**, nonresident (ABUTTER), 30 Goddard Circle, Brookline, MA 02445 and co-owner with Steven M. Shulman of 86 Loon Brook Road in Westwood Acres Resort (Map 124, Lot 055).

**I. CALL TO ORDER**

Vice Chairman Beaudin assumed the chairmanship. Chair Beaudin called the meeting to order at 6:01pm. Chair Beaudin appointed Alternate Susan Chenard to sit as a regular member.

## **II. CONSIDERATION OF MEETING MINUTES**

**February 17, 2021** (Present: Vice Chair Paul Beaudin, Member Ray D’Amante, Member Jack Daly, Member Delia Sullivan, Alternate Susan Chenard and Alternate Margie Gozdiff. (Via ZOOM.)

**MOTION: “To approve the minutes of the February 17, 2021 ZBA meeting as corrected.”**

**Motion: Member Daly Second: Member D’Amante Motion carries.**

## **III. OTHER BUSINESS – ZBA members/alternates, Zoning Board Staff**

### **A. Appoint Regular Member to ZBA.**

**MOTION: “To appoint Paul Beaudin as ZBA Chairman.”**

**Motion: Member D’Amante Second: Member Sullivan All in favor.**

**MOTION: “To appoint Ray D’Amante as ZBA Vice Chair.”**

**Motion: Chairman Beaudin Second: Member Daly All in favor.**

**MOTION: “To move Myles Moran from alternate into the vacant ZBA seat.”**

**Motion: Chairman Beaudin Second: Member D’Amante All in favor.**

### **B. Appoint Alternate if needed.**

**MOTION: “To appoint Susanne Chenard and Margie Gozdiff as alternate ZBA members.”**

**Motion: Chairman Beaudin Second: Member Daly All in favor.**

It was clarified for the record that Jack Daly was officially elected (not appointed) as a member of the ZBA.

## **IV. NEW BUSINESS**

### **A. 6:00 PM. Request for a Variance to Construct an Attached Garage in the Setback Area**

**[Var 2021-02 M124 L056 Crowley – Garage in Setback Area]**

#### **Appellants/Property Owners:**

Eugene (Gene) & Gay Crowley  
77 Lake Street  
Sherborn, MA 01770

#### **Engineers:**

Horizons Engineering, Inc. (BDD)  
34 School Street  
Littleton, NH 03561

**Subject Property:**

- A. 82 Loon Brook Road (Map 124, Lot 056) Rural Residential (RR) District. Westwood Acres Development. Part of Westwood Acres Homeowners Association.

**Proposal:**

Appellants Eugene (Gene) & Gay Crowley, request a variance for their property at 82 Loon Brook Road in Westwood Acres (Map 124, Lot 056) concerning Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Subparagraph 4 (Dimensional Chart) of the Land Use Plan Ordinance (LUPO). Appellant wants to build a garage attached to his residence that will intrude 9 feet into the 15-foot setback area, to within 6 feet of the western side property boundary line. The parcel is in the Rural Residential (RR) District. The parcel is part of the Westwood Acres Homeowners Association. Crowley needs a variance to put a garage into the 15-foot setback area.

Chairman Beaudin informed the Board that he does plow for the Crowley's however he plows for many property owners in town and does not see this as a conflict of interest. He questioned whether any of the ZBA members see this as a conflict and think he should recuse himself. It was the opinion of the ZBA that this is not a conflict.

**Presentation:**

Engineer Andy Nadeau presented on behalf of the Crowley's. He presented the ZBA with the site plan showing the construction of a garage on the parcel. This parcel is one of the smaller parcels in the subdivision. An attached garage is not out of character with the other homes in the subdivision and will improve the property. The Crowley's do not have any other options to construct a garage without a variance. They have contacted the neighboring properties to see if any of them had interest in selling some of their land to the Crowley's in order to permit them to construct the garage without a variance but all declined. The closest abutter, Debra Yanofsky stated that they have no problem with the construction of the garage within the setback area.

Member Daly commented that he did conduct a site visit with the Crowley's and the proposed garage location seems to be appropriate. He also spoke with Mr. Doug Smith, the President of the Westwood Homeowner's Association and Smith felt the Crowley's were making a reasonable request. Member Daly believes this application meets the criteria and is in favor of it.

Member Moran stated that he also drove by the site and observed a garage door. Mr. Crowley replied that they have never housed a vehicle in this area and that it is more of a storage area with a garage door.

**MOTION: "To open up the hearing to public comment."**

**Motion: Member Daly Second: Member Moran All in favor.**

**There was no public comment.**

**MOTION: "To close the hearing to public comment."**

**Motion: Member D’Amante Second: Member Daly All in favor.**

At this time, the ZBA addressed the criteria as follows:

**MOTION: “Granting the variance would not be contrary to the public interest because the variance represents minor modifications to the regulations pertaining to the side setback and will not alter the essential character of the neighborhood.”**

**Motion: Member D’Amante Second: Member Daly All in favor.**

**MOTION: “Granting the variance is in the spirit of the ordinance because the variance would allow for construction of a garage as an accessory to the existing house and would not be detrimental to the health safety and general welfare of the inhabitants of Lincoln. The Westwood subdivision is fully built out with some residents having garages already. The variance will not cause overcrowding in the community as it does not represent expansion of a main living space.”**

**Motion: Member Daly Second: Member Moran All in favor.**

**MOTION: “Granting the variance would do substantial justice because the subject parcel is one of the smaller lots in the Westwood subdivision and is a wedge shape with only 40 feet of frontage on Loon Brook Road making the addition of the garage prohibitive within the 15ft setback. The setback will allow for full use and enjoyment of the property similar to other properties within the subdivision.”**

**Motion: Member Daly Second: Member Sullivan All in favor.**

**MOTION: “Granting the variance would not diminish the value of the surrounding properties. The variance will allow for an improvement to the structure which will increase the value and appeal therefore of the neighborhood in general. The attached garage is preferable to having exposed vehicles and will not result in obstruction of views. The use is consistent with other properties in the subdivision.”**

**Motion: Member Daly Second: Member Sullivan All in favor.**

**MOTION: “The ZBA agrees that the denial of the variance would result in unnecessary hardship because no fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application of that provision to the property because the configuration of the subject parcel with the wedge shape and minimal road frontage does not allow for the expansion and construction of the garage.**

### **ZBA Discussion:**

#### **Uniqueness and Hardship:**

Member D’Amante commented that he also conducted a site visit. He submitted that the hardship was due to the unique wedge shape of the lot coupled with the placement of the pre-existing home near the front of the lot (at the point of the wedge).

#### **Mitigation of Impact:**

Member D’Amante said the proposed garage is not parallel to the property line but is on an

angle being 6.45 ft (at the closest point to the west side property boundary line) up to 11.79 ft (at the furthest point to the west side property boundary line) so that along the impacted west property line the building will be at an angle and the location of the building will not have the same negative impact on the neighboring property as it would if the entire wall of the garage building was 6.45ft from the side property boundary line. The angle softens the impact to the abutters. The proposed garage is not overly visible to abutters other than the abutters to the west who have given the ZBA their input and their approval of the variance request.

Member Beaudin added that the closest abutter is in favor of the variance.

**Motion: Member Daly Second: Member D'Amante All in favor.**

**MOTION: "The proposed use is a reasonable one because the attached garage is consistent with many properties in the area and the general community. The neighbors and homeowner's association have no objections to the proposed variance."**

**Motion: Member Daly Second: Member Moran All in favor.**

The ZBA agreed that the criteria have been addressed and the variance was approved. The applicants thanked their neighbors and the members of the ZBA.

**V. CONTINUING AND OTHER BUSINESS** (Staff and Zoning Board Member/Alternates).

*None.*

**VI. ADJOURNMENT**

**MOTION: "To adjourn at 6:30pm."**

**Motion: Member Daly Second: Member D'Amante Motion carries unanimously.**

Respectfully submitted,  
Recording Secretary  
Brook Rose



Acting Chairman Paul Beaudin

Date Approved: April 7, 2021

