

**LINCOLN ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
WEDNESDAY NOVEMBER 19 2014 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**UNAPPROVED**

**Present:** Chairman Paul J. Beaudin II, Board of Selectman Representative Patricia McTeague,  
Vice Chair Don Landry

**Members Excused:** James Martin II

**Members Un-Excused:** Jonathan Ham

**Members Absent:**

**Staff Present:** Planning and Zoning Administrator Carole Bont, and Wendy Tanner (recorder)

**Guests:** R. Patrick Romprey – Chairman of the Planning Board in Lincoln.

**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.

**II. CONSIDERATION** of meeting minutes from:

- October 16, 2014

**Motion to approve the minutes from October 16, 2014**

**Motion:** Patricia McTeague

**Second:** Paul J. Beaudin II

**All in favor: (3-0)**

**III. NEW BUSINESS**

- A. 6:00 pm. Petition of Abutter for Lincoln Zoning Board Of Adjustment (ZBA) to hear Administrative Appeal of September 24, 2014, decision of Planning Board (PB) per RSA 676:5(III)

**1. Case #ZBA Adm App #2014-02**

a. Petitioner/Abutter: David Rodgers d/b/a  
Great Stone Face Skier, LLC (GSFS)  
PO Box 68  
Lincoln, NH 03251-0068

b. Applicant: Herbert J. Lahout  
64 Sunset Hill Road  
Sugar Hill, NH 03586

c. Property Owner: Herbert J. Lahout  
64 Sunset Hill Road  
Sugar Hill, NH 03586

- d. Project Location: 31 & 33 Main Street (now merged)  
(Tax Map 112, Lot 027 & 028 – now merged)  
Village Center District

**DESCRIPTION:** Petitioner/Abutter David Rodgers d/b/a Great Stone Face Skier, LLC, (GSFS) petitioned the ZBA for an administrative appeal concerning Article V, Section A, 2 and 3 of the Land Use Plan Ordinance and Article XV, C of the Site Plan Review Regulations. Petitioner proposes to appeal the 9/24/2014 Planning Board decision granting conditional Site Plan Review approval for a restaurant proposed by Herbert Lahout. Petitioner asks the ZBA to review the Planning Board's decision made on September 24, 2014, which found the Planning Board's parking condition on the subject property (made by the Planning Board on March 26, 2014) had been satisfied on property located at 31 & 33 Main Street (Tax Map 112, Lots 027 & 028 now merged) in the Village Center District.

**ACTION:** Acceptance of the appeal as administratively complete by the Zoning Board.

**ACTION:** The Zoning Board may conduct a public hearing, or schedule a public hearing at some future date established during this meeting.

**ACTION:** Grant the appeal, grant the appeal with modification, or deny the appeal by the Zoning Board.

Chair Beaudin stated that David Rodgers d/b/a Great Stone Face Skier, LLC, has rescinded his petition for administrative appeal as part of an agreement with Herbert Lahout, and asked if the Zoning Board received anything in writing that withdraws the petition.

Bont replied that they had not received anything in writing from David Rodgers to withdraw the petition, but that they had received an e-mail letter from David Rodgers' attorney, William ("Bill") Parnell of Parnell, Michels & McKay, PLLC of 25 Nashua Road, Suite C5, Londonderry, NH 03053 and 137 Main Street, North Woodstock, NH 03262 withdrawing the GSFS appeal as part of an agreement with Herbert Lahout. (See attached e-mail #1.)

Chair Beaudin also noted that Mr. Lahout has not appeared before the Zoning Board. The Zoning Board will require from Herbert Lahout something in writing – a memo or letter - stating he has rescinded his request for Planning Board approval to operate a restaurant on the property at M112 L027. (See attached e-mail #2.)

Chair Beaudin stated that in an email from town Attorney Peter Malia, Malia stated that the ZBA should obtain copies of both agreements from David Rodgers and Herbert Lahout stating that the appeal is withdrawn and the request for restaurant is also withdrawn.

Chair Beaudin asked Planning Board Chair Romprey if he would also request a letter in writing to the Planning Board so that Herbert Lahout's request to rescind his request for a restaurant would appear in both ZBA and Planning Board minutes. Planning Board Chair Romprey agreed.

**Motion to dismiss the Administrative Appeal of the September 24, 2014, decision of**

**Planning Board (PB) per RSA 676:5(III).**

**Motion: Patricia McTeague                      Second: Don Landry**

**All in Favor: (3-0)**

**Application for Administrative Appeal**

Chair Beaudin stated he gave to Bont several different copies of an Application for Administrative Appeal. The ZBA does not currently have a form for this purpose and hopes to adopt one next year. The ZBA members will edit and comment on these forms to define a form to be used by the Town of Lincoln.

**IV. CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

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

**VI. PUBLIC 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 Zoning Board of Adjustment will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

**VII. ADJOURNMENT**

**Motion to adjourn at 6:07 PM.**

**Motion: Don Landry                      Second: Patricia McTeague**

**All in Favor: (3-0)**