



PLANNING & ZONING DEPARTMENT

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AGENDA Wednesday, April 4, 2018 – 6:00PM Lincoln Town Hall, 148 Main Street, Lincoln NH

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:

- November 14, 2017
- March 7, 2018

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

IV. NEW BUSINESS

A. 6:00 PM. Lincoln Zoning Board of Adjustment (ZBA) **Administrative Appeal** per RSA 676:5,ii(b)

- 1. Case #:** **2018 ZBA AA 2018-01**
- 2. Location:** 23 Hemlock Drive (Tax Map 121, Lot 001)
General Use (GU) District
- 3. Applicant:** Brian E. Holub
22 Liberty Drive #5B
Boston, MA 02210
- 4. Applicant's Agent:** Daniel J. Pasquarello, Esq.
Pasquarello/Fink, LLC
185 Devonshire Street, 3rd Floor
Boston, MA 02110
- 5. Property Owner:** Brian E. Holub. Trustee
Brian E. Holub 2011 Trust
22 Liberty Drive #5B
Boston, MA 02210

Petitioner is appealing decision of the Planner made on January 9, 2018, to the ZBA. Petitioner requested ZBA grant an administrative appeal to be presented to the ZBA on Wednesday, March 7, 2018 at 6:00 PM in the Conference Room of the Lincoln Town Hall on 148 Main Street, Lincoln, NH 03251. The ZBA did not have a quorum. The hearing was continued to a date and time certain. The public hearing was continued to **Wednesday, April 4, 2018, at 6:00 PM.**

Petitioner is Brian Holub. Property owner is Brian E. Holub. Trustee, Brian E. Holub 2011 Trust. Brian Holub will be represented by Daniel J. Pasquarello, Esq.

The petition was filed in connection with an application for a Land Use Authorization Permit (LUP) filed by Brian Holub to remodel the interior space of his basement in order to add two bedrooms and two bathrooms in a single-family home constructed on property located on 23 Hemlock Drive, Lincoln, NH (Tax Map 121 Lot 001) located in the General Use (GU) Zoning District.

The Administrator denied the Petitioner's second Application for a Land Use Authorization Permit (LUP) because (1) the application was incomplete; (2) Petitioner did not submit any written authorization from his Homeowner's Association for the proposed alterations; and (3) Petitioner did not submit plans of sufficient detail to determine compliance with the Town of Lincoln's Land Use Plan Ordinance. No plans for the areas as proposed to be finished were submitted with the application.

Petitioner argues that the Town has "no basis to require authorization of a homeowners'/ condominium association approval as a condition for approval" for a Land Use Authorization Permit. Petitioner argues that the modeling of interior space is an "As-Of-Right" project; the Town's authority is limited to collecting water and sewer tap fees and bedroom impact fees.

ACTION: Upon a finding by the ZBA that the application meets the submission requirements, the ZBA will vote to accept the application for a variance as administratively complete.

ACTION: If the ZBA finds the application to be complete, then the ZBA may conduct a public hearing on the merits of the proposal immediately, or schedule a public hearing at some future date established during this meeting.

ACTION: The ZBA will vote to approve, approve with conditions or disapprove the application. Should a decision not be reached at the public hearing, this application will stay on the ZBA agenda until such time as it is either approved or disapproved.

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

VII. 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 ZBA will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

VIII. ADJOURNMENT