

**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)**

Notice is hereby given that Petitioner is appealing a decision of the Planning and Zoning Administrator made on May 4, 2015, involving petitioner's abutter's land to the ZBA. Petitioner requests ZBA grant an administrative appeal to be presented to the ZBA on **Tuesday, November 22, 2016, at 6:00 PM**, in the Conference Room of the Lincoln Town Hall on 148 Main Street, Lincoln, NH 03251.

Petitioner and abutter to the subject property is Denise Heredeen 25 School Street, PO Box 372, Lincoln, NH 03251-0372. Her abutting property is 25 School Street (Tax Map 113, Lot 077). The Owner of the subject property is Francis & Mercedes Mulligan, Trustees, of the 29 School Street Realty Trust at 541 East Third Street, South Boston, MA 02127. The subject property is 29 School Street (Tax Map 113, Lot 103). The subject property and the abutter's property are both located in the Village Residential (VR) District where there is a 10 foot side setback requirement as set forth in LUPO, Article VI, Section B., Paragraph 4 Dimensional Chart.

Initially the owner of the subject property received a Land Use Permit to build a single family home. After he built the home, the property owner put in a window well to let light into the basement level. The window well encroached into the 10 foot side setback. The owner of the subject property was asked to submit an Application for a Variance. The owner submitted an Application for a Variance. The Chair of the ZBA reviewed the petition & recommended to the Planning and Zoning Administrator and the Town Planner that a Variance was not needed because the window well did not fall within the requirements of the current Land Use Plan Ordinance; they agreed. They did not further process the Owner's Application for a Variance.

Petitioner complains that the Town's failure to require the property owner to request a variance has interfered with her peace and enjoyment of her property without notice and hearing as an abutter; Petitioner wants the Town to require the property owner to go through Dimensional Variance review process before the ZBA.