



TOWN OF LINCOLN NEW HAMPSHIRE

PLANNING BOARD
ZONING BOARD OF ADJUSTMENT

PLANNING & ZONING DEPARTMENT

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AGENDA

Wednesday, March 15, 2023 – 6:00 PM

Lincoln Town Hall, 148 Main Street, Lincoln NH

*Hybrid meeting available both in person with social distancing & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Zoning Board member must be physically present at the meeting. Although there is space in the large conference room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

Meeting ID: 817 0076 6161

Passcode: 179696

Find your local number: <https://us02web.zoom.us/u/kblNuPaMIG>

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

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:

- February 15, 2022 (Present: Chair Ray D'Amante (via Zoom), Acting Chair Jon Ham, Vice Chair Mark Ehrman (via Zoom), Member Jack Daly, Member Delia Sullivan, Member Myles Moran (portion only – via Zoom), and Alternate Susan Chenard. (Myles Moran dropped off the Zoom early.)

[Lincoln NH ZBA Meeting 02 15 23 - YouTube](#)

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

A. 6:00 PM. Request for Variance (Var).

[Var 2023-01 M132 L057 Maniglia]

Variance to permit retaining walls to extend into the fifteen-foot (15') front & side setback areas.

Agent for Appellants: Philip M. Bennett, AIA
alba architects LLP
137 Main Street
PO Box 186
North Woodstock, NH 03262-0186

Appellants/Property Owner: Frank E. Maniglia & Meghan M. Maniglia
44 Ashwood Avenue
Wilmington, MA 01887

Surveyor: Mark Lucy, P.E., C.P.E.S.C. Senior Design Engineer
White Mountain Survey & Engineering, Inc./
Horizons Engineering, Inc.
1270 NH Route 16
Ossipee, NH 03864

Property: 4 Hay Hill Road (Map 132, Lot 057). Size: 0.56 acres. **Rural Residential (RR) District.**

Homeowners Association (HOA): Subject lot is part of a development known as “The Landing at Loon Mountain”, part of an active HOA known as The Landing at Loon Mountain Homeowners Association, however, Joseph E. Lynch d/b/a Loon Landing Development, LLC is the successor declarant & is still owner of a majority of the undeveloped lots. He owns 47 out of 81 total lots (an adjusted total following a few lot mergers) for a total of 58% of the undeveloped lots.

Homeowners Association:

The Landing at Loon Mountain Homeowners Association

(Map 130, Lots 062-085, Map 132, Lot 002-050, 053-054, Map 133, 041-044)

Joseph E. Lynch, President

The Landing at Loon Mountain Homeowners Association

d/b/a Loon Landing Development LLC

1 Connector Road

Andover, MA 0810

Joseph E. Lynch, President

The Landing at Loon Mountain Homeowners Association

d/b/a Loon Landing Development LLC

14 Montalcino Way

Salem, NH 03079

Land Use Plan Ordinance (LUPO): In the RR District, front, side & rear setback are 15 feet from the property boundary line. A retaining wall greater than 4 feet in height, measured from grade at the bottom of the wall to the top of the wall is defined as a “structure”. No “structure” is permitted within the setback areas. In 2004, the developer of The Landing at Loon Mountain put in the roadways and several retaining walls that greater than 4 feet in height; some of those retaining walls are on the subject lot. Those retaining walls are pre-existing nonconforming retaining walls and are not the subject of this request. Those retaining walls are within the 15-foot west side setback area, the 15-foot rear side setback area, and the 15-foot east side setback area of the subject lot.

Request is for the ZBA to grant:

1. A **Variance** to allow the construction of a retaining wall within the 15-foot east side setback area. The proposed retaining wall exceed 4 feet in height and is therefore a “structure” within the LUPO and subject to the 15-foot setback as defined for the **Rural Residential (RR) District**. The retaining wall will vary in height up to approximately 9 feet and will be located within the front and east side setback areas.

ACTIONS: Upon a finding by the ZBA that the application meets the submission requirements the ZBA may vote to accept the application for a Special Exceptions and Variances as administratively complete. The ZBA may conduct a public hearing, or schedule a public hearing at some future date established during this meeting. The ZBA will hold a public hearing on the merits. The Zoning Board will vote to approve, approve with conditions or disapprove the application.

IV. CONTINUING AND OTHER BUSINESS

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

VII. ADJOURNMENT