

**LINCOLN ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
WEDNESDAY – OCTOBER 16, 2019 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Vice Chair Beaudin, Member Jack Daly, Member Ray D’Amante, Member Delia Sullivan

Members Excused: Chair Jonathan Ham, Alternate Myles Moran, Alternate Susan Chenard, Alternate Margie Gozdoff

Members Absent: None

Staff Present: Town Planner Carole Bont, Nate Hadaway, Director of Public Works, Ron Beard, Fire Chief/Health Officer/Code Enforcement Officer

Staff Excused: Recorder Ellyn Franklin

Guests:

- **Michael Hamori**, nonresident (APPELLANT), of 304 Salem Street, Andover, MA 01810, co-owner with Sonya Hamori of 11 Beechnut Drive, (Map 130, Lot 120).
- **Sonya Hamori**, nonresident (APPELLANT), of 304 Salem Street, Andover, MA 01810, co-owner with Michael Hamori of 11 Beechnut Drive, (Map 130, Lot 120).
- **Attorney Jason Reimers**, 3 Maple Street, Concord, NH 03301 Attorney for Hamoris.

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:

- July 3, 2019 (Present: Chair Jonathan Ham, Vice Chair Paul Beaudin, Member Jack Daly, Member Ray D’Amante, Member Delia Sullivan, Alternate Myles Moran, Alternate Susan Chenard, and Alternate Margie Gozdoff)

Although these minutes were not approved on the recording, we believe the minutes were approved during the latter part of the meeting for which a tape recording does not exist due to a technical failure.

III. NEW BUSINESS

None.

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

A. 6:00 PM. Status Update and Request for Additional Time to Meet Conditions:

Michael and Sonya Hamori – Var 2018-07 M130 L120 Grant - Variance – build retaining wall within side setback

STATUS UPDATE RE: MEETING CONDITIONS FOR VARIANCE

concerning Article VI District and District Regulations, Section B District Regulations, Paragraph 4 (Dimensional Chart) of the zoning ordinance known as the Land Use Plan Ordinance (LUPO) to build a retaining wall that encroaches into the 25-foot side setback areas.

Appellants & Property Owners:

Michael and Sonya Hamori
304 Salem Street
Andover, MA 01810

Property:

11 Beechnut Drive (Tax Map 126, Lot 020) – Mountain Residential (MR)
District

Other Property Owners Directly Impacted by Retaining Wall:

James Burrows & Reny Burrows
75 Clairemont Road
Belmont, MA 02478

Property:

5 Beechnut Drive (Tax Map 130, Lot 119) – Mountain Residential (MR) District

Surveyor:

Stephen B. Tower, NH LLS, NH Designer
Sabourn & Tower Surveying and Septic Design, PLLC
1022 Daniel Webster Highway
North Woodstock, NH 03262

July 3, 2019, ZBA accepted the variance with two conditions to be satisfied within 120 days:

- (a) secure an easement from James Burrows and provide a recorded copy to the Town of Lincoln, and**
- (b) provide to the Town of Lincoln confirmation by a licensed engineer that the portion of the wall built in 2018 highlighted in yellow on the attached plan meets all applicable state building codes.**

Hamoris need more time to complete these conditions.

Fire Chief/Health Inspector/Code Enforcement Officer Ron Beard said the Town Engineers for the Beechwood Road project (Hoyle Tanner & Associates) need to provide more information about the road project as it affects this property so if something happens with that section, they know who is responsible for it.

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

None.

VI. 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 Planning Board will be heard only

during a scheduled public hearing when all interested parties have the opportunity to participate.

There was no public participation.

V. ADJOURNMENT

Motion to adjourn at 6:15 pm: Daly

Second: Sullivan

All in favor: 5-0

Motion carries.

The tape for this portion of the meeting could not be accessed or found or resurrected despite Herculean efforts by staff, the IT company and the teleconference software company.

The meeting was reconvened a short while later. ZBA Member Ray D'Amante called back the Hamoris from the parking lot. A long discussion ensued about what portion of the wall was approved and paid for by the Town. Town staff and the Hamoris did not agree. ZBA sided with Hamoris.

Second Adjournment.

Motion to adjourn at 7:10 pm: Beaudin


Second: Sullivan

All in favor: 6-0

Motion carries.

Respectfully submitted,
Brook Rose, Recorder

Date Approved: September 15, 2020


Jonathan Ham, Chairman 10/2/20

