

PLANNING & ZONING DEPARTMENT

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AGENDA

Wednesday, June 18, 2025 – 6:00PM

Lincoln Town Hall, 148 Main Street, Lincoln NH

*Hybrid meeting available both in person & via Zoom Meeting Platform to allow for town wide participation. A quorum of Zoning Board of Adjustment members must be physically present at the meeting. Zoning Board of Adjustment Meetings can be attended in-person at the Town Hall Building. Recordings of all Zoning Board of Adjustment meetings can be found at www.youtube.com (Lincoln NH ZBA Meeting 06-18-2025). Zoom access is for your convenience; use at your own risk. If any technical difficulties or if ZOOM should go down, the meeting will NOT be rescheduled.

Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSz11bVFPRWVzbyt4UT09>

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:

- June 4, 2025 (Present: Chair Delia Sullivan, Vice-Chair Susan Chenard, Member Jack Daly, Member Peter Rowell, and Alternate Greg Reynolds [via ZOOM])

III. **NEW BUSINESS**

- A. **Var 2025-02 M118 L056 8 Cross Street – Brian Klaus – Put a 2-Story Addition onto a 1-story back section of a duplex plus a bit more within the 10 foot side setback area.**

VARIANCE: ZBA Appellant Brian Klaus requests ZBA approval for a **VARIANCE** to erect a 2-story addition on top of a 1-story grandfathered portion of a 2-family residential building (for a total of 3-stories) located partially within the ten foot (10') side setback area in the Village Center (VC) District, in violation of Article IV Definitions, Paragraph 49, (Setback) and Article VI, Section B and Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Paragraph 3 (Lot Area and Yard Requirements) Subparagraph a, and Paragraph 4 (Lot and Lot Coverage Requirements and Standards) Dimensional Chart of the Land Use Plan Ordinance (LUPO) where the minimum side setbacks in the Village Center District are 10 feet; no structures are permitted in the minimum side setback area.

Appellant & Property Owner: **Brian Klaus**
31 Lost Valley Road
Woodstock, NH 03262

Subject Property: Includes a grandfathered two-family residence at 8 Cross Street (Map 118, Lot 056) built in 1900, prior to the adoption of Land Use Plan Ordinance (LUPO) in 1986. The front portion of the building is 2 stories high. The rear portion of the building is 1 story high. Portions of both the 2-story and the 1-story high sections are located within the ten-foot (10') side setback area. The proposed addition would be to the 1-story rear portion of the building where a corner would be in the 10-foot side minimum setback area, increasing the intrusion into the setback area by two stories. Village Center (VC) District. (0.13 Acres or 5,663 SF).

Request: ZBA Appellant is looking for a Special Exception to put a large two-story addition on top of the one-story addition in the back section of the lot, a corner of which is located in the ten-foot (10') side setback area where no structure is permitted in the setback area. Building is currently a duplex. With addition, building will stay a duplex. Appellant will not add any other dwelling units to this property.

- B. **SE 2025-01 M117 L120-000-01-0003 “The Depot” 264 Main Street, Building 1, Unit #3, Katelyn Mathews d/b/a Fresh Tracks Sandwiches, LLC – Planning Board approved change in use from “Retail” to “Restaurant” however, needs Special Exception from ZBA for Parking to support more restaurant seating**

SPECIAL EXCEPTION: Appellant Katelyn Mathews d/b/a Fresh Tracks Sandwiches, LLC, recently purchased one (1) business condominium in The Depot Shopping Center (“The Depot”) in Building #1, Unit #3, 264 Main Street, where she wants to convert a former gelato shop combined with retail space (Aloto Gelato and Papermill Marketplace) into a restaurant with the name “Fresh Tracks Sandwich Shop.” A Special Exception from the ZBA is required under the Land Use Plan Ordinance (LUPO), Article V General Regulations, Section A Parking and Off-Street Loading because Appellant is 8 parking spots short for the currently requested number of seats for the restaurant.

Appellant and Property Owner: Katelyn Mathews d/b/a
Fresh Tracks Sandwiches, LLC
7 Pitre’s Drive
North Woodstock, NH 03262

Subject Property: 264 Main Street, Building #1, Unit #3,
(Tax Map 117, Lot 120-000-01-0003)

In General Use Downtown (GUD) District both Retail and Restaurant Uses are permitted. The Depot is a business condominium known as “Depot Condominium Owners Association” in the form of a “Mixed Use” Shopping Center and includes both residential condominium units (20) and business condominiums units (18). Some businesses occupy more than one condominium unit. Based on the Town’s current LUPO, the number of parking spaces currently needed for all of the current combined uses within the entire property known as “The Depot” was 245. The entire Depot property has only 194 parking spaces. Currently, the Depot as a whole is 51 parking spaces short. That extent of that deficit changes every time there is a change in use within each unit.

Land Use Plan Ordinance (LUPO): Appellant requires 13 parking spaces for a change in business use from “Retail” to “Restaurant” use with a total of 47 seats; within a “Mixed Retail Use” building, to convert existing “Retail” space (requiring 5 parking spaces – 1 spot for every 300 SF of public space) into “Restaurant” space with 35 indoor seats and 12 outdoor seats for a total of 47 seats (requiring 13 parking spaces – 1 spot for every 4 seats+1 staff). Under the current Land Use Plan Ordinance (LUPO), Article V General Regulations, Section A Parking and Off-Street Loading, and given the total current uses within “The Depot”, and acquiring the 5 parking spaces that supported the former retail space, Appellant is 8 parking spots short.

Request: Appellant is looking for a Special Exception to allow her to operate a restaurant in the subject condo that requires 13 parking spots to support 35 inside seats and 12 outside seats for a total of 47. Appellant posits that the number of parking spaces required under LUPO exceeds current actual need for parking spaces for the current various businesses based on the hours of operation for various businesses that do not overlap. In the past, PB has taken these factors into account in granting waivers for the parking requirements, however, under the LUPO, the ZBA is authorized to grant Special Exception in parking matters, not the PB.

Planning Board (PB) Referral to ZBA:

On May 28, 2025, PB granted Appellant Site Plan Review approval for a change in use from “Retail” use (which required 5 parking spaces) to “Restaurant” use with seating capacity of 20 seats (which required 5 parking spaces) with the condition that if Appellant gets a Special Exception from the ZBA for any additional seats up to the additional eight (8) additional parking spaces required for the additional restaurant seats Appellant proposed (Total: 35 indoor seats plus 12 outdoor seats = 47 total seats), she has Site Plan Review approval for up to that

many seats. Appellant is requesting a Special Exception to allow her to operate an economically viable “Restaurant” as under the current LUPO she needs 13 parking spaces to support 35 inside seats and 12 outside seats for a total of 47 seats and based on the PB’s current calculation she is 8 parking spots short. The Depot was built in 1985-1987, prior to the adoption of zoning in 1986. At the time the Depot was being built there were no minimum parking requirements.

PB does not object to Appellant’s Special Exception Request.

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

- A. Review ZBA Rules of Procedure to review/revise to be continued to a later meeting.**
- B. Reminder: Sign up for In Person On-Demand Training for ZBA members on July 30, 2025**

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

