

Lincoln ZBA Meeting Minutes For a Special Meeting held on April 26, 2021

****PENDING APPROVAL****

Attended via GoToMeeting due to Covid-19: Tommie Thompson (ZBA Chair), Nicole Lee (ZBA Clerk), Barry Olson (ZBA), Patricia Waugh (ZBA), Harry Reynolds (ZBA), Jim Warnock (ZBA), Ann Moreau-Kensek (Interim Zoning Administrator), Bill Finger (Select Board Chair), Serena Fox (ZBA interviewee), Josiah Jackson (ZBA interviewee)

1. Meeting was called to order by Tommie at approximately 7:00 pm.
2. Discussion of the Sand Pit Conditional Use application took place.
3. It appears that the design has not changed.
4. Variances still assumed in said application for specific line items as listed in the narrative submitted by Bill Finger on April 21, 2021.
5. Trish inquired why the Select Board denied the Sand Pit Conditional Use application. Tommie explained that it was a result of receiving a letter from the ZBA with our concerns of Lincoln's Zoning Regulations being violated.
6. Harry stated that it seems like legal advice for the ZBA regarding the Sand Pit application is required to move forward.
7. ZBA candidate Serena Fox joined the meeting at 7:20 pm. Interview followed.
8. ZBA candidate Josiah Jackson joined the meeting at 7:32 pm. Interview followed.
9. Tommie made a motion to deliberate.
10. Motion seconded and approved.
11. Motion to appoint Serena Fox and Josiah Jackson to fill ZBA vacancies.
12. Motion seconded and approved.
13. Motion for an Executive session at 8:03 pm.
14. Motion seconded and approved.
15. Tommie initiated discussion of the Sand Pit application.
16. It seems like a request for a waiver of setbacks and other line items as noted in narrative should have been addressed before going to the ZBA.
17. Bill stated that the Select Board would need to approve a request for a lawyer to be appointed to represent the ZBA.
18. Bill Finger proposes a meeting to be held with the Select Board, the ZBA, Benjamin Putnam (Attorney for the Town of Lincoln), and James Dumont (a lawyer and concerned citizen regarding the Sand Pit application), to review the updated narrative that was submitted with the Sand Pit application.
19. Bill suggests a tentative hearing to be scheduled to keep things moving forward. If a special meeting between the ZBA and the Select Board has not been held and concerns over application have not been appeased, the ZBA hearing can be postponed.
20. Bill stated that the town's attorney assisted with the Sand Pit application.

21. Trish asked why the Zoning Regulations couldn't be revised. Tommie and Bill stated that it is too long of a process.
22. Bill stated that he will reach out to Benj (the Town of Lincoln's lawyer), and that Tommie will reach out to Jim (concerned citizen and lawyer) in order to see if a meeting between the Select Board, ZBA, and both lawyers is possible before the tentative 5/17/21 ZBA hearing.
23. Tommie stated that the ZBA felt out of the loop with the whole Sand Pit application process and that it seemed like there should have been other steps taken before the submission of a conditional use application to the ZBA.
24. If the purchase agreement can't be completed by the dates as outlined by Bill, it will need to be extended again. It was already extended from January 2021 to June 2021.
25. Ann agrees that a joint meeting with the Select Board, the ZBA and James Dumont and Benjamin Putnam would be beneficial and could be held as a Special Meeting by the Select Board.
26. Tommie states that a ZBA hearing could be held on 5/17/21 dependent on the outcome of the Select Board's Special Meeting.
27. Tommie makes a motion to accept the Conditional Use Sand Pit Application on condition of the outcome of said Special Meeting.
28. Trish poses the question if exceptions like these have been made in the past in Lincoln.
29. Historical references in context of Sand Pits are something we should bring up in discussion at the Special Meeting.
30. Coming back to the motion to accept the Conditional Use Application, Tommie makes the point that the Special Select Board meeting be no later than 5/10/21, which is one week prior to the ZBA hearing tentatively scheduled for 5/17/21.
31. Motion seconded and approved.
32. Ann will notify the ZBA when said meeting is scheduled.
33. Motion to adjourn at 9:31 pm.
34. Motion seconded and approved.

Respectfully submitted on May 1, 2021 by Nicole Lee, ZBA Clerk