

**AGENDA  
ZONING BOARD OF ADJUSTMENT  
AUGUST 5, 2019**

**AGENDA ITEM #2  
APPROVAL OF MINUTES**

**JULY 1, 2019**

DRAFT

LEBANON ZONING BOARD OF ADJUSTMENT  
CITY HALL, COUNCIL CHAMBERS  
MONDAY, July 1, 2019  
7:00 PM

**MEMBERS PRESENT:** Chair William Koppenheffer, Dan Nash, Jonathan Peress, Paul McDonough (Alt), Jeremy Katz (Alt), Dave Newlove (Alt)

**MEMBERS ABSENT:** Alan Patterson Sr. and Vice Chair Jennifer Mercer. (Note: Ms. Mercer was in attendance in the audience for Public Hearing A. She left the meeting after that public hearing and did not participate in the meeting at all as a board member.)

**STAFF PRESENT:** Tim Corwin - Zoning Administrator

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1 **1. CALL TO ORDER**

2  
3 The meeting was called to order at 7:05 PM by Chair Koppenheffer.

4  
5 Alternates: Mr. Newlove and Mr. McDonough, were appointed to participate.

6  
7 **2. APPROVAL OF MINUTES:** June 3, 2019

8  
9 *Mr. Nash MOVED to approve the June 3, 2019 Minutes as presented in the July 1, 2019 agenda packet*

10 *as amended.*

11 *Seconded by Mr. Peress.*

12  
13 Amendments: Page 7 Line 17 Add ‘.9’ before .7, reading 29.97 acres. Page 7 Line 20 Remove ‘property’

14 and add ‘plan’. Page 7 Line 22 Add “The applicant noted that the property is in current use”.

15 *\*The MOTION passed unanimously (5-0).*

16  
17 **3. PUBLIC HEARINGS: Continued from June 3, 2019**

18  
19 **A. JENNIFER MERCER & JASON WEALE, 4 WOODLAND ROAD (Tax Map 136,**

20 **Lot 27), zoned R3:** Applicant requests a Variance from Article VI, Section 611.C of

21 the Zoning Ordinance to allow the keeping of roosters. **#ZB2019-13-VAR**

22  
23 The applicants appeared and spoke to noise mitigation and noise limitation in the spirit of the ordinance.

24 Showing a power point presentation, Ms. Mercer spoke to the terms of the NH Zoning Statute and the

25 Lebanon Master Plan. She addressed the density of population and the typical distances between houses

26 where roosters are currently allowed in the RL zoned districts. She presented a map showing the distance

27 from their chicken coop to the nearest neighbor’s house, which is substantially further than the

28 requirements for the RL zoned districts. The presentation showed the estimated level of sound from a

29 rooster crowing that was based on a sound calculator. This was compared to noise levels that have been

30 recorded for standard background noise levels in neighborhoods.

31  
32 The Board members asked for clarification about the noise level in neighborhoods and the ratio of

33 chickens to roosters the applicants want to keep. The noise level that would happen early in the morning

34 was discussed and the Board asked the applicants what they would do if the noise was too much for the

35 neighbors. The Board discussed the specific hardship the applicants were addressing. The applicants

36 responded that due to the large size of their property they are similar to properties zoned for agriculture

1 and their chicken coop is much further in distance from their neighbors than the distance between  
2 neighbors in areas where roosters are permitted.

3  
4 **Chair Koppenheffer opened the Public Hearing.**

5  
6 Melissa Leenders and Dave Leenders appeared against the application. They are the closest neighbors.  
7 They stated their perspective of the requirements to permit a variance and said the applicants purchased  
8 the property in 2015 and it was not zoned for agriculture. It seems this is not a hardship.

9  
10 Brian Fontaine and Yvette Fontaine appeared against the application. They reviewed the criteria for the  
11 approval of a variance and spoke of the current sound they hear from the existing chickens.

12  
13 Susan Mazur and Amy Knight appeared against the application. Ms. Knight, who lives elsewhere, owns  
14 roosters and said they start at 4:30 in the morning at this time of year and they crow all day. They are  
15 penned in an open coop in the morning and she restricts the crowing with an enclosed and insulated coop  
16 until 7 in the morning. The roosters compete against one another by crowing. The Board asked for  
17 information about the insulated coop the Knights built to contain the roosters that keeps them from  
18 crowing.

19  
20 Andrew White and Melissa White appeared for the application. He stated that property rights should be  
21 as permissive as possible and placing undue restrictions on property owners is not in the best interest of  
22 the City. Mr. White said this application is consistent with the perspective of the citizens of Lebanon by  
23 providing incentive for agriculture. He referenced the farmers market as an example of the intent of  
24 agricultural enterprise within Lebanon. He said other areas of Lebanon allow roosters; this piece of  
25 property is unique and more like areas that allow roosters.

26  
27 The Chair asked the applicants to respond to some additional questions. Ms. Mercer read a letter into the  
28 record from Realtor Melissa Robinson, a neighbor, who stated property values would not be diminished  
29 by the roosters. She is in support of the application. Ms. Mercer responded to questions related to the  
30 amount of outside background noise at their property and the estimated decibel level of a typical rooster  
31 crow at 341 feet from the source. The applicants are confident in their calculations of the decibel levels of  
32 the crowing that would reach the neighbors.

33  
34 **Hearing no further comments from the public, Chair Koppenheffer closed the public hearing.**

35  
36 The Board discussed the application and the relative conditions they felt would be required to approve the  
37 application for a variance.

38  
39 ***Mr. Nash MOVED On June 3, 2019 and July 1, 2019 at duly-noticed meetings of the Lebanon***  
40 ***Zoning Board of Adjustment, there appeared Jennifer Mercer and Jason Weale regarding 4***  
41 ***Woodland Road (Tax Map 107, Lot 91), zoned R-3, requesting a Variance from Article VI,***  
42 ***Section 611.C of the Zoning Ordinance to allow the keeping of roosters. #ZB2019-13-VAR***

43  
44 **I. FINDINGS OF FACT**

45  
46 Based on testimony given, application materials presented, and supporting documents submitted, the  
47 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 48 1. The subject property is a +/- 29.97 acre parcel located in the Residential Three (R-3) District. The  
49 property is improved with a one-family dwelling and is used for residential purposes.  
50

- 1     2.     Other than the abutting property at 26 Ledge Lane, the subject property is substantially larger than  
2           any other property located in the R-3 District within at least a 1,500 ft. radius.
- 3
- 4     3.     The keeping of hens is permitted in the R-3 District pursuant to the regulations set forth in §611 of  
5           the Zoning Ordinance. Per §611.A, up to approximately 60 chickens may be kept at the subject  
6           property. However, per §611.C, the keeping of roosters is prohibited.
- 7
- 8     4.     The applicants propose to keep roosters on the property as an accessory use to the primary  
9           residential use. Accordingly, the applicants are seeking a Variance from the terms of Article VI,  
10          §611.C which prohibits the keeping of roosters at the property.
- 11
- 12    5.     To obtain the requested Variance from §611.C, the applicants must demonstrate compliance with  
13          each of the five variance criteria as set forth in §801.2 of the Zoning Ordinance. The applicants  
14          have submitted testimony addressing the §801.2 Variance criteria in an application received by the  
15          Planning Department on May 20, 2019.
- 16
- 17    6.     Numerous neighbors opposed the application.
- 18
- 19    7.     Andrew and Melissa White spoke in favor of the variance request.
- 20

21    **II.    CONCLUSIONS OF LAW**

22    As a result of the above findings of fact and based on testimony given, application materials presented,  
23    and supporting documents submitted, the Board concludes the following with respect to the Variance  
24    criteria set forth in §801.2 of the Zoning Ordinance:

- 25    1.     The variance **will not** be contrary to the public interest. (§801.2.A.1)  
26          The land use law that gives communities the ability to enact zoning supports agriculture.
- 27    2.     The spirit of the ordinance **is** observed. (§801.2.A.2)  
28          The ordinance supports agricultural activities on parcels this size (rural lands).
- 29    3.     Substantial justice **is** done. (§801.2.A.3)
- 30
- 31    4.     The values of surrounding properties **are not** diminished. (§801.2.A.4)
- 32
- 33    5.     Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.  
34          Owing to **[the following]** special conditions of the property that distinguish it from other properties  
35          in the area (§801.2.A.5.a):  
36          The parcel is unique in that it is 30 times the minimum class III lots size (no public water  
37          resources).
  - 38           i.     There **is not** a fair and substantial relationship between the general public purposes of  
39                  the ordinance provision and the specific application of that provision to the property.  
40                  (§801.2.A.5.a.i)  
41                  The prohibition regarding roosters is reasonable for parcels close together; it is not  
42                  reasonable for large parcels.
  - 43           ii.    The proposed use **is** a reasonable one. (§801.2.A.5.a.ii)

44    **III.   DECISION**

45    Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **1<sup>st</sup> day of July 2019**,

1 hereby **GRANTS** the requested relief, as set forth above and per testimony, plans, and materials  
2 submitted, and per the following conditions:

- 3 1. The applicant shall not have more than 60 poultry animals on the property.
- 4 2. The applicant shall not have more than 2 mature roosters.
- 5 3. The sound of the roosters shall not exceed 55 dB at the nearest house, 18 Grand View.
- 6 4. Rosters shall be kept in an enclosed building and released no earlier than 7 am.

7 **Motion seconded by Mr. Peress.**

8 **\*The MOTION passed unanimously (3-2). Alternates Mr. Newlove and Mr. McDonough opposed.**

9

10 **A five-minute break was taken at 9:20.**

11

#### 12 **4. PUBLIC HEARINGS: NEW**

13

14 **A. WILLIAM & DEBORAH RAFTER 12 UNION STREET (Tax Map 92, Lot 194), zoned R-**  
15 **2:** Applicant requests a Variance from Article III, Section 309.3 of the Zoning Ordinance to  
16 construct a detached carport to be located +/-9 ft. from the side lot line shared with 8 Union Street  
17 (Tax Map 92, Lot 195), where a minimum side yard of 15 ft. is required. **#ZB2019-14-VAR**

18

19 Deb Rafter, William Rafter and their builder, Peter Scoppettone appeared on behalf of the application.  
20 They wish to build a car port. They do not see how the carport would adversely impact the neighborhood.  
21 The placement of the carport is the only area that would allow the applicants to retain any outside space.  
22 Building the carport would not require removal of trees, perhaps some trimming.

23

24 **Chair Koppenheffer opened the Public Hearing.**

25

26 Bruce Schwaegler, and Sarah Schwaegler, abutters of the property appeared on behalf of the applicant.  
27 They believe drainage would not be a problem and are in favor of adding it to the property.

28

29 **Hearing no further comments from the public, Chair Koppenheffer closed the public hearing.**

30

31 Alternates Mr. Katz and Mr. McDonough participated in the hearing.

32

33 **Mr. Nash MOVED On July 1, 2019, at a duly-noticed meeting of the Lebanon Zoning Board of**  
34 **Adjustment, there appeared Peter Scoppettone on behalf of William & Deborah Rafter**  
35 **regarding 12 Union Street (Tax Map 92, Lot 194), zoned R-2, requesting a Variance from**  
36 **Article III, Section 309.3 of the Zoning Ordinance to construct a detached carport to be located**  
37 **+/-9 ft. from the side lot line shared with 8 Union Street (Tax Map 92, Lot 195), where a**  
38 **minimum side yard of 15 ft. is required. #ZB2019-14-VAR**

39

#### 40 **I. FINDINGS OF FACT**

41

42 Based on testimony given, application materials presented, and supporting documents submitted, the  
43 Lebanon Zoning Board of Adjustment makes the following findings of fact:

44

45 1. The property is improved with a one-family dwelling on a non-conforming lot of 7,405 sq. ft. (10,000  
46 sq. ft. is the minimum required for a Class 1 lot in the R-2 District, per §309.2 of the Zoning  
47 Ordinance).

48

49 2. The home conforms to the minimum required rear yard setback of 20 ft., and the minimum 15 ft.  
50 side yard required from the lot line shared with 8 Union Street (the abutting property to the north).

1 However, the property is non-conforming to the minimum required front yard of 20 ft., and to the  
 2 minimum 15 ft. side yard required from the lot line shared with 14 Union Street (the abutting lot to  
 3 the south).  
 4

5 3. The home was built in 1860 and a one car garage was later added to the rear. In 1998, the prior  
 6 owners obtained a Special Exception to expand the home (which, as stated above, is non-  
 7 conforming to the minimum side yard requirement). As part of that expansion, it appears the garage  
 8 was converted into living space. Consequently, there is currently no interior space or sheltered  
 9 space on the property for the parking of vehicles.

10  
 11 4. The applicant proposes to construct a detached 20 ft. by 20 ft. carport to be located +/-9.5 ft. from  
 12 the side lot line shared with 8 Union Street (Tax Map 92, Lot 195). The carport will be located on  
 13 the north side of the existing home, where a minimum side yard of 15 ft. is required. Because the  
 14 carport will be constructed within the minimum required side yard, the construction of the carport  
 15 requires a Variance.  
 16

17 5. A minimum side yard of 15 feet is required for Class 1 lots in the R-2 District per §309.3 of the  
 18 Zoning Ordinance. Therefore, a Variance is required to permit construction of the proposed carport,  
 19 which will be located approximately 9½ feet from the side lot line shared with 8 Union Street.  
 20

21 6. To obtain the requested Variance from §309.3, the applicants must demonstrate compliance with  
 22 each of the five variance criteria as set forth in §801.2 of the Zoning Ordinance. The applicants  
 23 have submitted testimony addressing the §801.2 Variance criteria in an application received by the  
 24 Planning Department on June 14, 2019.  
 25

26 7. The abutters to the north, Bruce and Sarah Schwaegler spoke in favor of the application.  
 27

28 **II. CONCLUSIONS OF LAW**

29 As a result of the above findings of fact and based on testimony given, application materials presented,  
 30 and supporting documents submitted, the Board concludes the following with respect to the Variance  
 31 criteria set forth in §801.2 of the Zoning Ordinance:

- 32 1. The variance **will not** be contrary to the public interest. (§801.2.A.1)
- 33
- 34 2. The spirit of the ordinance **is** observed. (§801.2.A.2)
- 35
- 36 3. Substantial justice **is** done. (§801.2.A.3)
- 37
- 38 4. The values of surrounding properties **are not** diminished. (§801.2.A.4)
- 39
- 40 5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.  
 41 Owing to [**the following**] special conditions of the property that distinguish it from other properties  
 42 in the area (§801.2.A.5.a):  
 43 The carport cannot be located elsewhere on the lot in a confirming manner.
- 44 i. There **is** a fair and substantial relationship between the general public purposes of the  
 45 ordinance provision and the specific application of that provision to the property.  
 46 (§801.2.A.5.a.i)
- 47 ii. The proposed use **is** a reasonable one. (§801.2.A.5.a.ii)
- 48

49 **III. DECISION**

1 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 1<sup>st</sup> day of July 2019,  
2 hereby **GRANTS** the requested relief, as set forth above and per testimony, plans, and materials  
3 submitted, and per the following conditions:

4 *Motion seconded by Mr. Katz.*

5 *\*The MOTION passed unanimously (5-0).*

6 **B. JOSHUA & CHELSAE CONNERS, 4 DOROTHY PERLEY ROAD (TAX MAP 94, LOT**  
7 **18), ZONED R-3:** Applicant requests a Special Exception pursuant to Article III, Section 310.2  
8 & Article VI, Section 610 to allow an accessory dwelling unit within a proposed addition to the  
9 existing one-family dwelling. #ZB2019-15-SE

10

11 Alternates Mr. Newlove and Mr. Katz served on this hearing.

12

13 Joshua Connors and David Crowe appeared on behalf of the application. They are requesting to add an  
14 addition to the existing structure for a family member. The old garage would be torn down, and a new  
15 garage would be built with a breezeway to the second living unit. It is an extremely large lot. The new  
16 unit will have City water and sewer from the existing property.

17

18 **Chair Koppenheffer opened the Public Hearing and hearing no further comments from the**  
19 **public, Chair Koppenheffer closed the public hearing.**

20

21 *Mr. Nash MOVED On July 1, 2019, at a duly-noticed meeting of the Lebanon Zoning Board of*  
22 *Adjustment, there appeared Joshua Connors and David Crowe on behalf of Joshua & Chelsae Connors*  
23 *regarding 4 Dorothy Perley Road (Tax Map 94, Lot 18), zoned R-3, requesting a Special Exception*  
24 *pursuant to Article III, Section 310.2 & Article VI, Section 610 to allow an accessory dwelling unit*  
25 *within a proposed addition to the existing one-family dwelling. #ZB2019-12-SE*

26 **I. FINDINGS OF FACT**

27 Based on testimony given, application materials presented, and supporting documents submitted, the  
28 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 29 1. The subject property is a +/-1.06 acre parcel located in the Residential Three (R-3) zoning district,  
30 and is currently improved with a one-family dwelling, a detached garage, and a shed. Interstate  
31 91 abuts the property to the north. The home and lot and conforming to the minimum dimensional  
32 requirements of the R-3 District, which are set forth in §310.3 of the Zoning Ordinance.
- 33
- 34 2. The applicant has submitted a building permit application (#BP2019-00195) to remove the  
35 existing detached garage and, in its place, to construct an attached garage and, attached to the  
36 rear of the garage, a +/- 576 sq. ft. Accessory Dwelling Unit (ADU).
- 37
- 38 3. An ADU is allowed by Special Exception within the R-3 District pursuant to §310.2 of the Zoning  
39 Ordinance and is defined in Appendix A as: "A separate complete housekeeping unit that is either  
40 contained within or is attached to a single-family dwelling, or within a detached accessory  
41 building on the same lot, for which the title is inseparable from the primary dwelling."
- 42
- 43 4. In order to grant the Special Exception, the Board must find that the proposal meets the  
44 requirements for ADUs set forth in §610 of the Zoning Ordinance, as well as the general Special  
45 Exception criteria set forth in §801.3.
- 46
- 47 5. No one from the public spoke for or against the application.

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## II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by §310.2 & §610 of the Zoning Ordinance. (§801.3.A)
2. The special conditions/requirements of §610 **are met** (§801.3.B).
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) Staff is not aware of any Zoning Ordinance violations on the property.
4. The character of the area **will not** be adversely affected. (§801.3.D)
5. **No** hazard or nuisance will be created. (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.F)
7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)
9. The general welfare of the City **will** be protected. (§801.3.I)

## III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **1<sup>st</sup> day of July 2019**, hereby **GRANTS** the applicant's request, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall provide a door between the ADU and the garage (in order to meet the requirements of §610.D).
2. The applicant shall obtain a building permit.
3. The ADU the ADU shall be connected to the same utilities (except telephone and television) as the existing dwelling and shall have an interconnected fire alarm system.
4. The applicant shall sign a form furnished by the Planning & Development Department acknowledging that the property owner must occupy either the primary residence or the ADU as their permanent residence. The signed form shall be recorded at the Grafton County Registry of Deeds, and proof thereof shall be provided to the Zoning Administrator, prior to the issuance of any building permit or certificate of occupancy.



- 1           5.     The ADU and the use thereof shall continue to meet the requirements of Section 610 of the  
2           Zoning Ordinance. In the event that the applicants or their successors no longer desire to comply  
3           with the restrictions set forth in the recorded acknowledgment, the applicants or their successors  
4           shall apply to the Zoning Board of Adjustment to approve a conversion to a two-family dwelling,  
5           or shall apply for whatever approval or relief is determined necessary by the Zoning  
6           Administrator, prior to using the home in any manner that is inconsistent with the recorded  
7           acknowledgment form.  
8

9     *Motion seconded by Mr. Newlove.*

10    *\*The MOTION passed unanimously (5-0).*

11  
12           **C. CITY OF LEBANON, 60 SPRING STREET (TAX MAP 120, LOT 2), ZONED R-3 & RL-3**

13           Applicant proposes grading work and the installation of synthetic turf in and around the 50-meter  
14           ski jump at Storrs Hill Ski Area, and, in connection with the proposed improvements, requests  
15           Special Exceptions pursuant to Article IV, Section 401.5 and Section 410.6 to allow impacts to  
16           the Riverbank Protection District and the Wetlands Conservation District. #ZB2019-16-S  
17

18    Mr. Nash recused himself from this hearing. Alternates Mr. Newlove, Mr. Katz and Mr. McDonough  
19    participated in this hearing.

20    Mr. Paul Cotes and Mr. Dan Nash appeared on behalf of the application. The 50-meter ski jump is unique  
21    in New Hampshire and New England Region. They wish to change the profile of the landing jump and  
22    run out area to meet current standards of ski jumps. This would allow ski jumpers to practice year-round,  
23    including the summer. They would work on both the 50-meter and 25-meter jumps; however, the 25-  
24    meter slope is outside the restricted area. They have been offered used materials from Lake Placid for the  
25    construction. They would work within the existing slope area and they do not plan any new disturbance  
26    of the land.

27    The Board asked about the heavy run off due to rain. The applicants responded the surface would be  
28    pervious and they would lay materials under the ski jump run to prevent erosion. They would be  
29    cognizant of any erosion issues.

30    *Mr. Peress MOVED to extend the Board meeting beyond 10:00 PM.*

31    *Motion seconded by Mr. Katz.*

32    *\*The MOTION Passed 5-0.*

33  
34    **Chair Koppenheffer opened the Public Hearing and hearing no further comments from the**  
35    **public, Chair Koppenheffer closed the public hearing.**  
36

37    *Mr. Peress MOVED On July 1, 2019, at a duly-noticed meeting of the Lebanon Zoning Board of*  
38    *Adjustment, there appeared Dan Nash, P.E., of Advanced Geomatics & Design, on behalf of the City of*  
39    *Lebanon regarding 60 Spring Street (Tax Map 120, Lot 2), zoned R-3 & RL-3, requesting Special*  
40    *Exceptions pursuant to Article IV, Section 401.5 & Section 410.6 to allow impacts to the Riverbank*  
41    *Protection District and the Wetlands Conservation District in connection with proposed grading work*  
42    *and the installation of synthetic turf in and around the 50 meter ski jump at Storrs Hill Ski Area.*  
43    *#ZB2019-12-SE*

44    **I.     FINDINGS OF FACT**

45    Based on testimony given, application materials presented, and supporting documents submitted, the  
46    Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 1 1. The subject property is used as the Storrs Hill Ski Area and is improved with a lodge, two ski  
2 jumps, and miscellaneous related improvements. As described in the attached application  
3 materials, the applicant proposes grading work and the installation of synthetic turf in and around  
4 the 50-meter ski jump.  
5
- 6 2. As further described in the application materials, the proposed work will impact areas of the  
7 property that are located in the Riverbank Protection District and the Wetlands Conservation  
8 District. Accordingly, the applicant requests Special Exceptions pursuant to Article IV, Section  
9 401.5 and Section 410.6 to allow impacts to the Riverbank Protection District and the Wetlands  
10 Conservation District.  
11
- 12 3. In order to grant the Special Exception for wetland buffer impacts, the Board must find that the  
13 proposal meets the criteria set forth in §401.5 of the Zoning Ordinance. In order to grant the  
14 Special Exception for the riverbank impact, the Board must find that the proposal meets the  
15 criteria set forth in §410.6 of the Zoning Ordinance.  
16
- 17 4. As required by §401.7.D and §410.8.B of the Zoning Ordinance, a copy of the application was  
18 forwarded to the Lebanon Conservation Commission and was discussed at their May 9, 2019  
19 meeting. The following motion was approved by the Conservation Commission, as set forth in  
20 the draft May 9, 2019 Conservation Commission meeting minutes:  
21

22 *“Donald Lacey MOVED that the Lebanon Conservation Commission recommends*  
23 *approval of the Special Exception Application proposed by the City of Lebanon and the*  
24 *Lebanon Outing Club for improvements to the ski jump facilities and access ways located*  
25 *within the Wetlands Conservation District and Riverbank Protection District at Storrs*  
26 *Hill Ski Area, 60 Spring Street (Tax Map 120, Lot 2), pursuant to Sections 401.7.D and*  
27 *410.8.B of the Zoning Ordinance with the following conditions:*

- 28 1. Appropriate siltation/erosion/turbidity controls shall be in place prior to  
29 construction, shall be maintained during construction and remain in place until the  
30 area is stabilized. Silt fences must be removed once the area is stabilized.  
31
- 32 2. There should be no introduction or spread of invasive species.  
33
- 34 3. The Contractor shall have appropriate oil spill kits on site, and readily accessible at  
35 all times during construction and each operator shall be trained in its use.  
36
- 37 4. All refuelling of equipment shall occur outside of surface waters or wetlands during  
38 construction.  
39
- 40 5. Within three days of the last activity in an area, all exposed soil areas, where  
41 construction activities are complete, shall be stabilized by seeding and mulching  
42 during the growing season, or if not within the growing season, by mulching with  
43 tack on slopes steeper than 4:1 or netting/matting and pinning on slopes steeper  
44 than 3:1 with stabilizing fabric.  
45
- 46 6. All areas cleared of vegetation to be revegetated as quickly as possible.  
47
- 48 7. Avoidance of sensitive species located near the foot bridge located east of the  
49 project (to be

1 marked by a Conservation Commission volunteer).

2  
3 8. The source of the fill to be inspected by a Conservation Commission volunteer  
4 prior to transport to the site.”

5 5. No member of the public spoke with respect to this application other than the applicant and its’  
6 engineer.

7 **II. CONCLUSIONS OF LAW**

8 **A. Special Exception for Wetland Buffer Impacts**

9 As a result of the above findings of fact and based on testimony given, application materials presented,  
10 and supporting documents submitted, the Board concludes that the proposal **does** meet the criteria set  
11 forth in §401.5 of the Zoning Ordinance.

12 **B. Special Exception for Riverbank Impacts**

13 As a result of the above findings of fact and based on testimony given, application materials presented,  
14 and supporting documents submitted, the Board concludes that the proposal **does** meet the criteria set  
15 forth in §410.6 of the Zoning Ordinance.

16 **III. DECISION**

17 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **1<sup>st</sup> day of July 2019**,  
18 hereby **GRANTS** the applicant’s request, as set forth above and per testimony, plans, and materials  
19 submitted, and per the following conditions:

- 20 1. The Conservation Commission’s conditions of approval adopted on May 9, 2019 and set forth  
21 in Finding of Fact #4, above, are hereby incorporated into this approval with one exception set  
22 forth below, into this approval granting the applicant’s Special Exception request and are made  
23 conditions of approval thereof.  
24  
25 2. With respect to said Conservation Commission’s conditions of approval, the refueling of all  
26 equipment shall occur outside of the shoreline protection zone and wetland buffer during  
27 construction.  
28

29 *Motion seconded by Mr. Newlove.*

30 *\*The MOTION Passed 5-0.*

31  
32 **5. CONSIDERATION OF REHEARING REQUEST**

- 33  
34 **A. BASIC HOLDINGS, LLC, 5 & 11 OAK RIDGE ROAD (Tax Map 4, Lots 5 & 6), zoned**  
35 **R-3:** Request for a rehearing for a Variance from Section 501.1.H.2 of the Zoning Ordinance to  
36 allow an existing building at 11 Oak Ridge Road to be included as part of a proposed Planned  
37 Unit Residential Development (PURD). The Variance request was denied on June 3,  
38 2019. #ZB2019-03A-VAR

39 Alternates Mr. Newlove and Mr. McDonough were appointed to this hearing.  
40  
41

1 Mr. Corwin’s memo indicated there are three alternatives, to deny or grant the application, or suspend the  
2 decision. Chair Koppenheffer suggested the Board should refer the motion for a new hearing to the  
3 City’s attorney.

4  
5 *Chair Koppenheffer MOVED that the Board suspends the decision and consult with the City’s attorney*  
6 *regarding further procedure on this motion.*

7 *Motion seconded by Mr. Katz.*

8 *\*The MOTION Passed 5-0.*

9  
10 *Mr. Peress MOVED that the Board empower either or both Mr. Peress and Mr. Koppenheffer to*  
11 *engage with Council as they review this matter and assess legal validity of it. And in so far as any such*  
12 *consultation would require a public meeting, one Board member would be assigned to engage with*  
13 *outside council.*

14 *Motion seconded by Mr. McDonough.*

15 *\*The MOTION Passed 5-0.*

16

17 **6. OTHER BUSINESS**

18

19 **A. ZONING BOARD OF ADJUSTMENT BY-LAWS:**

20 Discussion of letter from Jeremy Katz dated January 22, 2019.

21

22 Due to the time limits, the discussion of the letter was postponed.

23

24 **7. STAFF COMMENTS**

25

26 **8. ADJOURNMENT**

27

28 *Mr. Peress MOVED to adjourn the meeting at 10:20 PM.*

29 *Seconded by Mr. McDonough.*

30 *\*The MOTION passed unanimously (5-0).*

31

32 Respectfully Submitted,

33

34 Linda Billings

35 Recording Secretary