

**AGENDA
ZONING BOARD OF ADJUSTMENT
MARCH 2, 2020**

**AGENDA ITEM #2
APPROVAL OF MINUTES**

FEBRUARY 3, 2020

DRAFT

LEBANON ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
20 West Park Street, Lebanon, NH
3rd Floor - Room 386
MONDAY, February 3, 2020
7:00 PM

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jennifer Mercer, Alan Patterson Sr., Dan Nash, Paul McDonough (Alt), Dave Newlove (Alt), Jeremy Katz (Alt)

MEMBERS ABSENT:

STAFF PRESENT: Tim Corwin - Zoning Administrator

1 **1. CALL TO ORDER**

2

3 The meeting was called to order at 7:04 PM by Chair William Koppenheffer.

4

5 **2. APPROVAL OF MINUTES: January 6, 2020**

6

7 *Mr. Newlove MOVED to approve the January 6, 2020 Minutes as presented in the February 3, 2020*

8 *agenda packet.*

9 *Seconded by Vice Chair Mercer.*

10 **The MOTION passed (4-0-2). Chair Koppenheffer and Mr. Patterson abstained because they were not*

11 *present at the meeting.*

12

13 **3. PUBLIC HEARING**

14

15 Mr. McDonough (Alt) was given voting privileges for this hearing in the absence of Jonathan Peress.

16

17 **A. PROGRESSIVE MANUFACTURING, INC. AND ASSIGNS (APPLICANT) AND**

18 **KENNEBEC LUMBER CO. (PROPERTY OWNERS), 526 MERIDEN ROAD (TAX MAP**

19 **215, LOT 2), ZONED RL-1:**

20 Applicants request a Special Exception pursuant to Article VII, Section 702.1 of the Zoning

21 Ordinance to change the use of the property from a non-conforming warehouse to a non-

22 conforming plumbing and heating service company. #ZB2020-01-SE

23

24 Michael Hildenbrand from Dubois and King appeared on behalf of the application.

25 The Chair asked about the special exception application and informed the applicant that a variance will

26 still be needed. The Board suggested that a special exception may not be appropriate for this situation.

27 Staff announced that the newspaper notice incorrectly identified the address. The abutters were sent a

28 second notice correcting the address. Staff asked the Board if they wanted to make a correction in the

29 newspaper, stating the correct street and street number. The Board declined.

30

31 The proposed change of use to light manufacturing would allow the applicant's business to stay in

32 Lebanon. Mr. Hildenbrand talked about the impact of the facility. It would have 60 parking spaces

33 available for parking based on the business needs.

34

35 The Chair asked how the criteria for the special exception was addressed. It would not be contract to

36 public interest because the facility would be screened and would not alter the nature of the community.

1 The variance would observe the proposed use and would be constructed according to the codes and would
2 not have an impact on the natural resources. The use of space would be decreased, and the health and
3 safety would be improved compared to the current property owner. The proposed business would offer
4 approximately 30 jobs, more than the current owner.

5
6 Currently the business does metal stamping and inflating. There are no operations that will create any
7 noise. Patrick Moynihan, owner of Progressive Manufacturing, spoke to the operations. The hours are 7
8 to 3:30 with a minimum of overtime until 4:30. There are 25 employees currently operating in 20,000
9 square feet. There are no outside activities. They do not intend to have outside storage. Deliveries and
10 shipping are usually from 10 to 3:30 by common carrier. The parking lot will take approximately 60,000
11 square feet. A comparison of the present use of the land with the proposed use of the land and the number
12 of square feet that would be left in a natural state was discussed.

13
14 The Board asked how the water and sewer would be evaluated for fire services in that area.
15 Rick Wahrlich from Osgood Construction spoke of the sprinklers for the building and the construction of
16 a cistern on the property, with the size to be determined.

17
18 The Board asked why this would have less impact than the sawmill. The applicants felt there would be
19 less environmental impact than the large trucks and the equipment of the sawmill and would be less of a
20 problem, even though up to 30 cars could be coming in and going out each day.

21
22 The Board asked what makes this property unique and what makes it a hardship if the applicant would be
23 unable to put a manufacturing business on this property. The Board asked if there is a reason why this
24 piece of land is different from the other parcels in this area. It appears there are appropriate uses for this
25 land that are similar to others in the area, including agriculture or rural land purposes. The truck loads
26 that will be coming with the new business will be significantly lighter than the log trucks that are
27 currently coming and leaving the property.

28
29 The spirit of the ordinance speaks to why it was zoned RL1 because it fits with the local property.
30 Granting this variance would open up the ability for other property owners to develop their land as light
31 industrial and that is not in the spirit of what the City has in mind for Meriden Road.

32
33 They discussed the options of special exceptions and variances as they relate to this property and
34 application. The current use is grandfathered in to use as a sawmill at the size of the operations at the
35 time the zoning ordinances were adopted. They could change by special exception to another non-
36 conforming use but could not expand the size of the operations.

37
38 **Chair Koppenheffer Opened the Public Hearing.**

39
40 Steve Cole, representing Cole Partners, LLC, a neighboring farming operation, spoke in support of the
41 application. They would prefer a light industrial operation rather than the sawmill. He feels this neighbor
42 would be a positive benefit. The sawmill has been a dirty operation in the past.

43
44 Joel Trumbly, an abutter, agreed this would be a better use of the land than the sawmill. He would not be
45 averse to Meriden Road being a light industrial area.

46
47 **Hearing no additional comments from the public, the Chair closed the public hearing.**

48
49 *Mr. Nash Moved to continue the deliberation until the next meeting to have enough time to draft a*
50 *decision.*

51 *Seconded by Mr. McDonough.*

1 **The MOTION passed (3-2).*

2
3 **B. POYANT SIGNS (APPLICANT) AND DAY TRIPPER, LLC (PROPERTY OWNERS), 55**
4 **ETNA ROAD (TAX MAP 50, LOT 25), ZONED INDL:**
5 **ROGRESSIVE MANUFACTURING, INC. AND ASSIGNS (APPLICANT) AND**
6 **KENNEBEC LUMBER CO. (PROPERTY OWNERS), 526 MERIDEN ROAD (TAX MAP**
7 **215, LOT 2), ZONED RL-1:**

8 Applicant requests a Variance from Article VI, Section 608 of the Zoning Ordinance to permit a
9 second freestanding sign and to allow the total sign area for the building to exceed the maximum
10 permitted. **ZB2020-03-VAR**

11 Mr. Newlove (Alt) was appointed a regular member for this hearing in the absence of Jonathan Peress.

12
13 Richard Poyant spoke in support of the application. FW Webb is currently planning on expanding their
14 operation with a new showroom that is down the road from their existing operation. They are asking for a
15 second free standing sign. They would like to add a monument style, illuminated sign on Etna Road. The
16 property is between two roads, yet only has access from one Road. It is proposed to be 35 square feet,
17 approximate total height is 7 feet high. Mr. Poyant discussed the criteria for the variance.

18
19 The Board asked if the current free-standing sign could be removed and replaced with a new wall sign on
20 the building. There is enough wall sign space allowed for the building to accommodate a new sign. The
21 Board discussed the potential advantages of moving the sign.

22
23 The applicant asked for a continuance to discuss the Board’s suggestion regarding moving the current
24 freestanding sign and replacing it with a wall sign. Then the new freestanding sign could be constructed.

25
26 *Ms. Mercer MOVED to continue this hearing to the next meeting.*

27 *Seconded by Mr. Nash.*

28 **The MOTION passed (5-0).*

29
30 **4. STAFF COMMENTS**

31 Staff reminded the Board about the March 23rd meeting, where two attorneys will be giving a presentation
32 to the Planning Board and Zoning Board on the 4th Monday of the Month. Staff feels this will be
33 beneficial for further understanding the ordinances. Several ordinance changes were recently adopted
34 and there are new ordinances on the upcoming voting ballot. Staff will distribute the new ordinances.

35 Mr. Patterson asked for a formal change to the procedures, to include the pledge of allegiance at the
36 beginning of the Zoning Board meeting. It would require a change to the bylaws.

37
38 **5. ADJOURNMENT**

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40 *Vice Chair Mercer MOVED to adjourn the meeting at 8:25 PM.*

41 *Seconded by Mr. Patterson.*

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

43
44 Respectfully Submitted,
45 Linda Billings
46 Recording Secretary