

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
20 West Park Street, Lebanon, NH  
3rd Floor - Room 386  
MONDAY, March 2, 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:** Jonathan Peress

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

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**1. CALL TO ORDER**

The meeting was called to order at 7:01 PM by Chair William Koppenheffer.

**2. APPROVAL OF MINUTES: February 3, 2020**

Mr. McDonough (Alt) was given voting privileges for the Minutes.

*Mr. Nash MOVED to approve the February 3, 2020 Minutes as presented in the March 2, 2020 agenda packet as amended.*

*Seconded by Mr. Patterson.*

Amendments: Members Present: Remove Jeremy Katz (Alt). Members Absent: Add Jeremy Katz (Alt). Page Line 22 Remove 'plumbing and heating' and Add 'laser plating and metal cutting'. Page 1 Line 35 Remove 'special exception' and Add 'Variance'; Remove 'contract' and Add 'contrary'. Page 2 Line 8 Remove 'minimum' and Add 'maximum'.

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

**3. PUBLIC HEARING**

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

- A. MARK & MARY E. MANIKIAN, TTEES, 69 NH RT 4A (Tax Map 84, Lot 26), zoned RL-2:** Applicant requests a Variance from Article III, Section 313.3 of the Zoning Ordinance to construct a covered front porch to be located +/-14 ft. from the front lot line, where a minimum front yard of 40 ft. is required. **#ZB2020-06-VAR**

Mark Manikian appeared on behalf of the application. His wife, Mary Manikian, was also present. He would like to replace the garden with a raised deck with a covered roof. The Chair asked for additional information about the hardship and specifics that makes this property distinctive from other properties. Mary Manikian discussed the application and the need to protect the house from the heat. Neighboring properties have sun barriers such as hills or trees, but this property has nothing.

The Board asked about the extremely narrow lot. The applicants intend to build the deck over the existing garden. The application is an increase of an existing non-conforming building. They discussed that the numbers in the setback were not accurate on the application due to the size of the right of way for

Route 4A. This was a Staff error in the materials. The applicant’s illustrations indicate a change in the driveway. The NHDOT has to approve any changes to the driveway.

**Chair Koppenheffer Opened the Public Hearing. Hearing no additional comments from the public, the Chair closed the public hearing.**

The Chair discussed that neighboring properties were also within the setback. This property does not appear to be different from the other properties and their topography, it therefore may not meet the requirements of a hardship. They discussed using an awning for the sun and said it would be damaged by the wind in that area. It needs to be a fixed roof.

The Board discussed if the narrowness of the lot, determining if it is an impediment and therefore a hardship. They discussed the protected shoreline rules and if this project would be permitted under those rules. The applicant said the work already has an approved shoreline permit and the permit was included in the application materials. The applicants presented a copy of it to the Board. Some Board Members felt there is a hardship due to the location of the building relative to the sun and the change in weather patterns over recent years.

***Vice Chair Mercer Moved On March 2, 2020, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Mark & Mary Manikian regarding 69 NH Route 4A (Tax Map 84, Lot 46), zoned RL-2, requesting a Variance from Article III, Section 313.3 of the Zoning Ordinance to construct a covered front porch to be located +/- 14 ft. from the front lot line, where a minimum front yard of 40 ft. is required. #ZB2020-06-VAR***

**I. FINDINGS OF FACT**

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

1. The subject property is improved with a one-family dwelling, is bordered by Mascoma Lake on the northeast side of the property and by NH Route 4A on the southwest side of the property, and is a non-conforming lot of 6,316 sq. ft. (one (1) acre is the minimum required for a Class 2 lot in the RL-2 District, per Section 313.2 of the Zoning Ordinance).
2. The home is located 30 ft. from the front lot line according to the application materials, which is non-conforming to the minimum required 40 ft. front yard required in the RL-2 District.
3. The applicants propose to construct a covered porch along the front width of the home. The porch will have a depth of 6 ft. and a height of +/-12 ft. The front porch is proposed to be located 14 ft. from the front lot line where 40 ft. is the minimum required in the RL-2 District.
4. Therefore, to allow the proposed porch, the applicants require a Variance from the minimum front yard in the RL-2 District, as set forth in Article III, Section 313.3 of the Zoning Ordinance.
5. To obtain the requested Variance from Section 313.3, the applicants must demonstrate compliance with each of the five Variance criteria as set forth in Section 801.2 of the Zoning Ordinance and NH RSA 674:33, I(b).
6. No one from the Public spoke for or against the application.

**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 Variance criteria set forth in Section 801.2 of the Zoning Ordinance:

1. The Variance **will not** be contrary to the public interest. (Section 801.2.A.1)
2. The spirit of the ordinance **is** observed. (Section 801.2.A.2)
3. Substantial justice **is** done. (Section 801.2.A.3)
4. The values of surrounding properties **are not** diminished. (Section 801.2.A.4)
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area (Section 801.2.A.5.a):  
The lot is extremely narrow and high solar exposure causes extreme heat on the Southern side.
  - i. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)
  - ii. The proposed use **is** a reasonable one. (Section 801.2.A.5.a.ii)

### III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2<sup>nd</sup> day of March 2020**, hereby **GRANTS** the requested Variance, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. Applicant will obtain a NHDOT driveway permit for changes to the driveway.
2. Applicant will obtain a building permit.

*Seconded by Mr. Patterson*

Discussion: The Chair believes there is no hardship as defined in the Zoning Ordinance.

*\*The MOTION passed (3-2). Chair Koppenheffer and Mr. Nash voted against the Motion.*

- B. EM & EE BOISVERT SR, CO-TTEES, 237 HANOVER STREET EXT (Tax Map 64, Lot 2), zoned R-3 SR, CO-TTEES, 237 HANOVER STREET EXT (Tax Map 64, Lot 2), zoned R-35:** Applicant requests a Special Exception pursuant to Article VII, Section 702.1 to permit a change from one non-conforming use (Vehicular Repair) to another non-conforming use (Storage and Recycling Facility). **#ZB2020-07-SE**

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

Eugene Boisvert Jr. appeared on behalf of the application. The applicants would like to change the permitted use to allow a new renter in the building.

The Board said additional information will be needed before the Board can act on this application. Specifically, more information about the type of business that would be going on needs to be provided, what is proposed and what would be taking place.

**Chair Koppenheffer Opened the Public Hearing.**

Bethany Truell and Chad Gibbs appeared. They live off Hanover Street Extension. They said the proposed plan left many questions regarding the site plan, parking, and safety of pedestrians. Several of their concerns are listed:

- This area is part of the school zone area
- It is across from the sporting fields
- What are the hours of business and trucks coming through
- What should be expected regarding the odor
- Will the amount of traffic be increasing
- Will there be a new building design, and will there be good site lines for vehicles
- Will there be water contamination
- Are the trucks and containers going to be under shelters
- The property value may go down and the appearance of the recycling center
- Will water and sewer be adequate and how are those resources used
- What are the hours of operation and will it disturb the neighbors and children
- What will be the types of materials they will accept
- How many employees and how many vehicles will be parked there

Laura Ostapenko, who owns the home two lots away, appeared. She said it was not clear what type of recycling would be taking place and if any hazardous materials would be accepted. The playing fields are wet almost year round and outside storage could be a problem. She was concerned about the property values and the impact on the neighborhood. A 9-5 auto shop is different from this type of business.

Mary Anne Levin, a neighbor, appeared. She addressed the property that is being discussed because she owned it at one time. She pointed to the area of the property that is wetland. The road is busy with pedestrians and she questioned if this was a good location for dumpsters and other recycling and the possibility of it becoming a junk yard. The Board asked about the current use of the muffler house, and how it has been used over the years. Over the last 20 years, it was noisy at times when mufflers needed to be replaced and otherwise was usual noise from repairing cars. They kept regular business hours and were closed on weekends.

Tim Brousseau, a long term resident of the neighborhood, appeared. The structure is the largest structure in the neighborhood other than the hospital, school and senior resident housing. He said the traffic in the neighborhood is continuously increasing with vehicles and pedestrians. The neighborhood has become more metropolitan. He believes a non-conforming use should not be permitted, and the property is a valuable property for a conforming use. Previously there was runoff that was polluting that needs to be maintained by the property owners. He has looked at the website of the proposed tenants who intend to store things, do some recycling onsite and keep vehicles there. He questions if this developing neighborhood should be burdened by the disruptive traffic of large trucks, diesel engines and this type of business. The traffic will be disruptive. The Board discussed the recent use of the property. For the last year and a half, it has been inactive. Previously, occasionally a wrecker dropped off a car, but it was a small shop. The neighbors were accepting of the business. This new proposed business is a different type of business that does not seem fit for a residential neighborhood.

The Board discussed that a special exception allows for a change in use, but it has to be a reasonable change. A special exception can continue, but the Zoning Ordinance would be followed regarding any changes in use for a special exception.

Mr. Boisvert followed up with comments after the questions from the Public. He said he appreciates everyone's concerns. He said the intended tenant is a small business, with a single owner and only a couple of employees. The Board said the applicant would need to provide additional information in order for the Board to make a decision.

***Mr. Nash Moved to continue this hearing to the next meeting, Monday April 6, 2020.***

***Seconded by Mr. Patterson***

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

**C. ROBERT G. OAKES & JOHN T. OAKES, 92 RIVERSIDE DRIVE (Tax Map 111, Lot 16), zoned RL-1:** Applicant proposes a Variance from Article III, Section 312.2 of the Zoning Ordinance to construct commercial self-storage units. #ZB2020-08-VAR

Mr. Nash recused himself.

Mr. Katz and Mr. Newlove were given voting privileges for this hearing in the absence of Jonathan Peress and Mr. Nash.

Bradford Atwood, attorney for the applicant, spoke on behalf of the application. The property is down in an area that is believed to be essentially out of sight. The application is for a low intensity use and would be a good buffer to other residential properties. There are other commercial uses in the area. A letter from a realtor was submitted with the application, stating it is not a reasonable property for residential use due to the highway noise from its location by Interstate 89. The property is 3.76 acres and because of the physical characteristics of the lot it would not be good for residential use. The applicants reviewed the approved uses for this zone stating how each was not reasonable. The property does not have water or sewer. It is an isolated triangle between Route 4, Riverside Drive and it abuts Interstate 89. There is a substantial amount of fill that has been dropped on the property.

The applicants intend to do some landscaping and site development, but as yet that plan has not been developed. They spoke of putting a fence around the storage units and potential landscape in front of the fence. The property was previously used as a residence. Everything currently on the property would be removed.

#### **Chair Koppenheffer Opened the Public Hearing.**

Charles Almstrom appeared to discuss the application. He said the piles of dirt on the property were put there after the Interstate was constructed. The Board clarified that if this application is granted a Variance, the property would not be rezoned and cannot be sold in the future as a commercial site. Mr. Almstrom questioned the realtor's opinion regarding the value of the property. He felt the current state of this property was self-inflicted. He questioned how the land would be developed and was told the development issues would be brought before the Planning Board. He said there are currently people living in the house on that property.

Tandy Tang, who lives across from the property, appeared. She was concerned about the increased traffic from a self-storage unit and the impact of the drainage from the property onto her land. She asked if there will be limited hours, and if additional lights in the area will shine into the neighborhood. She

stated that the noise from the traffic from Interstate 89 is not a problem for her and her home is as close as to the highway as this property.

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

The Board called the applicants back to address some additional questions. They discussed what the business would be, if there would be an office and facilities, and what the hours would be.

The Board discussed the area and what the neighborhood is like. Some Members thought this use was a low impact on the neighborhood. Other Members thought there is a self-imposed hardship. Some concerns were discussed that pertain to Planning Board decisions, such as lighting. The condition of the property is not a hardship, but there is uniqueness of the property that could support the application with specific conditions. They thought fenced and gating could relieve the burden on neighbors. And that self-storage would be the only permitted use of the property.

***Mr. Newlove MOVED that On March 2, 2020, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Brad Atwood, Esq., on behalf of Robert Oakes & John Oakes regarding 92 Riverside Drive (Tax Map 111, Lot 16), zoned RL-1, requesting a Variance from Article III, Section 312.3 of the Zoning Ordinance to construct commercial self-storage units. #ZB2020-08-VAR***

**I. FINDINGS OF FACT**

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

1. The subject lot is a triangular-shaped property located to the east of the I-89 interchange at Exit 17, and is bounded by Fellows Hill Road to the north, Dartmouth College Highway to the southeast, and Riverside Drive to the west. It is currently improved with a one-family dwelling which is accessed from the Fellows Hill Roadside of the property.
2. The applicant proposes to remove the existing one-family dwelling and to construct commercial self-storage units.
3. A self-storage facility is considered a “warehouse” pursuant to the definition of “warehouse” set forth in Appendix A of the Zoning Ordinance. A warehouse is not a permitted use in the RL-1 District per Section 312.2 of the Zoning Ordinance. Consequently, in order to allow a self-storage facility on the property, the applicants must obtain a Variance from the RL-1 District table of uses set forth in Section 312.2.
4. To obtain the requested Variance, the applicants must demonstrate compliance with each of the five Variance criteria as set forth in Section 801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The applicants have submitted testimony addressing the Section 801.2 Variance criteria in an application received by the Planning & Development Department on February 18, 2020.
5. Two neighbors, Charles Almstrom and Tandy Tang, presented concerns regarding the current state of the property, runoff from construction and lighting and night-time access.

**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 Variance criteria set forth in Section 801.2 of the Zoning Ordinance:

1. The Variance **will not** be contrary to the public interest. (Section 801.2.A.1)
2. The spirit of the ordinance **is** observed. (Section 801.2.A.2)
3. Substantial justice **is** done. (Section 801.2.A.3)
4. The values of surrounding properties **are not** diminished. (Section 801.2.A.4)
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to [**the following**] special conditions of the property that distinguish it from other properties in the area (Section 801.2.A.5.a):  
Property is triangle and abutted by 2 major roads with no access from those roads and is unsuitable for uses allowed in the RL-1.
  - i. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)
  - ii. The proposed use **is** a reasonable one. (Section 801.2.A.5.a.i)

### **III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2<sup>nd</sup> day of March 2020**, hereby **GRANTS** the requested Variance, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. Limited access, not between the hours of 10 PM and 6 AM.
2. The applicant shall obtain site plan approval from the Planning Board, a building permit, and a certificate of occupancy; shall pay an impact fee pursuant to §213 of the Zoning Ordinance; and shall comply with all applicable local, state, and federal regulations in the construction and use of the proposed addition.
3. Property will be gated and fenced.
4. The only use of the property will be for self-storage. The existing building will be raised, and the equipment will be removed, and area will be cleaned up.
5. The site plan will be substantially similar to what was presented to the Board.
6. The Applicant shall obtain a site plan approval.

**Seconded by Vice Chair Mercer.**

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

***The Board took a 15 minute break.***

**4. DELIBERATION**

**A. PROGRESSIVE MANUFACTURING, INC. AND ASSIGNS (applicant) and KENNEBEC LUMBER CO. (property owners), 526 MERIDEN ROAD (Tax Map 215, Lot 2), zoned RL-1-Continued from February 3, 2020**

Applicant requests a Special Exception pursuant to Article VII, Section 702.1 of the Zoning Ordinance to permit an existing non-conforming sawmill use to change to a light industrial use and pursuant to Article VII, Section 702.5 to replace the existing buildings totaling 13,000 sq. ft. with a new building totaling 27,750 sq. ft. together and associated parking and site improvements. In the alternative, the applicant requests a Variance from Article III, Section 312.2 to allow the property to be used as light industrial which is not a permitted use in the RL-1 District. **ZB2020-02-SE**

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

Previously it was agreed that the approach to this application would be a Variance. The Chair confirmed that the Board Members had a chance to read both Motions that were prepared after the last meeting.

The Board Members discussed who is responsible for any pollution that is on the property. Contamination will be evaluated at the time of construction and the land-owner will be responsible. Some Members felt this Variance is not a hardship. Additional points were made regarding the hardship, Conclusions of Law and the Motion, and the uniqueness of this property.

*Mr. Nash MOVED On March 2, 2020, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Patrick Moynihan, owner, Roy Wahrlich, Osgood Construction, General Contractor, and Michael Hildenbrand, consultant with Dubois and King on behalf of PROGRESSIVE MANUFACTURING, INC. (applicant) and KENNEBEC LUMBER CO. (property owner), regarding 526 MERIDEN ROAD (Tax Map 215, Lot 2), zoned RL-1. Applicant requests a Special Exception pursuant to Article VII, Section 702.1 of the Zoning Ordinance to permit an existing non-conforming sawmill use to change to a light industrial use and pursuant to Article VII, Section 702.5 to replace the existing buildings totaling 13,000 sq. ft. with a new building totaling 27,750 sq. ft. together and associated parking and site improvements. In the alternative, the applicant requests a Variance from Article III, Section 312.2 to allow the property to be used as light industrial which is not a permitted use in the RL-1 District. #ZB2020-02-SEVAR*

**I. FINDINGS OF FACT**

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

1. The subject property is located on Meriden Road/NH Route 120, in close proximity to the Lebanon-Plainfield municipal boundary. It is used as a sawmill which is a non-conforming use in the Rural Lands One (RL-1) District, and is improved with a principal building of 10,486 sq. ft. and five (5) accessory buildings totaling 2,278 sq. ft. The sawmill operation includes the storage of wood, logs, sawdust, wood chips and vehicles for the delivery to and from the site.
2. Portions of the property are located in the Wetlands Conservation District and Riverbank Protection District.
3. The subject property is not served by public water or public sewer.



4. The applicant proposes to remove the existing buildings and discontinue the sawmill use, and to construct a 27,750 sq. ft. “light industrial” building together with associated site improvements.
5. The applicant testified that the “light industrial” use will consist of laser cutting and plating of metal parts. There will be no noise outside the structure.
6. The proposed use as described by the applicant in the application materials and at the hearing is not permitted in the RL-1 District.
7. The applicant has requested a Special Exception from Section 702.1 to change the sawmill non-conforming use to a “light industrial” non-conforming, and a Special Exception from Section 702.5 to expand a non-conforming use. However, the City Council recently amended Section 702.5 to limit expansions of non-conforming uses to no more than 10% of the footprint of the existing building. Given that the applicant is proposing to double the footprint of the existing building, Section 702.5 is not applicable.
8. “Light industrial” is not a permitted use in the RL-1 District per Section 312.2 of the Zoning Ordinance. Consequently, in order to allow a 27,750 sq. ft. “light industrial” building on the property, the applicant must obtain a Variance from the RL-1 District table of uses set forth in Section 312.2 of the Zoning Ordinance.
9. Based on the 3-sheet plan set submitted by the applicant, it appears that the proposed paved area at the rear of the property will impact the Wetlands Conservation District and Riverbank Protection District and, therefore, will require additional approvals from the Zoning Board per Sections 401 and 410 of the Zoning Ordinance.
10. To obtain the requested Variance, the applicant must demonstrate compliance with each of the five Variance criteria as set forth in Section 801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The applicant submitted testimony addressing the Section 801.2 criteria in an application received by the Planning & Development Department on January 21, 2020.
11. The operation of the business is intended to be a single shift of 25 employees. Hours of business are intended to be 7am-5pm.
12. Two Members of the public spoke in favor of the proposal. Both were long term abutters to the sawmill.
13. The existing sawmill operation utilizes approximately 199,570sf of the site; the proposed facility will utilize approximately 97,490 sf of the site.

## **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 Variance criteria set forth in Section 801.2 of the Zoning Ordinance:

1. The Variance **will not** be contrary to the public interest. (Section 801.2.A.1)

While the Ordinance strives to eliminate non-conforming uses as they outgrow their usefulness, this must be balanced with achieving new goals contained in the Ordinance. The new goal of primary concern is the protection of buffers to wetlands and waterways. For years, this site has been the location of outdoor log storage and handling. It was common to see the entire site be a blanket of mud. Removal of this aspect of the site operation will greatly eliminate a source of sedimentation transport to the Great Brook and improve water quality. The log operation at times could involve 50 trucks a day. Loaders had to remove logs from trucks, stockpile the logs, and move logs from the stockpile to the sawmill. The proposal will replace this traffic and vehicle operations with 25-30 vehicle round trips and 4-6 truck movements per day. Debarking and sawing operations were noisy. The elimination of these undesirable aspects of the sawmill operation are definitely in the public interest.

- a. The spirit of the ordinance **is** observed. (Section 801.2.A.2)

While the Ordinance strives to eliminate non-conforming uses as they outgrow their usefulness, this must be balanced with the landowner's continued enjoyment of the property. The proposed use continues the Industrial use, but diminishes the impact of that use on the neighborhood.

- b. Substantial justice **is** done. (Section 801.2.A.3)

The landowner will be allowed to keep the value of the industrial land use; the City will gain the value of reduced land area disturbance and much improved water quality.

- c. The values of surrounding properties **are not** diminished. (Section 801.2.A.4)

Two abutters to the project spoke in favor of the proposal. The operation will change from one with inside and outside industrial operations to one with only interior operations.

- d. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.

Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area (Section 801.2.A.5.a):

This property is unique in that it is the only industrial parcel in the RL-1 zone south of the Lebanon village center, along Route 120. Losing the Industrial use would impose an unnecessary hardship on this land that has been an industrial use since prior to the inception of zoning in the City.

- i. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)

The provisions of the Ordinance that allow a change of use and limit that use to a 10% building area increase are unfair when applied to this parcel. While the building area is roughly doubling (12,764sf to 27,750sf), the overall land employed in the specific industrial land use will be cut roughly in half (199,570sf to 97,490sf). In addition, the significant outdoor storage and exterior industrial operations (log loading and log handling) will be eliminated.

- ii. The proposed use **is** a reasonable one. (Section 801.2.A.5.a.ii)

### **III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2<sup>nd</sup> day of March 2020**, hereby **GRANTS** the request to construct a 27,750 sq. ft. "light industrial" and building on the property, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain all necessary approvals for any impacts to wetlands, the wetland buffer (as defined in Section 401 of the Zoning Ordinance), the Riverbank Protection buffer (as defined in Section 410 of the Zoning Ordinance).
2. The applicant shall obtain site plan approval from the Planning Board, a building permit, and a certificate of occupancy; shall pay an impact fee pursuant to §213 of the Zoning Ordinance; and shall comply with all applicable local, state, and federal regulations in the construction and use of the proposed addition.
3. The applicant is advised that any changes to the site layout and/or building footprint as depicted on the applicant's exhibits, and/or any changes to the applicant's operations as described in the application materials and at the hearing shall require a Variance from the Zoning Board of Adjustment pursuant to Section 801.2 of the Zoning Ordinance.

***Seconded by Mr. Patterson.***

The Board continued to discuss the reasonable use of the property and if a hardship exists. Additional points were made regarding the hardship, Conclusions of Law, the Motion, and the uniqueness of this property.

***\*The MOTION passed (4-1). Chair Koppenheffer opposed.***

## **5. STAFF COMMENTS**

**No Comments**

## **6. ADJOURNMENT**

***Mr. Nash MOVED to adjourn the meeting at 10:01 PM.***

***Seconded by Mr. Patterson.***

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

Respectfully Submitted,  
Linda Billings  
Recording Secretary