

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT
CITY HALL, COUNCIL CHAMBERS
MONDAY, September 3, 2019
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Alan Patterson Sr., Jonathan Peress, Paul McDonough (Alt), Dave Newlove (Alt), Jeremy Katz (Alt)

MEMBERS ABSENT: Dan Nash, Vice Chair Jennifer Mercer

STAFF PRESENT: Tim Corwin - Zoning Administrator

1. CALL TO ORDER

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

Paul McDonough (Alt), Dave Newlove (Alt), Jeremy Katz (Alt) were appointed voting privileges at various times, in the absence of Mr. Nash and Vice Chair Mercer.

2. APPROVAL OF MINUTES: August 5, 2019

Mr. Patterson MOVED to approve the August 5, 2019 Minutes as presented in the September 2, 2019 agenda packet.

Seconded by Mr. Peress.

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

3. PUBLIC HEARINGS

- A. GOYETTE'S CAMPGROUND, LLC, 92 US NH ROUTE 4A (Tax Map 99, Lot 2), zoned RL-2:** The property is occupied by a 78-site recreational camping park known as Mascoma Lake Campground. The Applicant requests a Special Exception pursuant to Article III, Section 313.2 and Article V, Section 505 of the Zoning Ordinance to allow an expansion of the campground to add 18 additional sites for recreational vehicle (RV) camping. **#ZB2019-20-SE**

Leo and Nadine Goyette appeared on behalf of the application. They intend to use the space that is currently developed for tent sites and would like to add utilities to accommodate RVs in those spaces.

The Board asked about the additional municipal expense to the City for the special exception. The applicants believe there would be minimal impact, they do not anticipate additional needs from the City. They plan to repurpose the current sites from tent sites to RV sites therefore the number of visitors would remain about the same. Fifteen sites would be expanded with full utilities. Three new sites would be added with full utilities. RVs would be allowed to empty their waste directly into the sewer. In 2000, the campground was using less than their allotted sewer allocation and recent review indicates it is still less. The road would be widened to accommodate the size of the RVs.

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

Mr. Newlove and Mr. Katz were appointed voting members for this hearing.

Chair Koppenheffer MOVED On September 3, 2019, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Leo Goyette on behalf of GOYETTE'S CAMPGROUND, LLC regarding 92 US NH ROUTE 4A (Tax Map 99, Lot 2), zoned RL-2. The property is occupied by a 78-site recreational camping park known as Mascoma Lake Campground. The Applicant requests a Special Exception pursuant to Article III, Section 313.2 and Article V, Section 505 of the Zoning Ordinance to allow an expansion of the campground to add 18 additional sites for recreational vehicle (RV) camping. **#ZB2019-20-SE**

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 property is occupied by a recreational camping park, which is a use permitted by Special Exception in the RL-2 District. The Applicant requests a Special Exception pursuant to Article III, Section 313.2 and Article V, Section 505 of the Zoning Ordinance to allow an expansion of the campground to add 18 additional sites for recreational vehicle (RV) camping.
2. A recreational camping park (including expansions to existing recreational parks) are allowed by Special Exception within the RL-2 District pursuant to §313.2 of the Zoning Ordinance.
3. In order to grant the Special Exception, the Board must find that the proposal meets the requirements for recreational camping parks set forth in §505 of the Zoning Ordinance, as well as the general Special Exception criteria set forth in §801.3.
4. The applicant has submitted testimony addressing the §801.3 criteria in an application received by the Planning Department on August 15, 2019.
5. No one from the public appeared to testify on behalf 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 Special Exception criteria set forth in §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by §313.2 of the Zoning Ordinance. (§801.3.A)
2. The special conditions/requirements of §505 of the Zoning Ordinance **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 **3rd day of September, 2019**, hereby **GRANTS** the requested relief, subject to testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit and site plan review.

Seconded by Mr. Patterson.

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

B. JOSEPH JORDAN ROMANO, 42 ELM STREET (Tax Map 92, Lot 205), zoned R-2: Applicant requests a Variance from Article III, Section 309.2 of the Zoning Ordinance to convert the existing one-family dwelling to a four (4) unit multi-family dwelling, which is not a permitted use in the R-2 District. **#ZB2019-21-VAR**

Mr. Katz and Mr. McDonough were appointed voting members for this hearing.

Jordan and Kathie Romano, and their contractor, David Curtis, appeared on behalf of the application. They would like to improve the existing developed space in the home and improve the unfinished space within the building. Other buildings in the neighborhood are multi family. There is space for 2 cars in the garage and off-street parking would be available for the new units. They intend to renovate the building to four units and increase its energy efficiency. The rents would be middle of the road, targeting work-force tenants.

The Board asked about the intended rent and the applicants responded it would be \$1200-\$1500 a month. The house was purchased on July 31, 2019. The property is located within walking distance of the center of town. The Board asked the applicant to elaborate on the hardship. It is a massive single-family home that is in need of expensive repairs to remedy the disrepair. It is too large to be used as a single family. This would improve the amount of housing in the area and would improve the quality of the housing as it currently exists.

The Board discussed the need for more information about the off-street parking and how it would accommodate 8 cars. They also discussed the possibility of a special exception and making less than 4 units. The members discussed the need for more information on the other multi-unit buildings in the area and if the owners of those buildings received approval from the Zoning Board to develop multi-unit housing.

Chair Koppenheffer opened the Public Hearing.

Sharon Cameron appeared in support of the application. She said the building was previously used for a large number of children in foster care. She referenced that there is ample parking on the property and the parking limitations would not be caused by this renovation to multi-family use.

Clifton Below appeared to speak in support of the application. He cited the City's Master Plan and how this renovation would meet the needs that the City has put forth in the Master Plan. The hardship related to this application is the extraordinary size related to the lot size and the context where it exists. It is not possible to maintain the house as it currently exists.

***Chair Koppenheffer MOVED to continue this hearing until October 7, 2019.
Seconded by Mr. Patterson.***

The Board would like to see a parking plan for 6 and 8 parking spaces.

****The MOTION passed (4-0-1). Mr. Peress abstained.***

C. BRENDAN HICKEY & MANON PRICE, 0 POVERTY LANE (Tax Map 188, Lot 32), zoned RL-1: Applicant requests a Special Exception pursuant to Article III, Section 312.2 and Article VI, Section 610 of the Zoning Ordinance to allow an accessory dwelling unit within a proposed one-family dwelling. **#ZB2019-22-SE**

Mr. Hickey appeared on behalf of the application. He purchased this property about a year ago. He plans to build a garage and would like to add an ADU with the garage. There was discussion that the notification did not state the correct lot number and property location. Due to the incorrect notification, neighbors may not understand that the hearing pertained to their property because it was not identified correctly in the application.

Mr. McDonough and Mr. Newlove were appointed voting privileges for this hearing.

Mr. Patterson MOVED to continue this hearing to the next meeting, upon proper notification to the abutters that includes a map of the property.

Seconded by Mr. McDonough.

****The MOTION passed (4-0-1). Mr. Peress abstained.***

A ten-minute break was taken by the Board.

D. ONE COURT STREET ASSOCIATES, 1 COURT STREET (Tax Map 91, Lot 244), zoned CBD: Applicant requests a Special Exception pursuant to Article III, Section 306.2 of the Zoning Ordinance to allow a portion of the existing building to be used as a college/university educational facility. **#ZB2019-23-SE**

Clifton Below appeared on behalf of the application. They are proposing using the space for Osher Classes, that are sponsored by Dartmouth College. The classes would not be for degree seeking courses, rather primarily for retirees and local residents.

Mr. Newlove and Mr. Katz were appointed voting privileges for this hearing.

The courses normally take place during the day. Some are offered once or twice and some extend for a number of weeks. The number of meetings varies at different times of the year. This space would be used for the majority of their courses, but they would also continue to occur at other locations.

Seeing no one in the room from the public, the Chair opened and closed the public hearing.

The Board said this would be a good use of this building and would be beneficial to Downtown Lebanon.

Mr. Peress MOVED On September 3, 2019, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Clifton Below on behalf of One Court Street Associates regarding 1 Court Street (Tax Map 91, Lot 244), zoned CBD. Applicant requests a Special Exception pursuant to Article III, Section 306.2 of the Zoning Ordinance to allow a portion of the existing building to be used as a college/university educational facility. #ZB2019-23-SE

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 property is a +/-26,227 sq. ft. (finished) three-story multi-use commercial building constructed in 1988. The applicant proposes to use a portion of the building for a college/university educational facility. The scope and nature of the proposed use is more thoroughly described in the attached application materials.
2. An “educational facility, college/university” is allowed by Special Exception within the CBD pursuant to §306.2 of the Zoning Ordinance, and is defined in Appendix A as: “An educational institution authorized by the state of New Hampshire to award associate, baccalaureate, or higher degrees.”
3. In order to grant a Special Exception for the proposed college/university educational facility, the applicant must demonstrate that the proposal meets the general Special Exception criteria, set forth in §801.3.
4. The applicant has submitted testimony addressing the §801.3 criteria in an application received by the Planning Department on August 19, 2019.
5. No testimony was provided by any member of the public.

6. 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 §306.2 of the Zoning Ordinance. (§801.3.A)
2. There are no special conditions/requirements applicable to the proposed use. (§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 **3rd day of September, 2019**, hereby **GRANTS** the requested relief, subject to testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit.

*Seconded by Mr. Newlove.
The MOTION Passed 5-0.

4. OTHER BUSINESS

A. ZONING BOARD OF ADJUSTMENT BY-LAWS: Discussion of letter from Jeremy Katz dated January 22, 2019

Mr. Katz began the discussion. His letter addresses his concerns of the rule changes regarding administrative appeals and the inability to give a decision to applicants when the Board was not a full five-member Board. Chair Koppenheffer discussed the concerns of the Board and for the Applicants that were taken into consideration. At the time the Board changed the rules, the Board was not fully occupied; whereas now there is a full Board with alternates. They discussed the merits and disadvantages of rule changes. The Board will seek legal counsel and consider amending the rules on administrative appeals.

5. STAFF COMMENTS

No

7. ADJOURNMENT

*Mr. Patterson MOVED to adjourn the meeting at 9:15 PM.
Seconded by Mr. Katz.
The MOTION passed unanimously (5-0).

Respectfully Submitted,

Linda Billings
Recording Secretary