



**LEBANON ZONING BOARD OF ADJUSTMENT
NOVEMBER 1, 2021 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. October 4, 2021
 - 3. Public Hearing Items**
 - A. **Immersion Montessori School, LLC (applicant) and 79 East Wilder Rd Realty Trust (property owner), 79 East Wilder Road (Tax Map 7, Lot 2), zoned R-3:** The applicant obtained a Special Exception on November 2, 2020, to operate a group day care facility with up to 45 students and 10 teachers. The applicant proposes to expand the group day care facility and requests a Special Exception per Section 310.2 and Section 604 of the Zoning Ordinance a) to allow up to 20 additional students for a total of 65, b) to expand the operating hours to 7:30 am – 5:30 pm, Monday through Friday, c) to keep up to 10 small animals on the property for educational purposes, and d) to install two (2) 36 sq. ft. sheds to shelter the animals. **ZB2021-21-SE - Continued from October 4, 2021**
 - B. **City of Lebanon, Airpark Road (Tax Map 159, Lot 4; Tax Map 131, Lot 8; and Tax Map 131, Lot 1, Plot 100), zoned IND-L:** Applicant requests a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow wetland impacts associated with the extension of Airpark Road. **ZB2021-22-SE**
 - 4. Other Business**
 - A. Zoning Amendments Review
 - B. Review 2022 Meeting Calendar
 - 5. Staff Comments**
 - 6. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://lebanonnh.gov/live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City’s virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

If you have any questions or would like to view the files for the application identified above, please contact the Planning & Development Department by sending an e-mail to planning@lebanonnh.gov, or by calling 603-448-1457,

Lebanon Zoning Board of Adjustment Agenda
November 1, 2021

or by visiting the Planning and Development Office located in City Hall during regular work hours, Monday through Thursday, 7AM to 5PM. The application materials will also be posted to the City's website at LebanonNH.gov/Agendas.

Agenda
Zoning Board of Adjustment
November 1, 2021

Agenda Item #2A
Approval of Minutes

October 4, 2021

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
REMOTE VIA WEBEX
LebanonNH.gov/Live
MONDAY, October 4 2021
7:00 PM**

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

MEMBERS ABSENT:

STAFF PRESENT: Tim Corwin – Senior Planner and Zoning Administrator

1. CALL TO ORDER

The meeting was called to order at 7:00 PM by Chair Koppenheffer.

Mr. Newlove has been approved by the City Council and is a full member of the Board.

2. APPROVAL OF MINUTES

A. September 7, 2021

Mr. Nash MOVED to approve the September 7, 2021, Minutes as presented in the October 4, 2021, packet with correction of the spelling of Mr. Levesque.

*Seconded by **Mr. Newlove?***

Amendments. None

**The Vote on the Motion was approved (4-0-1).*

Vice Chair Mercer abstained because she was absent.

3. PUBLIC HEARING ITEMS

- A. Immersion Montessori School, LLC (applicant) and 79 East Wilder Rd Realty Trust (property owner), 79 East Wilder Road (Tax Map 7, Lot 2), zoned R-3:** The applicant obtained a Special Exception on November 2, 2020, to operate a group day care facility with up to 45 students and 10 teachers. The applicant proposes to expand the group day care facility and requests a Special Exception per Section 310.2 and Section 604 of the Zoning Ordinance a) to allow up to 20 additional students for a total of 65, b) to expand the operating hours to 7:30 am – 5:30 pm, Monday through Friday, c) to keep up to 10 small animals on the property for educational purposes, and d) to install two (2) 36 sq. ft. sheds to shelter the animals. **ZB2021-21-SE - Continued from September 7, 2021**

At the previous meeting the Board requested that the applicant provide a scaled plan indicating: buildings, building areas, tenants, parking calculations for all, parking spaces provided, fenced areas, animal shelters, and information on type of fence. The City shall seek opinion of the city engineer regarding: does the additional traffic proposed rise to the level of being a hazard or nuisance regarding pedestrians and vehicle speed?; Does the additional traffic warrant “traffic calming” measures?

1 The applicants have not provided this information as yet, and it is thought that postponing this
2 hearing until the next meeting would provide enough time for the applicant to satisfy the Board's
3 requests. Further, the Planning Department has determined that the police should do a speed analysis
4 and provide possible solutions to the traffic conditions that have caused problems.

5
6 Vice Chair Mercer has additional questions for the applicant, and she will ask those questions at the
7 next hearing.

8
9 ***Mr. Nash MOVED to continue this hearing until November 1, 2021.***

10
11 The City may have a scale plan on file that the applicants can use to prepare for the next meeting.
12 Juan Garceran appeared on behalf of the application to ask questions of the Board. He was directed
13 to contact the Planning Department regarding a scale plan of that property that may be in their files
14 from a previous application. Mr. Garceran will work with Staff.

15
16 ***Seconded by Mr. Newlove.***

17 ****The Vote on the Motion was unanimously approved (5-0).***

18
19 **4. STAFF COMMENTS**

20
21 **5. ADJOURNMENT**

22
23 ***Mr. Nash MOVED to adjourn the meeting at 7:12 PM.***

24 ***Seconded by Mr. Newlove.***

25 ****The Vote on the Motion was unanimously approved (5-0).***

26
27 Respectfully submitted,
28 Linda Billings
29 Recording Secretary

Agenda
Zoning Board of Adjustment
November 1, 2021

Agenda Item #3A
Public Hearing Items

Immersion Montessori School, LLC
(applicant) and 79 East Wilder Rd
Realty Trust (property owner), 79
East Wilder Road (Tax Map 7, Lot 2),
zoned R-3



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

November 1, 2021 Meeting

Staff Memorandum – ZB2021-21-SE – *con't from 10/4/21*

APPLICATION INFORMATION

Agenda Item: 3.A

Application Type:

Special Exception to expand an existing group day care facility and to add accessory uses

Location: 79 East Wilder Rd (7-2)

Applicant:

Immersion Montessori School, LLC

Property Owner:

79 East Wilder Rd Realty Trust

Zoning District: R-3

Property Size: +/-2.82 acres (per the City Assessor's records)

Existing Improvements:

+/-5,925 sq. ft. (finished) commercial building constructed in 1993 and a +/- 651 sq. ft. (finished) commercial building constructed in 1940 (per the City Assessor's records)

Overlay Districts:

Riverbank Protection District

Previous ZBA Action (since 1995):

Special Exception granted on 11/2/20 to allow a group day care facility (ZB2020-34-SE)

Other Approvals Required (including but may not be limited to):

- Building Permit

HEARING NOTICE

Immersion Montessori School, LLC (applicant) and 79 East Wilder Rd Realty Trust (property owner), 79 East Wilder Road (Tax Map 7, Lot 2), zoned R-3: The applicant obtained a Special Exception on November 2, 2020, to operate a group day care facility with up to 45 students and 10 teachers. The applicant proposes to expand the group day care facility and requests a Special Exception per Section 310.2 and Section 604 of the Zoning Ordinance a) to allow up to 20 additional students for a total of 65, b) to expand the operating hours to 7:30 am – 5:30 pm, Monday through Friday, c) to keep up to 10 small animals on the property for educational purposes, and d) to install two (2) 36 sq. ft. sheds to shelter the animals. ZB2021-21-SE

ADDITIONAL APPLICATION MATERIALS

Attached are the following materials submitted by the applicant to the Planning and Development Department on October 26, 2021:

- Site plan titled, "Proposed Site Diagram for Immersion Montessori School," prepared by Pathways Consulting, LLC, dated October 19, 2021, Proj. No. 13212
- Additional information relating to the current and proposed uses, compliance with Section 604 criteria, parking calculations, a traffic management plan, and other considerations (8 pages).
- Photos (1 page)
- Floor plans prepared by BTH Design LLC, dated July 3, 2014 (5 sheets)
- NH Department of Health and Human Services (NHDHHS) Health Officer Inspection Report for Child Care Programs, dated March 26, 2021 (2 pages)
- NHDHHS Child Care Program License for Immersion Montessori, LLC (1 page)

Staff note: At the Zoning Board's request, the Lebanon Police Department is currently conducting a speed study on East Wilder Road. Staff will share the results of that study will be presented to the Zoning Board at the November 1st hearing.

Attachments

cc: Immersion Montessori School, LLC (via e-mail)
79 E Wilder Rd Realty Trust (via e-mail)



GENERAL SURVEY NOTES:

1. HORIZONTAL DATUM: NH STATE PLANE GRID NAD83 (SURVEY FEET) FROM GIS DATA.
2. VERTICAL DATUM: ASSUMED NORTH AMERICAN VERTICAL DATUM 1988 (NAV88) FROM CITY OF LEBANON AERIAL TOPOGRAPHY.
3. CITY OF LEBANON AERIAL TOPOGRAPHY AND 2015 CITY OF LEBANON AERIAL IMAGERY OBTAINED FROM CITY OF LEBANON.
4. PROPERTY LINE SHOWN APPROXIMATED FROM PLAN ENTITLED "EASEMENT PAN FOR RSR ROBSON RESOURCES, INC." PREPARED BY T&M ASSOCIATES, PROJECT NO. 366292, DATED OCTOBER 12, 1993.



REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY

PROPOSED SITE DIAGRAM FOR
IMMERSION MONTESSORI SCHOOL
79 EAST WILDER ROAD, WEST LEBANON, NEW HAMPSHIRE

PATHWAYS CONSULTING, LLC
240 MECHANIC STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03766
(603) 448-2200

SCALE: AS SHOWN
DESIGNED BY:
DRAWN BY: DPM
CHECKED BY:
DATE: 10-19-21
PROJ. NO. 13212

SHEET 1 OF 1

Site Plan Information

Immersion Montessori School LLC Special Exception Application

Hearing Date: 11/1/21

Current Use vs. Proposed Use

(See attached site plan)

Current Use

- Building A-1: Immersion Montessori School (45 students + 8 staff members)
- Building A-2: Owner offices (4 people)
- Building A-3: Jacob's Well Mastering (1 tenant + occasional visitors)
- Building B: Miriam J. Voran, Psychologist (1 tenant + up to 8 patients per day)
- Space C-1: Current outdoor space. Red line indicates the existing fence.

Proposed Use (See underlined information for new uses)

- Building A-1: Immersion Montessori School (55 students + 8 staff members)
- Building A-2: Immersion Montessori School Offices and Storage
- Building A-3: Jacob's Well Mastering (1 tenant + occasional visitors)
- Building B: Immersion Montessori School (10 students + 1 staff member)
- Space C-1: Current outdoor space. Red line indicates the existing fence.
- Purple line indicates the new proposed fence.
- Space C-2: Fully fenced-in outdoor space. Two 6x6 sheds (see pictures below) that will house 4 chickens and 2 mini-pigs for educational, not agricultural purposes.
- Space D: New proposed outdoor space

Compliance with criteria set forth in Section 604 of the Zoning Ordinance for Group Day Care Facility.

The following criteria for a Group Day Care Facility is outlined in SECTION 604 GROUP DAY CARE FACILITIES of the Zoning Ordinance:

604.1 Play Area.

Criteria: There shall be a fenced outside play area which shall be free from hazards such as hidden corners; unprotected pools, wells, and steps; poisonous plants such as poison ivy, foxglove, and rhubarb; farm or lawn machinery or implements.

Compliance: The C-1 play area is located on the north side of the building in a wooded area that has been cleared from any hazards. Note: The NH state licenser for Child Care and the Lebanon Health Inspector have already approved the play area and the fence for any safety hazards.

Criteria: It shall contain at least 50 square feet of usable play space per child using it, and the average width shall not be less than eight feet. Play areas shall not be permitted in front yards.

Compliance: The C-1 fenced-in play area is not in the front yard, and is approximately 18,267 square feet in area. For 65 children, this is approximately **281 square feet** per child.

604.2 Other Requirements.

Criteria: A suitable loading and unloading area shall be provided for those children for whom the facility provides transportation. This area shall be in addition to required parking areas.

Compliance: N/A

Criteria: Group day care facilities shall comply with all applicable state and federal regulations.

Compliance: We are now a licensed facility with the NH Child Care Licensing Unit.

Criteria: Parking:

- Group Day Care: One (1) parking space for each employee and one (1) parking space for every eight (8) clients shall be provided on site.
- Office: One (1) parking space for every 250 sq. ft.

Current Use Parking Spaces

- Group Day Care:
 - Building A-1: Immersion Montessori School (8 staff members + 45 students): 14 parking spaces.
- Office:
 - Building A-2: Owner offices (227sq. ft. + 311 sq. ft.): 3 parking spaces.
 - Building A-3: Jacob's Well Mastering (1,119 sq. ft.): 5 parking spaces.
 - Building B: Miriam J. Voran, Psychologist (579 sq. ft.): 3 parking spaces.

Total number of parking spaces needed: 25 parking spaces.

Proposed Use Parking Spaces

- Group Day Care:
 - Building A-1: Immersion Montessori School (8 staff members + 55 students): 15 parking spaces
 - Building A-2: Immersion Montessori Storage
 - Building B: Immersion Montessori School (10 students + 1 staff member): 3 parking spaces

- Office:
 - Building A-3: Jacob's Well Mastering (1,119 sq. ft.): 5 parking spaces

Total number of parking spaces needed: 23 parking spaces.

Compliance: According to this regulation, we would need a total of 23 parking spaces. The total capacity of off-street parking is 28 parking spaces.

Traffic Management Plan

Traffic Impact Analysis

Current Use

- Immersion Montessori School:
 - 45 students: 180 trips/day
 - 8 staff members: 16 trips/day
- Jacob's Well Mastering: 4 trips/day
- Miriam J. Voran:
 - 1 staff member: 2 trips/day
 - 8 clients: 16 trips/day
- Owners:
 - 4 staff members: 16 trips/day

Total trips per day: 234

Proposed Use

- Immersion Montessori School:
 - 65 students: 260 trips/day
 - 9 staff members: 18/day
- Jacob's Well Mastering: 4 trips/day

Total trips per day: 282

The proposed use would increase the traffic volume by approximately 20%.

Measures to Alleviate the Impact of an Increased Traffic Volume

Staggered Schedules

In order to alleviate the impact of traffic volume, drop-offs and pick-ups are carried out on a staggered schedule. There is a window of 2 hours for drop-off and 2 hours for pick-up. With the new proposed use, that means an estimated traffic volume of approximately 10 trips every 10 minutes between 7:30am-9:30am and 2:45pm-5:15pm (an increase of 2 trips every 10 minutes compared to the traffic volume generated by the current use).

According to the DOT, the 2019 annual average daily traffic for S Main St in the area of the property was **6,570** with higher volume Monday through Friday. The additional 48 trips for our new proposed use would not add a significant amount of volume to S Main St.

No records on traffic volume were available on the DOT database for E Wilder Rd. However, based on the information obtained by Tim Corwin, NH DOT considers that the proposed use would not trigger a substantial increase in traffic.

Regular Monitoring

Immersion Montessori School is working on the installation of a compact radar sign for regular monitoring of speed in E Wilder Rd. This mobile device would be located within the limits of the school's property and would have the following characteristics:

- Real-Time Traffic Reports.
- Real-Time Parameters Changes.
- Real-Time Speed Alerts.

Traffic Signs / Yard Signs

Immersion Montessori School would propose to the corresponding agency the installation of speed limit signs along E Wilder Rd. As an alternative, Immersion Montessori School has already acquired and offered yard signs to the residents of the street.

Regular Communication with Families and Neighbors

Immersion Montessori School is sending weekly reminders to its families. Despite the 25MPH speed limit, the school is requesting everyone to circulate at 20MPH. In addition, the school is always willing to work with its neighbors to address any concerns. Contact information for the Site Director has already been provided to all neighbors.

Law Enforcement

Immersion Montessori School is working with the Lebanon Police Department to increase enforcement of the speed limit along E Wilder Rd.

Contract Clause

Immersion Montessori School is working on including in its Family Handbook a clause that states the following:

“All families are required to adhere to a 20MPH speed limit along E Wilder Rd. Failure to follow this policy for more than 3 times may result in termination of the enrollment contract.”

Additional Items to Consider

Conservation Area Use

The Alana Cole Conservation Area would only be used by small groups of children with adequate adult supervision to ensure no disruption of any natural resources.

Wastewater system capacity

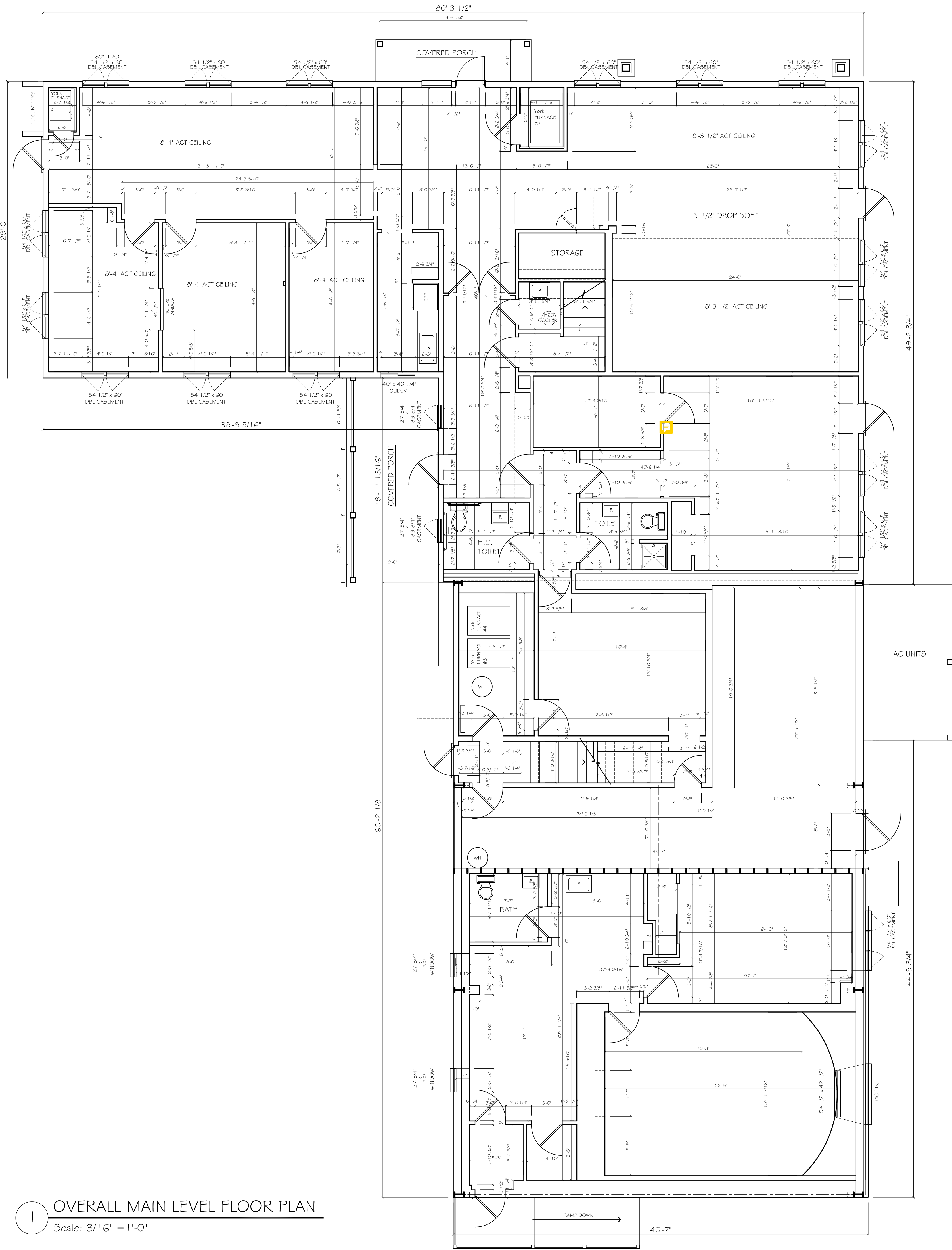
Full septic system documentation was previously provided showing that the system has a capacity of **1,100 gallons per day (GPD)**. NH Department of Environmental Services code shows the following needs for the Day Care Center use (Source: <https://www.des.nh.gov/organization/commissioner/legal/rules/documents/env-wq1000.pdf>) :

- Day Care Centers : 10 GPD/person = **750 GPD** required

Existing and Proposed Fencing

The map shows the existing (red) and proposed (purple) fencing on the property. The fence is 4-ft tall and made of a wood material. The fence is installed by hand tools only. This fence has already been approved by the licenser and the town's health inspector.





1 OVERALL MAIN LEVEL FLOOR PLAN
Scale: 3/16" = 1'-0"

EXISTING

Revisions:

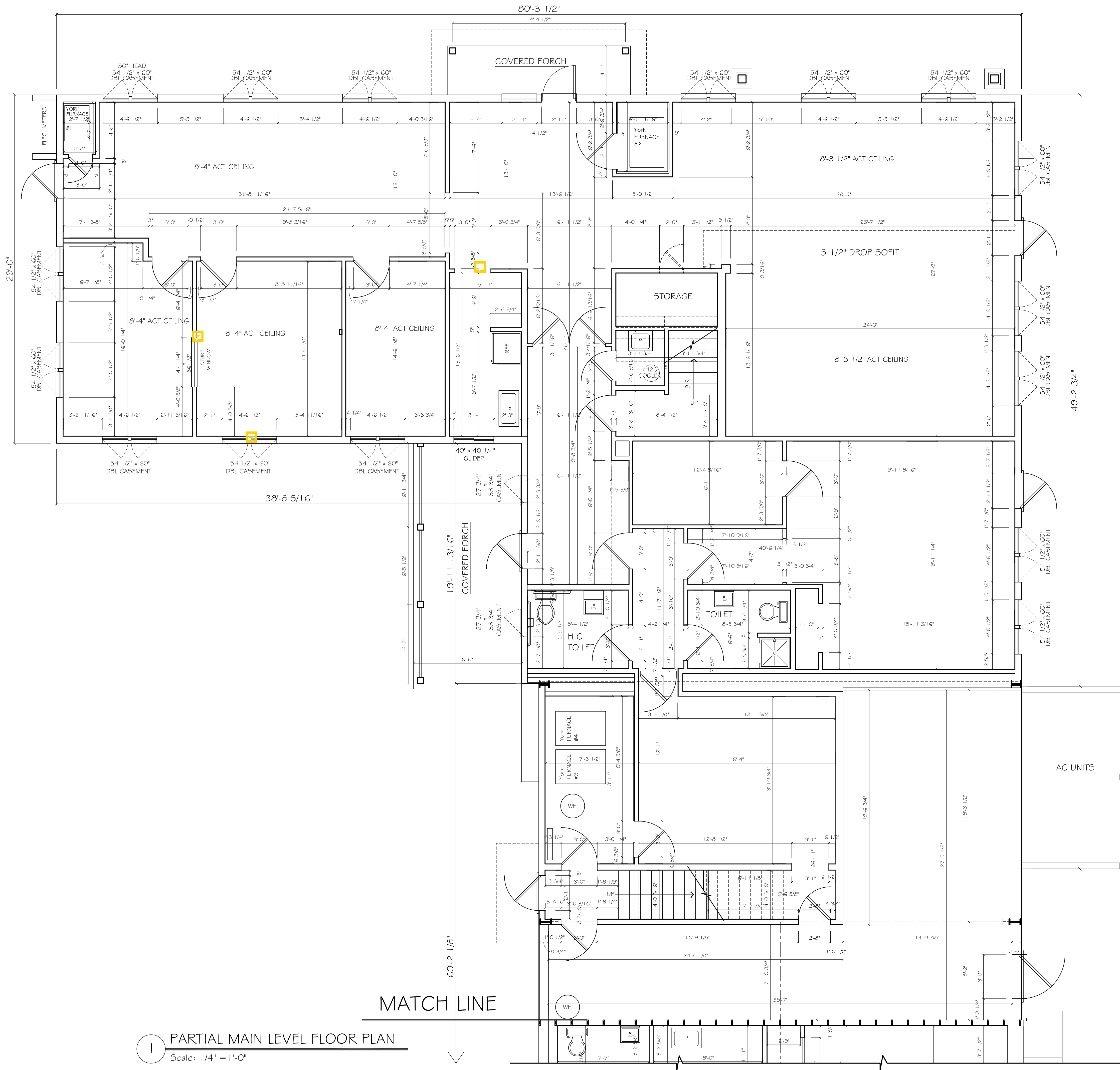
Sheet:
EC1

Date:
3 JULY 2014

EXISTING CONDITION DRAWINGS FOR:
PROFESSIONAL PARK
79 EAST WILDER ROAD
WEST LEBANON, NEW HAMPSHIRE

OVERALL MAIN LEVEL FLOOR PLAN
Drawn By: BTH
CHECKED BY:

BTH DESIGN L.L.C.
Architectural Design,
AutoCAD Drafting Services,
CAD Consulting
(603) 448-4078



PARTIAL MAIN LEVEL FLOOR PLAN
Scale: 1/4" = 1'-0"

EXISTING

Revisions:

Sheet:

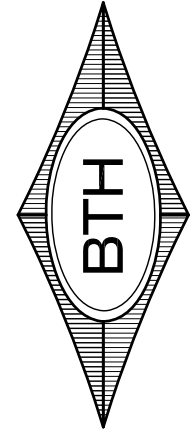
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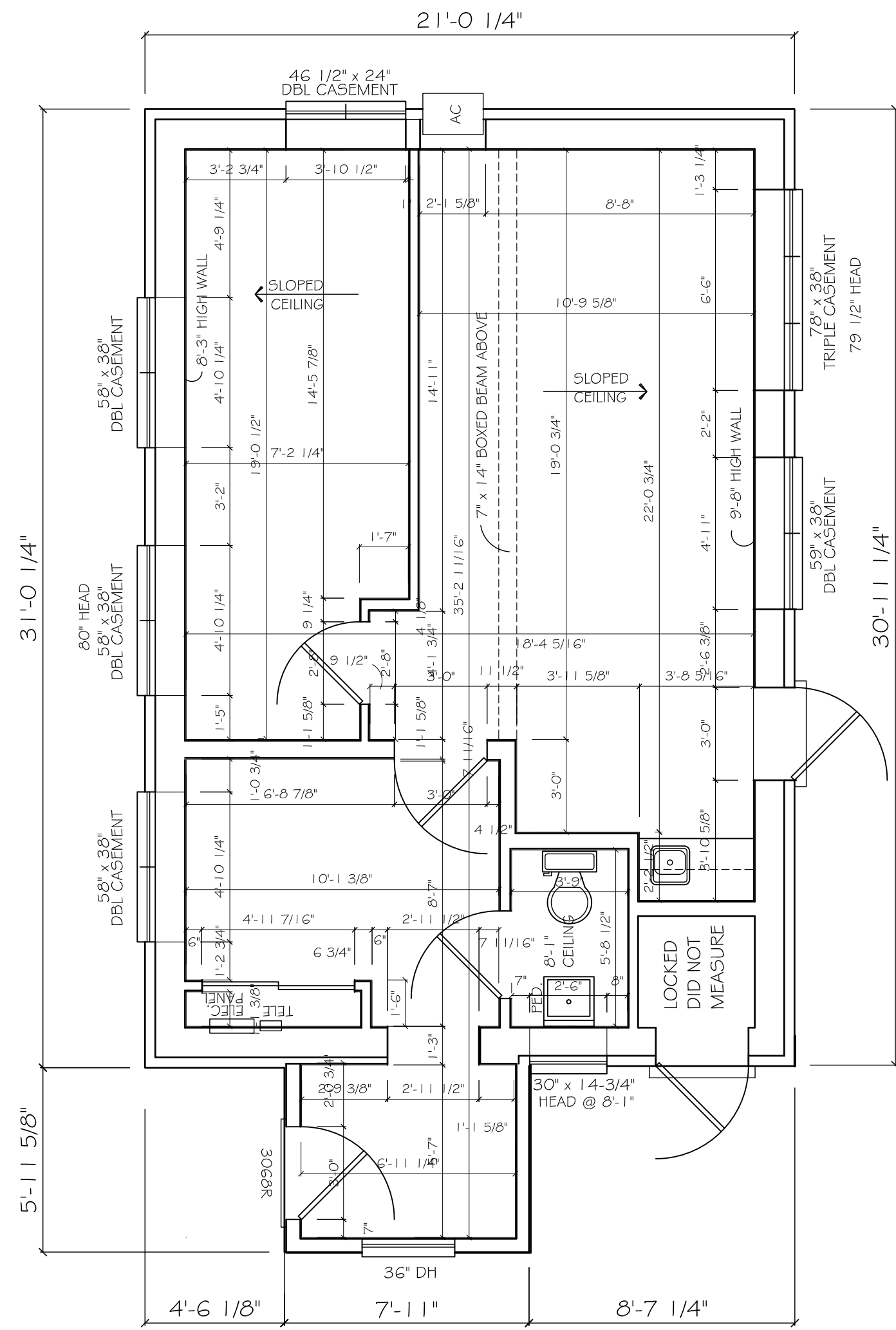
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3 JULY 2014

EXISTING CONDITION DRAWINGS FOR:
PROFESSIONAL PARK
79 EAST WILDER ROAD
WEST LEBANON, NEW HAMPSHIRE

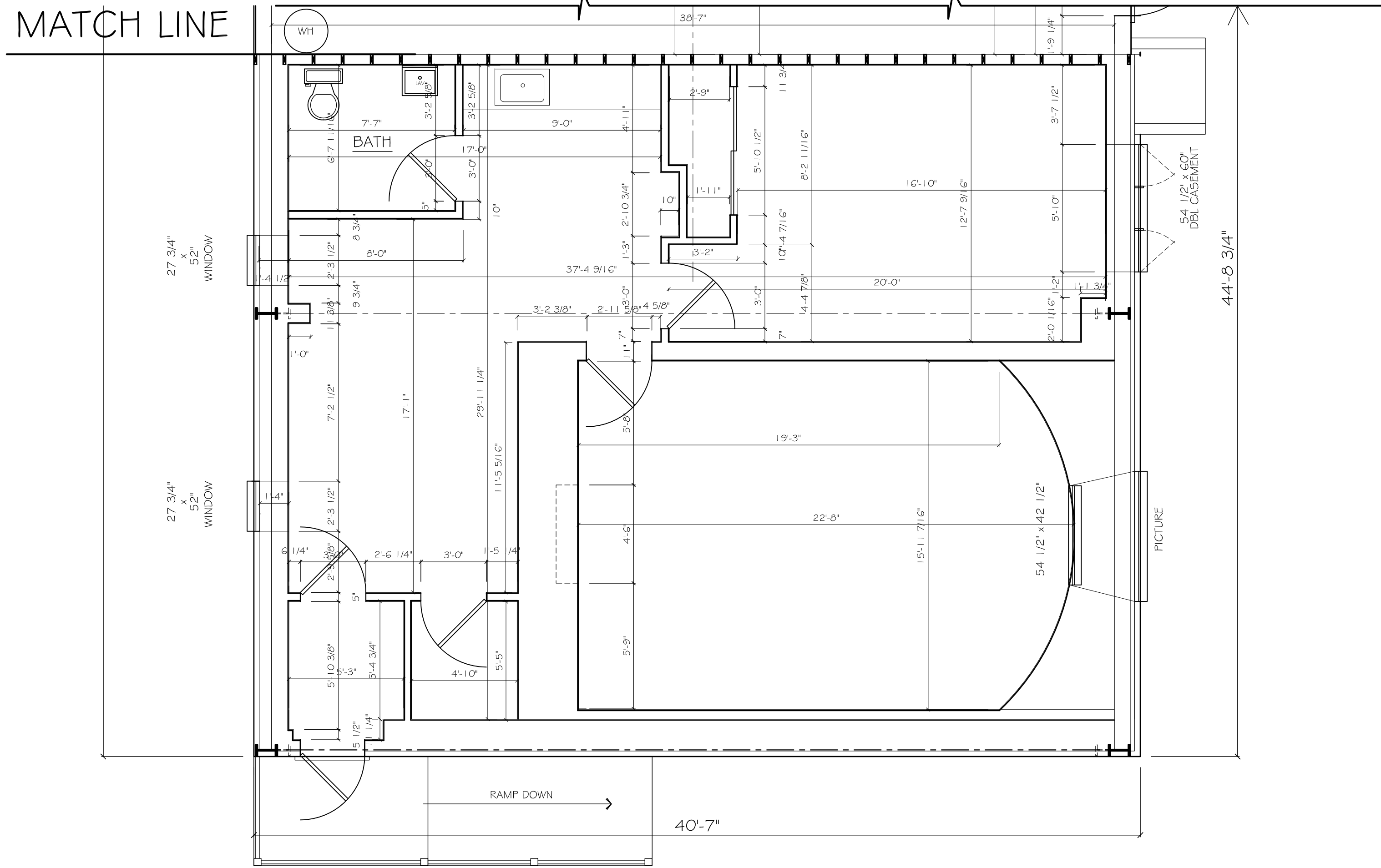
PARTIAL MAIN LEVEL FLOOR PLAN
Drawn By: BTH
CHECKED BY:

BTH DESIGN L.L.C.
Architectural Design,
AutoCAD Drafting Services,
CAD Consulting
(603) 448-4078

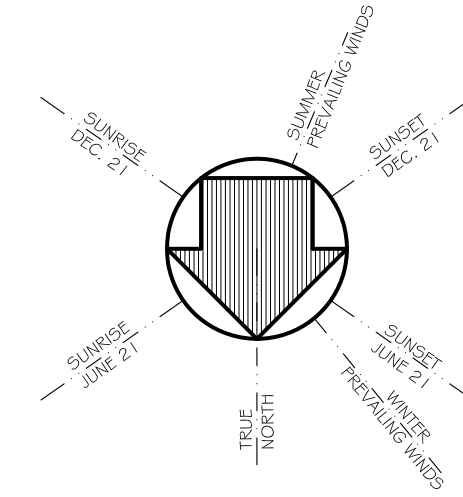




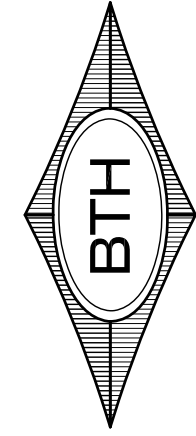
2 BUILDING "B"
MAIN LEVEL FLOOR PLAN
Scale: 1/4" = 1'-0"



1 PARTIAL MAIN LEVEL FLOOR PLAN
Scale: 1/4" = 1'-0"



BTH DESIGN L.L.C.
Architectural Design,
AutoCAD Drafting Services,
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(603) 448-4078



EXISTING CONDITION DRAWINGS FOR:
PROFESSIONAL PARK
79 EAST WILDER ROAD
WEST LEBANON, NEW HAMPSHIRE

PARTIAL MAIN LEVEL FLOOR PLAN
and BUILDING "B" FLOOR PLAN
Drawn By: BTH
CHECKED BY:

Revisions:

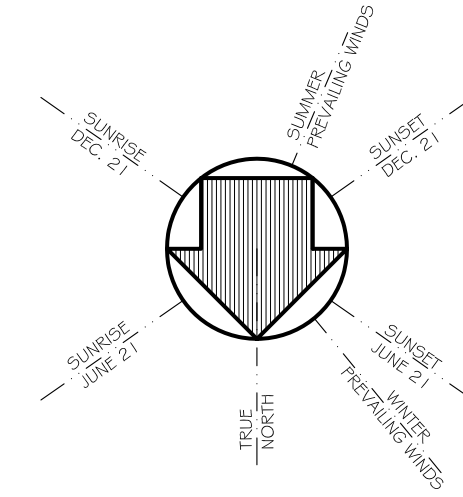
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EC1b

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3 JULY 2014

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EXISTING

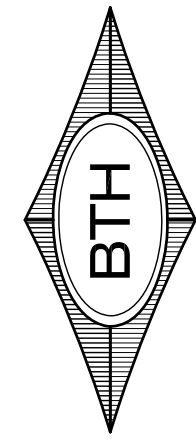
PROFESSIONAL PARK
79 EAST WILDER ROAD

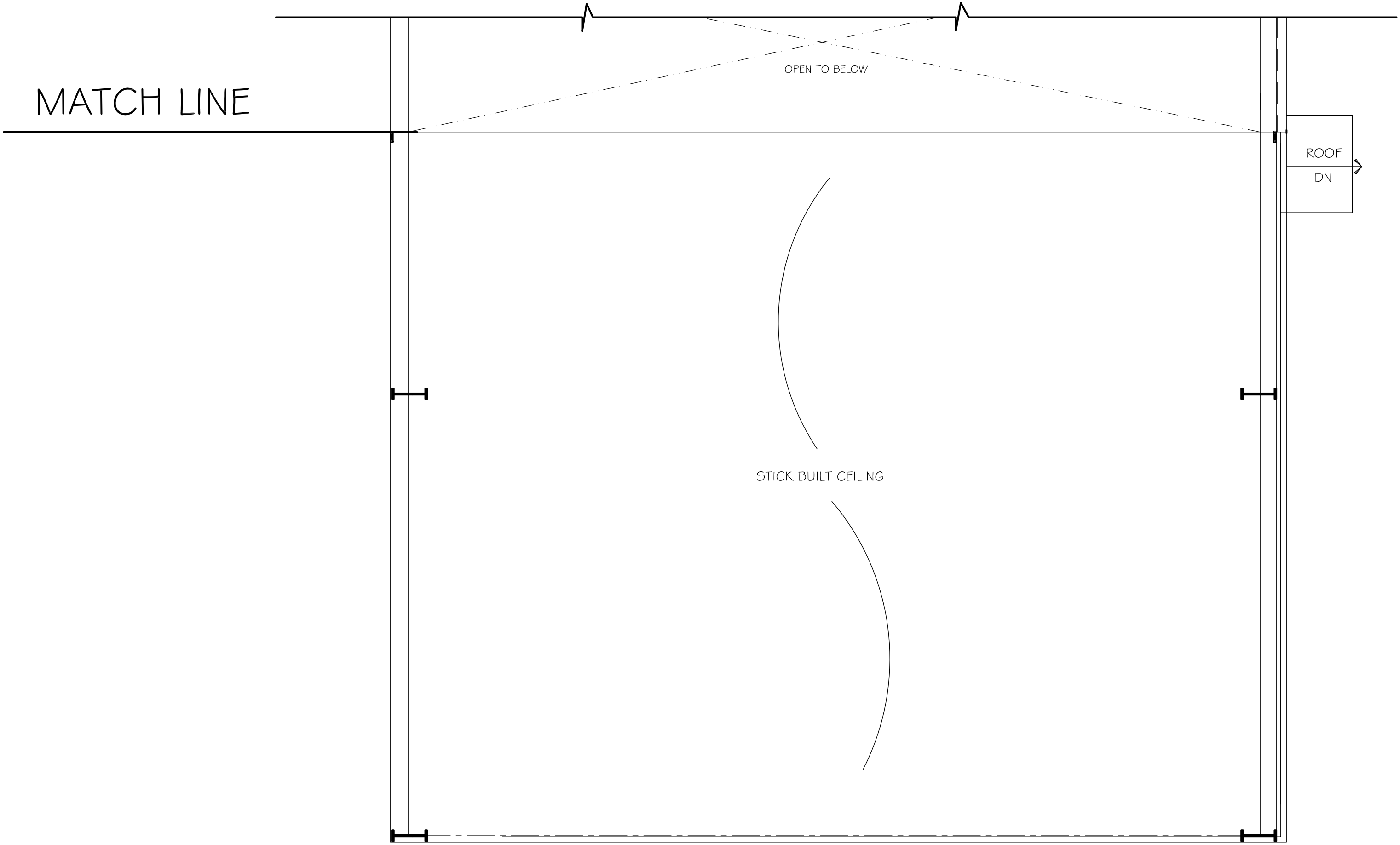
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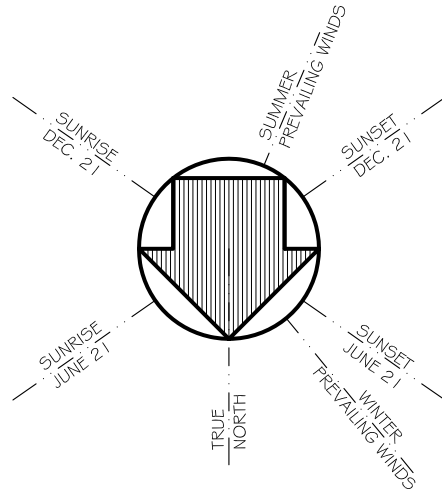
Date:
3 JULY 2014

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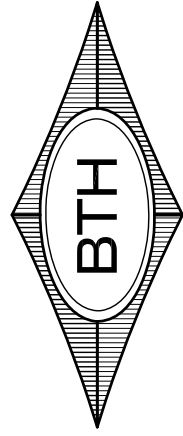




1 PARTIAL UPPER LEVEL FLOOR PLAN
Scale: 1/4" = 1'-0"



BTH DESIGN L.L.C.
Architectural Design,
AutoCAD Drafting Services,
CAD Consulting
(603) 448-4078



EXISTING CONDITION DRAWINGS FOR:
PROFESSIONAL PARK
79 EAST WILDER ROAD
WEST LEBANON, NEW HAMPSHIRE

PARTIAL UPPER LEVEL FLOOR PLAN

Drawn By: BTH CHECKED BY:

Revisions:

Sheet:
EC2b

Date:
3 JULY 2014

EXISTING



NH DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Legal and Regulatory Services, Child Care Licensing Unit
Telephone: 1-800-852-3345, ext. 9025 or 603-271-9025

Health Officer Inspection Report for Child Care Programs

THE APPLICANT COMPLETES THIS SECTION.

Child Care Program Name Immersion Montessori School Phone 201-937-7641
Program Address 79 E. Wilder Road West Lebanon NH 03766
Applicant Name Juan Garceran / Laura Golnabi Phone 201-937-7641
Requesting approval to care for a maximum of 45 children, ages 13 months to 12 years
(Maximum capacity subject to health officer approval, life safety/fire codes, and child care program licensing rules.)

THE HEALTH OFFICER MUST COMPLETE THE REMAINDER OF THIS FORM (2 pages)

He-C 4002	Areas of Inspection (unless specified please inspect indoor and outdoor space):		COMMENTS
.14(a) & (b)	Does the indoor environment contain or pose any health conditions that may be hazardous to children, other than those listed below?	Y ☒ N ☐	
.14(b)(12)	Are there adequate protections against insects (screens on windows/doors)?	Y ☒ N ☐	
.14(b)(17)	Is the environment free of unclean conditions or disrepair?	Y ☒ N ☐	
.14(b)(18)	Is the indoor environment free of damp conditions, visible mold/mildew, or musty odor?	Y ☒ N ☐	
.14(e)	Was the building built prior to 1978?	Y ☒ N ☐	
.14(b)(15)	If yes: Is there chipping/flaking/peeling paint?	Y ☒ N ☐	NA
.14(h)	Is there information or evidence indicating the building may contain asbestos hazards?	Y ☒ N ☐	
.14(j) & (k)	Are all toxic materials stored separately from food items?	Y ☒ N ☐	
.27(an)			
.14(o)	Any pets? (If yes, list type in comments)	Y ☒ N ☐	2 cats
.14(o)(1)	If there is a cat/dog, is current rabies documentation on file?	Y ☒ N ☐	
		N/A	
.14(o)(2) & (3)	Are pets, pets' living quarters, or litter boxes on food preparation or service surfaces?	Y ☒ N ☐	
		N/A	
.14(o)(3) & (4)	Are children exposed to pets' feces or urine, including litter boxes located where children play?	Y ☒ N ☐	
		N/A	
.14(p) & (w)	Is the child care space well ventilated, heated (at least 65°F) and lighted (including bathrooms)?	Y ☒ N ☐	
.15(i)(3)			
.14(x)(8)	Is there information or evidence indicating the soil on the property may be contaminated with toxic chemical or substances?	Y ☒ N ☐	
.14(ae)	Is the swimming or wading pool maintained in a clean and sanitary manner?	Y ☒ N ☐	NA
.14(aj) & (ak)	Are trash containers where food or waste is disposed of covered and emptied regularly?	Y ☒ N ☐	
.15(a)(1) & (2)	Is there running water under pressure available, and is the hot water between 60 - 120 degrees Fahrenheit?	Y ☒ N ☐	
.15(a)(3)	Is the program on a city or town public water system? If No: Does the program have its own water supply with a U.S. EPA ID number issued by NH DES (Dept. of Environmental Services) on file?	Y ☒ N ☐	NA
.15(a)(4) & (5)	For programs with independent water supplies and not required to be registered with NH DES, has the water been tested and are the lab results on file for review?	Y ☒ N ☐	NA

.15(b)	Is there functional sewage disposal facilities?	☒ Y	N
.15(c) & (d) .15(i)	Are flush toilets and sinks (one per every 20 children) in working order, clean and sanitary?	☒ Y	N
.15(j) & (k)	Are potty chairs and diaper changing areas away from food preparation/service areas and located adjacent to a hand washing sink?	☒ Y	N
.19(s) & (t)	Are first aid supplies available, non-expired, & stored in a portable container?	☒ Y	N
.19(ab) & (ad)	Is information for managing injuries/emergencies posted in a prominent location?	☒ Y	N
.27(ap) & (aq)	Is refrigerator temperature at 41°F or lower, and freezer at 0°F or lower?	☒ Y	N

APPROVAL STATUS (If either the maximum number of children or age range is blank, the CCLU will determine based on licensing rules and the fire inspector and/or zoning official limits.)

☒ **APPROVED** for number of children requested above

____ **APPROVED** for a maximum of _____ children (if other than requested)

____ **NOT APPROVED** – please specify reasons for denial below

☒ **APPROVED** with conditions (please specify what action(s) must be taken by the program and a date by which they must be completed)

COMMENTS:

Request site inspection after the fence is complete. End of April

Calvin Hunnewell CHunnewell 3/26/21
 Name of Health Officer Signature Date of Inspection

Lebanon 603-448-1524 _____
 Town/City Telephone Alt. Telephone (optional)

State of New Hampshire

Department of Health and Human Services

Office of Legal and Regulatory Services, Child Care Licensing Unit

129 Pleasant Street, Brown Building, Concord, NH 03301
603-271-9025 1-800-852-3345 ext. 9025 TDD Access: 1-800-735-2964

CHILD CARE PROGRAM LICENSE

In accordance with the provisions of Chapter 170-E RSA and the New Hampshire Child Care Program Licensing Rules, a license to operate a Child Care Program is

issued to: IMMERSION MONTESSORI, LLC
known as: IMMERSION MONTESSORI SCHOOL
located at: 79 EAST WILDER ROAD, WEST LEBANON NH 03784

This license authorizes you to provide the following types of child care in accordance with the applicable sections of the New Hampshire Child Care Program Licensing Rules.

GROUP CHILD CARE CENTER
INFANT/TODDLER PROGRAM
PRE-SCHOOL PROGRAM
SCHOOL AGE PROGRAM

AGES 12 MONTHS TO 12 YEARS

Total maximum capacity: 45

EFFECTIVE: 03/09/2021 TO 02/29/2024

Melissa Kelly

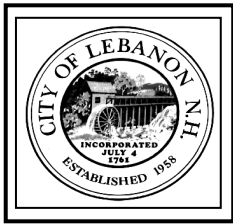
Chief Legal Officer, Department of Health and Human Services

LICENSE NO. CCCB-06980

Agenda
Zoning Board of Adjustment
November 1, 2021

Agenda Item #3B
Public Hearing Items

City of Lebanon, Airpark Road (Tax
Map 159, Lot 4; Tax Map 131, Lot 8;
and Tax Map 131, Lot 1, Plot 100),
zoned IND-L



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Zoning Board of Adjustment

FROM: Planning and Development Department Staff

RE: City of Lebanon, Airpark Road Extension
Request for Wetlands Special Exception - ZB2021-22-SE
November 1, 2021 Planning Board Meeting – *Agenda Item 3.B*

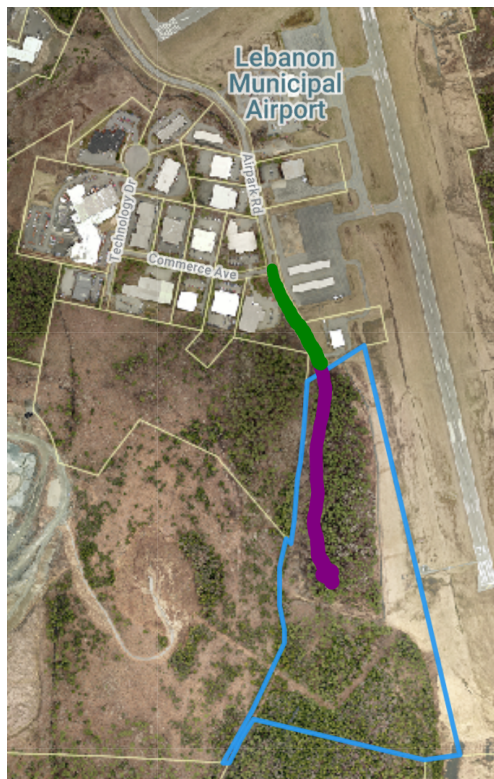
DATE: October 26, 2021

HEARING NOTICE

City of Lebanon, Airpark Road (Tax Map 159, Lot 4; Tax Map 131, Lot 8; and Tax Map 131, Lot 1-100), zoned IND-L: Applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance to allow wetland impacts associated with the extension of Airpark Road. ZB2021-22-SE

BACKGROUND

The City of Lebanon is constructing an extension of Airpark Road over the City-owned lot at 0 Airpark Road (Tax Map 10, Lot 24-200) in the area approximately marked by a purple line in the image below:



As shown in the image below, the construction of the Airpark Road extension will impact a total of 9,133 sq. ft. of wetlands including 8,642 sq. ft. located on the City's property at 0 Airpark Road, and an additional 491 sq. ft. within the City's adjacent right-of-way:



The City has applied for and obtained a wetlands permit from the NH Department of Environmental Services. The wetlands permit was reviewed by the Conservation Commission at its November 12, 2020, and February 11, 2021 meetings. A copy of the relevant portion of the Conservation Commission meeting minutes is attached for reference. The City now seeks a Special Exception pursuant to Section 401.5 of the Zoning Ordinance to allow the proposed wetland impacts.

ORDINANCE REQUIREMENTS

In order to grant the requested Special Exception, the Board must make each of the following findings per Section 401.5 of the Zoning Ordinance, as applicable:

- A. The use for which the exception is sought cannot feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District; and
- B. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot cannot reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section; and
- C. The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance, and adequate conservation measures shall be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands. Such measures may include but are not limited to wetland restoration or enhancement, wetland preservation, or the construction and maintenance of new wetland areas adjacent to the proposed use to replace those portions of the natural wetland affected by the proposed use; and

- D. The proposed construction design of pipelines, powerlines and other transmission lines shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and
- E. The proposed use shall not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason; and
- F. All required Federal and State wetlands permits have been applied for. Note: A zoning permit shall not be issued until all such permits have been granted; and
- G. The project is capable of conforming to all existing best management practices, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment.

FINAL

**LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
Thursday, November 12th, 2020
6:30 PM**

MEMBERS PRESENT: Ernst Oidtmann (Chair), Sarah Riley (Vice Chair), Erling Heistad, Christopher Johnson, Bruce James, Donald Lacey, Sue Almy, Darla Bruno (Alt.), Barbara Hirai (Alt.)

MEMBERS ABSENT: Suellen Balestra

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:32 PM

- Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A “Right to Know” requirements. A Roll Call of Commission Members who participated remotely are listed above.

2. APPROVAL OF MINUTES: October 8th, 2020

Ms. Almy MOVED to approve the October 8th, 2020 Minutes as amended below and presented in the November 12th, 2020 agenda packet.

Seconded by Ms. Hirai.

Amendments:

Page 2, Line 9, Change “Conservatory” to Conservancy”

Page 2, Line 18, Add “and” between “James” and “Mr. Goodwin”

Page 2, Line 19, Remove “and the Hanover Conservation Commission”

Page 2, Line 34, Remove “They have also identified 2 endangered species plants on the site, Virginia Stickseed, which will be fenced off as to not disturb where they are” and replace it with “The New Hampshire Heritage Bureau identified 2 endangered plant species in the area, one of which was found on site. Areas with this plant, Virginia Stickseed, will be fenced of so as not to disturb the plants.”

Page 3, Line 28, Remove “for the Lebanon Housing Authority”

Page 3, Line 38, Change “Dock” to “Doc”

Page 4, Line 7, Change “Contaminates” to “contaminants”

Page 5, Line 32, Change “Oddly” to “Audley”

Page 5, Line 34, Add “in exchange” after “Rivers”

Roll Call Vote:

Ernst Oidtmann, Bruce James, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Susan Almy all voting Yea.

None voted Nay.

*** The Vote on the MOTION was unanimously approved (7-0).**

4. STUDY ITEMS:

- A. Airport Business Park-Phase One:** Mr. David Brooks, Community Development Director for the City of Lebanon, explained that last fall the City Council created a TIF District on a couple of properties adjacent to the airport. Since the creation of the Tax Increment Financing District the City has funded a preliminary engineering phase for some infrastructure improvements to open some of the City owned property next to the north-south runway. The property is just shy of 50 acres and the area that the City is envisioning developing is the northern 25 acres of the property. There is already a 7- or 8-acre piece of property in the southwest corner that is under a conservation deed restriction. The City has been working for the last year with an engineering consultant, the Dufrane Group, to design, approximately, a 1,700-foot road extension off Air Park Road. The roadway would extend into the property and open access to 4 or possibly 5 developable pad sites.

Rick Van de Poll, Environmental Consultant, said the thought for mitigation was to take the 7.36 acres already in conservation and add them to 11 acres making the mitigation approximately 18 acres. That idea is in flux because according to the DES mitigation program they require an easement and not a deed restriction. A possibility for mitigation would be to join the two lots together and find a third party such as the Land Trust to hold an easement on the combined total. Another option, without onsite mitigation, is to pay into the aquatic resource mitigation fund. That would be about \$211,000.00.

The Dufrane Group is trying to avoid wetlands as much as possible so that the mitigation would not have to be so much. Mr. Van de Poll has identified 6 wetlands on site that were all created by man-made work that took place, some by the farmer who used to own the land. The largest wetland appears to have been created by livestock. Others were created by an access road that was upgraded that runs along the airport. All the wetlands are of very low value. They are mostly covered by glossy buckthorn with a pine overstory. The only wildlife evidence was of deer and coyote. Mr. Lacey asked if any of the wetlands were vernal pools with amphibians and Mr. Van de Poll said no, they were not. The only possible vernal pools he found were all away from the construction zone.

Ms. Almy said that years ago when the Conservation Commission was given the conservation area by the Airport Manager, at the time, he said there was a proto bog on that piece of property. Is there? Mr. Van de Poll said there was not one on the property.

Mr. James asked about the amount of impermeable surface that will be created in the new construction and how much run off will go onto the southern portion of the property? Mr. Van de Poll said everything in the construction zone will flow from the north to the east in the construction zone. There will be no runoff or ground water that will go into the south part of the property. He estimates there will be 5 or 6 acres of impermeable added to the property. There will be a retention pond created behind each of the buildings and a detention treatment pond at the north end of the lot which will handle any of the overflow.

Conservation Commission members asked questions about the project. Chair Oidtmann asked what would happen if there was a 10- or 50-year flood? Mr. Van de Poll said he believed the large retention pond would be inspected for a 50-year flood. Vice Chair Riley asked why it was only being inspected at a 50-year flood, why not a 100-year flood? Mr. Brooks said the

construction is meeting the City's storm water regulations which is for a 50-year flood. The detention capacity is for a 50-year storm but the conveyance such as pipes and culverts are for a 100-year storm.

Ms. Hirai asked if the project could lessen the amount of parking required? Mr. Brooks said that parking was covered under the zoning ordinance and would require a variance. There could be a reduction if the builder could show that there is an ability to build more parking spots if they became necessary.

B. Two Rivers I-89 Project Proposal: Mr. Goodwin explained that Audley has been contracted by the State of New Hampshire to do work on the I-89 bridges between Vermont and New Hampshire. The construction company is looking for a place to park their equipment and materials. Mr. Scott Stevens from Audley was looking for about 2 acres from Two Rivers to put the equipment on and was asking if they could do that and what mitigation they could provide to the Conservation Commission?

Vice Chair Riley said that a few Commission members walked some areas of Two Rivers and found incredible value in the larger trees on the property. She suggested that the empty parking areas of the K-Mart and JC Penney parking lots would be better for the housing of the construction materials and vehicles. Ms. Hirai and Chair Oidtmann agreed with Vice Chair Riley's statements.

Mr. Stevens responded that the plazas do not want the construction equipment in their parking lots. The K-Mart plaza owner is looking into how they will revitalize that plaza and the JC Penney parking lots are for the stores in that plaza. His company has currently built an access road along the 100-foot right of way by the K-Mart Plaza. He is looking to see what property may be available over there for his materials and equipment. He proposes taking out some of the invasive species growing in Two Rivers, possibly putting in a nice walking path, some benches and adding more plants and bushes in there.

Mr. Lacey said there had been sycamore trees down by the water and commented that they should be saved if possible. Ms. Almy commented that the easement is held by the Upper Valley Land Trust and that the property is supposed to be a complete conservation area. Mr. Goodwin said that since it is one of the older easements it is also one of the weaker ones. The easement does not restrict what is proposed to go there.

Mr. Heistad asked what size trees were being proposed to be planted to replace any that are taken down? Mr. Stevens said they would like to save as many trees as they can. They would be of various sizes up to 2 or 3-inch diameter trees.

Vice Chair Riley explained that the Conservation Commission was not interested in making Two Rivers into a park. It is a conservation area that is a flood plain forest which is in desperate need of restoration. They want the soils and vegetation to continue as a flood plain.

Mr. Billy Zane, resident of Lebanon and who works for the Lebanon Highway Department, said that he was tasked earlier this year with mowing down by Two Rivers. He was to clear the trails that the kiosk showed. It was so overgrown down there that he could hardly mow the area at all. He said there were a lot of not very pretty trees down there and the area could use some help. He suggested that the Conservation Commission worked with Audley to restore the area. He dealt with a lot of scrub brush and not very many trees.

FINAL

**LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
Thursday, February 11th, 2021
6:30 PM**

MEMBERS PRESENT: Ernst Oidtmann (Chair), Sarah Riley (Vice Chair), Erling Heistad, Bruce James, Donald Lacey, Susan Almy, Chris Johnson, Barbara Hirai (Alt.), Darla Bruno (Alt.)

MEMBERS ABSENT: Suellen Balestra (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:33 PM

- Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A “Right to Know” requirements. A Roll Call of Commission Members who participated remotely are listed above.

2. APPROVAL OF MINUTES: January 28th, 2021

Ms. Almy MOVED to approve the January 28th, 2021 Minutes as amended and presented in the February 11th, 2021 agenda packet.

Seconded by Mr. Heistad.

Amendments:

Page 2, Line 13 Replace “there could be something done to slow the traffic down such as signs educating the public as to why they should not speed in that area.” With “education could be done on that topic.”

Page 2, Line 21 Replace “putting islands in on Route 120.” With “narrowing the roadway by putting in grass strips between the bike lanes and the roadway itself.”

Page 4, Line 5, Add “additional” after “having”

Page 4, Line 8, Change “Tichner” to “Ticknor”

Page 4, Line 38, Change “bog” to “log”

Roll Call Vote:

Ernst Oidtmann, Erling Heistad, Sarah Riley, Donald Lacey, Susan Almy, Bruce James, Darla Bruno, Barbara Hirai. and Chris Johnson all voting Yea.

None voted Nay.

**** The Vote on the MOTION was approved (9-0).***

The agenda was taken out of order while the Commission waited for the permit presenter.

4. STUDY ITEMS:

A. Election of Officers-Chair and Vice Chair-There was confusion as to when the election of officers should take place. Rules and procedures from 2008 say the elections should take place at the annual meeting in April. No elections took place this meeting.

B. NH DOT Route 120 Multi-Modal Project-Conservation Commission Recommendations-Vice Chair Riley said she thought this agenda item encompassed two separate items. One was from an e-mail by David Brooks who sent out an e-mail from NH DOT about guardrails going in along Route 120 in Lebanon and asking if the Conservation Commission had any mitigation thoughts or suggestions for the DOT. The second item was about the DOT Study from Exit 18 to Etna Road.

Mr. Lacey suggested that there were a lot of invasive plants along that roadway, especially wild parsnips. It would be great if the DOT could do some work on the invasive species while they were putting up the guard rails. Mr. Heistad said he would like to see the guardrails moved further out from the center line giving more room to pave and perhaps allow for a bike path on the roadway.

Vice Chair Riley pulled up the City of Lebanon's GIS map and applied the wetlands layer to it. Along the entire south stretch of the roadway at least half of it was involved in the Great Brook drainage, tributaries or within the high-end wetland value buffer.

It was decided that the subject of the guardrails on Route 120 would be put on the next meeting's agenda items for discussion.

Next, the Commission discussed the Route 120 Multi-modal Project. Mr. James sent a packet to the Commission members which contained a memo that he drafted for DOT, a postcard that Mr. Heistad had received in the mail, and an article from the Valley News on the topic. Mr. James took feedback from Chair Oidtmann and Vice Chair Riley and he prepared a draft memo. It was also mentioned that the Commission members could take part, individually, in a survey about Route 120 by DOT and the Commission, as a whole, could also send a memo of their concerns to the NH DOT.

Mr. James listed five areas of concern for the Route 120 project, Traffic Noise Levels and Speed, Wildlife Habitat and Corridors, Mass Transit, Pedestrian, and Cycling Option, Landscaping the Median from Exit 18 to Hanover Street, and Protecting Existing Wetlands.

The first topic discussed was mitigating noise levels and traffic speed. Mr. Bruce suggested that the DOT take action to reduce noise due to businesses, schools, and residences along the corridor as well as needing to reduce speeds for those reasons as well. Chair Oidtmann suggested a lane being designated for multi-passenger cars during rush hour. Mr. James pointed out that putting in a HOV lane could infringe on wetlands. Ms. Hirai thought adding another lane of traffic would make that area more confusing and dangerous. Ms. Almy did not think an HOV lane could work. Mr. Heistad agreed. Mr. Lacey said he felt the Commission should concentrate on wildlife and conservation, not another lane being added. Mr. Goodwin said he did not think the DOT meant to add another lane, just use an existing lane as an HOV lane. Ms. Bruno felt that the light timing at the bridge was causing the back up of traffic on Route 120 near Exit 18.

The next topic discussed was wildlife habitat and corridors. Mr. James comments were to build and upgrade wildlife corridors under Route 120. Vice Chair Riley had some comments about the size of those corridors. Mr. Heistad said that the water table in that area was really close to the surface. Chair Riley felt it was important to highlight the Commission's recommendations from the 2016 Wildlife Corridor study. Mr. James said he could study that document and put in more specific recommendations in the memo to the DOT.

The third item was mass transit, pedestrian, and bicycling. Mr. James said that eventually they hoped that the DOT could put in sidewalks and bike lanes. Ms. Almy would like the DOT to put a narrow, grassy strip between the bicycle lanes and the roadway of Route 120. It would make the road look narrower, slow down the traffic, and make biking safer. Mr. Johnson said that the Commission could mention that they are encouraging biking and pedestrian walking as an alternative to driving cars.

The fourth topic was landscaping the median strip from Exit 18 to Hanover Street. This could help to slow down the traffic and it would look better. Mr. Heistad said the softer the image made on the road, the calmer the traffic would be. This could also make it safer for wildlife to cross.

The last item discussed was existing wetlands. Mr. James said there were a lot of wetlands going all the way from Hanover Street to Etna Road. He thought the Commission should make the point that they needed to be protected and not have more lanes put in.

Mr. James will make another draft of the memo to DOT. Mr. Goodwin said the Commission did not need to vote on the memo. It was decided that Mr. James would revise his memo, sign it, and send it to Chair Oidtmann for his signature and to send to DOT.

***Ms. Riley MOVED to extend the meeting until 9:00PM.
Seconded by Mr. Heistad.***

Roll Call Vote:

**Ernst Oidtmann, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James, Barbara Hirai, Darla Bruno, and Susan Almy all voting Yea.
None voted Nay.**

**** The Vote on the MOTION passed (9-0).***

5. COMMITTEE REPORTS:

A. Conservation Lands Monitors-Vice Chair Riley and Ms. Hirai walked the property at the south end of the airport. They could not figure out where the boundaries were, but people have marked out trails through there. Ms. Hirai said she felt that the Commission needed to figure out what to do with the piece of property in conjunctions with tonight's presentation. Chair Oidtmann asked to put the property in question on as a future agenda item.

3. PERMIT REVIEW: City of Lebanon-Review and Comment on NHDES Wetland Standard Dredge and Fill Application (Minor Impact) to fill in 9,133 square feet (permanent impact) of forested wetlands in connection with its planned phased development of the Airport B Lot CC2021-01 NHDES #2020-00237. Mr. Rick Van de Poll reviewed the project with the Conservation Commission

and highlighted the different changes that took place with the plan from November until now. He explained what was done to the plan was to reduce the wetland impacts to less than 10,000 square feet. They moved the roadway; they uncoupled any kind of tertiary drainage into the wetland B ditch and sent that drainage off each parking lot down to the detention pond. They put in a plan for a short retaining wall at the end of the edge of the wetland they will cross to minimize the footprint and moved a joint driveway for Building 4 and Building 5 slightly, to miss Wetland E. The project will cover 11 acres of the 48-acre lot and will be done in 2 phases. Building 1, 2, and 3 will be done in the first phase and buildings 4 and 5 in the second phase. The drainage would be kept intact relative to the existing drainage and the stormwater runoff would be intercepted by a series of bio retention basins, 1 for each building and a larger basin closer to building 3. There will be five buildings, 5 parking lots, and 4 driveways. The runoff rates have been calculated to be less, with the retention basins, than they are now.

Vice Chair Riley asked if this was the only project that they needed to look at or were there more projects planned at that site? Mr. Van de Poll thought that was the only project for that site. He went on to say that the design standards were for a 100-year storm event for infrastructure and 50 years for the basins. They made sure that on-site infiltration exceeded the runoff coming from the impervious surfaces. They wanted to make it a net gainer in terms of runoff going down to Route 12A.

Ms. Hirai asked if there was going to still be access on the Hall School House Road at the North end near 3 wetlands? Mr. Van de Poll said the road would have public access on the east side, inside the airport fence. More questions and answers took place between Commission members and Mr. Van de Poll.

Vice Chair Riley asked about the southeast corner of the lot and whether the City would be interested in conserving that portion of the lot? Mr. Van de Pol said extending a conservation restriction on to the 11 acres was a possibility but was not sure who would be able to do that.

Ms. Almy MOVED to extend the meeting by 15 minutes.

Seconded by Ms. Riley.

Roll Call Vote:

Ernst Oidtmann, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James, Barbara Hirai, Darla Bruno, and Susan Almy all voting Yea.

None voted Nay.

**** The Vote on the MOTION passed (9-0).***

Ms. Almy left at 9:00PM. Ms. Barbara Hirai was appointed to replace of Ms. Susan Almy.

Mr. Lacey MOVED that the Conservation Commission recommends that the New Hampshire DES approve the NHDES Wetland Standard Dredge and Fill Application (Minor Impact) to fill in 9,133 square feet (permanent impact) of forested wetlands in connection with its planned phased development of the Airport B Lot. CC#2021-01 NH DES File #2020-00237.

Seconded by Ms. Riley.

Roll Call Vote:

Ernst Oidtmann, Christopher Johnson, Erling Heistad, Sarah Riley, Don Lacey, Barbara Hirai, Bruce James all voting Yea.

None voted Nay.

*** *The Vote on the MOTION passed (7-0).***

5. COMMITTEE REPORTS CONT.:

B. Lebanon Biodiversity Group-Nothing new to report since the last meeting.

C. Workshops and Educational Opportunities-Mr. Lacey reminded everyone that they may want to sign up for the Harris Center's workshop on amphibian crossings. Mr. Johnson spoke about an e-mail the City of Lebanon sent to sign up for training for Welcoming Lebanon.

D. Stewardship Program: Vice Chair Riley gave an update on the forms that have been created. The forms are as follows: a sign-up form for volunteers, an incident form, and a form for Stewards of the trails to fill out on the work they have accomplished on their trail. Now, they are just waiting for the forms to go on-line.

6. ADJOURNMENT:

Mr. Heistad MOVED to adjourn the meeting at 9:13 PM.

Seconded by Ms. Riley.

Roll Call Vote:

Ernst Oidtman, Christopher Johnson, Erling Heistad, Sarah Riley, Don Lacey, Barbara Hirai, Bruce James all voting Yea.

None voted Nay.

*** *The Vote on the MOTION passed (7-0).***

The meeting was adjourned at 9:13 PM.

Respectfully submitted,
Barbara R. Higgins
Recording Secretary

CITY OF LEBANON

APPLICATION FOR

WETLANDS SPECIAL EXCEPTION	X	☐	SITE PLAN REVIEW
VARIANCE	☐	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	CONDITIONAL USE PERMIT

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: City of Lebanon TEL.#: 603-448-1457

MAILING ADDRESS: 51 N. Park Street, Lebanon, NH 03766

E-MAIL ADDRESS: David.Brooks@lebanonnh.gov

CO-APPLICANT, AGENT, OR LESSEE:

NAME: TEL.#:

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION: Airpark Road right-of-way; 159-4; 131-8; 131-1-100

TAX MAP #: 159; 131; 131 LOT#: 4; 8; 1-100 PLOT #: ZONE: IND-L

STREET ADDRESS OF PROJECT: 0 Airpark Road

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☒ YES ☐ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

Zoning Board of Adjustment review of Wetlands Special Exception per Art. IV, Sect. 401.5 of the Zoning Ordinance.

TYPE OF OCCUPANCY:

EXISTING ☒ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
 PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☒ INDUSTRIAL

IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**

Only the roadway construction is proposed at this time.

SIGNATURE BLOCK:

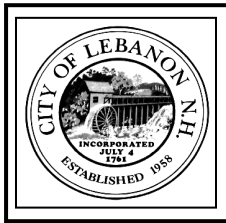
FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

DocuSigned by:
 PROPERTY OWNER: Shawn Mulholland DATE: 10/19/2021

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

DocuSigned by:
 PROPERTY OWNER: Shawn Mulholland DATE: 10/19/2021

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

October 1, 2021

Lebanon Zoning Board
51 N. Park Street
Lebanon, NH 03766

RE: Review of Wetlands Special Exception request pursuant to Article IV, Section 401.5
Property Situate 0 Airpark Road, West Lebanon, NH; Tax Map 159, Lot 4;

Zoning Board members,

On November 6, 2019, the City Council voted unanimously to establish the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District on lands adjacent to the airport. The Council subsequently approved funding for the initial design and permitting for a roadway and utility infrastructure to serve the TIF District.

The infrastructure improvements were designed to be constructed in two phases to allow the City to make the minimum upfront investment necessary to provide access to the property and to enable development of 2-3 building sites on the City's property. The first phase of construction was also designed to provide access to developable land on the east side of the adjacent Upper Valley Tech Park, LLC property (Map/Lot 131-3), which is also part of the TIF District.

For Fiscal Year 2021, the City Council approved a capital project to construct the first phase of improvements. The project was advertised in February 2021 and a contract was awarded to L&M Service Contractors in March 2021. As a result of the low bid received, it was determined that the FY21 appropriation approved for Phase 1 would actually cover construction of the entire roadway and utilities. Construction of the entire project commenced in June 2021 and is expected to be complete by Fall 2021.

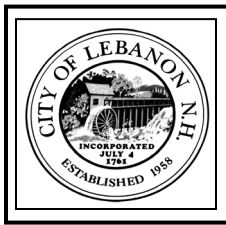
Following the receipt of State approvals, the completion of the formal Statutory Road Layout process, and the commencement of construction activities, it was determined that the project should also have applied for and received a Wetland Special Exception from the Zoning Board of Adjustment pursuant to Article IV, Section 401.5 of the Zoning Ordinance. The NHDES Wetlands Bureau approved the project as a Minor Impact Project on May 5, 2021, but it was not actually considered to be a Minimum Impact Project, which would otherwise be exempt from the requirement to obtain a Special Exception per Section 401.5.

As a result, the Planning and Development Department is submitting this after-the-fact request for a Wetlands Special Exception for the project.

Sincerely,

David Brooks
Director of Planning & Zoning

enc. Wetlands Special Exception Application and Support Statement
excerpt of design plans



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

Wetlands Special Exception

Support Statement:

A Wetlands Special Exception is hereby requested pursuant to Article IV, Section 401.5 of the Zoning Ordinance for city-owned property located at 0 Airpark Road, Tax Map 159, Lot 4, off Airpark Road.

The project is not located within the High and Very High Value Wetlands according to *Natural Lebanon: Results of the Phase II Natural Resource Inventory of the City of Lebanon, NH* (June 2010) as further depicted on the Lebanon Wetlands Overlay District Map.

401.5 Special Exceptions.

Except for projects proposed within the High and Very High Value wetlands portion of the Wetland Conservation District, projects that qualify for a Permit by Notification, Minimum Impact Expedited Permit or any other type of Minimum Impact Permit from the State of NH Dept. of Environmental Services Wetlands Bureau shall be exempt from the requirement to obtain a special exception. However, a notification form informing of said projects shall be supplied to the Zoning Administrator.

Upon application to the Zoning Board of Adjustment ... a special exception may be requested to permit ... the construction of streets, roads, and other access ways; for pipelines, powerlines, and other transmission lines ... within the Wetlands Conservation District, provided that all of the following conditions are found to exist, in lieu of the findings required by Section 801.3:

- A. The use for which the exception is sought cannot feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District.

Response: The project cannot be carried out on a portion or portions of the lot which are outside of the Wetlands Conservation District. The project involves the extension of roadway access from the existing end of Airpark Road into the City's Airport TIF District parcel (Tax Map 159, Lot 4) and cannot avoid the wetlands within and adjacent to the end of the existing Airpark Road right-of-way. An alternative roadway location utilizing the existing Class VI Hall School Road alignment was briefly considered, but would have resulted in even more wetland impacts.

As noted by Dr. Rick Van de Poll, who prepared the NHDES Wetlands Permit application on behalf of the City, "[c]reated wetlands surround the entire 20-acre development portion of the 48-acre site. The single crossing location is the most direct and least impactful crossing of a single wetland (Wetland C). Crossing in any other location from City property would result in a large increase in wetland impacts."

All other wetlands on the property have been avoided by the design of the proposed new roadway extension and building layout design.

- B. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot cannot reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section.

Response: The proposed roadway does not conform to any of the uses allowed as permitted uses under Section 401.4 of the Zoning Ordinance. The project was approved by the NH Wetlands Bureau as a minor impact project on May 5, 2021. Since the project was not considered a minimum impact project, the roadway requires a Special Exception under this Section.

As noted by Dr. Rick Van de Poll in the NHDES Wetlands Permit, *Avoidance and Minimization Written Narrative*: the entire wetland impact requires fill to allow access to the buildable portion of the lot. An alternative design has been employed to minimize wetland impacts. The wetland crossing is located at the narrowest portion of a previously-created wetland. This forested/scrub-shrub swamp was created when skidder activity associated with prior logging broke through the groundwater table. In sum, the created, low-quality wetlands on the site have been avoided to the maximum extent possible in order to accommodate the City's plan for an expanded commercial development next to the airport.

- C. The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance, and adequate conservation measures shall be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands. Such measures may include, but are not limited to, wetland restoration or enhancement, wetland preservation, or the construction and maintenance of new wetland areas adjacent to the proposed use to replace those portions of the natural wetland affected by the proposed use; and

Response: The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1.A in that the project cannot be located so as to preserve all of the wetlands on the entire property while still achieving the purpose of providing an extension of the existing roadway into the property from the existing public right-of-way. As noted previously, created wetlands surround the entire 20-acre development portion of the property, so there is no way to access the buildable portion of the lot from the existing roadway without some wetland impacts. Other than the wetlands impacted within and immediately adjacent to the existing Airpark Road right-of-way, all other wetlands on the property have been avoided by the design of the roadway improvements and the location of potential development pad sites.

Dr. Van de Poll further noted that there are no exemplary natural communities, vernal pools, protected species, riparian habitats or other habitats of concern on the site. The single wetland crossing location involves a forested, groundwater discharge wetland that was created by past logging activities. Wetland C (PFO1/SS1E) and the small section of Wetland F (the ditch) are both very low functioning wetlands as shown in the attached NH Method evaluation. Based on a 10 point scale, the highest value for both is 4.9 and 4.2 respectively for Nutrient Transformation, whereas their Ecological Integrity values are 1.0 and 0, respectively.

Regarding Section 401.1.B, Dr. Van de Poll noted in the NHDES Wetlands Permit application that there are no streams on the site and no other surface waters other

than constructed run-off ditches. The one wetland that will be crossed will still retain its downslope discharge into an existing ditch that will be culverted under Airpark Road. In addition, the project includes the treatment of stormwater runoff from the proposed roadway and from all proposed development pad sites by the construction a single, primary stormwater treatment and detention basin on the property. Runoff from the treatment and detention basin will be released into the existing network of drainage facilities on the airport property at a rate equal to or less than the current runoff from the subject property, thereby avoiding any flooding or impact to the property and downstream. In addition, all potential development pad sites have been designed and located to avoid impacting other wetlands on the property to the maximum extent possible.

Regarding Section 401.1.C, the project will not cause unnecessary or excessive expenses to the City for essential services or utilities. The project has been designed as part of a City-sponsored Tax Increment Finance (TIF) District to provide shovel-ready pad sites for existing local businesses needing to expand and for prospective businesses seeking to locate into the Lebanon area. The pad sites will be leased to private businesses for development consistent with the underlying Light Industrial zoning district and the Airport Protection overlay district. The "increment" generated by the increase in taxable valuation on the property will be used to repay the debt incurred by the City in constructing the improvements. In addition, the annual lease revenue from the pad sites will be treated as airport revenue and will help offset the frequent funding gaps associated with airport operations.

- D. The proposed construction design of pipelines, powerlines and other transmission lines shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and

Response: The extension of existing water and sewer utilities into the Airport TIF property to facilitate economic development will occur within the footprint of the proposed roadway extension and will not create any additional wetlands impacts of their own accord. In addition, three-phase power is being extended to serve the potential development pad sites by overhead lines, which avoid any impacts to wetlands.

- E. The proposed use shall not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason; and

Response: The project will not create a hazard to individual or public health, safety, or welfare. As mentioned previously, Dr. Van de Poll noted in the NHDES Wetlands Permit application that there are no streams on the site and no other surface waters other than constructed run-off ditches. There are also no floodplains on the project site. Any increase to stormwater run-off will be handled by the proposed bio-retention areas and a detention basin. All development proposed to occur within the Airport TIF District will be completed in a manner that is compatible with the adjacent airport operations and in compliance with the Airport Protection District (Zoning Ordinance Section 407) and the underlying Light Industrial zoning district.

- F. The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. Note: Applications for required Federal and State wetland permits need not have been applied for, but a zoning permit shall not be issued until all such permits have been granted.

Response: The project was approved by the NHDES Wetlands Bureau as a minor impact project on May 5, 2021 (Permit #2021-00237).

- G. The project is capable of conforming to all existing ***best management practices***, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment.

Response: The Best Management Practices in Appendix A of the City of Lebanon Zoning Ordinance pertain to forestry, agriculture, groundwater, trails, and regulated substances and do not apply to this project. Surface water will be protected by collection of run-off from the proposed roadway extension and development pad sites and routing it to a single, primary stormwater treatment and detention basin on the property.



**STANDARD DREDGE AND FILL
WETLANDS PERMIT APPLICATION**
Water Division/Land Resources Management
Wetlands Bureau
[Check the Status of your Application](#)



RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: City of Lebanon

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

A person may request a waiver to requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interests of the public or the environment. A person may also request a waiver of standard for existing dwellings over water pursuant to RSA 482-A:26, III (b). For more information, please consult the [request form](#).

SECTION 1 - CONCURRENT PROCESSING OF RELATED SHORELAND/WETLANDS PERMIT APPLICATIONS (Env-Wt 313.05)

If the applicant is not requesting concurrent processing, please proceed to Section 2.

Is the proposed project eligible for the optional concurrent processing of related shoreland/wetlands permit applications (Env-Wt 313.05(d))? If the project is not eligible, proceed to Section 2 (the files will not be processed concurrently). ☐ Yes ☒ No

By signing this form and initialing this section, the applicant is requesting concurrent processing of related shoreland/wetlands permit applications and understands that concurrently filing the applications with a request to process the applications together constitutes:

- A waiver by the applicant of the shorter time frame, if application processing timelines are different for each permit program under the 2 statutes and their implementing rules; and
- An agreement by the applicant that any request for additional information by the department under either or both statutes shall affect the review timeframe of both applications being processed together.

Initials:

Initials:

SECTION 2 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05)

Please use the Wetland Permit Planning Tool (WPPT) or any other database or source to assist in identifying key features such as: priority resource areas (PRA), protected species or habitat, coastal area, or designated river, or designated prime wetlands.

Step 1: A certified wetland scientist must delineate and classify all wetlands and identify the predominant resource functions of each wetland, unless the exceptions listed in Env-Wt 306.05(a)(1) are met (Env-Wt 306.05(a)(1)).

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Step 2: Determine whether the subject property is or contains a PRA by answering the following questions (Env-Wt 306.05(a)(2)):

1. Does the property contain any documented occurrences of protected species or habitat for such species? Please use the Natural Heritage Bureau (NHB) DataCheck Tool to make this determination. ☐ Yes ☒ No
2. Is the property a bog? Please use the WPPT "Peatland" layer (under the PRA module) for general location of bogs or any other database or source. ☐ Yes ☒ No
3. Is the property a floodplain wetland contiguous to a tier 3 or higher watercourse? Please use the WPPT "Floodplain Wetlands Adjacent to Tier 3 Streams" layer (under PRA module) or any other database or source. ☐ Yes ☒ No
4. Is the property a designated prime wetland or a duly-established 100-foot buffer? Please use the WPPT "Prime Wetlands" layers (under PRA module) or any other database or source. ☐ Yes ☒ No
5. Is the property a sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? Please use the WPPT "Coastal" layers module and PRA module or any other database or source. ☐ Yes ☒ No

Step 3: For projects that are subject to Env-Wt 600, please attach the Coastal Functional Assessment (Env-Wt 603.04) and Vulnerability Assessment (Env-Wt 603.05) and conduct the data screening required by Env-Wt 603.03.

Step 4: Determine whether the following apply to the subject property (Env-Wt 306.05(a)(4); RSA 482-A:3, I(d)(2)):

1. Is the property within a Local River Management Advisory Committee (LAC) jurisdiction? ☐ Yes ☒ No
 If yes, please provide the following information:
 - The project is within ¼ mile of:
 - A copy of the application was sent to the LAC on Month: Day: Year: .
☐ N/A (Env-Wt 311.01(e))
2. Is the property within or contains any areas that are subject to time of year restrictions under Env-Wt 307? ☐ Yes ☒ No

Step 5: For stream crossing projects: what is the size of the watershed (Env-Wt 306.05(a)(5))?

☒ N/A

Step 6: For dredge projects: is the subject property contaminated (Env-Wt 306.05(a)(6))? ☐ Yes ☐ No

☒ N/A

Step 7: Does the project have the potential to impact any of the following (Env-Wt 306.05(a)(7)):

☐ N/A

1. Impaired waters? ☐ Yes ☒ No
2. Class A waters? ☐ Yes ☒ No
3. Outstanding resource waters? ☐ Yes ☒ No

SECTION 3 - PROJECT DESCRIPTION (Env-Wt 311.04(i))

Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached" in the space provided below.

The current plan proposes to construct and continue the light industrial development of the City of Lebanon's land in and adjacent to the City's municipal airport. Approximately 21.5 acres of a 54-acre lot will be developed as a result of this project. Five commercial buildings along with a paved access road, driveways, sidewalks, and other appurtenances are proposed for the northwestern part of the lot away from the airport runway and adjacent clearing.

SECTION 4 - PROJECT LOCATION			
Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.			
ADDRESS: Off Airpark Drive		TOWN/CITY: Lebanon	
TAX MAP/BLOCK/LOT/UNIT: Lot 159-4			
UNITED STATES GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME:			
☒ N/A			
LATITUDE (D.ddddd): 43.617203° North (Optional)		LONGITUDE (D.ddddd): -72.307335° West (Optional)	
SECTION 5 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))			
If the applicant is a trust or a company, then the name of the trust or company should be written as the applicant's name.			
NAME: City of Lebanon			
MAILING ADDRESS: 51 N. Park St.			
TOWN/CITY: Lebanon		STATE: NH	ZIP CODE: 03766
EMAIL ADDRESS: david.brooks@lebanonnh.gov		FAX:	PHONE: 448-1457
ELECTRONIC COMMUNICATION: By initialing here: <u>DB</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically.			
SECTION 6 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))			
☐ N/A			
LAST NAME, FIRST NAME, M.I.: Van de Poll, Rick			
COMPANY NAME: Ecosystem Management Consultants		MAILING ADDRESS: 30 N. Sandwich Rd	
TOWN/CITY: Center Sandwich		STATE: NH	ZIP CODE: 03227
EMAIL ADDRESS: rickvdp@gmail.com		FAX:	PHONE: 677-2473
ELECTRONIC COMMUNICATION: By initialing here <u>RVP</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically.			
SECTION 7 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))			
If the owner is a trust or a company, then the name of the trust or company should be written as the owner's name.			
☒ Same as applicant			
NAME:			
MAILING ADDRESS:			
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL ADDRESS:		FAX:	PHONE:
ELECTRONIC COMMUNICATION: By initialing here , I hereby authorize NHDES to communicate all matters relative to this application electronically.			

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SECTION 8 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3)).

Describe how the resource-specific criteria have been met (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters).

There are no PRAs on the site

There are no stream crossings

There are no vernal pools on the lot being developed

PTEs or SPNs do not apply

There are no shorelands, dockin structures, or access ways involved

There is no bank stabilization or shoreland impacts involved

There are no agricultural, forestry, or dredging activities

The project avoids and minimizes impacst to wetlands as specified below

The project complies with all requirements under Env-Wt 524.04

There are no restoration/enhancement activities associated with the project

The project does not involve any dam construction or removal

The project will comply with the construction notification requirement under Env-Wt 525.05

SECTION 9 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)). If all impacts cannot be avoided, a functional assessment is required for minor and major projects (Env-Wt 311.03(b)(10)). Any project with unavoidable jurisdictional impacts must then be minimized as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#). Please refer to the application checklist to ensure that you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable).

SECTION 10 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: 11 Day: 06 Year: 2020

☒ N/A - Mitigation is not required

SECTION 11 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c).

Have you submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent impacts that will remain after avoidance and minimization demonstration?

☐ Yes ☐ No

☒ N/A - Mitigation is not required

SECTION 12 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without required permitting).

For intermittent streams, the linear footage of impact is measured along the thread of the channel.

For perennial streams/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA	PERMANENT SF / LF		TEMPORARY SF / LF	
Forested Wetland	8642	☐ ATF		☐ ATF
Scrub-shrub Wetland		☐ ATF		☐ ATF
Emergent Wetland	491	☐ ATF		☐ ATF
Wet Meadow		☐ ATF		☐ ATF
Intermittent Stream		☐ ATF		☐ ATF
Perennial Stream or River		☐ ATF		☐ ATF
Lake / Pond		☐ ATF		☐ ATF
Bank - Intermittent Stream		☐ ATF		☐ ATF
Bank - Perennial Stream / River		☐ ATF		☐ ATF
Bank/shoreline - Lake / Pond		☐ ATF		☐ ATF
Tidal Waters		☐ ATF		☐ ATF
Tidal Marsh		☐ ATF		☐ ATF
Sand Dune		☐ ATF		☐ ATF
Designated Prime Wetland		☐ ATF		☐ ATF
Duly-established 100-foot Prime Wetland Buffer		☐ ATF		☐ ATF
Undeveloped Tidal Buffer Zone (TBZ)		☐ ATF		☐ ATF
Previously-developed TBZ		☐ ATF		☐ ATF
Docking - Lake / Pond		☐ ATF		☐ ATF
Docking - River		☐ ATF		☐ ATF
Docking - Tidal Water		☐ ATF		☐ ATF
Vernal Pool		☐ ATF		☐ ATF
TOTAL	9133 /			

SECTION 13 - APPLICATION FEE (RSA 482-A:3, I)

☐ **MINIMUM IMPACT FEE:** Flat fee of \$400

☐ **NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions)

☒ **MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking):	9133 SF	× \$0.40 =	\$ 3653.20
Seasonal docking structure:	SF	× \$2.00 =	\$
Permanent docking structure:	SF	× \$4.00 =	\$
Projects proposing shoreline structures (including docks) add \$400 =			\$
Total =			\$ 3653.20
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater =			
			\$ 3653.20

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SECTION 14 - PROJECT CLASSIFICATION (Env-Wt 306.05)

Indicate the project classification.

☐ Minimum Impact Project☒ Minor Project☐ Major Project**SECTION 15 - ALL APPLICABLE CONDITIONS IN Env-Wt 307 HAVE BEEN MET (Env-Wt 311.04(j); Env-Wt 313.01(a)(2)).**

Check all conditions applicable to your project below. Please ensure that your plan design and access, construction sequence, and timing appropriately meet applicable conditions below:

☒ Env-Wt 307.02	US Army Corps of Engineers (USACE) Conditions	☒ Env-Wt 307.11	Filling Activity Conditions
☒ Env-Wt 307.03	Protection of Water Quality Required	☐ Env-Wt 307.12	Restoring Temporary Impacts: Site Stabilization
☐ Env-Wt 307.04	Protection of Fisheries and Breeding Areas Required	☐ Env-Wt 307.13	Property Line Setbacks
☒ Env-Wt 307.05	Protection Against Invasive Species Required	☐ Env-Wt 307.14	Rock Removal
☐ Env-Wt 307.06	Protection of Rare, Threatened or Endangered Species and Critical Habitat	☒ Env-Wt 307.15	Use of Heavy Equipment in Wetlands
☐ Env-Wt 307.07	Consistency Required with Shoreland Water Quality Protection Act	☒ Env-Wt 307.16	Adherence to Approved Plans Required
☐ Env-Wt 307.08	Protection of Designated Prime Wetlands and Duly-Established 100-Foot Buffers	☐ Env-Wt 307.17	Unpermitted Activities
☐ Env-Wt 307.09	Shoreline Structures	☒ Env-Wt 307.18	Reports
☐ Env-Wt 307.10	Dredging Activity Conditions		

Provide an explanation as to methods, timing, and manner as to how your project will meet standard permit conditions required in Env-Wt 307 (Env-Wt 311.03(b)(7)):

Construction will adhere to the terms and conditions specified in the Erosion Control Plan (Sheet C-2, as attached), which address each of the above-cited conditions for standard permits.

SECTION 16 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)		
Initial each box below to certify:		
Initials: RVP	To the best of the signer's knowledge and belief, all required notifications have been provided.	
Initials: RVP	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.	
Initials: RVP	The signer understands that: - The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: - Deny the application. - Revoke any approval that is granted based on the information. And - If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. - The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. - The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.	
Initials: RVP	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.	
SECTION 17 - REQUIRED SIGNATURE (Env-Wt 311.04(d); Env-Wt 311.11)		
SIGNATURE (OWNER): _____	PRINT NAME LEGIBLY: Shaun Mulholland, City Manager	DATE: _____
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): _____	PRINT NAME LEGIBLY: David Brooks, Director of Planning & Zoning	DATE: _____
SIGNATURE (AGENT, IF APPLICABLE): _____	PRINT NAME LEGIBLY: Rick Van de Poll	DATE: _____
SECTION 18 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))		
As required by RSA 482-A:3, I(a),(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.		
TOWN/CITY CLERK SIGNATURE: _____	PRINT NAME LEGIBLY: _____	
TOWN/CITY: _____	DATE: _____	

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board. And
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.

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APPLICATION CHECKLIST

(Items identified with an asterisk (*) are required only for Minor and Major Projects)

- ☒ The completed, dated, signed and certified application (Env-Wt 311.03(b)(1)).
- ☒ Correct fee as determined in RSA 482-A:3, I(b) or (c), subject to any cap established by RSA 482-A:3, X (Env-Wt 311.03(b)(2)).
- ☒ USACE "Appendix B, New Hampshire General Permits (GPs), Required Information and Corps Secondary Impacts Checklist" and its required attachments (Env-Wt 307.02).
- ☒ The results of actions required by Env-Wt 311.01 as part of an application preparation for a standard permit (Env-Wt 311.03(b)(3)).
- ☒ Project plans described in Env-Wt 311.05 (Env-Wt 311.03(b)(4)).
- ☒ Maps, or electronic shape files and meta data, and other attachments specified in Env-Wt 311.06 (Env-Wt 311.03(b)(5)).
- ☒ Explanation as to methods, timing, and manner as to how the project will meet standard permit conditions required in Env-Wt 307 (Env-Wt 311.03(b)(7)).
- ☐ If applicable, the information regarding proposed compensatory mitigation specified in Env-Wt 311.08 and Chapter Env-Wt 800 – Mitigation Worksheet, unless not required under Env-Wt 313.04 (Env-Wt 311.03(b)(8); Env-Wt 311.08; Env-Wt 313.04).
- ☒ Any additional information specific to the type of resource as specified in Env-Wt 311.09 (Env-Wt 311.03(b)(9); Env-Wt 311.04(j)).
- ☒ Project specific information required by Env-Wt 500, Env-Wt 600, and Env-Wt 900 (Env-Wt 311.03(b)(11)).
- ☒ A list containing the name, mailing address and tax map/lot number of each abutter to the subject property (Env-Wt 311.03(b)(12)).
- ☒ Copies of certified postal receipts or other proof of receipt of the notices that are required by RSA 482-A:3, I(d) (Env-Wt 311.03(b)(13)).
- ☒ Project design considerations required by Env-Wt 313 (Env-Wt 311.04(j)).
- ☒ Town tax map showing the subject property, the location of the project on the property, and the location of properties of abutters with each lot labeled with the name and mailing address of the abutter (Env-Wt 311.06(a)).
- ☒ Dated and labeled color photographs that:
 - (1) Clearly depict:
 - a. All jurisdictional areas, including but not limited to portions of wetland, shoreline, or surface water where impacts have or are proposed to occur. And
 - b. All existing shoreline structures. And
 - (2) Are mounted or printed no more than 2 per sheet on 8.5 x 11 inch sheets (Env-Wt 311.06(b)).
- ☒ A copy of the appropriate USGS map or updated data based on LiDAR at a scale of one inch equals 24,000 feet showing the location of the subject property and proposed project (Env-Wt 311.06(c)).
- ☒ A narrative that describes the work sequence, including pre-construction through post-construction, and the relative timing and progression of all work (Env-Wt 311.06(d)).
- ☐ For all coastal projects, include a copy of the recorded deed with book and page numbers for the property (Env-Wt 311.06(e)).

- ☐ If the applicant is not the owner in fee of the subject property, documentation of the applicant's legal interest in the subject property, provided that for utility projects in a utility corridor, such documentation may comprise a list that:
 - (1) Identifies the county registry of deeds and book and page numbers of all of the easements or other recorded instruments that provide the necessary legal interest. And
 - (2) Has been certified as complete and accurate by a knowledgeable representative of the applicant (Env-Wt 311.06(f)).
- ☒ The NHB memo containing the NHB identification number and results and recommendations from NHB as well as any written follow-up communications such as additional memos or email communications with either NHB or New Hampshire Fish and Game Department (NHF&G) (Env-Wt 311.06(g)).
- ☒ A statement of whether the applicant has received comments from the local conservation commission and, if so, how the applicant has addressed the comments (Env-Wt 311.06(h)).
- ☐ For projects in LAC jurisdiction, a statement of whether the applicant has received comments from the LAC and, if so, how the applicant has addressed the comments (Env-Wt 311.06(i)).
- ☒ If the applicant is also seeking to be covered by the state general permits, a statement of whether comments have been received from any federal agency and, if so, how the applicant has addressed the comments (Env-Wt 311.06(j)).
- ☐ For after-the-fact applications: information required by Env-Wt 311.12 (Env-Wt 311.12).
- ☐ [Coastal Resource Worksheet](#) for coastal projects as required under Env-Wt 600.
- ☐ Prime Wetlands information required under Env-Wt 700.
- ☐ [Stream Crossing Worksheet](#) required by Env-Wt 900.
- ☒ [Avoidance and Minimization Written Narrative](#), [Avoidance and Minimization Checklist](#), or your own avoidance and minimization narrative (Env-Wt 311.07).
- ☒ * [Attachment A: Minor and Major Projects](#) (Env-Wt 311.10).
- ☒ * [Functional Assessment](#) (Env-Wt 311.10).



STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION ATTACHMENT A: MINOR AND MAJOR PROJECTS



Water Division/Land Resources Management
Wetlands Bureau

[Check the Status of your Application](#)

RSA/ Rule: RSA 482-A/ Env-Wt 311.10; Env-Wt 313.01(a)(1); Env-Wt 313.03

APPLICANT'S NAME: City of Lebanon

TOWN NAME: Lebanon

Attachment A is required for *all minor and major projects*, and must be completed *in addition* to the [Avoidance and Minimization Narrative](#) or [Checklist](#) that is required by Env-Wt 307.11.

For projects involving construction or modification of non-tidal shoreline structures over areas of surface waters having an absence of wetland vegetation, only Sections I.X through I.XV are required to be completed.

PART I: AVOIDANCE AND MINIMIZATION

In accordance with Env-Wt 313.03(a), the Department shall not approve any alteration of any jurisdictional area unless the applicant demonstrates that the potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized, as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#).

SECTION I.I - ALTERNATIVES (Env-Wt 313.03(b)(1))

Describe how there is no practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.

CREATED WETLANDS SURROUND THE ENTIRE 20-ACRE DEVELOPMENT PORTION OF THE 48-ACRE SITE. THE SINGLE CROSSING LOCATION IS THE MOST DIRECT AND LEAST IMPACTIVE CROSSING OF A SINGLE WETLAND (WETLAND C). CROSSING IN ANY OTHER LOCATION FROM CITY PROPERTY WOULD RESULT IN A LARGE INCREASE IN WETLAND IMPACTS.

SECTION I.II - MARSHES (Env-Wt 313.03(b)(2))

Describe how the project avoids and minimizes impacts to tidal marshes and non-tidal marshes where documented to provide sources of nutrients for finfish, crustacean, shellfish, and wildlife of significant value.

There are no marshes on the property.

SECTION I.III - HYDROLOGIC CONNECTION (Env-Wt 313.03(b)(3))

Describe how the project maintains hydrologic connections between adjacent wetland or stream systems.

There are no streams on the site. The one wetland that will be crossed will still retain its downslope discharge into an existing ditch that will be culverted under Airpark Road.

SECTION I.IV - JURISDICTIONAL IMPACTS (Env-Wt 313.03(b)(4))

Describe how the project avoids and minimizes impacts to wetlands and other areas of jurisdiction under RSA 482-A, especially those in which there are exemplary natural communities, vernal pools, protected species and habitat, documented fisheries, and habitat and reproduction areas for species of concern, or any combination thereof.

There are no exemplary natural communities, vernal pools, protected species, riparian habitats or other habitats of concern on the site. The single wetland crossing location involves a forested, groundwater discharge wetland that was created by past logging activities.

SECTION I.V - PUBLIC COMMERCE, NAVIGATION, OR RECREATION (Env-Wt 313.03(b)(5))

Describe how the project avoids and minimizes impacts that eliminate, depreciate or obstruct public commerce, navigation, or recreation.

The project extends Airpark Road by 1500 feet and will avoid the existing Class VI Hall Schoolhouse Road, which is mostly wet due to past agricultural uses. The active access road to the east (by the airport fence) will be retained as a recreational trail.

SECTION I.VI - FLOODPLAIN WETLANDS (Env-Wt 313.03(b)(6))

Describe how the project avoids and minimizes impacts to floodplain wetlands that provide flood storage.

There are no floodplains on the project site. Any increase to stormwater run-off will be handled by bio-retention areas and a detention basin.

SECTION I.VII - RIVERINE FORESTED WETLAND SYSTEMS AND SCRUB-SHRUB – MARSH COMPLEXES (Env-Wt 313.03(b)(7))

Describe how the project avoids and minimizes impacts to natural riverine forested wetland systems and scrub-shrub – marsh complexes of high ecological integrity.

There are no marsh complexes on the project site.

SECTION I.VIII - DRINKING WATER SUPPLY AND GROUNDWATER AQUIFER LEVELS (Env-Wt 313.03(b)(8))

Describe how the project avoids and minimizes impacts to wetlands that would be detrimental to adjacent drinking water supply and groundwater aquifer levels.

There are no stratified drift aquifers within 1/4 mile of the site.

SECTION I.IX - STREAM CHANNELS (Env-Wt 313.03(b)(9))

Describe how the project avoids and minimizes adverse impacts to stream channels and the ability of such channels to handle runoff of waters.

There are no streams on the site.

SECTION I.X - SHORELINE STRUCTURES - CONSTRUCTION SURFACE AREA (Env-Wt 313.03(c)(1))

Describe how the project has been designed to use the minimum construction surface area over surface waters necessary to meet the stated purpose of the structures.

There are no surface waters on the site other than constructed run-off ditches. These will be unaffected other than the single ditch crossing by the extension of Airpark Road. The latter will be culverted.

SECTION I.XI - SHORELINE STRUCTURES - LEAST INTRUSIVE UPON PUBLIC TRUST (Env-Wt 313.03(c)(2))

Describe how the type of construction proposed is the least intrusive upon the public trust that will ensure safe docking on the frontage.

The project site does not involve any shorefront.

SECTION I.XII - SHORELINE STRUCTURES – ABUTTING PROPERTIES (Env-Wt 313.03(c)(3))

Describe how the structures have been designed to avoid and minimize impacts on ability of abutting owners to use and enjoy their properties.

There are no shoreline structures proposed.

SECTION I.XIII - SHORELINE STRUCTURES – COMMERCE AND RECREATION (Env-Wt 313.03(c)(4))

Describe how the structures have been designed to avoid and minimize impacts to the public's right to navigation, passage, and use of the resource for commerce and recreation.

There are no shoreline structures proposed.

SECTION I.XIV - SHORELINE STRUCTURES – WATER QUALITY, AQUATIC VEGETATION, WILDLIFE AND FINFISH HABITAT (Env-Wt 313.03(c)(5))

Describe how the structures have been designed, located, and configured to avoid impacts to water quality, aquatic vegetation, and wildlife and finfish habitat.

There are no shoreline structures proposed.

SECTION I.XV - SHORELINE STRUCTURES – VEGETATION REMOVAL, ACCESS POINTS, AND SHORELINE STABILITY (Env-Wt 313.03(c)(6))

Describe how the structures have been designed to avoid and minimize the removal of vegetation, the number of access points through wetlands or over the bank, and activities that may have an adverse effect on shoreline stability.

There are no shoreline structures proposed.

PART II: FUNCTIONAL ASSESSMENT**REQUIREMENTS**

Ensure that project meets the requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).

FUNCTIONAL ASSESSMENT METHOD USED:

Method for Inventorying and Evaluating Freshwater Wetlands in New Hampshire (aka 'The NH Method')

NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: R. VAN DE POLL

DATE OF ASSESSMENT: 09/16/2019

Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT:



For minor or major projects requiring a standard permit without mitigation, the applicant shall submit a wetland evaluation report that includes completed checklists and information demonstrating the RELATIVE FUNCTIONS AND VALUES OF EACH WETLAND EVALUATED. Check this box to confirm that the application includes this information, if applicable:



Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.



**AVOIDANCE AND MINIMIZATION
WRITTEN NARRATIVE**
Water Division/Land Resources Management
Wetlands Bureau
[Check the Status of your Application](#)



RSA/ Rule: RSA 482-A/ Env-Wt 311.04(j); Env-Wt 311.07; Env-Wt 313.01(a)(1)b; Env-Wt 313.01(c)

APPLICANT'S NAME: City of Lebanon

TOWN NAME: Lebanon

An applicant for a standard permit shall submit with the permit application a written narrative that explains how all impacts to functions and values of all jurisdictional areas have been avoided and minimized to the maximum extent practicable. This attachment can be used to guide the narrative (attach additional pages if needed). Alternatively, the applicant may attach a completed [Avoidance and Minimization Checklist \(NHDES-W-06-050\)](#) to the permit application.

SECTION 1 - WATER ACCESS STRUCTURES (Env-Wt 311.07(b)(1))

Is the primary purpose of the proposed project to construct a water access structure?

No

SECTION 2 - BUILDABLE LOT (Env-Wt 311.07(b)(1))

Does the proposed project require access through wetlands to reach a buildable lot or portion thereof?

Yes, the entire wetland impact requires fill to allow access to the buildable portion of the lot.

SECTION 3 - AVAILABLE PROPERTY (Env-Wt 311.07(b)(2))*

For any project that proposes permanent impacts of more than one acre, or that proposes permanent impacts to a PRA, or both, are any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, that could be used to achieve the project's purpose without altering the functions and values of any jurisdictional area, in particular wetlands, streams, and PRAs?

**Except as provided in any project-specific criteria and except for NH Department of Transportation projects that qualify for a categorical exclusion under the National Environmental Policy Act.*

N/A

SECTION 4 - ALTERNATIVES (Env-Wt 311.07(b)(3))

Could alternative designs or techniques, such as different layouts, different construction sequencing, or alternative technologies be used to avoid impacts to jurisdictional areas or their functions and values as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#)?

An alternative design has been employed to minimize wetland impacts. The wetland crossing is located at the narrowest portion of a previously created wetland. This forested/scrub-shrub swamp was created when skidder activity associated with prior logging broke through the groundwater table. As shown in Plan C-1, the roadway alignment has been moved from the proposed location that was presented during the pre-application review to avoid using the old Class VI road, which is now mostly wet. The proposed buildings have also been moved to avoid Wetland D and Wetland E entirely, whereas they were going to be impacted by parking lots and driveways for the proposed buildings. Steeper banks are also proposed for one section of the access drive in order to avoid wetland impacts at the toe of the roadbank slope.

In sum, the created, low quality wetlands on the site have been avoided to the maximum extent possible in order to accommodate the City's plan for an expanded commercial development next to the airport.

SECTION 5 - CONFORMANCE WITH Env-Wt 311.10(c) (Env-Wt 311.07(b)(4))**

How does the project conform to Env-Wt 311.10(c)?

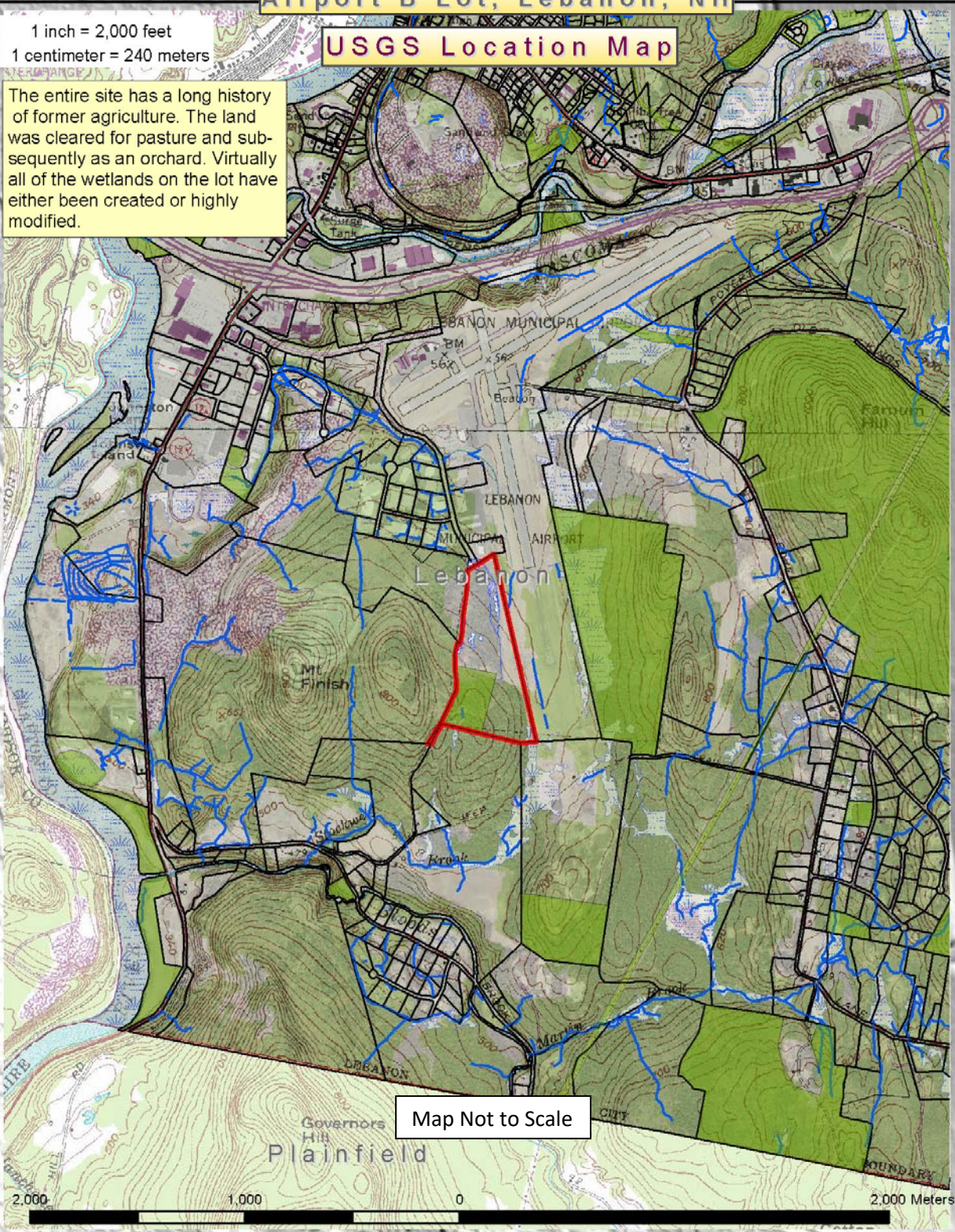
***Except for projects solely limited to construction or modification of non-tidal shoreline structures only need to complete relevant sections of Attachment A.*

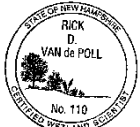
Wetland C (PFO1/SS1E) and the small section of Wetland F (the ditch) are both very low functioning wetlands as shown in the attached NH Method evaluation. Based on a 10 point scale, the highest value for both is 4.9 and 4.2 respectively for Nutrient Transformation, whereas their Ecological Integrity values are 1.0 and 0, respectively.

2.5.1 USGS Topographic Map showing Project Location

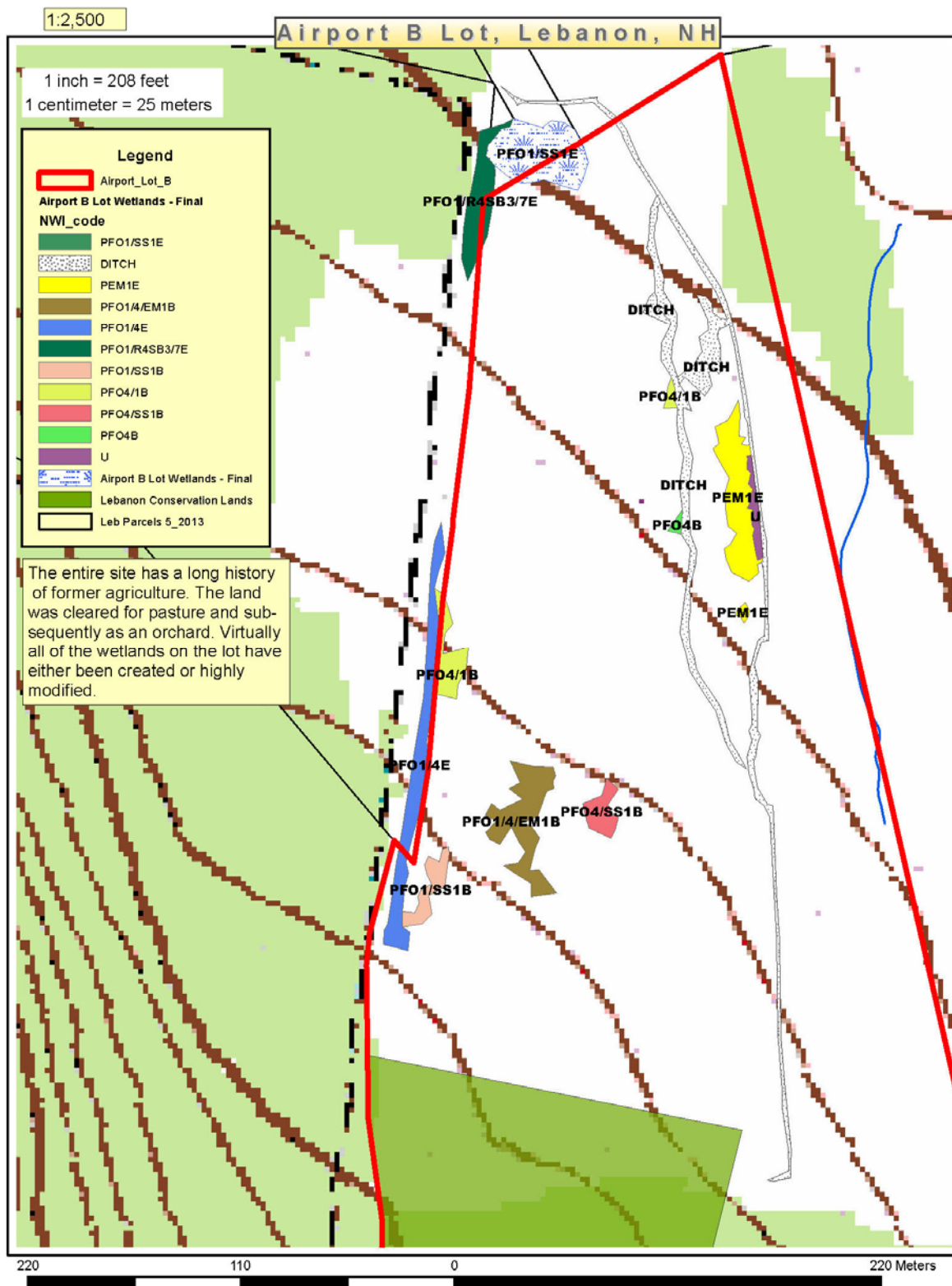
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Airport B Lot, Lebanon, NH



PROJECT	Map Type	Date: January 2021	Prepared By:
Lebanon Airport B Lot Development	Site Loc Topographic	 File #: 20.07.01VAN	Ecosystem Management Consultants 30 North Sandwich Rd. Center Sandwich, NH 03227 rickvdp@gmail.com

2.5.2 USGS Topographic Map showing NWI Cover Types



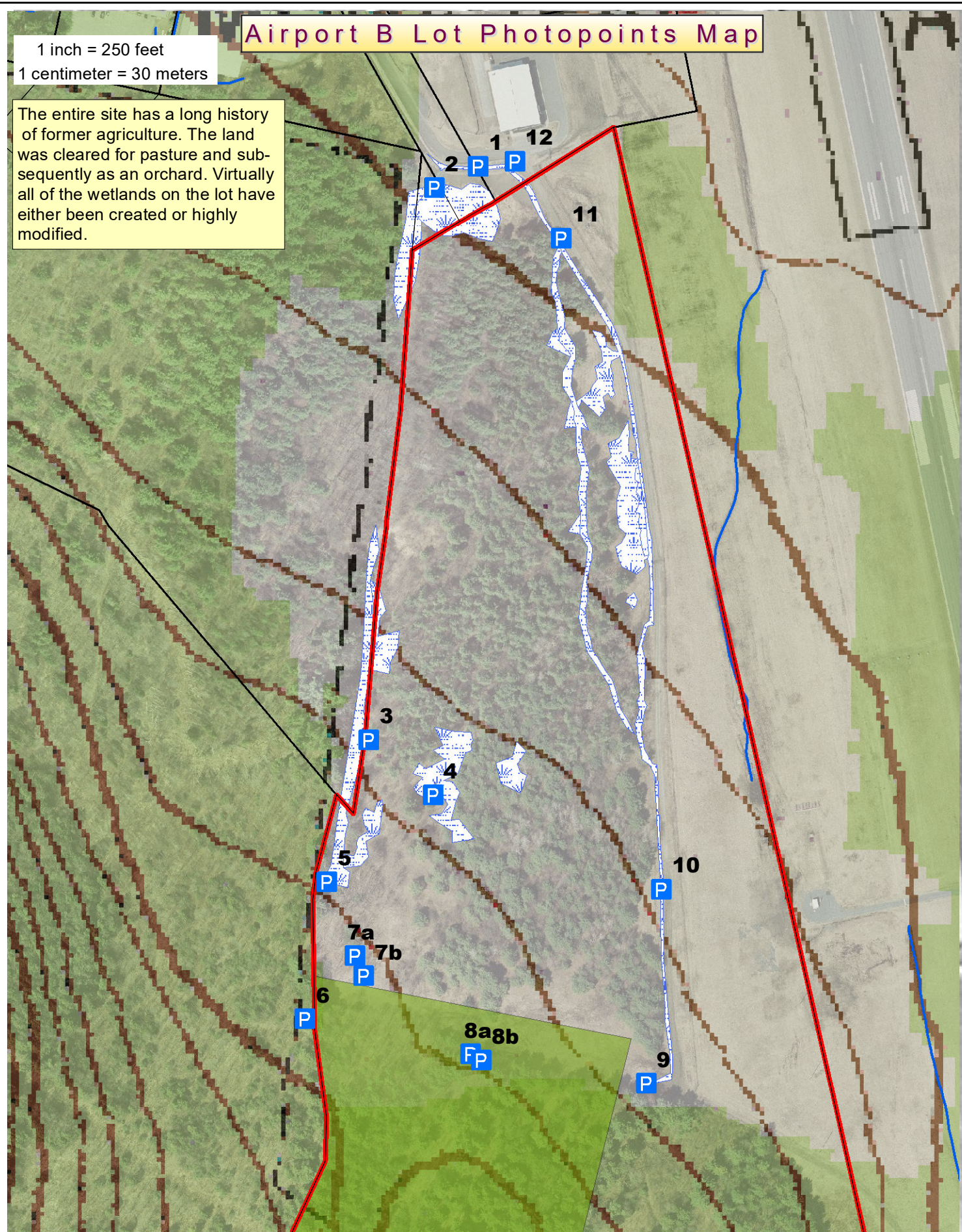
PROJECT	Map Type	Date: January 2021	Prepared By:
Lebanon Airport B Lot Development	Site Loc Topographic	 File #: 20.07.01VAN	Ecosystem Management Consultants 30 North Sandwich Rd. Center Sandwich, NH 03227 rickvdp@gmail.com

Airport B Lot Photopoints Map

1 inch = 250 feet

1 centimeter = 30 meters

The entire site has a long history of former agriculture. The land was cleared for pasture and subsequently as an orchard. Virtually all of the wetlands on the lot have either been created or highly modified.



260

130

0

260 Meters

2.6 Photo Log – Airpark Road, Lebanon



(1) 2019_04_30 entrance at end of Airpark Rd

This is where the wetland impact will be.



(2) 2019_04_30 Wetland C crossing area



(3) 2019_04_30 Hall Schoolhouse Rd (Class VI)



(4) 2019_05_01 typ. view of old wet orchard opening



(5) 2019_06_19 SW boundary corner of site along Class VI road



(6) 2020_11_12 view of Pike Gate P from near SW corner of site

2.6 Photo Log – Airpark Road, Lebanon



(7a) 2020_11_12 cellar hole lkg E from near SW corner



(7b) 2020_11_12 cellar hole lkg N



(8a) 2020_11_12 view of old drive toward cellar hole



(8b) 2020_11_12 view east down cellar hole drive towards airstrip



(9) 2019_05_01 view NE at beginning of cellar hole drive



(10) 2019_04_30 lkg N along access road by Wetland F ditch

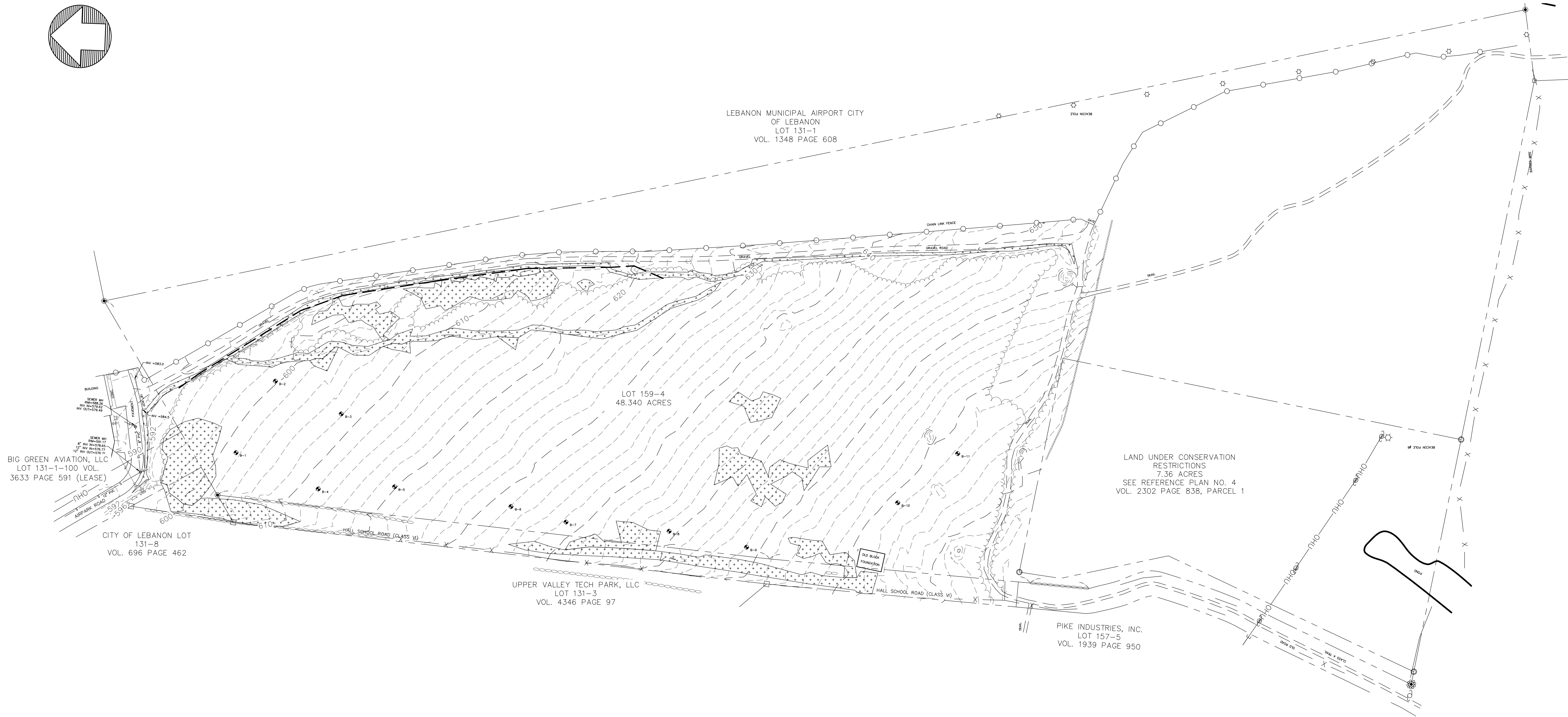
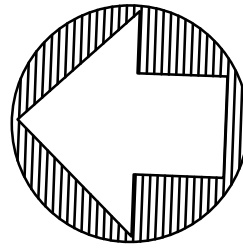
2.6 Photo Log – Airpark Road, Lebanon



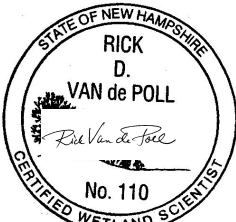
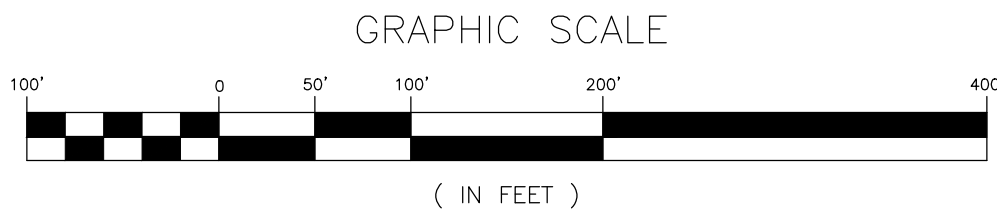
(11) 2019_05_01 outflow ditch near access road beginning



2019_04_30 (09) Wetland F ditch - typ. GPS#33



EXISTING SITE PLAN
SCALE: 1"=100'



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	DATE
COMMENTS	DATE
	DATE

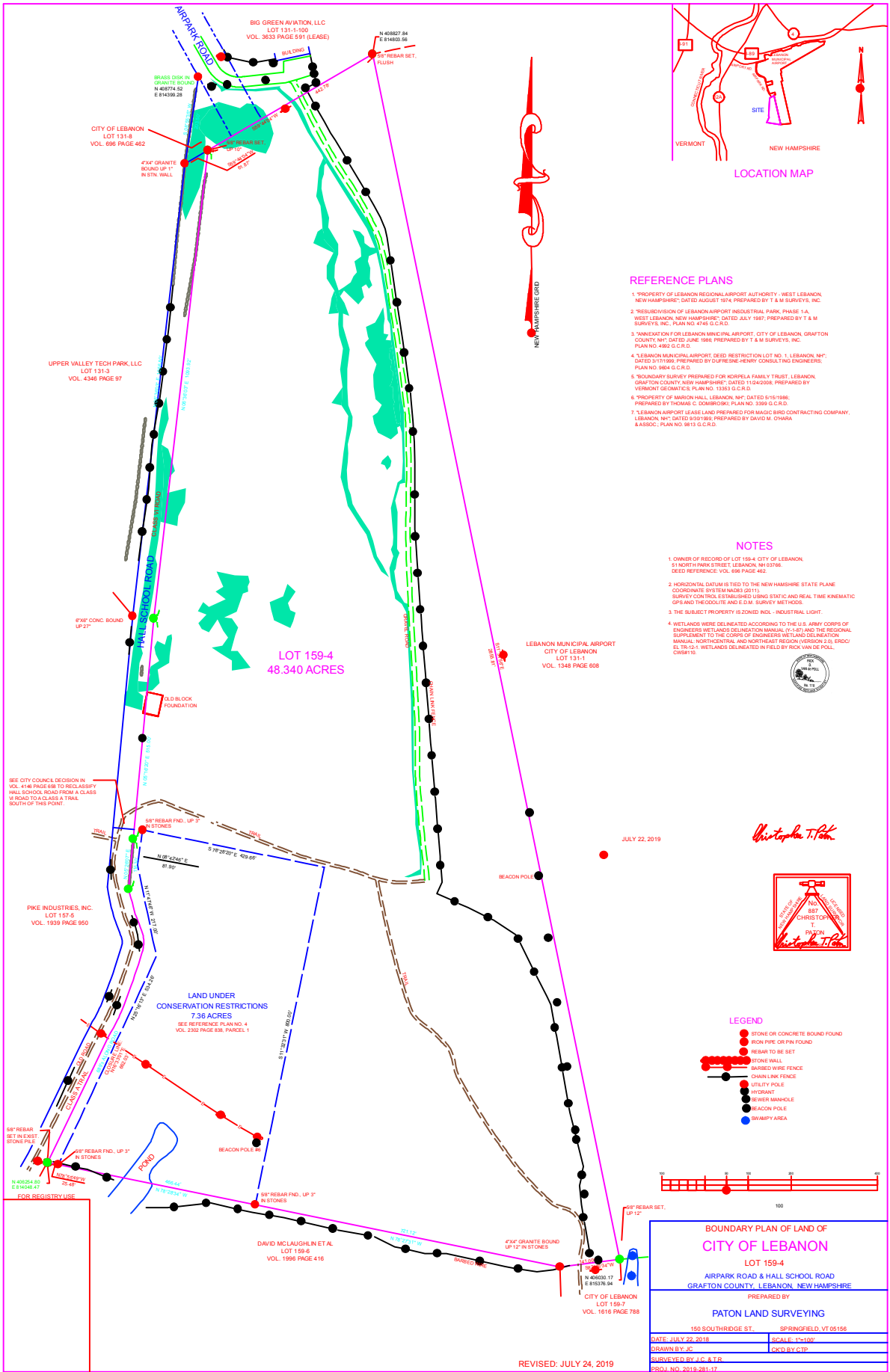
AIRPARK ROAD DEVELOPMENT
CONTRACT 2020-2

EXISTING CONDITIONS SITE PLAN

LEBANON, NEW HAMPSHIRE

Project #	31202003
Project Mgr.	T.P.KNAPP
Design by	T.P.KNAPP
Drawn by	M.C.BISSELL
Reviewed by	R.N.GOODWIN
Approved by	N.R.JOHNSON
Date	SEPTEMBER 28, 2020
Scale	AS SHOWN

G2



NOTES

1. OWNER OF RECORD OF LOT 159-4: CITY OF LEBANON, 51 NORTH PARK STREET, LEBANON, NH 03786. DEED REFERENCE: VOL. 698 PAGE 482.
2. HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NAD83 (2011). SURVEY CONTROL ESTABLISHED USING STATIC AND REAL TIME KINEMATIC GPS AND THEODOLITE AND E.D.M. SURVEY METHODS.
3. THE SUBJECT PROPERTY IS ZONED IND - INDUSTRIAL LIGHT.
4. WETLANDS WERE DELINEATED ACCORDING TO THE U.S. ARMY CORPS OF ENGINEERS WETLANDS Delineation Manual (11-47) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND Delineation Manual, NORTH-CENTRAL AND NORTH-EAST REGION (VERSION 2.0, SED) EL TR-12-1. WETLANDS DELINEATED IN FIELD BY RICK VAN DE POLL, CEMTIS.



Christopher T. Park



LEGEND

- STONE OR CONCRETE BOUND FOUND
- IRON PIPE OR PIN FOUND
- REBAR TO BE SET
- STONE WALL
- BARBED WIRE FENCE
- CHAIN LINK FENCE
- UTILITY POLE
- HYDRANT
- SEWER MANHOLE
- BEACON POLE
- SWAMPY AREA



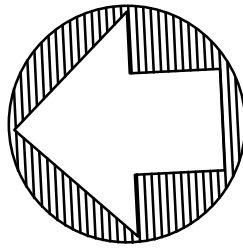
BOUNDARY PLAN OF LAND OF
CITY OF LEBANON

LOT 159-4
AIRPORT ROAD & HALL SCHOOL ROAD
GRAFTON COUNTY, LEBANON, NEW HAMPSHIRE

PREPARED BY
PATON LAND SURVEYING

160 SOUTHDRIVE ST.	SPRINGFIELD, VT 05156
DATE: JULY 22, 2019	SCALE: 1"=100'
DRAWN BY: JC	CDD BY: CTP
SURVEYED BY: J.C. & T.P.	PROJ. NO. 2019-281-17

REVISED: JULY 24, 2019



PROPOSED SITE PLAN

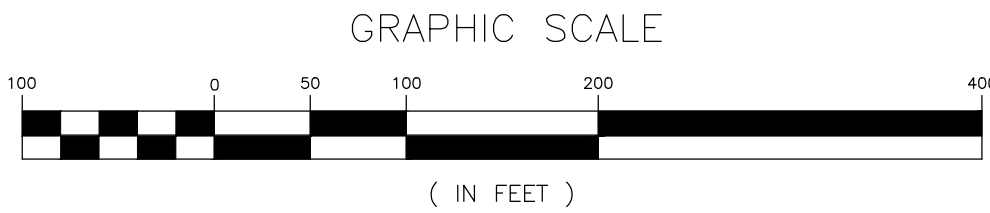
SCALE: 1"=100'

LEGEND

EXISTING:	PROPOSED:
--- -- --- PROPERTY LINE	~~~~~ CLEARING LIMITS
===== EDGE OF PAVEMENT	===== PAVED ROAD
===== EDGE OF GRAVEL	////// FUTURE BUILDING OUTLINE
~~~~~ TREE LINE	===== EDGE OF PARKING AREA
--- OHU --- OVERHEAD UTILITY	[- - -] BIORETENTION SYSTEM W/FOREBAY
--- W --- W --- WATER MAIN	[- - -] STORMWATER DETENTION POND
--- D --- D --- STORM DRAIN MAIN	--- o --- PROJECT DELINEATION FENCE
--- S --- SEWER MAIN	
o UTILITY POLE	
Δ SIGN	
Δ SURVEY CONTROL POINT	
⊠ WATER VALVE	
⊠ WATER SHUT OFF	
⊠ FIRE HYDRANT	
⊠ SEWER MANHOLE	
⊠ DRAIN MANHOLE	
⊠ CATCH BASIN	
⊠ TREE / SHRUB	
////// BUILDING	
--- x --- WIRE FENCE	
⊠ B-1 SOIL BORING	
~~~~~ SHRUBS	
--- o --- CHAINLINK FENCE	
===== STONEWALL	
⊠ WETLAND	
--- 10' CONTOUR	
--- 2' CONTOUR	

NOTES:

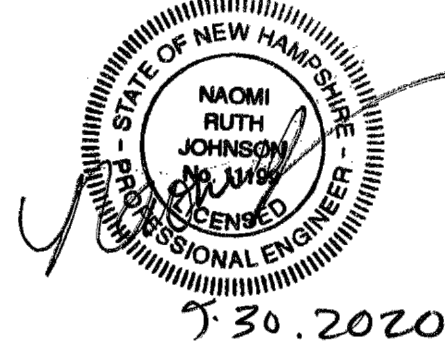
1. THE PROPOSED SITE USE IS COMMERCIAL/INDUSTRIAL DEVELOPMENT.
2. THE PROJECT IS INTENDED TO BE CONSTRUCTED IN PHASES. THE ROADWAY AND UTILITIES, EXCEPT THOSE SERVING INDIVIDUAL LOTS, WILL BE CONSTRUCTED BY THE OWNER (CITY OF LEBANON). INDIVIDUAL BUILDINGS, PARKING AND DRIVEWAYS WILL BE CONSTRUCTED AS EACH SITE IS DEVELOPED. THE BIORETENTION SYSTEMS AND STORMWATER CONVEYANCE COMPONENTS FOR EACH SITE ARE REQUIRED TO BE CONSTRUCTED TO THE DIMENSIONS AND SPECIFICATIONS SHOWN ON THESE PLANS. REFER TO SHEETS C17-C19.
3. THE CONSTRUCTION PROJECT CONSISTS OF ROADWAY AND UTILITY CONSTRUCTION, STORMWATER POND CONSTRUCTION AND THE CONSTRUCTION OF THE BIORETENTION SYSTEM FOR THE ROAD. THE PROJECT ALSO INCLUDES CLEARING AND ROUGH GRADING OUTSIDE THE ROADWAY, STORMWATER POND AND BIORETENTION SYSTEM FOR THE ROAD. REFER TO SHEETS C7 AND C8 FOR ROUGH GRADING INFORMATION.
4. SOIL DISTURBANCE IN THE AREAS OUTSIDE OR BEYOND THE PROJECT DELINEATION FENCE AT THE SITE PERIMETER AND INSIDE THE PROJECT DELINEATION FENCING BETWEEN THE FUTURE SITES OF BUILDINGS C AND D IS PROHIBITED.



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12/1	REVISED LAYOUT BLDG D/ROAD		

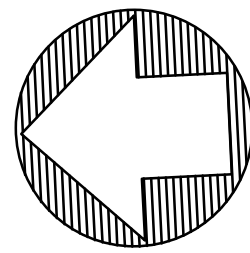
AIRPARK ROAD DEVELOPMENT

PROPOSED SITE PLAN

LEBANON, NEW HAMPSHIRE

Project #	31202003
Project Mgr.	T.P.KNAPP
Design by	N.R.JOHNSON
Drawn by	K.MENEES/M. BISSELL
Reviewed by	R.N.GOODWIN
Approved by	N.R.JOHNSON
Date	SEPTEMBER 28, 2020
Scale	AS SHOWN

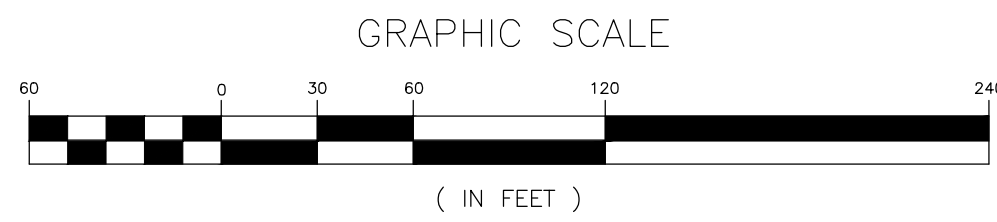
C1



TOTAL 9,133 SF

WETLAND IMPACTS

SCALE: 1"=60'



NH Method Summary of Scores

Airport B Lot

Town: Lebanon

Add qualitative information to rows 6 through 9
Do not add data to Scores columns - Functional Scores are automatically recorded from data sheets for each

Wetland name/code	SAMPLE	A	B	C	D	E	F	MEAN
Date Evaluated	7/2/2010	9/16/2020	9/16/2020	9/16/2020	9/16/2020	9/16/2020	9/16/2020	
Investigator	F. Mitchell	R. Van de Poll	. Van de Poll	R. Van de Poll	. Van de Poll	. Van de Poll	R. Van de Poll	
Wetland Acres	61	0.54	0.34	0.53	0.08	0.26	0.78	0.42
Watershed Acres	873	15.62	28.2	2.83	2.03	1.73	66.51	19.49
Wetland Functions & Scores		A	B	C	D	E	F	
1. ECOLOGICAL INTEGRITY	8.5	4.9	2.8	1.0	1.0	1.0	0.0	1.78
2. WETLAND WILDLIFE HABITAT	7.5	4.9	3.4	1.4	1.4	1.4	0.3	2.13
3. FISH & AQUATIC HABITAT	6.1	2.5	2.2	2.2	2.2	2.2	1.3	2.09
4. SCENIC QUALITY	9.2	2.3	0.0	0.0	0.0	0.0	0.0	0.39
5. EDUCATIONAL POTENTIAL	6.4	3.4	0.9	0.5	0.5	0.5	0.2	1.01
6. WETLAND-BASED RECREATION	6.5	4.5	0.6	0.2	0.2	0.2	0.1	0.98
7. FLOODWATER STORAGE	5.5	1.7	0.8	3.9	1.8	3.7	0.8	2.11
8. GROUNDWATER	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.00
9. SEDIMENT TRAPPING	5.9	7.0	0.1	0.6	0.3	0.5	0.1	1.43
10. NUTRIENT TRANSFORMATION	5.8	7.7	4.2	4.9	4.4	4.9	4.2	5.04
11. SHORELINE ANCHORING	7.5	3.4	0.0	0.0	0.0	0.0	0.0	0.56
12. NOTEWORTHINESS	30.0	10.0	0.0	0.0	0.0	0.0	0.0	1.67



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



WETLANDS AND NON-SITE SPECIFIC PERMIT 2021-00237

NOTE CONDITIONS

PERMITTEE: CITY OF LEBANON
51 N PARK ST
LEBANON NH 03766

PROJECT LOCATION OFF AIRPARK RD, LEBANON
TAX MAP #159, LOT #4 / TAX MAP #131, LOT #1-100 / TAX MAP #131, LOT #8 / ROW

WATERBODY: UNNAMED WETLAND

APPROVAL DATE: MAY 05, 2021 **EXPIRATION DATE:** MAY 05, 2026

Based upon review of permit application 2021-00237 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

PERMIT DESCRIPTION: Dredge and fill a total of 9,133 square feet (SF), including 8,642 SF of palustrine forested wetland and 491 SF of palustrine emergent wetland, to construct a paved access road for the development of a city-owned lot to include 5 commercial buildings and associated infrastructure.

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated December 1, 2020 by The Dufresne Group, as received by the NH Department of Environmental Services (NHDES) on January 29, 2021, with revised Sheet C2 dated March 23, 2021 and revised Sheet C17 dated January 28, 2021, as received by NHDES electronically on April 5, 2021.
2. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
3. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
4. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.
5. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
6. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

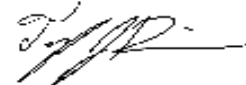
7. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
8. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
9. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
10. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
11. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
12. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
14. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
15. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
16. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
17. All dredging activities shall meet all of the conditions listed in Rule Env-Wt 307.10(a) through (n).
18. All temporary and permanent filling activities shall meet all of the conditions listed in Rule Env-Wt 307.11(a) through (l).
19. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
20. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.
21. In accordance with Env-Wt 307.11(c), slopes shall be immediately stabilized by a method specified in Env-Wq 1506 or Env-Wq 1508, as applicable, to prevent erosion into adjacent wetlands or surface waters.
22. In accordance with Env-Wt 307.11(e), fill shall be not placed so as to direct flows onto adjacent or down-current property.
23. In accordance with Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.
24. In accordance with Env-Wt 307.15(c), where construction requires the operation of heavy equipment in wetlands, the equipment shall either have low ground pressure, namely less than 4 psi, or not be located directly on wetland soils and vegetation; or be placed on timber or swamp mats that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation.
25. In accordance with Env-Wt 524.05(a), residential, commercial, or industrial development projects in non-tidal wetlands shall submit a construction notice with the department at least 48 hours prior to commencing work.

26. In accordance with Env-Wt 524.05(b), all work for residential, commercial, or industrial development projects in non-tidal wetlands shall be conducted in accordance with the approved plan.

THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Tyler J. Davidson

Wetlands Specialist, Wetlands Bureau

Land Resources Management, Water Division

THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).

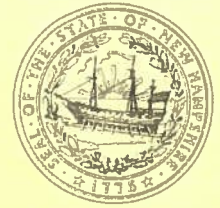
PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required)



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



**NOTICE TO RECIPIENTS OF
MINOR IMPACT NH WETLANDS PERMITS**

Your permit was approved by the New Hampshire Wetlands Bureau as a minor impact project. Your project will be reviewed by the US Army Corps of Engineers for possible approval under the Army Corps New Hampshire State Programmatic General Permit – SPGP. The Army Corps will notify you within thirty (30) days if they will require additional information, or an individual federal permit application.

If you do not hear from the Army Corps within thirty (30) days, and your project meets the conditions of the SPGP (attached), your project will automatically be approved under the SPGP. You should contact the Army Corps, at 1-800-343-4789 (ME, NH, VT, CT, RI), 1-800-362-4367 (MA), if your project does not meet the conditions of the SPGP.

NO WORK SHOULD BE DONE WITHOUT AUTHORIZATION FROM THE ARMY CORPS UNLESS THIRTY (30) DAYS HAVE PASSED AFTER NH WETLANDS BUREAU APPROVAL AND ALL CONDITIONS OF THE SPGP ARE MET.

THESE APPROVALS DO NOT RELIEVE YOU FROM OBTAINING ANY NECESSARY LOCAL PERMITS THAT MAY BE REQUIRED BY YOUR TOWN.

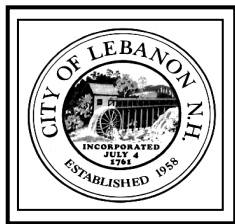
IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO GIVE US A CALL AT 603-271-2147.

cc: US Army Corps of Engineers

Agenda
Zoning Board of Adjustment
November 1, 2021

Agenda Item #4A
Other Business

Zoning Amendments Review



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Zoning Board of Adjustment

FROM: Planning and Development Department Staff

RE: 2021-2022 Proposed Zoning Amendments

DATE: October 26, 2021

On October 6, 2021, Planning and Development Department staff presented to the City Council a set of proposed Zoning Ordinance amendments for initial consideration. Following the presentation, the City Council agreed to move the proposed amendments forward for further review. Pursuant to the amendment process outlined in Section 1000 of the Zoning Ordinance, the City's land use boards will be reviewing the proposed amendments at the following meetings:

- Zoning Board of Adjustment – November 1, 2021
- Conservation Commission – November 18, 2021
- Planning Board - November 22, 2021

Pursuant to Section 1000.3.B.1 of the Zoning Ordinance, the Zoning Board is required to “comment on the proposed amendment as to whether it would be inconsistent with other applicable sections of the Ordinance, does not conflict with other sections of the Ordinance, and the meaning and effect is understood. The ZBA shall not comment as to whether or not the amendment is desirable from a planning viewpoint.”

For the Board's reference and review, please find attached the following:

- A staff memo to the City Council, dated September 28, 2021, providing a description of the proposed amendments.
- A redline of the current Zoning Ordinance (redline last revised October 26, 2021).

Note that the attached redline reflects minor suggestions and recommendations from the City's legal counsel, which were recently provided to staff. Because the redline has been updated since the initial presentation to the Council on October 6th, the page references in the attached staff memo may no longer match the updated redline that is attached to this memo.

Once review has been completed by the land use boards, the City Council will hold a public hearing followed by a vote on whether to adopt the amendments and/or to place them on the March 2021 ballot for voter approval.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
Paula Maville, Deputy City Manager

FROM: Planning & Development Department Staff

RE: 2021-2022 Proposed Zoning Amendments

DATE: September 28, 2021

Honorable Mayor and City Councilors,

The Planning and Development Department has prepared draft amendments to the Zoning Ordinance for consideration by the City Council, and requests that the proposed amendments be placed on the October 6, 2021 meeting agenda for discussion. The proposed amendments are summarized below and are highlighted in the attached redlined excerpt of the Zoning Ordinance. The new or revised text is blue and underlined. The text to be deleted is shown as ~~red with a strike-out~~.

If the Council chooses to move forward with the proposal, the draft amendments will be sent to the City's legal counsel and land use boards for further review. Once the review process is complete, the amendments will be scheduled for a public hearing before the City Council.

OVERVIEW OF AMENDMENTS

Text Amendments:

- 1. West Lebanon Downtown Rezoning (Sections 201.7, 300, 306, 307, 500, 501.4, 607.4, 607.5, 608.3, 608.4, 608.6, 612.3, and Appendix A)** – At its meeting on June 8, 2021, the West Lebanon Revitalization Advisory Committee unanimously adopted the following motion recommending that the zoning regulations applicable in those areas of West Lebanon that are currently zoned as Central Business District should be amended to match the regulations for the Lebanon Downtown District (Section 307 of the Zoning Ordinance):

*A MOTION by Mr. Clem that the Planning Department consider applying all recent zoning updates that were done elsewhere in town in terms of downtown West Lebanon and other districts, with a starting point being that all those amendments be considered for West Lebanon, to create equity and consistency across the City when it comes to height, dimension, etc. in order to incentivize development equally across the City.
Seconded by Ms. Stavis.*

Based on an analysis and comparison of the CB District and LD District regulations, staff recommends the following changes in furtherance of the Advisory Committee's request:

- a. Shorten the name of the "Lebanon Downtown District" to "Downtown District".
- b. Rezone those portions of West Lebanon currently located in the CB District to the Downtown (DT) District. (see amendment #17 below)
- c. Update the DT District regulations (Section 307) to refer to both downtown Lebanon and downtown West Lebanon, and to add Main Street, Bridge Street, and Railroad Avenue to the list of "primary streets" (Section 307.6.C.1).
- d. Remove the CB District from the Zoning Ordinance (Section 306).
- e. Remove references to the CB District throughout the Zoning Ordinance and update "LD District" references to "DT District".

2. **Add Section 105 ("Compliance With Site Plan Review Regulations and Subdivision Regulations")** to clarify that when a development is subject to the Site Plan Review and Regulations, it must comply with all applicable site design requirements when a site plan review regulation is more restrictive than what may be otherwise permitted by the Zoning Ordinance. (see p. 1 of the redline)
3. **Amend Section 201.7 ("Driveways and Parking Areas")** and definition of "driveway" in Appendix A to clarify that parking on a driveway in the front yard is allowed for one- and two-family dwellings provided that a minimum setback of 5 ft. is maintained from the front lot line. (see p. 1 and 23-24 of the redline)
4. **Amend Section 204 ("Lots in Two Zoning Districts")** to provide additional flexibility in the use of split-zoned properties by allowing uses that are permitted in the more restrictive zone encumbering the property to also be located within the portion of the property located in the less restrictive zoning district. For example, where a property is split-zoned between R-3 and GC, and where the property's frontage is located wholly within the R-3 district, and where the property meets the minimum lot size requirement of the R-3 district, the proposed amendment would allow a proposed one-family dwelling to be located in the GC portion of the property (which is not otherwise a permitted use in the GC district). (see p. 1 of the redline)
5. **Amend Section 213 ("Impact Fees")** to help encourage the creation of affordable housing units by (i) exempting accessory dwelling units less than 500 sq. ft. from assessment of impact fees, and (ii) allowing the Planning Board to grant a waiver from payment of the school impact fee for dwelling units of 500 sq. ft. or smaller. The proposed amendment to Section 213 also clarifies that the impact fee assessment schedule shall be reviewed *periodically* by the Planning Board (whereas the current language requires the Board to review the schedule on an annual basis). (see p. 2 of the redline)
6. **Amend Section 215 ("Location of Accessory Use")** to (a) allow a driveway to cross over one property to access another provided that the driveway serves a use that is also allowed on the property over which the driveway crosses, and (b) allow a shared driveway to access up to two adjacent properties, consistent with what is already permitted by the Site Plan Review and Subdivision Regulations, but which is not clearly permitted under the current language of the Zoning Ordinance. (see p. 2 of the redline)
7. **Add Section 302.4.H, amend Sections 801.2.C and 801.3, and remove Sections 901.6-8** to (a) add criteria for the expiration of conditional use permits, (b) update the expiration criteria for variances and special exceptions for consistency with the conditional use permit expiration provisions, and (c) eliminate the requirement that zoning permits are

issued contemporaneously with the approval of a variance or special exception. Instead, a zoning permit for projects relating to a Zoning Board approval will be issued in accordance with the procedures set forth in Section 901 ("Zoning Permits"). (see p. 3 and 21-23 of the redline)

8. **Amend Section 311.2, the R-O District Table of Uses** to remove "conversion" from "multi-family dwelling" in both the Permitted Uses column and Special Exception Uses column. The proposed amendment would allow new construction of multi-family dwellings in the R-O District in addition to allowing multi-family dwellings by conversion of existing buildings. (see p. 11 of the redline)
9. **Amend Section 501 ("Planned Unit Development")** (see p. 11-14 of the redline) to:
 - a. **Amend Section 501.1.E.1** to require PUD applicants to demonstrate that the PUD plan was prepared in accordance with the steps outlined in Section 501.1.E.1.a-d.
 - b. **Amend Section 501.1.E.2** to update the PUD impact statement requirements for consistency with the impact statement requirements found in the Site Plan Review Regulations and Subdivision Regulations.
 - c. **Amend Section 501.2.B** in response to a recent amendment to the Subdivision Regulations that exempts certain developments from subdivision review. The amendment to Section 501.2.B clarifies that these developments are still subject to the thresholds for when a PURD is required or permitted.
 - d. **Amend Section 501.2.D** to clarify that if a PURD density calculation for a proposed development results in a fraction, the number of units may be rounded up in certain instances. For example, if 32.6 dwelling units are allowed within a proposed PURD utilizing the formula method set forth in Section 501.2.D.2.a, the number of permitted dwelling units would be rounded up to 33.
 - e. **Amend Section 501.4.D** to clarify that (a) all non-residential uses whether permitted, allowed by special exception, or allowed by conditional use permit, may be included within a Commercial PUD, and (b) all non-residential uses in both the IND-L and IND-RA District may be included within an Industrial PUD.
10. **Amend Section 600 ("Home Businesses")** by removing Section 600.1.F.3 which prohibits home businesses from utilizing on-street parking. Note that home businesses will still need to demonstrate compliance with the minimum on-site parking requirements of Section 607 in order to obtain a zoning permit. (see p. 15 of the redline)
11. **Amend Section 601 ("Special Design Standards")** to remove (i) Section 601.2.B which requires parking areas to be screened from abutting properties, and (ii) Section 601.9 which automatically requires site plan review regardless of whether the project would otherwise trigger such review per the jurisdictional thresholds set forth in the Site Plan Review Regulations. (see p. 15 of the redline)
12. **Amend Section 607 ("Parking")** (see p. 15-18 of the redline) to:
 - a. Allow parking for accessory uses to be calculated separately in order to reduce the amount of required parking spaces.
 - b. Clarify that the Planning Board may approve the reduction of the minimum number of parking spaces to be constructed by means of a *conditional use permit*.

- c. Clarify that the maximum parking requirements apply in the LD (DT) and PB Districts.
- d. Refine and augment the standards in Section 607.5 for the approval of off-lot parking, and add Section 302.5 to clarify that off-lot parking is allowed by conditional use permit. (*see p. 5 of the redline*)

13. Amend Section 608 (“Signs”) and Appendix A (*see p. 18-20 and 24 of the redline*) to:

- a. Clarify when on-premise signs become off-premise signs following the departure of a tenant.
- b. Allow additional sign area for buildings with multiple frontages, but excluding frontage on I-89.
- c. Allow additional freestanding sign area to accommodate the numeric property address.
- d. Provide a maximum height of 4 ft. for non-residential freestanding signs in residential districts, and a maximum of 8 ft. for residential development freestanding signs.

14. Amend Section 610 (“Accessory Dwelling Unit (ADU)”) (*see p. 20-21 of the redline*) to:

- a. Allow detached ADUs to be located on non-conforming lots and in non-conforming structures by special exception.
- b. Allow a detached ADU to be taller than the principal dwelling by special exception.
- c. Eliminate requirements that the ADU share utilities with the principal dwelling and that the ADU and principal dwelling have an interconnected fire alarm system.

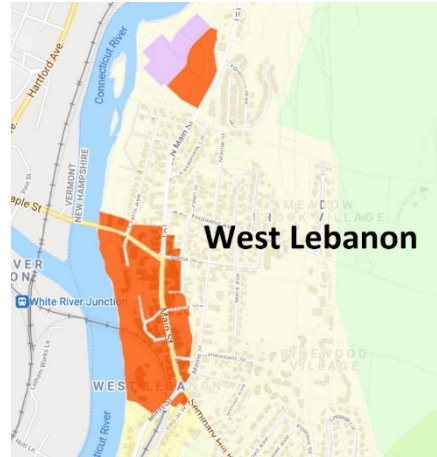
15. Amend Appendix A (“Definitions”) (*see p. 23-24 of the redline*) to:

- a. Update definition of nursing home to reference current statute and statutory language.
- b. Remove the term “parking lot” which is redundant given the definition of “parking area”.
- c. Remove the enhanced front setback requirements for properties with frontage on streets with less than a 50 ft. right-of-way.

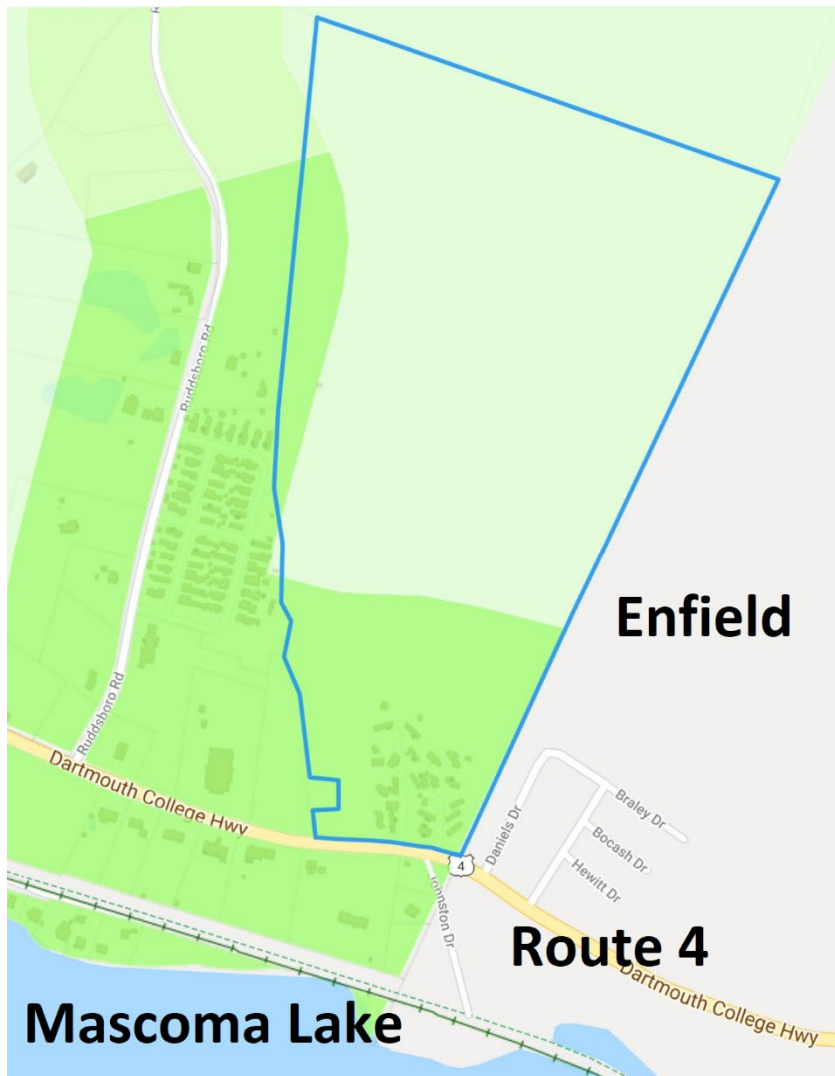
16. Miscellaneous minor amendments to clarify existing language and to make certain editorial changes to Section 213 (“Impact Fees”), Section 310.2 (R-3 District Table of Uses), Section 501 (“Planned Unit Development”), Section 506.3 (conditional use permit criteria for non-accessory renewable energy systems), Section 608 (“Signs”), Section 610 (“Accessory Dwelling Unit (ADU)”), and Appendix A (“Definitions”).

Map Amendments:

17. Lebanon Downtown District: The areas of downtown West Lebanon currently zoned Central Business District (shown in dark orange in the figure to the right) are proposed to be rezoned to the Lebanon Downtown District (which is proposed to be shortened to “Downtown District” – see amendment #1 above):



18. 695 Dartmouth College Highway (Tax Map 99, Lot 8): The subject property is a +/-90-acre lot improved with a 19-unit manufactured housing park and is split-zoned RL-1 and RL-3. Staff proposes to rezone the entire property to the RL-1 District, which would increase the permitted density on the property and allow the park to expand by approximately 11 additional manufactured housing units.



SCHEDULE

The procedure to adopt zoning amendments is set forth in Section 1000 of the Zoning Ordinance and is summarized below:

1. Staff presents amendments to City Council for initial consideration - *scheduled for the October 6, 2021 Council meeting*. Section 1000.2.A.
2. If Council decides to move forward with the amendments, they will set a tentative schedule including review by legal counsel, review before the City's land use boards, and a public hearing before the Council. Section 1000.3.A.
3. The amendments will be forwarded to the City's attorney for review. *Legal opinion expected to be received by the end of October*. Section 1000.3.B.2.
4. The amendments are forwarded to the City's land use boards for review. Sections 1000.3.B.1 and C.
 - a. Zoning Board – *expected to be scheduled for the November 1, 2021 meeting*.
 - b. Conservation Commission – *expected to be scheduled for the November 18, 2021 meeting*.
 - c. Planning Board - *expected to be scheduled for the November 21, 2021 meeting*.
5. Council will then hold a work session to review the amendments as modified based on legal input and land use board feedback – *expected to be scheduled for the January 5, 2022 Council meeting*.
6. Finally, the Council will hold a public hearing followed by a vote on whether to adopt the amendments - *expected to be scheduled for January 19, 2022 Council meeting*. Section 1000.3.D.

Please note that the proposed amendments may be adopted by the City Council per Section 1000.4.B of the Zoning Ordinance, and do not require approval by referendum vote. Per Section 1000.4, the Council does have the ability to voluntarily place any proposed amendment on the March ballot for voter approval.

ATTACHMENT

- Redline excerpt of current Zoning Ordinance (redline last revised 9/28/21)

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE I INTRODUCTION [...]

SECTION 105 COMPLIANCE WITH SITE PLAN REVIEW REGULATIONS AND SUBDIVISION REGULATIONS.

The regulations set forth in this Ordinance are not intended to and shall not be construed to relieve a proposed land development from compliance with any applicable requirement set forth in the Lebanon Site Plan Review Regulations or to relieve a proposed subdivision from compliance with any applicable requirement of the Lebanon Subdivision Regulations.

Whenever the regulations set forth in this Ordinance conflict with any applicable requirements set forth in the Lebanon Site Plan Review Regulations or the Lebanon Subdivision Regulations, the provision which imposes the greater restriction or the higher standard shall apply; provided, however, that neither set of Regulations shall be construed as permitting anything prohibited by this Ordinance.

ARTICLE II GENERAL PROVISIONS [...]

SECTION 201 YARD REQUIREMENTS. [...]

201.7 Driveways and Parking Areas.

Driveways may occupy required **yard** areas. **Parking areas** may occupy required **yard** areas provided they maintain at least a 5 ft. **setback** from all lot lines, except that (i) **parking areas** in the **front yard** are prohibited in the ~~LD-DT~~ District per Section 307.9.B, and (ii) for all uses other than one- and two-family dwellings, **parking areas** in the **front yard** in the **residential districts**, the R-O District, and the R-O-1 District, shall be set back no less than the lesser of the minimum **front yard** requirement or the **building line**, but in no case less than five (5) feet. [...]

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a **lot of record** at the time such district boundary line is established, the regulations for either district of such **lot** may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the **lot** has **frontage** on a street in the district which is being extended, and provided that the **lot** has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary.

If such **lot** is located in a single zoning district along the entire length of its **frontage** and the size of the overall **lot** meets or exceeds the minimum required **lot area** for that zoning district, the entirety of the property may be used for any use allowed in that zoning district provided that that zoning district is more restrictive than the other zoning district(s) in which the property is located.

[...]

SECTION 213 IMPACT FEES. [...]

213.3 Definitions.

The following definitions shall be considered to pertain to this Section (213) only: [...]

E. New development means an activity that results in: [...]

- (4) The conversion of a lawful existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment; ~~however, [.]~~

~~(5)~~ — Notwithstanding the above, new development shall not include:

a. The creation of any **accessory dwelling unit** with a **gross living area** of 500 sq. ft. or less.

b. ~~The~~ replacement of an existing manufactured housing unit or any dwelling unit; or

a-c. ~~The~~ reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed. [...]

213.6 Review and Change in Assessment Schedules.

The impact fee assessment schedules shall be reviewed ~~annually~~ periodically by the Planning Board, along with the foundation documents that provide the basis for the assessment schedules. [...]

213.8 Waivers.

The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed: [...]

B. An assessed property may apply for a full or partial waiver of public school impact fees for those residential units that have a **gross living area** of 500 sq. ft. or less.

SECTION 215 LOCATION OF ACCESSORY USE.

An **accessory use** shall be permitted only upon the same **lot** where its respective primary use lawfully exists, except that (i) a **driveway** may cross over an adjacent **lot** provided that the use the **driveway** serves is a permitted use on the **lot** over which the **driveway** crosses, and (ii) a common **driveway** serving not more than two adjacent lots is also permissible provided that the use(s) the common **driveway** serves is (are) permitted use(s) on the **lot(s)** over which the common **driveway** crosses. In the case of lots in two or more zoning districts, an **accessory use** shall be permitted only on that portion of the **lot** where its respective primary use is permitted.

ARTICLE III USE DISTRICTS

SECTION 300 ESTABLISHMENT OF USE DISTRICTS.

The City of Lebanon is hereby divided into the following use districts: [...]

~~CB~~ — ~~Central Business~~
~~LDI~~ ~~Lebanon~~ Downtown [...]

SECTION 302 USES. [...]

302.4 Enhanced Performance Standards. [...]

H. Expiration.

1. For projects that require site plan review from the Planning Board, a **conditional use** permit shall expire:
 - a. If a site plan review application is not submitted to the Planning and Development Department and accepted as complete by the Planning Board within two (2) years of the date of the **conditional use** permit approval;
 - b. If and when the site plan approval expires or is deemed void; or
 - c. If the use is discontinued for any reason for more than two (2) years following the issuance of a certificate of occupancy, or is discontinued for more than two (2) years following the completion of all required site improvements where no certificate of occupancy is required.
2. For projects not requiring site plan approval, a **conditional use permit** shall expire:
 - a. If the **conditional use** is not exercised within two years of the date of **conditional use** permit approval by the Planning Board; or
 - b. If the use is discontinued for any reason for more than two (2) years following the initial commencement of the use.

302.5 Off-Lot Parking. **Parking areas** to serve off-site uses are allowed by **conditional use** permit in accordance with the requirements of Section 607.5 ("Off-Lot Parking"). [...]

SECTION 306 — CENTRAL BUSINESS DISTRICT (CB):

306.1 — Purpose:

The purpose of the CB District is to provide in-town areas for retail and service businesses, banks, offices and government facilities in West Lebanon. Other related commercial activities and higher density residential uses should be encouraged.

306.2 — Table of Uses:

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 306.5) 3. Senior housing complex <u>Commercial/Non-Residential</u> 4. Amusements (indoor) 5. Community center 6. Drycleaning pick-up station 7. Financial institution 8. Funeral home 9. Health club 10. Hotel 11. House of worship 12. Laundromat 13. Library 14. Local government use 15. Membership club 16. Motel 17. Museum 18. Office 19. Personal service 20. Radio or TV studio 21. Renewable energy system per Section 612 22. Restaurant , sandwich shop 23. Retail store 24. Social service center	<u>Commercial/Non-Residential</u> 1. Craftsman's shop 2. Drive-through facility 3. Educational facility, college/university 4. Group day care facility per Section 604 <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 1. Essential service 2. Other uses per Section 306.4 3. Parking facility 4. Publishing/printing 5. Recreational facility, indoor 6. Recreational facility, outdoor

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
25. Theater, concert hall, movie theater <u>Planned Developments</u> 26. Commercial PUD per Section 501	

306.3 Table of Area, Dimensions and Coverage.

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
3,000 square feet	50'	NONE	NONE	10' (*)	NONE	45'

*May be reduced or eliminated by **conditional use** permit.

306.4 Other Uses.

Other uses include any use not identified in Section 306.2 that will contribute positively to the vibrancy of the Central Business District. Such other uses shall be permitted by **conditional use** permit from the Planning Board pursuant to Section 302.4 provided the applicant demonstrates that the proposed use:

- ~~1. Will encourage the presence of the public in the Central Business District and/or create regular and sustained opportunities for members of the public to utilize the Central Business District. Examples include, but are not limited to, providing a retail, **personal service**, and/or **restaurant** component which is accessory to the primary use.~~
- ~~2. Will not be incompatible with abutting properties and uses. An example of incompatibility includes, but is not limited to, credible evidence that the proposed use will negatively impact the value of any abutting property and/or the viability of any existing abutting use.~~
- ~~3. Meets the standards set forth in Section 302.4.~~

306.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

SECTION 307 ~~LEBANON~~ DOWNTOWN DISTRICT (~~LDDT~~).

307.1 Purpose. The purpose of the ~~Lebanon~~ Downtown District is to provide in-town areas for retail and service businesses, banks, offices, and government facilities in downtown Lebanon and downtown West Lebanon, and to encourage other related commercial activities and higher density residential uses. The district regulations are intended to promote an active pedestrian environment consistent with the mixed-use character of the district by providing for continuity of building setbacks and limiting parking in front yards to promote an environment that is safe for walking and biking.

307.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
<u>Residential</u> 1. Multi-family dwelling (see Section 307.5) 2. Dwelling unit(s) above or below the street level story <u>Commercial/Non-Residential</u> 3. Amusements (indoor) 4. Community center 5. Financial institution 6. Health club 7. Hotel 8. House of worship 9. Library or museum 10. Local government use 11. Membership club <u>12. Museum</u> 12.13. <u>Office</u> 13.14. <u>Personal service</u> 14.15. <u>Radio or TV studio</u> 15.16. <u>Renewable energy system</u> per Section 612 16.17. <u>Restaurant</u> , sandwich shop 17.18. <u>Retail store</u> 18.19. <u>Senior housing complex</u> 19.20. <u>Social service center</u> 20.21. <u>Theater</u> , concert hall, movie theater	<u>Commercial/Non-Residential</u> 1. Craftsman's shop , art studio 2. Dry cleaning pick up station 3. Educational facility, college/university 4. Essential service 5. Group day care facility per Section 604 6. Laundromat 7. Other uses per Section 307.4 8. Parking facility 9. Publishing/printing 10. Recreational facility, indoor 11. Recreational facility, outdoor

307.3 Table of Dimensional Requirements.

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Building Height
3,000 square feet	40' (*)	NONE, except as may be required per Section 307.7	NONE, except as may be required per Section 307.7	10' (*), except as may be required per Section 307.7	NONE	55', except as may be permitted by conditional use permit per Section 307.8

*May be reduced by **conditional use** permit per Section 302.4.

307.4 Other Uses.

Other uses include any use not identified in Section 307.2 that will contribute positively to the vibrancy of the ~~Lebanon~~ Downtown District. Such other uses shall be permitted by **conditional use** permit from the Planning Board pursuant to Section 302.4 provided the applicant demonstrates that the proposed use:

1. Will encourage the presence of the public in the ~~Lebanon~~ Downtown District and/or create regular and sustained opportunities for members of the public to utilize the ~~Lebanon~~ Downtown District. Examples include, but are not limited to, providing a retail, **personal service**, and/or **restaurant** component which is accessory to the primary use.
2. Will not be incompatible with abutting properties and uses. An example of incompatibility includes, but is not limited to, credible evidence that the proposed use will negatively impact the value of any abutting property and/or the viability of any existing abutting use.
3. Meets the standards set forth in Section 302.4.

307.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site plan review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

307.6 Non-Residential Uses.

A. Buildings with Frontage on Primary Streets.

1. If a **building** is located on a **lot** with **principal frontage** on a primary **street**, a minimum of 1,000 square feet or 1/3 of the **gross floor area**, whichever is less, of the **street level story** of the **building**, shall be reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the primary **street**.
2. All **buildings** on a **lot** shall comply with the requirement set forth in subsection 1, unless the **building** located closest to the primary **street** has

a total **gross floor area** of 50% or more of the total **gross floor area** of the largest **building** on the **lot**, in which case the non-residential use requirement set forth in subsection 1 shall only apply to the **building** located closest to the primary **street**.

B. Buildings with Frontage on Secondary Streets.

1. If a **building** equal to or greater in size than 20,000 gross square feet is located on a **lot** with **principal frontage** on a secondary **street**, a minimum of 1,000 square feet or 1/3 of the **gross floor area**, whichever is less, of the **street level story** of the **building**, shall be reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the secondary **street**. In the case of multiple **buildings** on a **lot** with **principal frontage** on a secondary **street**, the non-residential use shall be located in the **building** closest to the secondary **street**.
2. Notwithstanding the above requirements, the Planning Board may waive the requirement for non-residential uses on **the street level story** and permit residential uses on the entire **street level story** in these locations by **conditional use** permit pursuant to Section 302.4 provided the applicant demonstrates that:
 - a. Non-residential uses on the **street level story** are inappropriate given the unique characteristics of the subject property.
 - b. The proposed development provides improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program.
 - c. The proposed development includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

C. Definitions. For purposes of this subsection, primary and secondary **streets** are defined as follows:

1. Primary Streets. The Downtown Mall, Taylor Street within 500 feet of the Downtown Mall, Hanover Street from Hough Street to Church Street, Mascoma Street, Court Street, West Park Street, ~~and~~ North Park Street, Main Street, Bridge Street, and Railroad Avenue.
2. Secondary Streets. Hanover Street from NH Route 120 to Hough Street, Foundry Street, Church Street, High Street, Mechanic Street, Water Street, East Park Street, Bank Street, Taylor Street more than 500 feet from the Downtown Mall, Campbell Street, and Spencer Street.
3. For any street that is located in more than one zoning district, the above designation as a primary or secondary street shall only apply to the segment of the street located within the ~~LD-DT~~ District.

307.7 Additional Front Yard, Side Yard, and Rear Yard Requirements.

A. Additional Front Yard Requirements.

1. Minimum Front Yard.

- a. For **buildings** with residential uses located on the **street level story** at the **building front line**, a **front yard** of at least ten (10) feet shall be required, except that features required by Section 6.10.B.10.c of the Site Plan Review Regulations for ground floor residential uses (e.g. raised landings, weather protection, stoops, porches, and/or decks, or entrance features for each lobby or unit accessed from the exterior at the ground-floor level) may project into the minimum required **front yard** provided that such features do not project into the **front setback** along the **building's frontage** more than 35 percent of that **building's frontage**; and
- b. For all buildings with **street level stories** occupied by non-residential uses at the **building front line**, no **front yard** is required, except as required to meet the provisions of (c) below.
- c. The placement of a **building** on a **lot** shall provide a **front yard** sufficient for the construction of streetscape improvements, including but not limited to sidewalks, curbing, drainage, street trees, and pedestrian improvements as may be required through Site Plan Review and by the Site Plan Review Regulations.

2. Maximum Front Yard. No **front yard** shall be greater than 15 feet, except that a **front yard** with a depth greater than 15 feet may be provided when such **front yard** provides usable streetscape improvements, public ways, or other amenities on site that are accessible to the public and is approved by the Planning Board through Site Plan Review and the Site Plan Review Regulations.

B. Additional Side and Rear Yard Requirements.

1. All **principal buildings** with a **building height** of 45 feet or greater shall maintain a minimum **setback** of 15 feet from any side or rear lot line that is directly adjacent to a **residential district**.
2. All **principal buildings** with a **building height** of less than 45 feet shall maintain a minimum **setback** of 10 feet from any side or rear lot line that is directly adjacent to a **residential district**.

- C. Notwithstanding the above requirements, the Planning Board may waive the additional **front yard**, **side yard**, and **rear yard** requirements by **conditional use** permit pursuant to Section 302.4 provided the applicant demonstrates that the proposed **yard**:

1. Will provide an adequate **buffer** to abutting residential properties through site layout, landscaping, or fencing.
2. Meets the standards set forth in Section 302.4.

307.8 Building Height.

- A. **Maximum Height.** By ***conditional use*** permit per Section 302.4, the Planning Board may allow a maximum ***building height*** of 65 feet if the Planning Board determines that the proposal conforms to the following standards:
1. The ***building front line*** of the top ***story*** is set back at least ten (10) feet from the ***building front line*** of the ***story*** below when built within thirty feet of the front lot line.
 2. The proposal provides improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program.
 3. The proposal includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.
- B. **Minimum Height.** A ***principal building*** shall have a minimum height of not less than two (2) ***stories***. For the purposes of this requirement, a second ***story*** shall have a ***gross floor area*** of no less than 50% of the ***gross floor area*** of the ***street level story***. The Planning Board may waive these requirements by ***conditional use*** permit pursuant to Section 302.4.
- C. **Minimum Story Height.** The ***street level story*** of a ***building*** shall not be less than twelve (12) feet in height as measured between finished floors. All other ***stories*** shall be no less than ten (10) feet in height as measured between finished floors. The Planning Board may waive these requirements by ***conditional use*** permit pursuant to Section 302.4.

307.9 Driveways, Parking Areas, and Circulation Areas.

- A. A driveway intersecting a street that constitutes the ***principal frontage*** of a ***lot*** is not permitted when the ***lot*** abuts another ***street*** or is accessed by an existing shared driveway.
- B. No ***parking area*** or circulation area for vehicles shall be located in the ***front yard***. For improved surfaces in existence as of January 20, 2021, the Planning Board may waive these requirements by ***conditional use*** permit pursuant to Section 302.4 if the Board find that there is no other location on the ***lot*** to provide parking. Where a ***lot*** abuts more than one ***street***, this restriction shall only apply to the ***front yard*** along the ***principal frontage***.

307.10 Site Plan Review Regulations.

Development proposals and projects located in whole or in part within the ***Lebanon*** Downtown District are also subject to additional guidelines regarding building design and site design as established by the Planning Board in its Site Plan Review Regulations.

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3). [...]

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...]	[...] 6. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) and per Section 600B.3 (5–10 acre lots) <u>7. Home-based agricultural business per Section 600B.3 (5–10 acre lots)</u> 7.8. <u>Nursing home</u>

[...]

SECTION 311 RESIDENTIAL-OFFICE DISTRICT (R-O).[...]

311.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Two-family dwelling Multi-family dwelling conversion (4 dwelling units or less) per Section 601 [...]	<u>Residential</u> Multi-family dwelling conversion (5 dwelling units or more) per Section 601 [...]

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS [...]

SECTION 500 GENERAL. [...]

Planned developments shall be permitted in accordance with the following table:

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	Manufactured Home Park per Section 503 and Manufactured Home Subdivision per Section 504	Recreational Camping Parks per Section 505	Medical Center Complexes per Section 506	Planned Business Park per Section 508
[...]								
GB				P				
LDDT								

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 General Requirements. [...]

E. Application Requirements. An application for a CUP shall include:

1. Subdivision and/or Site Plan. A subdivision and/or site plan, as applicable depending on the nature of the proposed PUD, prepared in accordance with all applicable standards contained within the Subdivision Regulations and/or Site Plan Review Regulations. In addition, the plan shall be prepared in accordance with the following four steps and shall document each step: [...]

c. Alignment of Roads, Driveways and Trails:

~~A road and driveway plan~~ The plans shall be designed to provide vehicular access to each building, complying with the applicable standards in the Site Plan Review Regulations and/or the Subdivision Regulations, as applicable, and bearing a logical relationship to topographic conditions. Impacts of the ~~road plan~~ vehicular access design on proposed Open Space areas and the Site Resources shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Road connections shall be required to the maximum extent practicable in order to minimize the number of new cul-de-sacs and to facilitate access to and from homes in different parts of the tract and adjoining lots.

d. Drawing in the Lot Lines:

When Steps ~~4-a~~ through ~~3-c~~ are completed, lines shall be drawn to delineate the lots for development ~~and the Open Space lot(s).~~ if individual lots are proposed.

2. Impact Statement. An impact statement which clearly sets forth the impact of the proposal. The impact statement shall include:

- a. [...]
- b. [...]
- c. [...]
- d. Statement of ~~impact on~~ adequacy of streets and/or sidewalks in the general area of the development including major intersections providing access, and such other areas as requested by the Board ~~roads, streets and highways and on pedestrian and vehicular traffic.~~
- e. Statement of sufficiency, availability and capacity of utility services to provide water, fire protection, and sewer, and storm drainage, and further, the impact of the development on the municipal solid waste disposal facilities ~~of utility systems for the provisions of water service, fire protection, sewer service, and storm drainage.~~
- f. (If applicable) Statement of impact of on-site subsurface sewage disposal systems as to adjacent wells, water supply systems, and any known aquifers so designated by the United States Geological Survey.

- ~~f.g.~~ Statement of impact of storm drainage from the development on abutting properties and potential storm drainage problems both on the site of the development and downstream from the development~~Statement of suitability of the proposed drainage system and effect on abutters.~~
- ~~g.h.~~ Statement of noise control methods and procedures.
- ~~h.i.~~ Statement on the capacity of the school system; effect on school bus transportation and distance of the proposed subdivision from the nearest elementary school~~Statement of effect on the public school system.~~
- ~~i.~~ Statement of effect on the municipal solid waste disposal facility.
- j. Fiscal impact statement analyzing the impact of the development on municipal, school and county revenues and expenditures, including estimated potential tax revenue and estimated number of school children~~Fiscal impact statement which categorizes and analyzes the impact of the PUD on municipal, school and county revenues and expenditures.~~
- k. Statement on any special fire, police and public safety problems due to location and/or special conditions related to the site's proposed type of use~~Statement of impact on police and fire protection and public safety. [...]~~

501.2 Planned Unit Residential Development (PURD). [...]

B. Applicability.

1. Required. In the R-3, RL-1, RL-2, and RL-3 Districts, PURDs shall be required for any major subdivision, as defined in the Subdivision Regulations, and for any other development that would constitute a major subdivision but for the exception set forth in Section 6.2 of the Subdivision Regulations ~~in the R-3, RL-1, RL-2, and RL-3 Districts,~~ where the property to be subdivided equals or exceeds the following sizes:

<u>District</u>	<u>Property Size</u>
R-3	10 acres
RL-1, RL-2	20 acres
RL-3	40 acres [...]

2. Permitted. In the R-1, R-2, R-3, R-O, and R-O-1 Districts where the property to be subdivided is 5 acres or more, and in the RL-1 and RL-2 Districts where the property to be subdivided is 10 acres or more, PURDs are permitted for any major subdivision, as defined in the Subdivision Regulations, and for any other development that would constitute a major subdivision but for the exception set forth in Section 6.2 of the Subdivision Regulations, ~~in the R-1, R-2, R-3, R-O, and R-O-1 Districts where the property to be subdivided is 5 acres or more, and in the RL-1 and RL-2 Districts where the property to be subdivided is 10 acres or more. [...]~~

D. Density. [...]

2. Gross Density. In determining the number of **dwelling units** allowed by the applicable zoning district, an applicant for a PURD may use either of the following two methods:

- a. Formula Method. Subtract some of the area covered by **wetlands** and/or slopes in excess of 25 percent from the total area of the property, pursuant to the following table: [...]

Reduce the result by ten percent for the area that would be allocated to roads and streets. Apply the density of the applicable zoning district to the area resulting from the foregoing calculations to determine the number of **dwelling units** allowed. A fractional number of permitted dwelling units of .5 or greater shall be rounded up to the next whole number. [...]

- c. Density Bonus. For a PURD, the number of **dwelling units** resulting from the above calculations may be increased by up to 12 percent at the discretion of the Planning Board, per Section 507. In determining the maximum number of additional dwelling units that the Board may permit, a fractional number of bonus dwelling units of .5 or greater shall be rounded up to the next whole number. [...]

501.3 Planned Unit Recreational Developments. [...]

- F. Minimum Open Space Preservation. In a PRec a minimum of 50 percent of the tract shall be allocated to outdoor recreation use and/or common open space. None of the area used to meet the 50 percent criteria shall be located within 50 feet of a **building**, or structure ~~or parking lot~~ that is part of the PRec. [...]

501.4 Commercial or Industrial Planned Unit Developments. [...]

- B. Location. Commercial or Industrial Planned Unit Developments are permitted uses in the Industrial, ~~CB~~, GC, and GC-1 Districts, in accordance with the provisions of this section.

- C. Tract Size. All Commercial and Industrial PUDs shall have a minimum tract size as follows:

<u>District</u>	<u>Minimum Tract Size</u>
Industrial	10 acres
CB	10 acres
GC	10 acres
GC-1	10 acres [...]

- D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted or allowed by special exception or conditional use in the ~~Industrial~~ IND-L, IND-RA, IND-H, ~~CB~~, GC, or GC-1 Districts ~~may be~~ are allowed in a Commercial PUD.

Any non-residential use permitted or allowed by **special exception** or **conditional use** permit in the IND-L and IND-RA Districts ~~may be~~ are allowed in an Industrial PUD. Additionally, no more than 25 percent of the **gross floor area** in an Industrial

PUD may be allocated to **hotels, restaurants, personal services** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees). [...]

SECTION 506 MEDICAL CENTER COMPLEXES. [...]

506.3 Allowed Uses

In addition to a hospital, the following uses are allowed within the Medical Center Complex: [...]

3. ~~Congregate Living Facilities/Medical Center~~ Dormitory - A ~~congregate living facility~~medical center~~-or~~ dormitory is a housing facility provided by the Medical Center Complex which provides housing for ten or more of their adult health care students and/or staff in single or double living quarters.
4. Sanatorium, **nursing home**, congregate living facility, or convalescent home. [...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

SECTION 600 HOME BUSINESSES.

600.1 Performance Criteria.

A home business shall not materially disturb the total residential environment and shall comply with the criteria listed herein. [...]

- F. The business shall not detract from the residential character of the neighborhood. It shall not: [...]

~~3. Require the use of on-street parking. [...]~~

SECTION 601 SPECIAL DESIGN STANDARDS.

The remodeling of a residential structure and other **buildings** existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the construction of new **buildings** for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions: [...]

601.2 Parking & Access.

Adequate off-street parking shall be provided on the lot, unless off-premise parking is approved pursuant to Section 607.4. Such parking:

~~A. Shall not occupy the front yard except within **parking areas** existent as of the 2013 amendment to this section; and~~

~~B. Shall be screened from abutting properties. [...]~~

601.9 Site Plan Review.

~~All such remodelings and changes or expansions of use shall be required to have Site Plan Review by the Planning Board. [...]~~

SECTION 607 PARKING.

607.1 Table of Minimum Off-Street Parking Requirements~~General.~~

1. ~~Except as otherwise provided below, a lot shall provide Mthe minimum number of off-street parking spaces shall be provided as set forth in the following "Table of Minimum Off-Street Parking Requirements." For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the Zoning Administrator. The Planning Board, during site plan review of new uses or expansions of use, may allow a reduction of up to 30% in the number of required built parking spaces, provided an area is reserved on the approved site plan to accommodate the minimum number of required off-street parking spaces should they become necessary in the future. The construction of any unbuilt parking spaces shall be reviewed and approved by the Planning Board as a modification of the approved site plan.~~
2. ~~The minimum number of required off street parking spaces for lots with more than one principal use For developments having , for mixed use buildings, and for any development approved under Section 501.4 ("Commercial or Industrial Planned Unit Developments") or Section 508 ("Planned Business Parks"), the total minimum parking requirement shall be determined as per Section 607.6 ("Shared Parking").~~

~~For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the administrative official (or board) who is applying this section.~~
- 2-3. ~~The minimum number of required off-street parking spaces for accessory uses shall be calculated separately from the principal use where the minimum parking requirement for the accessory use is less than that required for the principal use.~~

(*TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS TO BE INSERTED HERE*)

607.2 REDUCTION OF MINIMUM REQUIRED PARKING SPACES

The Planning Board may allow by conditional use permit a reduction of up to 30% in the number of off street parking spaces required to be built, provided an area is reserved on the approved site plan to accommodate the minimum number of required off-street parking spaces should they become necessary in the future. The construction of any unbuilt parking spaces shall be reviewed and approved by the Planning Board as a modification of the approved site plan.

~~Table of Minimum Off-Street Parking Requirements.~~

- A. ~~For developments having multiple separate business uses, for mixed use buildings, and for any development approved under Section 501.4 ("Commercial or Industrial Planned Unit Developments") or Section 508 ("Planned Business Parks"), the total minimum parking requirement shall be determined as per Section 607.6 ("Shared Parking").~~

~~B. For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the administrative official (or board) who is applying this section. [...]~~

607.4 ~~CB, LD-DT~~ and PB Parking.

Uses in the ~~CB-District, LD-DT District,~~ and the PB District are subject to the maximum off-street parking requirements of Section 607.3, but are exempt from ~~these the minimum off-street parking~~ requirements of Section 607.1 because of the availability of public parking. However, parking requirements in these districts shall be as required by the Planning Board through its Site Plan Review of new uses or changes or expansion of use.

607.5 ~~Location and Layout of Required~~ Off-Lot Parking.

~~Required parking~~Parking shall be provided on the same **lot** as the use for which the parking is ~~required~~accessory, except as follows:

A. In the IND-L, IND-H, IND-RA, GC, GC-1, ~~CBD~~, LD, RO, RO-1, PB, and MC Districts, the Planning Board may approve private off-lot parking as a **conditional use permit**. Instead of the findings required by Section 302.4, the Board shall determine that: ~~during the Site Plan Review process, provided that:~~

1. The minimum number of required off-street parking spaces as calculated pursuant to Section 607.1, and per Section 607.4 for developments in the CB, LD, and PB Districts, cannot feasibly be accommodated on-site.

2. The off-site use to be served is an allowed use in the zoning district in which the off-lot parking area will be located.

3. The ~~Such off-street lot~~ parking area is in an appropriate location for the use served by the parking and will not be detrimental to abutting properties.

~~42.~~ Such parking arrangements are either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists.

~~35.~~ The off-lot parking will ~~Such shared parking arrangements do~~ not constitute a hazard to traffic or pedestrians.

B. For conversions of one or two-family dwellings~~residences~~ to **multi-family dwellings** or where adding additional dwelling units to an existing multi-family dwelling, the Planning Board may approve private off-lot parking, as a **conditional use permit**. Instead of the findings required by Section 302.4, the Board shall determine that:

1. The minimum number of required off-street parking spaces cannot feasibly be accommodated on-site.

2. The off-lot parking area is on a lot that is (i) adjacent to the **dwelling** involved, and (ii) located in a zoning district that allows **multi-family**

dwellings to the same extent as allowed in the zoning district where the multi-family dwelling is located; ~~and,~~

23. The off-lot parking area is appropriately screened from abutting properties; ~~and,~~
34. The off-lot parking will not be detrimental to abutting properties.
45. Such parking arrangements are permanently and irrevocably deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists ~~by easement and recorded.~~
56. The off-lot parking will not constitute a hazard to traffic or pedestrians.
6. ~~—The adjacent lot shall not be in the same ownership.~~ [...]

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded ~~up~~ down to the nearest whole - See Section 607.2)

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
RESIDENTIAL		
[...]	[...]	[...]
Dormitory	Beds	4.0
[...]	[...]	[...]
COMMERCIAL		
[...]	[...]	[...]
Office, to include medical	Gross floor area	1.0/250 sq. ft.
[...]	[...]	[...]

SECTION 608 SIGNS. [...]

608.3 Prohibited Signs.

The following are prohibited:

- A. **Off-premise signs**, except as may be permitted per Sections 608.6.A.1 and 2. A sign advertising an on-site use that has ceased operation or vacated the lot shall be considered an off-premise sign after a period of 180 consecutive days following the discontinuance of the use.
- B. **Signs** located within **public streets** ~~and public sidewalks~~, except as set forth in Section 608.4.A.5.b (projecting signs in the ~~GB and LD-DT~~ Districts) and Section 608.6.A.6 (**sandwich board sign** regulations) and as may otherwise be allowed pursuant to Chapter 152 ("Streets and Sidewalks") of the Code of the City of Lebanon. [...]

608.4 Non-Residential Uses.

- A. Non-Residential Uses in Commercial and Industrial Districts. Signage for non-residential uses in the **commercial** and **industrial districts** shall be subject to the following requirements:

1. Maximum Permitted Sign Area. [...]

- f. Multiple Principal Facades. Where a building has multiple **principal facades**, the facades may be combined for purposes of calculating the maximum permitted sign area per Section 608.4.A.1.a. [...]

4. Freestanding Signs. A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:

a. Sign Area and Height Regulations.

- i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District					
Maximum	GC & GC-1	CB	LD-DT	IND-L	IND-RA	IND-H
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

- ii. Strip Plazas and Multi-Tenant Buildings. ~~A~~ **freestanding signs** for a property improved with a strip plaza or multi-tenant building may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the ~~CB and LD-DT~~ Districts. Such additional **sign area** shall not be deducted from the maximum **sign area** permitted on a **lot** under Section 608.4.A.1.a ("Maximum Sign Area").

iii. Height. [...]

- iii.iv. The size of a freestanding sign may exceed the maximum sign area set forth in Section 608.4.A.4.a.i by up to 15 percent in order to accommodate numerals identifying the property address or building address, or for a freestanding sign on a property improved with a strip plaza or multi-tenant building, by up to 15 percent in addition to the increase in sign area allowed per Section 608.4.A.a.ii. [...]

5. Projecting Signs. [...]

- a. ~~CB and LD-DT~~ Districts. Because of **building coverage** and development density in the ~~CB and LD-DT~~ Districts, businesses located therein may not be able to erect **freestanding signs** or **projecting signs** which do not hang over a public sidewalk. Thus, within the ~~CB and LD-DT~~ Districts **projecting signs** may hang over a public sidewalk, subject to the following limitations: [...]

6. Illumination. **Signs** may have either **external illumination** or **internal illumination**, subject to the following:

a. Lighting Plan. An applicant for a permit to illuminate a **sign** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.

~~a-b.~~ External Illumination. [...]

~~b-c.~~ Internal Illumination. **Internal illumination** of **signs** shall be designed with an opaque background so that only the lettering, symbols (i.e. logos), or design shall appear to be lighted. ~~An applicant for a permit to illuminate a **sign** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.~~

(editing note: continue renumbering subsections 608.4.A.6.c-f)

B. Non-Residential Uses in Residential and Mixed Use Districts. [...]

1. Freestanding Signs. **Freestanding signs** shall:

- a. Comply with the landscaping requirements set forth in Section 608.4.A.4.c.i ("Landscaping").
- b. Have a height of no greater than eight (8) feet for signs located in the mixed use districts, and no greater than four (4) feet for signs located in the residential districts. [...]

608.5 Residential Uses.

For residential development projects including a PURD, PRec, or a **multi-family** development with greater than five (5) **dwelling units**, the development as a whole may have one **sign**, not to exceed sixteen (16) square feet in **sign area** and eight (8) feet in height, in addition to any other **signs** permitted by this Section.

608.6 Temporary signs.

A. Permitted Temporary Signs. The following **temporary signs** are permitted in addition to any other signs permitted under this Ordinance: [...]

5. **Sandwich board signs** are permitted in the **commercial** and **industrial districts**, subject to the following limitations: [...]

- c. In the ~~CB and LDDT~~ Districts, sandwich board signs may be placed on a public sidewalk provided that a minimum of five (5) feet of clearance is maintained. [...]

SECTION 609 SEXUALLY ORIENTED BUSINESS. [...]

609.3 Operational Standards.

- A. No Operator or Employee of any Sexually Oriented Business shall allow or permit any Employee or Patron to engage in any Specified Sexual Activity on the premises of the business, including **parking lots-areas** or streets adjacent to the business which are used by Patrons of the business. [...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU). [...]

An **accessory dwelling unit** shall comply with the following criteria: [...]

- D. The **ADU** must be located in the same **building** as the principal **dwelling unit** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district. If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached **accessory structure** such as a garage or barn, provided the existing **accessory structure** conforms with the minimum required **yard** requirements for the respective zoning district. An **ADU** may also be in a new **structure**. By special exception, the Zoning Board of Adjustment may allow an ADU to be located in a detached structure on a lot that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory structure that is legally non-conforming to the applicable minimum yard requirements. [...]
- ~~F. If the ADU is located within or by an addition to the existing one-family dwelling, the ADU must be connected to the same utilities (except telephone and television) as the principal dwelling unit. [...]~~
- ~~H. A detached ADU, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the principal building on the lot. An ADU may be permitted to be taller than the principal building by special exception. Detached ADU height shall not exceed the height of the principal building as measured to the eave line, with a maximum eave height of ten (10) feet for single-story and sixteen (16) feet for two-story detached ADUs.~~
- ~~I. Any necessary additional entrances or exits to the principal building, to serve the ADU, shall be located to the side or rear of the building. All new or altered structures, intended to be used as an ADU, must be located behind the front building line of the existing principal building except by special exception if the Zoning Board finds that the placement of the ADU on the lot will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.~~
- ~~J. In addition to the two (2) on-site parking spaces required for the principal residence, one (1) additional on-site parking space for the ADU must be provided.~~
- ~~K. An ADU located within the principal building shall have an interconnected fire alarm system. [...]~~

SECTION 612 RENEWABLE ENERGY SYSTEMS. [...]

612.3 Non-Accessory Renewable Energy Systems. [...]

- C. Conditional Use Permits. If required per Table 612.3, a renewable energy system shall obtain a **conditional use** permit (CUP) prior to construction and installation. [...]
3. The Planning Board may require a reasonable **setback** from the side and front lot lines for a renewable energy system located in the ~~CB and LDDT~~ Districts.

ARTICLE VIII BOARD OF ADJUSTMENT [...]

SECTION 801 POWERS AND DUTIES. [...]

801.2 Variances. [...]

- C. Expiration.
1. For projects that require site plan review from the Planning Board, a **variance** shall expire:
- a. If a site plan review application is not submitted to the Planning and Development Department and accepted as complete by the Planning Board within two (2) years of the date of the **variance** approval;
- b. If and when the site plan approval expires or is deemed void; or
- c. If the **variance** is abandoned.
2. For projects not requiring site plan approval, a **variance** shall expire:
- a. If the **variance** has not been exercised within two (2) years of the date of **variance** approval by the Planning Board; or
- b. If the **variance** is abandoned.

~~A variance shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a variance; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a variance must be completed.~~

801.3 Special Exceptions.

- A. To hear and decide **special exceptions** to the terms of this Ordinance upon matters which the Board is required to pass under this Ordinance. In passing upon any application for a **special exception**, the Board shall make each of the following findings:

- A1. That the **special exception** is specifically authorized by a provision of this Ordinance.

(editing note: continue renumbering subsections 801.3.B-801.3.I)

B. ~~A **special exception** shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a **special exception** or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a **special exception** must be completed.~~

Expiration.

1. For projects that require site plan review from the Planning Board, a **special exception** shall expire:

a. If a site plan review application is not submitted to the Planning and Development Department and accepted as complete by the Planning Board within two (2) years of the date of the **special exception** approval;

b. If and when the site plan approval expires or is deemed void; or

c. If the **special exception** is abandoned .

2. For projects not requiring site plan approval, a **special exception** shall expire:

a. If the **special exception** has not been exercised within two years of the date of **special exception** approval by the Planning Board; or

b. If the **special exception** is abandoned.

~~A special exception shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.~~

ARTICLE IX ADMINISTRATION AND ENFORCEMENT [...]

SECTION 901 ZONING PERMITS. [...]

901.6 — Time Limit of Permit.

~~A zoning permit shall become void if construction is not begun thereunder within 2 years from the date of issuance of the permit or grant of a special exception or variance.~~

901.7 — Date of Issuance of Zoning Permit.

~~On approval by the Board of Adjustment of an administrative appeal, variance or special exception, the Zoning Administrator shall issue a zoning permit as of the date of approval of the Board of Adjustment. Zoning permits shall be conditioned upon receipt of Site Plan Review approval from the Planning Board, when such approval is required. When Site Plan Review is required, the date of the zoning permit for the purposes of SECTION 901.6 shall be the date of receipt of Site Plan Review approval.~~

901.8 — Revocation.

~~If any use or **structure** is begun or erected which does not conform to this Ordinance, or to the provisions of any permit, decision, **special exception**, or **variance** issued under this Ordinance, the Zoning Administrator, in addition to other types of enforcement~~

~~authorized by law, may revoke the zoning permit. Such a revocation may be appealed to the Zoning Board of Adjustment as an Administrative Appeal pursuant to Section 801.1; however the permit shall remain revoked pending the outcome of such appeal.~~

APPENDIX A DEFINITIONS [...]

FRONT BUILDING LINE: A line parallel to a lot line transecting that point in the building facade which is closest to the front lot line, except for minor projections as provided in Article II. [...]

DISTRICTS, COMMERCIAL: The GC, GC-1, ~~CB, LD~~DT, and MC Districts. [...]

DRIVEWAY: A private off-street travelway used to provide vehicular access to lots, buildings, structures and/or **parking areas**. ~~A~~ Except for one- and two-family dwellings, a driveway shall not be used for parking more than two vehicles unless it contains enough area to allow any vehicle to be parked without moving another. See also definitions of "pParking aArea" and "off-street pParking sSpaces." [...]

FAÇADE, PRINCIPAL: The **façade** of a **building** which is adjacent to or fronts on a **public street**. Interstate 89 shall not be considered a public street for purposes of identifying the principal façade. If a **lot** does not have **frontage** on a **public street**, then the private road, **driveway**, or right-of-way that provides vehicular access to the **lot** shall be considered a **public street** for purposes of applying Section 608 ("Signs") to the **lot**. Except as provided in Section 608.4.A.1.f, ~~f~~For **buildings** with more than one **façade** adjacent to or fronting on a **public street**, the largest of such **façades** shall be considered the **principal façade**. [...]

IMPERMEABLE COVERAGE: All that horizontal area of a **lot**, **parcel** or tract which cannot be penetrated by rainwater because of manmade alterations to the natural surface of the land, including building, parking ~~lot~~, and **driveway** areas. [...]

NURSING HOME: This term shall have the same meaning as "nursing facility" as set forth in RSA 151-E:2, as amended. ~~As defined by RSA 151-C:2, a place providing, for two (2) or more persons, basic domiciliary services (room, board and laundry), continuing health supervision under competent professional medical and nursing direction and continuous nursing care as may be individually required. The except that the term "nursing home" includes a "skilled nursing facility," as defined by RSA 151-C:2, but it does not include a "rehabilitation services for the rehabilitation of injured chronically disabled or sick"~~ rehabilitation facility as defined by RSA 151-C:2. [...]

PARKING LOT: ~~Any parking area (as defined above) other than a parking area that is part of a driveway.~~ [...]

WAY: Any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, and ways provided and maintained by public institutions to which state funds are appropriated for public use, to any public or private **parking lot facility** which is maintained primarily for the benefit of paying customers. [...]

YARD, FRONT (OR SETBACK): Yard between the front lot line and the front of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the street line to the front line of the building. ~~Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than 50 foot right-of-way, the front yard requirement shall be measured from the center line of the existing right-of-way and 25 feet shall be added to the front yard requirement.~~ [...]

Agenda
Zoning Board of Adjustment
November 1, 2021

Agenda Item #4B
Other Business

Review 2022 Meeting Calendar

Meeting Schedule Lebanon Zoning Board of Adjustment 2022

Meeting Date	Cutoff
January 3, 2021	December 16, 2021
February 7, 2022	January 13, 2022
March 7, 2022	February 10, 2022
April 4, 2022	March 17, 2022
May 2, 2022	April 14, 2022
June 6, 2022	May 12, 2022
*July 5, 2022	June 16, 2022
August 1, 2022	July 14, 2022
*September 6, 2022	August 11, 2022
October 3, 2022	September 15, 2022
November 7, 2022	October 13, 2022
December 5, 2022	November 10, 2022

* Meeting Date changed, due to a Monday holiday

NOTE: APPLICATION DEADLINES ARE ON THURSDAYS (unless the Thursday is a holiday)

Note: All meetings begin at 7:00pm unless otherwise noted on the meeting agenda.

The Zoning Board meets once a month (The 1ST Monday of the Month)

Special meetings maybe required and will be scheduled accordingly

NOTE: There will be 3 election days in 2022, we do not have the dates yet. There will be one in March, September and November. That may require a location change of the ZBA meetings.