



**LEBANON ZONING BOARD OF ADJUSTMENT
APRIL 4, 2022 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

- 1. Call to Order**
- 2. Approval of Minutes**
 - A. March 21, 2022
- 3. Public Hearing Items**
 - A. **Aram Donigian, 9 Farman Avenue (Tax Map 87, Lot 28), zoned R-3:** Applicant requests a Special Exception per Section 310.2 of the Zoning Ordinance to convert the existing one-family dwelling to a two-family dwelling. **ZB2022-07-SE**
 - B. **Hanover Improvement Society (applicant) and Town of Hanover (property owner), 394 N. Main Street (Tax Map 5, Lot 2), zoned RL-3 and R-3:** Applicants propose a 6,345 sq. ft. expansion of the James W. Campion III Rink. Applicants request Variances from the following Sections of the Zoning Ordinance: (a) Section 314.3 to allow +/-2.7% building coverage on the RL-3 portion of the lot where 1% is the maximum allowed; (b) Section 314.3 to allow the proposed addition to be located +/-45 ft. from the side lot line where 50 ft. is the minimum required in the RL-3 District; (c) Section 310.3 to allow +/-38.9% building coverage on the R-3 portion of the lot where 25% is the maximum allowed for a Class 1 lot; and (d) Sections 310.2 and 702.5 to expand an existing non-conforming non-public indoor recreational facility located on the R-3 portion of the lot. Applicants also request a Special Exception pursuant to Section 314.2 to expand an existing indoor recreational facility on the RL-3 portion of the lot. **ZB2022-08-SEVAR**
- 4. Staff Comments**
- 5. 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 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, 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.

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, March 21, 2022
7:00 PM**

MEMBERS PRESENT: Dave Newlove, Jeremy Katz, Dan Nash, Jennifer Barkley (Alt), Paul McDonough (Alt)-Remote

MEMBERS ABSENT: Chair William Koppenheffer, Vice Chair Mercer

STAFF PRESENT: Tim Corwin – Senior Planner and Zoning Administrator

1. CALL TO ORDER

Mr. Corwin called the meeting to order at 7:01 PM.

The Chair and Vice Chair were absent, and the Board elected an Interim Chair.

Mr. Newlove proposed Mr. Katz.

Seconded by Mr. Nash.

Mr. Newlove, Mr. Katz, Mr. Nash, Ms. Barkley, and Mr. McDonough all voting yea.

***The Vote was approved (5-0).**

Mr. McDonough and Ms. Barkley were appointed full voting members for the entire meeting. Mr. McDonough was allowed to vote remote due to physician orders to remain at home.

2. APPROVAL OF MINUTES

A. February 7, 2022

Mr. Nash MOVED to approve the February 7, 2022, Minutes as presented in the March 21, 2022, packet with spelling corrections.

Seconded by Ms. Barkley.

McDonough, Ms. Barkley, Mr. Nash, and Mr. Katz all voting yea.

Mr. Newlove abstained because he was absent.

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

3. PUBLIC HEARING ITEMS

- A. Cicotte Properties, LLC, 175 Heater Road (Tax Map 64, Lot 30) zoned IND-L: The property is improved with a non-conforming vehicular sales use. Applicant requests a variance to permit additional parking on the subject property. ZB2021-24-SE - Continued from February 7, 2022**

Mr. Nash recused himself.

Attorney Barry Schuster appeared on behalf of the application and answered three questions from the previous meeting. The new boundary line has been assigned and recorded. The application shows where the extended parking would be; this is simply an expansion of current use. It was asked at the last

1 meeting why additional parking is needed. He noted in his letter that the picture that was shown was
2 taken on a Sunday in Autumn. With 32 employees and customers, there is more need than the picture
3 represents. He spoke of several court hearings regarding variances that became necessary due to a zoning
4 change. The cases cited were from 1948 through the early 2000s. In the cases that he referenced, a
5 variance was granted when it was a natural expansion of an existing business. He stated that in this
6 application the expansion of use is not a substantial change; it is a natural growth in the same business,
7 and it is not a significant expansion. In a more recent case, the court determined that the expansion
8 should be allowed because the variance was required due to a zoning change. Ms. Cicotte said she did
9 not have anything else to add, just that there is a need for parking with her business.

10
11 Mr. Newlove asked if a flood plain permit was ever submitted. Mr. Nash responded that it was submitted
12 in December.

13
14 Mr. Katz asked about the nature of other properties in the neighborhood, and which are lawful
15 conforming uses, and which are lawfully non-conforming to the zoning ordinances. A list of businesses
16 was shown to the room. The applicants were asked what is distinguishing about this piece of property.
17 The applicants responded that it was lawfully conforming at the time it was built and due to the zoning
18 change rendered it nonconforming. Attorney Schuster is not aware of when other businesses became
19 nonconforming. They are merely asking to do what was permitted until the ordinance made it
20 nonconforming. It would not make a difference or have an impact on the neighborhood. Mr. Nash
21 pointed out there is substantial land that is conforming because they are vacant spaces.

22
23 **Mr. Katz closed the Public Hearing.**

24
25 The Board discussed the application. Several members believe there is solid reason to approve the
26 application. Mr. Katz believes he does not feel strongly either way but there is a point of law regarding
27 this that should be reviewed by City Counsel. In order to meet the hardship, the applicant states that the
28 use was a permitted use and is now lawfully nonconforming. The applicant posits therefore the property
29 is different from other properties and meets the hardship challenge. Because it is two weeks from the
30 next meeting, and there are points of law that are being discussed, Mr. Katz believes this could set
31 precedence that would impact future variances. He believes it should get legal review.

32
33 *Mr. Newlove MOVED on December 6, 2021, January 3, 2022, February 7, 2022, and March 21, 2022,*
34 *at duly noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared Barry Schuster,*
35 *Esq., and Johanna Cicotte, and Mr. Nash on behalf of Cicotte Properties, LLC, regarding 175 Heater*
36 *Road (Tax Map 64, Lot 30), zoned IND-L. The property is improved with a non-conforming vehicular*
37 *sales use. Applicant requests a variance to permit additional parking on the subject property. ZB2021-*
38 *24-SE*

39
40 **I. FINDINGS OF FACT**

41
42 Based on testimony given, application materials presented, and supporting documents submitted, the
43 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 44
45 1. The subject property is improved with a non-conforming vehicular sales use. In early October,
46 City staff discovered that a substantial amount of new impervious surface has been added to the
47 property in violation of the Zoning Ordinance and Site Plan Review Regulations (staff roughly
48 estimates approximately 6,000 sq. ft. of new impervious surface).

- 1 2. The Planning and Development Department issued a Notice of Violation on October 18, 2021,
2 citing violations of the Zoning Ordinance (in addition to violations of the Site Plan Review
3 Regulations and Chapter 74 of the City Code) as follows:

4
5 “The newly paved surface adjoining the existing parking area of the car dealership on the
6 subject property constitutes an impermissible expansion of a non-conforming use into an
7 area of the lot that was not previously occupied by the non-conforming use at the time the
8 use became non-conforming. As such, the newly paved surface on the property is in
9 violation of Section 702.5.D, and Section 303.2 of the ZO.

10
11 The installation of the newly paved surface on the subject property also constitutes
12 violations of the following Sections of the ZO:

- 13
14 ○ **Section 303.3** – The pavement extends to and across the lot line shared with 30
15 Heater Road whereas structures are required to be set back a minimum of 20 ft. in the
16 IND-L District (unless the pavement is to be used as a parking area or driveway in
17 which case a minimum setback of 5 ft. applies per Section 201.7 of the ZO).
18
19 ○ **Section 402.2** – The subject property is located in the Floodplain District overlay per
20 Section 402 of the ZO. Section 402.2 of the ZO requires compliance with Chapter 74
21 (“Flood Damage Prevention”) of the City Code. Section 74-14 of Chapter 74 requires
22 that a floodplain permit shall be obtained “before construction or development begins
23 within any area of special flood hazard[.]” Staff has verified that no Floodplain
24 Permit has been issued for the installation of the paved area and, therefore, is out of
25 compliance with Chapter 74. Consequently, the property is in violation of Section
26 402.2. of the ZO.
27
28 ○ **Section 901.1.D** – Staff has verified that that no Zoning Permit has been issued for
29 the pavement as is required by Section 901.1.D of the ZO.
30

31 In order to remedy the violations of Sections 702.5.D, 303.2, and 303.3 of the ZO, you
32 will need to apply to the ZBA for a Variance to allow the expansion of the non-
33 conforming vehicular sales use and to allow the pavement to encroach into the minimum
34 required side yard. As part of your application to the ZBA, you will need to provide a site
35 plan showing:

- 36 • The boundary lines of the property;
37 • The location of all structures on the lot showing building setbacks to all property
38 lines;
39 • The location of natural features on the property including but not limited to
40 jurisdictional wetlands; and
41 • Any other prominent features of the lot that will assist you in explaining why you
42 need relief from the Zoning Ordinance.”
43

- 44 3. On November 4, 2021, the Planning and Development Department received an application to the
45 Zoning Board requesting a Special Exception per Section 702.1 of the Zoning Ordinance to
46 change one non-conforming use to another non-conforming use. A boundary line adjustment plan
47 was provided on November 29, 2021. In the application materials, the applicant also states that,
48 “To the extent a variance is required for any of these requests, Cicotte Properties, LLC will be
49 prepared to address that as well.”
50

4. Section 702.1 of the Zoning Ordinance states, in part: “A non-conforming use may, as a Special Exception, be changed to another non-conforming use provided that the Board of Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.” In order to grant a Special Exception to change one non-conforming use to a different non-conforming use, the applicants must demonstrate that the proposal meets the general Special Exception criteria set forth in Section 801.3, in addition to the Section 702.1 criteria.
5. The applicant has not completed a Special Exception Support Statement form and has not provided any written testimony with respect to the proposal’s compliance with the Section 801.3 and Section 702.1 criteria.
6. On January 3, 2022, the Zoning Board approved a motion denying the applicant’s Special Exception request.
7. No one from the public spoke for or against the application.

II. CONCLUSIONS OF LAW

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 21st day of March 2022, hereby **GRANTS** the request, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicants shall comply with all Federal, State and local permits as required by law.

Seconded by Ms. Barkley.

1 Mr. Katz restated that although he feels this application is innocuous, defining the hardship as it was done
2 in this application could have future implications that are problematic.

3
4 ***Mr. McDonough, Ms. Barkley, Mr. Newlove all voting yea.***

5 ***Mr. Katz voting nay.***

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

7
8 **Mr. Nash rejoined the meeting.**

9
10 **B. Eugene and Catherine Thurston, 5 Lash Road (Tax Map 4, Lot 58), zoned R-3:**

11 Applicants request a Special Exception per Section 310.2 of the Zoning Ordinance to convert
12 the existing one-family dwelling with an accessory dwelling unit to a two-family dwelling.

13 **ZB2022-03-SE**

14
15 Both applicants appeared. Ms. Thurston said they purchased the property in 2020 and are requesting to
16 convert the house back to a two-family dwelling. It has been taxed as a multiple family home since 1996.
17 They are appearing tonight to make sure the zoning and taxation are aligned. Presently they live in the
18 house, and the property has a separate dwelling unit with its own entryway. The Board can address land
19 use but cannot address taxation. The applicants are merely asking to ensure that the zoning allows them
20 to return this to a multi-family dwelling by special exception.

21
22 **Mr. Katz opened the Public Hearing and hearing no one, the Public Hearing was closed.**

23
24 ***Mr. Nash MOVED on March 21, 2022, at a duly noticed meeting of the Lebanon Zoning Board of***
25 ***Adjustment, there appeared Eugene and Catherine Thurston regarding 5 Lash Road (Tax Map 4, Lot***
26 ***58), zoned R-3: Applicants request a Special Exception per Section 310.2 of the Zoning Ordinance to***
27 ***convert the existing one-family dwelling with an accessory dwelling unit to a two-family dwelling.***
28 ***ZB2022-03-SE***

29
30 **I. FINDINGS OF FACT**

31
32 Based on testimony given, application materials presented, and supporting documents submitted, the
33 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 34
35 1. The property is improved with a 1,994 sq. ft. (finished) dwelling constructed in 1968 (according
36 to the City's assessing records). In 1996, the Zoning Board granted a Special Exception
37 permitting the conversion of the dwelling to a two-family dwelling (ZB-4-58-96). The Zoning
38 Board's Notice of Decision included the following findings of fact:
- 39
- 40 a. The new quarters will not be leased, rented, or sold separately from the main structure.
- 41
- 42 b. The home would not be used or sold as a two-family residence.
- 43
- 44 2. Because of these findings of fact, what the Zoning Board effectively approved was not a two-
45 family dwelling, but rather a one-family dwelling with what is now identified in the Zoning
46 Ordinance as an accessory dwelling unit.
- 47
- 48 3. The applicant now proposes to convert the existing one-family dwelling with an accessory
49 dwelling unit into a two-family dwelling. The applicant does not propose any site changes in
50 connection with the conversion, nor does the applicant propose any interior changes.
- 51

4. “Two-family dwelling by conversion of existing one-family dwelling” is a use permitted by Special Exception in the R-3 District per Section 310.2 of the Zoning Ordinance.
5. In order to grant a Special Exception for the proposed conversion, the Board must determine that the proposal meets the general Special Exception criteria, set forth in Section 801.3 of the Zoning Ordinance.
6. No one from the public spoke for or against the application.

II. CONCLUSIONS OF LAW

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 21st day of March 2022, hereby **GRANTS** the requested Special Exception, as set forth above.

Seconded by Mr. Newlove.

Mr. McDonough, Ms. Barkley, Mr. Newlove, Mr. Nash and Mr. Katz all voting yea.

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

- C. **Jason LaHaye, 23 Laplante Road (Tax Map 123, Lot 18, Plot 500), zoned R-3 and RL-3:**
The property is improved with a one-family dwelling. Applicant requests (1) a Special Exception pursuant to Section 314.2 of the Zoning Ordinance to allow the construction of an accessory garage, and (2) a Special Exception pursuant to Section 314.2 and Section 600A of the Zoning Ordinance to operate a home-based contractor’s yard. **ZB2022-04-SE**

1 Jason LaHaye appeared on behalf of the application. Mr. LaHaye handed out documents for the Board to
2 review showing the barn he would like to build, where there is parking and a picture showing his property
3 related to his neighbors.

4
5 The Board discussed accessory use, what it means, and that accessory use has to be customarily incidental
6 to the use of the property. The applicant described his use of the property. The barn/garage would be
7 used to store equipment for his property maintenance business, as well as for storage of his own personal
8 property. He has 3 employees and 6 trucks. Some of the equipment will continue to be stored at another
9 location. There may be 2 employees that could come to pick up and drop off equipment in a given day.
10 There would not be deliveries for the business. He is willing to comply with the 2 or 3 vehicle
11 restrictions. There would not be nighttime activity.

12
13 **Mr. Katz opened the Public Hearing.**

14
15 Robert Dykman Dulkas, an abutter spoke. He has not seen any of the plans and he is concerned how the
16 barn/garage would impact the neighborhood. He asked, if Mr. LaHaye sells the property, would it
17 continue to have a special exception for a garage and a contractor yard and would it be useable for any
18 type of business. The answer is that the special exception remains with the land. The new owner would
19 have to continue to operate the contractor yard in the same manner as Mr. LaHaye, with a like business.

20
21 Mr. Katz asked the applicant if he would accept a condition of approval that the yard was to be used for
22 the storage of equipment and taking the equipment on and off site and not to be used for commercial
23 activity performed on site. The applicant said he would accept that condition.

24
25 Cori Hirai asked if there would be separation between the personal storage and the business storage. The
26 applicant responded that the building would be an open floor plan and would not be separated. However,
27 if there are codes and rules, then he would be compliant.

28
29 Paul Hollister, 21 Laplante, an abutter, was also concerned if the property changed hands. He asked for
30 clarification of where the barn would be located. He asked how things would change if the contractor lot
31 was approved. The applicant responded that the land would look cleaner as all the equipment would be
32 put away. Mr. LaHaye believes some days 2 employees could pick up a truck and mowers and then leave
33 for the day and return at the end of the workday. There would not be any burning or disposal on site. All
34 work is performed offsite except for some regular maintenance work that is done each week.

35
36 **Mr. Katz closed the Public Hearing.**

37
38 *Mr. Nash MOVED on March 21, 2022, at a duly noticed meeting of the Lebanon Zoning Board of*
39 *Adjustment, there appeared Jason LaHaye regarding 23 Laplante Road (Tax Map 123, Lot 18, Plot*
40 *500), zoned R-3 and RL-3: The property is improved with a one-family dwelling. Applicant requests (1)*
41 *a Special Exception pursuant to Section 314.2 of the Zoning Ordinance to allow the construction of an*
42 *accessory garage, and (2) a Special Exception pursuant to Section 314.2 and Section 600A of the*
43 *Zoning Ordinance to operate a home-based contractor's yard. ZB2022-04-SE*

44
45 **I. FINDINGS OF FACT**

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

- 49
50 1. The subject property is a +/-11.75-acre parcel located in the Rural Lands Three (RL-3) zoning
51 district (a small portion of the lot located near its frontage on Laplante Road is zoned R-3).

2. On February 5, 2007, the ZBA granted a Special Exception to allow the construction of a one family dwelling on the RL-3 portion of the lot. The applicant is now seeking a Special Exception to permit construction of a 2,080 sq. ft. accessory garage on the property.
3. Under Section 314.2 of the Zoning Ordinance, one family dwellings are allowed only by Special Exception in the RL-3 zoning district. Pursuant to Section 302.2 of the Zoning Ordinance, “Accessory uses shall be considered permitted uses in all districts except that where such uses are accessory to uses permitted [...] by special exception, the accessory use shall also require a [...] special exception, respectively.” As a result, the proposal to construct an accessory garage for the existing one-family dwelling is subject to the Special Exception criteria within Section 801.3 of the Zoning Ordinance.
4. The applicant also requests a Special Exception to operate a home-based contractor’s yard.
5. Per §600A of the Zoning Ordinance, a “home based contractor’s yard” is permitted in the RL-3 District with Special Exception approval from the Zoning Board of Adjustment. In order to approve the Special Exception request, the Board must determine that the applicant meets all requirements of §600A.2.B and §801.3.
6. Rob Robert Dijkman-Dulkes, 29 Laplante Road, had questions regarding the use of the garage.
7. Cori Hirai, not an abutter, questioned the separation of personal and contractor equipment.
8. Paul Hollister, 21 Laplante Road, had questions regarding the project’s change/impact to neighbors.

II. CONCLUSIONS OF LAW

- A. **Home based contractor’s yard.** As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §801.3 of the Zoning Ordinance:
 1. The Special Exception is specifically authorized by §314.2 and §600A of the Zoning Ordinance. (§801.3.A)
 2. The following special conditions/requirements of §600A **are** met (§801.3.B):
 - a. The subject property **is** one (1) acre or greater in size. (§600A.2.B.1)
 - b. The operator of the home-based contractor’s yard **will** be a resident of the subject property. (§600A.2.B.2)
 - c. No more than two (2) persons **will** work on the subject property at one time, other than the operator and members of the operator’s family who also reside on the property. (§600A.2.B.3)
 - d. The operator’s business **will not** have window displays. (§600A.2.B.4)

- e. One (1) off-street parking space **will** be provided plus one (1) off-street parking space per each non-resident employee who parks at the property. (§600A.2.B.5)
- f. The operation and presence of the contractor's yard **will not** detract from the total residential character of the neighborhood. (§600A.2.B.6)
- g. The contractor's yard **will not** generate non-residential levels of noise, vibration, glare, smoke, dust, fumes, odors, or heat. (§600A.2.B.6.a)
- h. The contractor's yard **will not** use on-street parking. (§600A.2.B.6.b)
- i. The contractor's yard **will not** generate non-residential truck deliveries more than twice per week. (§600A.2.B.6.c)
- j. No more than three (3) motor vehicles used in connection with the contractor's yard **will** be parked on the property at any one time, other than the personal motor vehicles of employees. (§600A.2.B.7)
- k. Motor vehicles used in connection with the contractor's yard **will** be 26,000 lbs. GVWR or less. (§600A.2.B.7)
- l. The outdoor storage of business equipment, the overnight outdoor parking of motor vehicles used in connection with the contractor's yard, and outdoor work areas (collectively "Outdoor Storage and Work Areas") **will not** be located to the sides and/or rear of the home. (§600A.2.B.8.a)
- m. Outdoor Storage and Work Areas **will not** encroach into any minimum required side or rear yard. (§600A.2.B.8.b)
- n. Outdoor Storage and Work Areas **will not** occupy no more than 10% of the total acreage of the property nor exceed one (1) acre whichever is less, exclusive of areas covered by buildings. (§600A.2.B.8.c)
- o. Outdoor Storage and Work Areas **will** be screened from view from abutting residential properties and public streets. (§600A.2.B.8.d)
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C)
4. The character of the area **will not** be adversely affected. (§801.3.D)
5. **No** hazard or nuisance will be created. (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.F)
7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)

9. The general welfare of the City **will** be protected. (§801.3.I)

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

1. The Special Exception is specifically authorized by Sections 302.2 and 314.2 of the Zoning Ordinance. (Section 801.3.A)

2. There are no special conditions/requirements for the requested Special Exception. (Section 801.3.B)

3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (Section 801.3.C) *Staff is not aware of any Zoning Ordinance violations on the property.*

4. The character of the area **will not** be adversely affected. (Section 801.3.D)

5. **No** hazard or nuisance will be created. (Section 801.3.E)

6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (Section 801.3.F)

7. The granting of the Special Exception **will not** result in undue municipal expense. (Section 801.3.G)

8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (Section 801.3.H)

9. The general welfare of the City **will** be protected. (Section 801.3.I)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 21st day of March, 2022, hereby **GRANTS** the requested Special Exception per Sections 302.2 and 314.2 of the Zoning Ordinance to allow the construction of an accessory garage and per Sections 314.2 and 600A to operate a contractor's yard at 23 Laplante Road (Tax Map 123, Lot 18, Plot 500), zoned R-3 and RL-3, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. Proposed screening plantings, as shown on page 4 of supplemental material submitted by the applicant at the meeting, shall be planted by October 1, 2022.

2. The use of the contractors yard and accessory structure shall be for storage; and for the maintenance of contractor's equipment only.

3. As represented by the applicant, the majority of contractor's equipment will be stored indoors.

4. The accessory garage and improvements shall be constructed essentially in accordance with plans submitted.

- 1 5. Applicant shall obtain a building permit and obtain a CO (Certificate of Occupancy) for the
2 completed structure.

3
4 *Seconded by Mr. Newlove.*

5
6 The members discussed the conditions as stated above. Mr. Nash and Mr. Newlove agreed to the
7 conditions as stated above.

8
9 *Mr. McDonough, Ms. Barkley, Mr. Newlove, Mr. Nash and Mr. Katz all voting yea.*

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

11
12 **D. Lea Chapman & Graham Atkins, 91 Maple Street (Tax Map 59, Lot 13), zoned R-3:**

13 Applicants request a Special Exception per Section 600B.2 of the Zoning Ordinance to
14 operate a home-based agricultural business (a flower stand). **ZB2022-05-SE**

15
16 Lea Chapman appeared. She would like to grow flowers and sell them through CSA subscriptions, to
17 wholesale buyers and through stores. This would not be a retail store. It requires a special exception
18 because it is raising flowers for commercial purposes.

19
20 **Mr. Katz opened the Public Hearing.**

21
22 Sarah Riley, from Ward 2 spoke. She wants to know if the applicant is aware that there is drainage or
23 wetland that is near the property. She is concerned that the agricultural business would impact the stream
24 and she wants to ensure that the waterway is protected.

25
26 The applicant's property is not next to the stream, but the neighbor's property is. The applicant said she
27 farms organically and does not use any pesticides.

28
29 **Hearing no one else, the Public Hearing was closed.**

30
31 *Mr. Nash MOVED on March 21, 2022, at a duly noticed meeting of the Lebanon Zoning Board of*
32 *Adjustment, there appeared Lea Chapman & Graham Atkins regarding 91 Maple Street (Tax Map 59,*
33 *Lot 13), zoned R-3: The property is improved with a one-family dwelling. Applicants request a Special*
34 *Exception per Sections 310.2 and 600B.2 of the Zoning Ordinance to operate a home-based*
35 *agricultural business (a flower stand). ZB2022-05-SE*

36
37 **I. FINDINGS OF FACT**

38
39 Based on testimony given, application materials presented, and supporting documents submitted, the
40 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 41
42 1. The subject property is located in the R-3 District and is improved with a one-family dwelling
43 constructed in 1912 and a detached garage. The property is +/-0.33 acres (+/-5,663 sq. ft.) and,
44 therefore, is conforming to the minimum required 10,000 sq. ft. lot size for Class 1 lots in the R-3
45 District.
- 46
47 2. The applicants propose to operate a home-based agricultural business (a flower stand) as detailed
48 in their application materials.
- 49
50 3. Per Section 310.2 of the Zoning Ordinance, a "home-based agricultural business per Section
51 600B.2 (lots less than 5 acres)" is a use allowed by Special Exception in the R-3 District. Section

600B.2 provides, in relevant part, as follows: “[In the R-3 District], activities allowed include [...] the harvesting of products resulting from activities identified in Section 200. Per Section 200, these activities include “the raising of crops, keeping of gardens, orchards, indoor hydroponics/aquaponics, forestry (including tree farms), and maple sugaring [.]”

4. In order to grant the requested Special Exception, the Board must find the applicant’s proposed use satisfies the applicable operational standards for a home-based agricultural business set forth in Section 600B.4, and the general Special Exception criteria set forth in Section 801.3.
5. Sarah Riley, not an abutter expressed concerns regarding a nearby drainage feature but is in favor of a home grown business.

II. CONCLUSIONS OF LAW

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

1. The Special Exception is specifically authorized by Sections 310.2 and 600B of the Zoning Ordinance. (§801.3.A)
2. The following conditions/requirements of Section 600B of the Zoning Ordinance that are applicable to the applicant’s proposed use **are** met: (§801.3.B)
 - a. Per Section 600B.4.A, the operator of the home-based agricultural business shall be a resident of the property on which the business is located.
 - b. Per Section 600B.4.H, the home-based agricultural business shall not:
 - i. Employ more than two persons working on the premises other than family members living in the dwelling.
 - ii. Have window displays, window advertising or any other advertising, except an identification sign complying with Section 608.4.B.
 - iii. Detract from the residential character of the neighborhood by creating levels of noise beyond those normal to the agricultural activities being conducted, vibration, glare, smoke, dust, fumes, odors, or heat.
 - iv. Generate more than an average of two (2) vehicular trips per hour to the premises for each hour the business is open or peak of six (6) vehicles per hour.
 - v. Require the use of on-street parking.
 - vi. Require more than two (2) off-street parking spaces beyond those required by the dwelling and the employees of the business (see Section 607, Table of Minimum Off-Street Parking).
 - vii. Generate non-residential truck deliveries or pick-ups more than twice per week.

viii. One (1) parking space for each employee and one (1) parking space for every eight (8) clients shall be provided on site.

3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) *Staff is not aware of any Zoning Ordinance violations on the property.*

4. The character of the area **will not** be adversely affected. (§801.3.D)

5. **No** hazard or nuisance will be created. (§801.3.E)

6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.F)

7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)

8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)

9. The general welfare of the City **will** be protected. (§801.3.I)

III. **DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 21st day of March 2022, hereby **GRANTS** a Special Exception pursuant to Sections 310.2 and 600B to allow a home-based agricultural business on a lot of less than 5 acres at 91 Maple Street (Tax Map 59, Lot 13), zoned R-3, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a zoning permit per Section 600B.5 of the Zoning Ordinance.
2. Pursuant to Section 600B.4 of the Zoning Ordinance, all agricultural activities associated with the homebased agricultural business must be conducted in accordance with the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire and shall comply with all applicable New Hampshire statutes and regulations.

Seconded by Ms. Barkley.

Mr. McDonough, Ms. Barkley, Mr. Newlove, Mr. Nash, and Mr. Katz all voting yea.

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

E. Recreo LLC, 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD: Applicant proposes to construct a 55,000 sq. ft. multi-family building with 77 dwelling units. Applicant requests a Variance from Section 307.6.A.1 of the Zoning Ordinance to eliminate the requirement that a portion of the street level story of the proposed building is reserved for a non-residential use. **ZB2022-06-VAR**

Tim Sidore of Recreo appeared online and Jim Wasser of Studio Nexus appeared in person on behalf of the application.

Jim Wasser's firm has provided services for Mr. Katz at different locations. Mr. Katz offered to recuse himself, but there were no objections to him remaining in the hearing.

1
2 The applicants are submitting a plan to redevelop the Village Market in Lebanon. They intend to
3 construct two buildings. The corrected application is 56,000 sq. ft. and would have 80 units, an
4 immaterial increase of the original application. In the LD zone, the building closest to the street requires
5 at least 1000 feet of commercial space. They would like to make the entire building residential. The 2-
6 acre property would still have 27,000 sq ft for commercial use that they intend to redevelop. Due to the
7 slope of the land, they only have one street side entrance, and they would like to maintain that for the
8 residences instead of for commercial venues. Beside the topography, there is a median strip in the road
9 that makes it impossible to turn into the property, which makes it difficult and challenging for retail
10 space. Mr. Wasser discussed the variance conditions of the application and the nature of the property.

11
12 The Board discussed the potential of moving forward if the application was denied. Members discussed
13 that the building is not ideal for retail. The applicants said they are currently negotiating with potential
14 retailers for the use of the 27,000 feet of commercial space, for a new market and other retail space.

15
16 There would be 3 buildings on this 2-acre parcel of land. The applicants said they are committed to
17 providing commercial space. In December the applicants submitted a phase 3 redevelopment to the
18 Planning Board that would provide 20,000 sq feet of commercial space. They may use part of the current
19 27,000 sq foot building for housing. The spirit of the ordinance could be accommodated if there is a
20 commitment to commercial space that would be maintained. The applicants said their vision is to have
21 this a mixed-use site and that the 27,000 sq foot space building when it was redeveloped, would be mixed
22 use. But the applicants are hesitant to commit to a condition that specifies commercial space in that
23 building because it would not be closest to the street and would not be required to have commercial space.

24
25 **Mr. Katz opened the Public Hearing.**

26
27 Mary Ann Mastro appeared. She said for a hardship to exist, it must be so great that there is no other
28 reasonable use for the property. The Zoning Ordinance is for the interest of the public, the building this
29 size is overwhelming, and it is not limited to being used for housing.

30
31 Sarah Riley spoke. She does not think that the public interest would be met by maximizing the square
32 footage of housing. Adding to the spirit of the downtown and not dwarfing it, would be in the public
33 interest. Developing a building that fits into the land is in the best public interest.

34
35 Cori Hirai spoke. She asked if the conceptual graphics can be made public for people. She was told the
36 graphics can be seen by anyone from the public and to contact the Planning Department.

37
38 Mr. Sidore and Mr. Wasser were asked if they have anything else they would like to comment based on
39 the discussion of the public. Mr. Wasser said his clients are committed to bringing in the retail businesses
40 and they feel having the density of population would attract new vibrant commercial businesses.

41
42 **Hearing no one else, the Public Hearing was closed.**

43
44 The members discussed the hardship and the uniqueness of the property. It would be more comfortable if
45 there was a commitment to commercial space. Mr. Nash reminded everyone that the request is
46 specifically for relief in this building. A condition should be equal to or greater than required and
47 maintained throughout the build out on site.

48
49 **Mr. Katz reopened the Public Hearing.**

1 The applicants were asked if they would agree to a condition of a minimum of 2000 square feet of
2 commercial space on that property.

3
4 Mary Ann Mastro commented that she firmly believes all sites are unique. And 1000 square feet is not
5 unreasonable.

6
7 Sarah Riley commented that this is a unique property and all of Lebanon is topographically challenged.
8 This property is like a gate way to Lebanon. Without a holistic vision for the whole parcel, it is difficult
9 to grant an exception.

10
11 Barbara Hirai commented that she respects the developers' intent to have mixed use, but things happen.
12 It is not guaranteed that in the future they will be the developers of all phases of the property.

13
14 Frank Mastro commented that Water Street would be a much safer place for people gaining access to the
15 property. He believes they will never get a marketplace that will stay in business.

16
17 **Hearing no one else, the Public Hearing was closed.**

18
19 The members recognized the concerns of the public that have been brought forth. They are more
20 significant for the Planning Board. As far as this application goes, there is a rational for making
21 commercial space in building 3 a condition of approval.

22
23 *Mr. Nash MOVED on March 21, 2022, at a duly-noticed meeting of the Lebanon Zoning Board of*
24 *Adjustment, there appeared Tim Sidore and James Wasser, architect with Studio Nexus on behalf of*
25 *Recreo, LLC, regarding 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD. Applicant proposes to*
26 *construct a 56,000 sq. ft. multi-family building with 80 dwelling units and requests a Variance from*
27 *Section 307.6.A.1 of the Zoning Ordinance to eliminate the requirement that a portion of the street*
28 *level story of the proposed building is reserved for a non-residential use. ZB2022-06-VAR*

29
30 **I. FINDINGS OF FACT**

31
32 Based on testimony given, application materials presented, and supporting documents submitted, the
33 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 34
35 1. The property is improved with two commercial buildings (the former Village Market building
36 and the Sunrise Buffet building). The applicant proposes to construct two additional buildings on
37 the property, each a multi-family dwelling.
- 38
39 2. Mascoma Street is considered a "primary street" per Section 307.6.C.1 of the Zoning Ordinance.
40 Section 307.6.A of the Zoning Ordinance requires that buildings in the LD District located on a
41 lot with principal frontage on a primary street reserve a minimum of 1,000 square feet or 1/3 of
42 the gross floor area, whichever is less, of the street level story of the building for a non-residential
43 use or uses.
- 44
45 3. One of the new buildings will be located at the northeastern corner of the property at the
46 Mascoma Street and Water Street intersection and is proposed to be utilized exclusively for multi-
47 family residential; whereas, per Section 307.6.C.1, a portion of the street level story of the new
48 building must be reserved for commercial use. Consequently, a Variance is required from Section
49 307.6.C.1 in order to eliminate the requirement that a portion of the street level story of the
50 proposed building be reserved for non-residential purposes.
- 51

4. To obtain the requested Variance from 307.6.C.1, the applicant must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).
5. Mary Ann Mastro, Green Street, represented that the project does not meet the variance criteria.
6. Sarah Riley, not an abutter, objected that the project maximized housing development which she believes is not in the public interest.
7. Cori Hirai, not an abutter, requested copies of graphic submissions.
8. Barbera Hirai expressed concerns of the durability of the decision.
9. Fran Mastro, not an abutter, spoke against the project.

II. CONCLUSIONS OF LAW

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

1. The variance **will not** be contrary to the public interest. (Section 801.2.A.1)
2. The spirit of the ordinance **is** observed. (Section 801.2.A.2)
The LD Zone strives to achieve mixed use structures, however this lot has more commercial space than required.
3. Substantial justice **is** done. (Section 801.2.A.3)
4. The values of surrounding properties **are not** diminished. (Section 801.2.A.4)
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area (Section 801.2.A.5.a):
The property already has 27,000 sq feet of commercial use, a significant portion of which will remain with project build out.
 - i. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)
 - ii. The proposed use **is** a reasonable one. (Section 801.2.A.5.a.ii)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **21st day of March 2022**, hereby **GRANTS** the requested Variance, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The site shall maintain equal or greater than 2000 square foot required commercial square footage elsewhere on the site at street level.

Seconded by Mr. Newlove.

The members discussed the stipulation for commercial space on the built out of the property and the topography of the 2-acre lot.

Mr. Newlove, Ms. Barkley, Mr. Nash and Mr. Katz all voting yea.

Mr. McDonough voted nay.

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

4. STAFF COMMENTS

None.

5. ADJOURNMENT

Mr. Nash MOVED to adjourn the meeting at 9:41 PM.

Seconded by Mr. Newlove.

Mr. McDonough, Ms. Barkley, Mr. Newlove, Mr. Nash and Mr. Katz all voting yea.

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

Respectfully submitted,
Linda Billings
Recording Secretary

**Agenda
Zoning Board of Adjustment
April 4, 2022**

**Agenda Item #3A
Public Hearing Items**

**Aram Donigian,
9 Farman Avenue
(Tax Map 87, Lot 28),
zoned R-3
ZB2022-07-SE**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 4, 2022 Meeting

Staff Memorandum – ZB2022-07-SE

APPLICATION INFORMATION

Agenda Item: 3.A

Application Type:

Special Exception per Section 310.2 to convert a one-family dwelling to a two-family dwelling

Location:

9 Farman Avenue (Tax Map 87, Lot 28)

Applicant/Property Owner:

Aram & Kristen Donigian

Zoning District:

Residential Three (R-3)

Property Size: 0.34 acres (+/-

14,810) sq. ft. (conforming to the minimum required 10,000 sq. ft. lot size required for Class 1 lots in the R-3 District per Section 310.3)

Existing Use: +/-2,160 sq. ft.

(finished) two-story one-family dwelling constructed in 1910, per the City's assessing records (a conforming use in the R-3 District)

Proposed Use: Two-family dwelling

Overlay Districts: none

Previous ZBA Action (since 1995):

none

Other Approvals Required:

Building Permit

Attachments:

Application (7 pages total)

HEARING NOTICE

Aram Donigian, 9 Farman Avenue (Tax Map 87, Lot 28), zoned R-3: Applicant requests a Special Exception per Section 310.2 of the Zoning Ordinance to convert the existing one-family dwelling to a two-family dwelling. ZB2022-07-SE

SUMMARY OF REQUEST

The property is a +/-0.34 acre lot located on Farman Avenue in West Lebanon, and is improved with a 2,160 sq. ft. (finished) one-family dwelling constructed in 1910 (according to the City's assessing records).

The applicant proposes to convert the existing one-family dwelling into a two-family dwelling. Floor plans have not been provided, but according to the application materials, the building already has two (2) dwelling units and two separate entrances. Therefore, no interior renovations are proposed. There are also no site changes proposed; however, but it may be necessary to expand the parking area (see Staff Comments below).

Figure 1. Location Map.



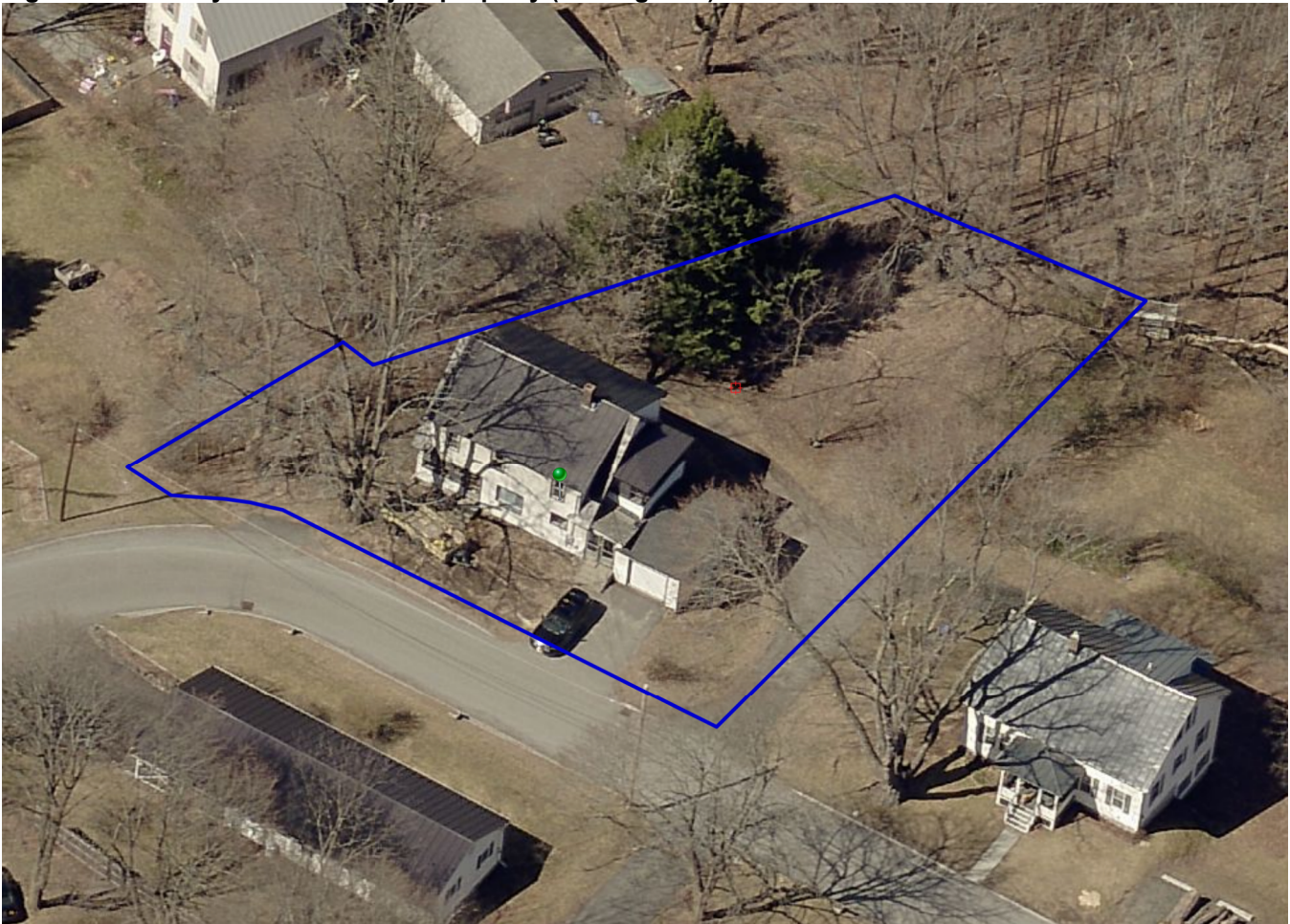
STAFF MEMORANDUM

ZB2022-07-SE
9 Farman Ave (87-28)
April 4, 2022 ZBA Mtg
Agenda Item 3.A
Page 2 of 3

Figure 2. Google Street View (July, 2013)



Figure 3. Bird's Eye View of subject property (looking east).



©2021 Eagleview (image taken 4/3/2021)

ZONING ORDINANCE REQUIREMENTS

“Two-family dwelling by conversion of existing one-family dwelling” is a use permitted by **Special Exception** in the R-3 District per Section 310.2 of the Zoning Ordinance. To grant the requested Special Exception, the Board must determine that the proposal meets the general Special Exception criteria, set forth in Section 801.3 as follows:

- A. The Special Exception is specifically authorized by a provision of this Ordinance.
Note: The Special Exception is authorized by Section 310.2 of the Zoning Ordinance.
- B. All special conditions required of the special exception have been met.
Note: There are no special conditions required for a conversion of a one-family dwelling to a two-family dwelling in the R-3 District.
- C. There are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
Note: Staff is not aware of any Zoning Ordinance violations on the property.
- D. The character of the area shall not be adversely affected.
- E. No hazard or nuisance will be created.
- F. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- G. Granting the special exception will not result in undue municipal expense.
- H. The proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.
- I. The general welfare of the City will be protected.

The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning and Development Department on March 16, 2022 (see attached).

STAFF COMMENTS

Section 607 of the Zoning Ordinance requires a minimum of two (2) parking spaces per dwelling unit. Therefore, the proposed conversion to a two-family dwelling requires a minimum of four (4) off-street parking spaces. Based on aerial photography, it appears that there is a one-car garage and two (2) parking spaces available in the driveway. If in fact the property only has three parking spaces, a fourth parking space will need to be provided in order to meet the minimum required parking requirements. Staff recommends that the Board consider requiring the applicant to provide a plot plan showing the addition of a fourth parking space as a condition of approval.

Absent abutter testimony to the contrary, and other than staff's concern with respect to Section 201.7, the proposed conversion does not appear to be inconsistent with any of the applicable criteria set forth in Section 801.3.

Attachment

cc: Aram Donigian, property owner (via e-mail)
File

**CITY OF LEBANON
APPLICATION FOR**

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

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Aram Donigian TEL #: 719-822-3541
MAILING ADDRESS: 707 Lockehaven Rd, Enfield, NH 03748
E-MAIL ADDRESS: adonigian13@gmail.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL #: _____
MAILING ADDRESS: _____
E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 87-28 LOT#: _____ PLOT #: _____ ZONE: R-3
STREET ADDRESS OF PROJECT: 9 Farman Ave, West Lebanon, NH 03784
IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

Request permission to rent as 2-Family dwelling. No adjustments need as property is ready, as is.

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** USE: _____

SIGNATURE BLOCK:

Aram M Donigian
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 April 4th, 2022, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: Aram M Donigian DATE: March 3rd 2022

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.

PROPERTY OWNER: _____ DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
3/16/22	87/28	2B2022-	\$284.24	3/16/22	18089

07-SE

(Last Revised 4/04/18)

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION**

One cover application, one abutters list, a filing fee and ten copies of the site plan must accompany this support statement.

I (we) hereby request a Special Exception as provided for in Article(s) III,
Section(s) ~~3010.2~~ 310.2, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION (Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)

To rent 9 Farman Avenue as two separate units (2 family).
The home has two separate entries and two meters (electricity).
Unit #1 (primary dwelling) would rent as a 2-3 bedroom.
Unit #2 (apartment) would rent as a 1 bedroom.
We would maintain a door between the two units
secured on either side so the unit could easily
be returned to a single unit.

In order to grant a Special Exception, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - 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:

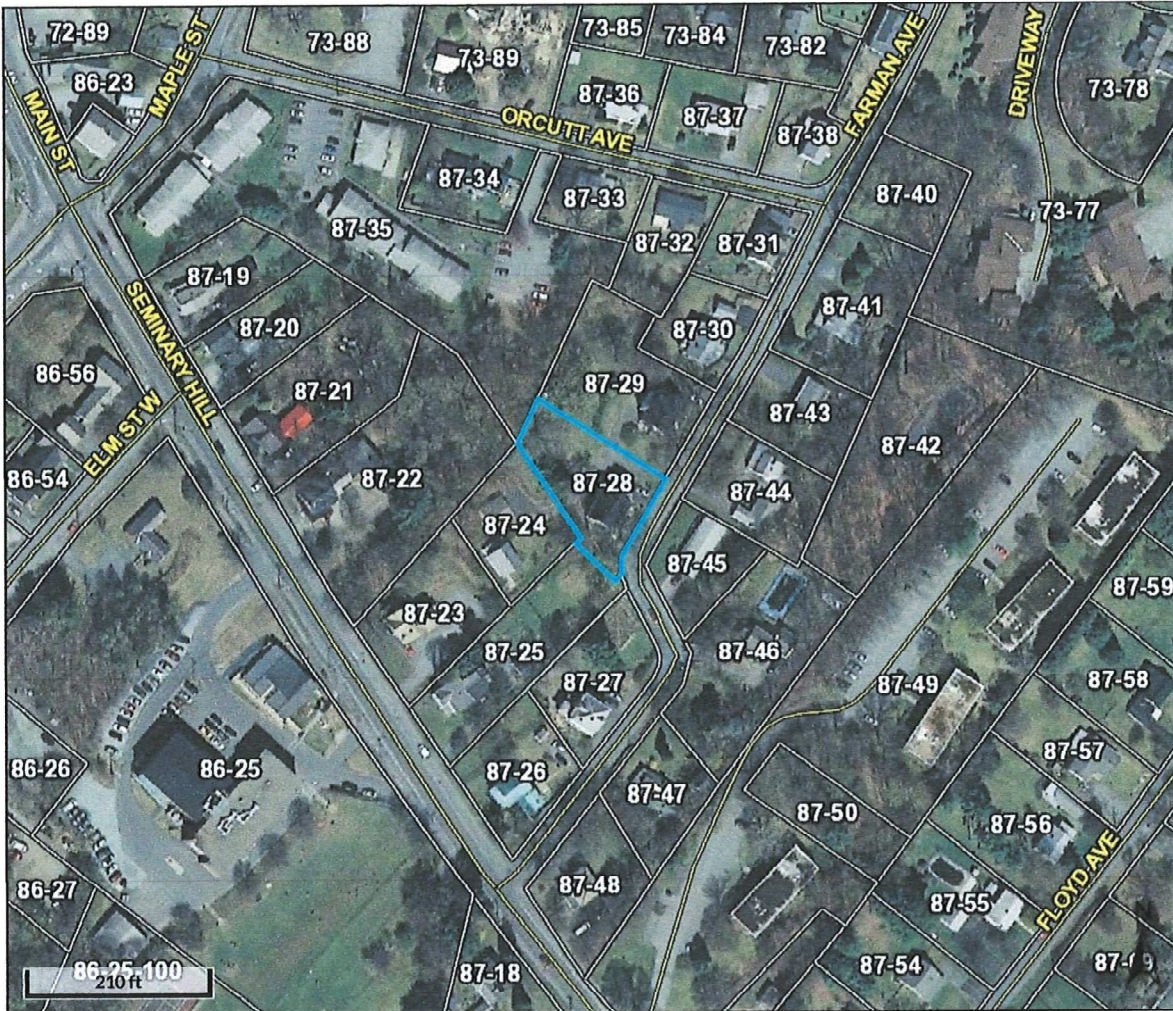
- A. That the special exception is specifically authorized by a provision of this ordinance:
Yes. Conversion to a two-family dwelling is authorized.
- B. That all special conditions required of the special exception have been met:
Yes. Property sits on .34 acres with 2160 finished sq ft. Meets requirements for Class 1+2 size.
- C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy:
None.

- D. That the character of the area shall not be adversely affected:
No physical change to building.
- E. That no hazard or nuisance will be created:
None.
- F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:
No impact.
- G. That granting the special exception will not result in undue municipal expense:
Nothing required.
- H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:
Yes. Allows for one additional housing unit.
- I. That the general welfare of the City will be protected:
Yes.

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

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.



Overview



Legend

- Roads
- Buildings
- Parcel Labels
- Parcels

Parcel ID 87-28
Sec/Twp/Rng n/a
Property Address 9 FARMAN AVE
WEST LEBANON

Alternate ID 1226
Class SINGLE FAMILY
Acreage n/a

Owner Address DONIGIAN, ARAM & KRISTEN
9 FARMAN AVE
WEST LEBANON, NH 03784

District Leb
Brief Tax Description n/a

(Note: Not to be used on legal documents)

Date created: 3/3/2022
Last Data Uploaded: 3/2/2022 5:13:52 PM

Developed by Schneider
GEOSPATIAL

Summary

Parcel ID 87-28
Account # 2039
Property ID 1226
2020 Tax Rate
Location Address 9 FARMAN AVE
WEST LEBANON
Acres/Lots 0
Zoning R3: Residential 3
Neighborhood RES GOOD
Property Usage SINGLE FAMILY (101)



Owners

DONIGIAN, ARAM & KRISTEN
9 FARMAN AVE
WEST LEBANON NH 03784

Valuation

	2021	2020	2019
Assessed Land Value	\$65,800	\$65,800	\$65,800
+ Assessed Improvement Value	\$121,500	\$121,500	\$99,000
+ Assessed Misc Value	\$0	\$0	\$0
= Total Assessed Value	\$187,300	\$187,300	\$164,800

Land

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth	AgUse Value
ONE FAM (101)	14,810.40	SQUARE FEET	SITE	0	0	\$0

Buildings

Building ID 1354
Style CONVENT'NL / 22
Gross Sq Ft 4,376
Finished Sq Ft 2,160
Stories
Condition Fair
Interior Walls
Exterior Walls ALUMINUM
Year Built 1910
Garage
Porch
Effective Year Built 1910
Foundation
Roof Type
Roof Coverage STEAMING SEAM
Flooring Type HARDWOOD with 50% CARPET
Heating Type
Full Bathrooms 1
Half Bathrooms 0
3/4 Bathrooms 0
Grade C
Grade Description
Number of Fire Pl 0
Unit Description

Rooms Bedrooms
1 4

Code	Description	Sketch Area	Finished Area	Perimeter
FFL	1ST FLOOR	1,080	1,080	132
SFL	2ND FLOOR	1,080	1,080	132
BMT	BASEMENT	1,584	0	286
EFP	ENCL PORCH	320	0	128
GAR	GARAGE	312	0	74
TOTAL		4,376	2,160	752

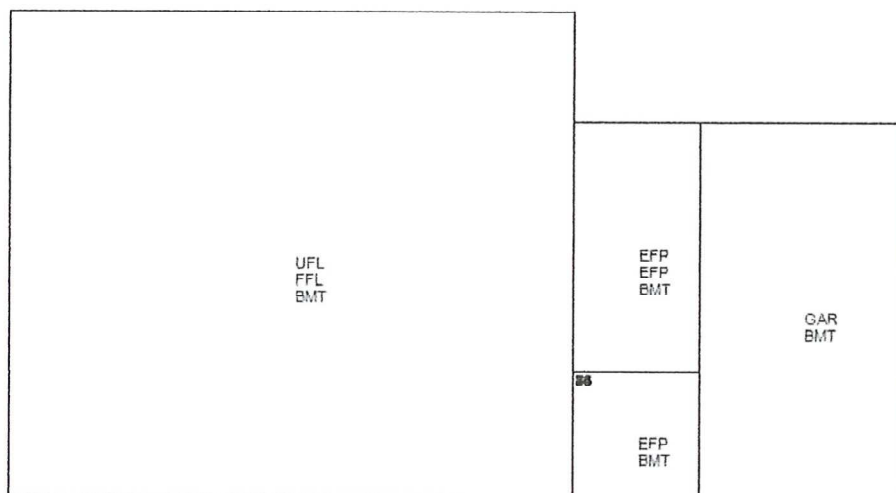
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Vacant or Improved	Grantor	Grantee
2/3/2022	\$365,000	WARRANTY		4707	529	Improved		
2/8/2021	\$230,000	FIDUCIARY		4601	833	Improved		
1/14/2021	\$0	PROBATE	315-2020-ET-000328	4601	831	Improved		
5/28/2020	\$0	PROBATE	OBITUARY	0		Improved		
7/16/1974	\$0			1239	0454	Improved	DALEY, MATTHEW & PATRICIA	

Photos



Sketches



**Agenda
Zoning Board of Adjustment
April 4, 2022**

**Agenda Item #3B
Public Hearing Items**

**Hanover Improvement Society
(applicant) and
Town of Hanover
(property owner),
394 N. Main Street
(Tax Map 5, Lot 2),
zoned RL-3 and R-3
ZB2022-08-SEVAR**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 4, 2022 Meeting

Staff Memorandum – ZB2022-08-SEVAR

APPLICATION INFORMATION

Agenda Item: 3.B

Application Type:

Variances and Special Exception
(see hearing notice)

Location: 394 N. Main St (T/L 5-2)

Applicant/Property Owner:

Hanover Improvement Society /
Town of Hanover

Zoning District:

Residential Three (R-3) &
Rural Lands Three (RL-3)

Property Size: +/-13.95 acres

Overlay Districts:

Wetlands Conservation District

Previous ZBA Approvals (since 1995):

- Variance granted in 2015 for to illuminate sign (ZB2015-02-VAR)
- Variances and Special Exception granted in 2016 for expansion of ice rink (ZB2016-03R-SEVAR)

Other Approvals Required

(including but may not be limited to):

- Site Plan Review
- Building Permit

Attachments:

- Notice of Decision for ZB2016-03R-SEVAR
- Excerpts of ZBA Mtg Mins from 9/19/16, 10/3/16, 11/21/16, and 12/19/16
- 3/15/22 letter from J. Damren
- 3/22/22 e-mail from G. Mayo
- Application (17 pages total)

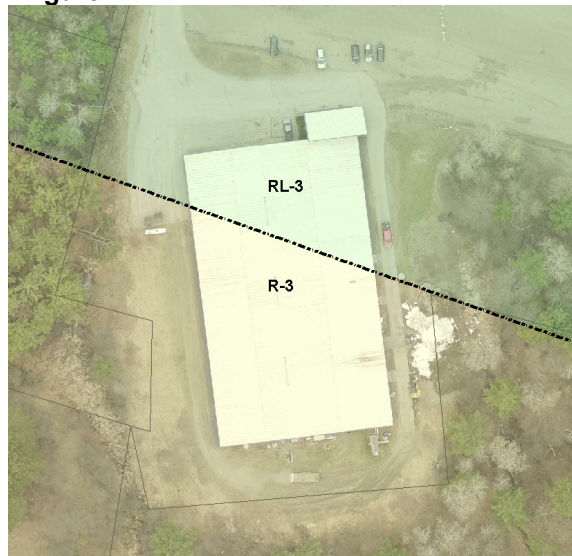
HEARING NOTICE

Hanover Improvement Society (applicant) and Town of Hanover (property owner), 394 N. Main Street (Tax Map 5, Lot 2), zoned RL-3 and R-3: Applicants propose a 6,345 sq. ft. expansion of the James W. Campion III Rink. Applicants request Variances from the following Sections of the Zoning Ordinance: (a) Section 314.3 to allow +/-2.7% building coverage on the RL-3 portion of the lot where 1% is the maximum allowed; (b) Section 314.3 to allow the proposed addition to be located +/-45 ft. from the side lot line where 50 ft. is the minimum required in the RL-3 District; (c) Section 310.3 to allow +/-38.9% building coverage on the R-3 portion of the lot where 25% is the maximum allowed for a Class 1 lot; and (d) Sections 310.2 and 702.5 to expand an existing non-conforming non-public indoor recreational facility located on the R-3 portion of the lot. Applicants also request a Special Exception pursuant to Section 314.2 to expand an existing indoor recreational facility on the RL-3 portion of the lot. ZB2022-08-SEVAR

BACKGROUND

394 North Main Street (the "Property") is a +/-13.95-acre parcel improved with a number of outdoor recreational fields and the James W. Campion III Rink, a +/- 22,500 sq. ft. recreational ice rink ("Ice Rink"). The Property is split-zoned RL-3 to the north and R-3 to the south. Approximately one-third of the Ice Rink is located in RL-3 District with the remainder of the building located in the R-3 District (see Figure 1 below).

Figure 1.



The Ice Rink was originally approved in 1987 and was reapproved in by the Zoning Board in 2016, in connection with a proposed 56,570 sq. ft. expansion of the Ice Rink that never materialized. The 2016 Notice of Decision (for ZB2016-03R-SEVAR) and the related meeting minutes (from 9/19/16, 10/3/16, 11/21/16, and 12/19/16) are attached hereto for reference. On January 22, 2019, the Zoning Board granted a two-year extension of the 2016 Special Exception and Variances as they related to the proposed expansion of the Ice Rink. The extension has now expired. However, note that the 2016 Notice of Decision was intended to supersede and replace the 1987 Zoning Board approval for the existing rink regardless of whether the proposed expansion was actually constructed.

The Town of Hanover owns the Property, whereas the Ice Rink itself is owned and operated by the Hanover Improvement Society. Because the Ice Rink is not owned by a government entity, it is considered an “indoor recreational facility” use under the Zoning Ordinance and not a “public recreation facility” use. “Indoor recreational facility” is a use allowed by Special Exception in the RL-3 District, but is not an allowed use in the R-3 District. Therefore, the portion of the Ice Rink that is located in the R-3 District is considered legal non-conforming.

Figure 2. Vicinity Map.



©2020 Google, <https://lebanonnh.mapgeo.io/>

As detailed in the application materials, the applicant proposes to renovate the Ice Rink and to construct additions totaling 6,345 sq. ft. in size (note the current proposal is substantially smaller in scale compared to the unbuilt 56,570 sq. ft. expansion approved by the Zoning Board in 2016). The additions include a 3,665 sq. ft. expansion and renovation of the lobby on the north (front) side of the building, and a 2,680 sq. ft. expansion on the east side of the building to accommodate new restrooms and locker room spaces. The 3,665 sq. ft. addition is located in the RL-3 portion of the lot, whereas the 2,680 sq. ft. addition is located partially within the RL-3 District and partially within the R-3 District.

1. Variance from Section 314.3 to allow +/-2.7% building coverage on the RL-3 portion of the lot where 1% is the maximum allowed.

2. Variance from Section 314.3 to allow the proposed addition to be located +/-45 ft. from the side lot line where 50 ft. is the minimum required yard¹ in the RL-3 District.

[illegible]

51 NORTH PARK STREET, LEBANON, NEW HAMPSHIRE 03766
TEL: 603-448-1457 FAX: 603-442-6141 WWW.LEBANONNH.GOV

3. Variance from Section 310.3 to allow +/-38.9% building coverage on the R-3 portion of the lot where 25% is the maximum allowed for a Class 1 lot.

Note: The Property is considered a Class 1 lot since it served by public water and sewer. Class 2 and 3 lots have stricter building coverage requirements.

4. Variance from Sections 310.2 and 702.5 to expand an existing non-conforming non-public indoor recreational facility located on the R-3 portion of the lot.

Note: Although “public recreation facility” is a permitted use in the R-3 District, the Ice Rink is an “indoor recreational facility” which is not permitted in the R-3.

5. Special Exception pursuant to Section 314.2 and Section 704 to expand an existing indoor recreational facility² on the RL-3 portion of the lot.

Note: Per Section 704, for expansions to uses allowed by Special Exception, the expansion itself requires Special Exception approval.

Figure 3. Bird's Eye View of subject property (looking south).



©2021 Eagleview (image taken 4/3/2021)

² “Indoor recreational facility” is defined in Appendix A of the Zoning Ordinance as: “An indoor recreational facility including, but not limited to, tennis courts, swimming pools, ice or roller skating, track and field facilities, squash or handball courts, other than those accessory to a dwelling.”

ZONING ORDINANCE REQUIREMENTS

A. VARIANCES

To obtain the requested Variances, the applicant must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are set forth in the bold text below, followed by general staff commentary on the meaning and intent of each.

1. **Will the variance be contrary to the public interest?** According to the Board of Adjustment in NH, 2012 Edition, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?
2. **Will the spirit of the ordinance be observed?** According to the Board of Adjustment in NH, 2012 Edition, in deciding whether or not a variance will violate the spirit and intent of the ordinance, the Board must determine the legal purpose the ordinance serves and the reason it was enacted. The effect of the variance should be evaluated in light of the goals of the Ordinance, which might begin or end with a review of the master plan upon which the ordinance is based.
3. **Is substantial justice done?** According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.
4. **Are values of surrounding properties diminished?** According to the Board of Adjustment in NH, 2012 Edition, if there is conflicting evidence (dueling experts) then it is the Board's job to sift through such testimony and other evidence to make a finding as to whether there will be a decrease in property values. Board members may also draw upon their own knowledge of the area in reaching a decision on this standard. It is the applicant's burden to convince the Board that it is more likely than not that the project will not decrease values.
5. **Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**
 - a. **Special Conditions:** According to the Board of Adjustment in NH, 2012 Edition, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.
 - b. **Fair and Substantial Relationship:** Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance?

Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.

- c. **Reasonable Use: Is the proposed use a reasonable one?** All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

B. SPECIAL EXCEPTION

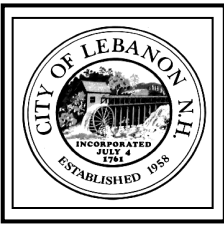
In order to grant the Special Exception to allow the expansion of an indoor recreational facility in the RL-3 District, the Board must determine that the proposal meets the general Special Exception criteria, set forth in Section 801.3 as follows:

- A. The Special Exception is specifically authorized by a provision of this Ordinance.
Note: The Special Exception is authorized by Sections 314.2 and 704 of the Zoning Ordinance.
- B. All special conditions required of the special exception have been met.
Note: There are no special conditions required for an indoor recreational facility in the RL-3 District.
- C. There are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
Note: Staff is not aware of any Zoning Ordinance violations on the property.
- D. The character of the area shall not be adversely affected.
- E. No hazard or nuisance will be created.
- F. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- G. Granting the special exception will not result in undue municipal expense.
- H. The proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.
- I. The general welfare of the City will be protected.

The applicant has submitted testimony addressing the Section 801.2 Variance criteria and Section 801.3 Special Exception criteria in an application received by the Planning & Development Department on March 17, 2022 (see attached).

Attachments

cc (via e-mail): Nate Stearns, Esq.
Don Derrick, Hanover Improvement Society
Julia Griffin, Town Manager, Town of Hanover
File



CITY OF LEBANON ~ PLANNING & ZONING

NOTICE OF DECISION ZONING BOARD OF ADJUSTMENT

*The Lebanon Zoning Board of Adjustment, at its regularly scheduled meeting held on December 19, 2016, approved the following motion made by Dan Nash and seconded by Al Patterson by a vote of **5-0**:*

"On **September 19, October 3, and November 21, 2016**, at duly-noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared representatives of the **Campion Sports & Rec Project** including Nate Stearns, Esq., Alan Saucier of Pathways Consulting, John Hochreiter, and John Souther, President, on behalf of the **Town of Hanover** and **Dartmouth College Trustees** (collectively, "Applicants") regarding **394 North Main Street (Tax Map 5, Lot 2-701), 0 Gould Road (Tax Map 5, Lot 1), 0 North Main Street (Tax Map 8, Lot 27), and 0 Indian Ridge Drive (Tax Map 8, Lot 28)**, zoned RL-3 and R-3. 394 North Main Street is improved with a 22,500 s.f. ice rink, approved by Special Exception in 1987. Applicants seek approval for a new Special Exception in order to change the conditions of approval that were imposed in 1987. Applicants also propose a 56,570 s.f. expansion of the rink, which will require a boundary line adjustment with three lots owned by Dartmouth College. In order to obtain a new approval for the existing rink and approval for the proposed expansion, Applicants request the following: **(a) a Variance from Article III, §310.2** to allow a non-public recreation facility in the R-3 portion of the proposed lot; **(b) a Variance from Article III, §310.3** to allow 29.9% building coverage in the R-3 portion of the proposed lot where 25% is the maximum allowed for a Class 1 lot; **(c) a Variance from Article III, §314.3** to allow 2.9% building coverage in the RL-3 portion of the proposed lot where 1% is the maximum allowed; and **(d) a Special Exception pursuant Article III, §314.2** to allow an indoor recreational facility in the RL-3 portion of the proposed lot. **#ZB2016-03R-SEVAR**

I. FINDINGS OF FACT

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

A. Background/Existing Rink

1. 394 N. Main Street (the "Property") is a +/- 13.96 acre parcel that is improved with a number of outdoor recreational fields and the James W. Campion III Rink, a +/- 29,510 s.f. recreational ice rink ("Existing Rink").

The Existing Rink was granted Special Exception approval by the Zoning Board of Adjustment in 1987 per Notice of Decision, dated February 24, 1987 (the "1987 Notice of Decision").

2. The 1987 Notice of Decision presumed that the Property is located wholly within the RL-3 District. However, Planning Department staff more recently confirmed that the RL-3 District actually extends 1000 ft. south of the centerline of Gould Road, which moves the district boundary line north of where it was presumed to be in 1987. As a result, the Property is split-zoned RL-3 and R-3 and the Ice Rink itself is located in both districts.
3. The Town of Hanover owns the Property, however the Existing Rink is owned and operated by the Hanover Improvement Society. Because the Existing Rink is not owned by a government entity, it is considered an "indoor recreational facility" use under the Zoning Ordinance and not a "public recreation facility" use. "Indoor recreational facility" is a use allowed by Special Exception in the RL-3 District, but it is not an allowed use in the R-3 District without a variance. A public recreational facility is a permitted use in the R-3 and RL-3 Districts.
4. The portion of the Existing Rink that is located in the RL-3 District exceeds the 1% maximum building coverage allowed in the RL-3. Although this requirement was in effect at the time the Existing Rink was approved, the 1987 Notice of Decision does not address building coverage. It is not known whether this requirement was overlooked in 1987 for a reason or by mistake.
5. The Board was not asked by the Applicants, staff, or any other party to make a determination with respect to the legal status of the Existing Rink in light of the apparent mistake of fact regarding the location of the zoning district boundary.
6. The 1987 Notice of Decision also approved a reduction of landscaping as was then required by Section 317 of the Zoning Ordinance. These requirements are no longer contained within the Zoning Ordinance. Notwithstanding the relief requested from Section 317, the applicant at that time proposed certain landscaping improvements (see 1987 Notice of Decision, finding of fact 11). A condition of approval was also imposed relating to landscaping (see 1987 Notice of Decision, condition of approval 3).

B. Proposed Rink

7. To accommodate a second indoor ice rink, Applicants propose a 56,570 s.f. expansion of the Existing Rink resulting in a total building size of 86,080 s.f., together with associated site improvements including additional parking and accessways (the Existing Rink, the proposed expansion, and the associated site improvements are collectively referred to as the "Proposed Rink").

8. The Proposed Rink will require a boundary line adjustment with three lots owned by Dartmouth College identified as Tax Map 5 Lot 1, Tax Map 8 Lot 27, and Tax Map 8 Lot 28 ("Dartmouth Lots"). The boundary line adjustment will increase the size of the Property from +/- 13.96 acres to +/-18.38 acres. The Applicants testified that the Dartmouth Lots will be conveyed to the Town, pending Planning Board approval of the boundary line adjustment and approval from the Town of Hanover to acquire the land (the Property as proposed to be adjusted is referred to as the "Proposed Lot").
9. The Proposed Rink will also impact approximately 22,000 s.f. of wetlands which will require additional state and local approvals.

C. Requested Relief

10. As reflected in the application materials received September 6, 2016, and as clarified in a letter from Attorney Nate Stearns dated September 27, 2016, Applicants seek the following: (a) a new approval for the Existing Rink (primarily because the conditions of approval imposed by the Board in 1987 no longer suit the Applicants' needs); and (b) an approval to allow the Proposed Rink.
11. The Existing Rink and Proposed Rink require the following three (3) Variances and Special Exception:
 - VARIANCE from Article III, §310.2 to allow a non-public recreation facility in the R-3 District.
 - VARIANCE from Article III, §310.3 to allow 29.9% building coverage in the R-3 portion of the Proposed Lot where 25% is the maximum allowed for a Class 1 lot.
 - VARIANCE from Article III, §314.3 to allow 2.9% building coverage in the RL-3 portion of the Proposed Lot where 1% is the maximum allowed.
 - SPECIAL EXCEPTION pursuant to Article III, §314.2 and Article VII, §704 to allow a recreational facility in the RL-3 District which is a use permitted by Special Exception.
12. The requests set forth in Finding of Fact #11 were originally approved by the Board on May 16, 2016, case #ZB2016-03-SEVAR & #ZB2916-04-SE. Rehearing requests, timely filed by the Applicants and an abutter, David Donley, were granted by the Board on July 18, 2016. Applicants filed their application for the rehearing on September 6, 2016 in time for placement on the Board's September 19, 2016 meeting agenda.
13. At the September 19th meeting, Applicants stated that in addition to seeking approval for the Proposed Rink, they are also seeking approval to expand the permitted hours of operation for the Existing Rink. Because the Applicants' application and supporting materials did not clearly express the Applicants' intent, the Board requested that the Applicants amend the application

submitted on September 6th. Following receipt of the Applicants' amendment by letter from Attorney Nate Stearns dated September 27, 2016, a revised hearing notice was prepared and mailed to abutters in advance of the continued hearing on November 21st.

D. Applicants' Testimony

14. In support of their requests, the Applicants submitted application materials received by the Planning Department on September 6, 2016, which were later supplemented by a letter from Attorney Stearns dated September 27, 2016. Applicants submitted the following additional materials at the September 19th meeting:
 - a. A landscaping plan titled "Schematic Perimeter Landscape Plan", dated September 9, 2016, prepared by Pathways Consulting; and
 - b. A landscaping plan titled "Landscape Consideration for ZBA Review", dated September 19, 2016, prepared by Pathways Consulting.
15. At the September 19th meeting, the Applicants asked that the Board incorporate into the record all the Applicants' previous testimony and exhibits from the original hearing.
16. At the September 19th meeting and again on November 21st, the Applicants reviewed the hours of operation requested as part of the original application and the hours of operation approved by the Board and set forth in the May 16, 2016 Notice of Decision. He requested that the Board approve the following hours of operation both for the existing facility and the proposed expanded facility:
 - o Mid-October through mid-April: 6:00 a.m. to midnight
 - o Mid-April through mid-May: 7:00 a.m. to 10:00 p.m.
 - o Mid-May through late June: Only open to support field use
 - o Late June through early August: 6-week period of 7:00 a.m. to 11:00 p.m.
 - o Early August through Labor Day: Only open to support field use
 - o Labor Day through mid-October: 6:00 a.m. to 11:00 p.m.
17. The Applicants testified that approximately 180-182 parking spaces will be provided and that no parking will be provided to the south of the building.
18. Seven (7) letters were submitted to the Planning Office in advance of the September 19th hearing in support of the proposal, including letters from Lebanon residents and the Lebanon Boys' Varsity Hockey coach. A letter of support from Paul Coats, Lebanon Director of Parks & Recreation was submitted to the Planning Office on September 30, 2016 and provided to the Board at the October 3rd meeting.

E. Concerns Raised Regarding Impact of Proposed Rink

19. At the outset of the hearing on September 19, 2016, abutter David Donley, represented by Attorney Stephen Girdwood, presented a document entitled "Campion Rink Project, Requested Conditions". The document was not signed or dated. Testimony by Attorney Girdwood was received that if the conditions noted in this document were met, and the Applicants agreed, Mr. Donley would drop his appeal for rehearing. The representatives of the Applicants verbally agreed to the terms of this document. The Board acknowledged this document and appends it to this decision. The Board made it clear that reference to the document is simply a public acknowledgement of it, and that the city does not accept any responsibility for enforcement of this document.

The Applicants entered a fully executed copy of the document into the record at the November 21st continued hearing.

20. At the September 19th meeting, several individuals including two residents of Lebanon, spoke in favor of expanding the hours of operation for the Existing Rink.
21. Tom Martz, a resident of nearby Pinewood Village, expressed concern to the Board that the Existing Rink has been operating outside it approved hours of operation without permission, and suggested that the Applicants would be back before the Board in the future to request permission to allow two high school hockey games at the same time.
22. Pamela Jenkins of 43 Gould Road spoke at the September 19th meeting to express concern about the scope of the use of the Existing and Proposed Rinks, including the possibility of the rink being used for non-sporting events such as concerts and meetings.
23. During the course of the hearings, the Board received several e-mails raising concerns about traffic and parking from Ray Robbins of 72 Oak Ridge Road, Pamela Jenkins of 43 Gould Road, and Ann Perbohner of 47 Gould Road.
24. At the continued hearing on November 21st, Pam Jenkins addressed the Board regarding her continued concerns regarding management of the property, parking, and noise. And to substantiate her concerns about the scope of the use, she entered into the record a copy of an e-mail advertising space available for rent at the Existing Rink to hold parties and group events.
25. At the October 3, 2016, a Board member raised concerns regarding conclusions and adequacy of the Applicants' traffic study and, based on his own observations at the site, expressed particular concern with respect to the study's conclusion that sight distances at the driveway entrance are sufficient. The Board approved a motion to obtain a third party review of the traffic study's sight distance analysis and conclusions. In response, staff

coordinated with Christina Hall, the City Engineer, to review the traffic study's sight distance conclusions. As set forth in an e-mail from the City Engineer dated November 15, 2016, entered into the record by staff at the continued November 21st hearing, the City Engineer concurred with the sight distance analysis in the traffic study and stated that she had no concerns.

II. CONCLUSIONS OF LAW

A. Variance from Article III, §310.2

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes the following with respect to the requested VARIANCE from Article III, §310.2 to allow a non-public recreation facility in the R-3 portion of the Proposed Lot:

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

B. Variance from Article III, §310.3

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes the following with respect to the requested VARIANCE from Article III, §310.3 to allow 29.9% building coverage in the R-3 portion of the proposed:

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

C. Variance from Article III, §314.3

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes the following with respect to the requested VARIANCE from Article III, Section 314.3 to allow 2.9% building coverage in the RL-3 portion of the Proposed Lot:

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

D. Special Exception from §314.2

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes that the following with respect to the requested SPECIAL EXCEPTION pursuant to Article III, §314.2 to allow a recreational facility in the RL-3 portion of the Proposed Lot:

- A. That the special exception is specifically authorized by Section 314.2 of the Zoning Ordinance. (§801.3.A)
- B. That all special conditions required of the Special Exception have been met. (§801.3.B) There are none.
- C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy. (§801.3.C)
- D. That the character of the area will not be adversely affected. (§801.3.D)
- E. That no hazard or nuisance will be created. (§801.3.E)
- F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted. (§801.3.F)
- G. That granting the special exception will not result in undue municipal expense. (§801.3.G)
- H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)
- I. That the general welfare of the City will be protected. (§801.3.I)

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 19th day of December, 2016, hereby **GRANTS** the request of **Campion Sports & Rec Project, Dartmouth College Trustees** and **Town of Hanover** for the Variances

and Special Exception referenced above, per plans submitted, with the following additional conditions:

A. Conditions of Approval for both the Existing and Proposed Rinks

- 1) This Notice of Decision shall supersede any statement made by the Applicants or on behalf of the Applicants in their written materials or at the hearing that is contrary to or inconsistent with any of finding of fact, conclusion of law, or condition of approval set forth herein.
- 2) The Existing Rink and Proposed Rink shall be used only for the following: (i) ice-related sports including games and practices; (ii) ice-related recreational activities such as "open ice" hours for public use; (iii) indoor practice space for turf sports during the months of March, April, and May; and (iv) the locker rooms and rest rooms may be used as accessory uses for the Town of Hanover recreational fields (see also Condition of Approval #13).
- 3) Only one high school hockey game shall be played at a time.
- 4) An outside police detail shall be present at all high school hockey games. In addition, any event held which is reasonably anticipated to draw 200 or more spectators shall also require a police detail.
- 5) The rest rooms and lockers shall be made available from the outside when the Town of Hanover recreational fields are being used.
- 6) Alcohol shall be prohibited from the site and shall not be sold nor permitted to be consumed.
- 7) During the winter months, the Existing and Proposed Rinks shall be made available to the public for reasonable and regular periods of recreational skating.
- 8) Signs shall be posted restricting parking to permitted uses of the Existing and Proposed Rinks only. Parking for uses associated with the Dartmouth College recreational fields or any other off-site use is prohibited. Such signage shall be reviewed and approved by the Planning Department. Such signs shall be installed within six (6) weeks after the appeal period for this Notice of Decision has expired.
- 9) The exterior walls of the Existing Rink shall be resurfaced with low luster materials to reduce reflectivity rates. Colors shall be earth tone. The exterior color scheme of the walls and roof of the Proposed Rink shall also be earth tone.

- 10) No access to the Existing or Proposed Rink may be constructed or utilized over the right of way that is utilized by the property located at 378 North Main Street.

B. Conditions of Approval for the Existing Rink only

- 1) This approval supersedes and replaces the Notice of Decision referenced herein dated February 24, 1987, in its entirety as it relates to the Existing Rink (the 1987 Notice of Decision remains in effect insofar as it relates to the outdoor playing fields). The intent of this approval is to reapprove the Existing Rink, subject to Conditions of Approval A.1 through A.10 and B.1 and B.2, and independent of whether or not the Proposed Rink is approved and constructed.
- 2) The hours of operation for the Existing Rink shall be mid-September to mid-April, 6AM to midnight.

C. Conditions of Approval for the Proposed Rink only

- 1) A boundary line adjustment shall be approved by/obtained from the Planning Board.
- 2) The Applicants shall obtain a NHDES Wetlands Permit and Special Exception approval from the Zoning Board of Adjustment for the proposed wetlands impacts. The Special Exception request for wetlands impact shall first be reviewed by the Conservation Commission, consistent with Section 401.7.D of the Zoning Ordinance. This Notice of Decision shall not be considered a basis to approve the Special Exception request for the wetlands impact. Should the Special Exception request for the wetlands impact be denied, this Notice of Decision shall be null and void.
- 3) The hours of operation for the Proposed Rink, if constructed, shall be as set forth in Finding of Fact #16 except that from Late June through early August, and from Labor Day through mid-October, the building shall close by no later than 10:00 p.m.
- 4) No bus or car circulation will be allowed on the access roadway to be constructed on the south and west sides of the Proposed Rink; such access roadway may be used only for emergency vehicle access and for maintenance vehicle access. Locked gates will be maintained at the northwest and southeast corners of the arena building.
- 5) Any doors on the north, south and west sides of the Proposed Rink will be for emergency egress and maintenance only, and other than access doors for maintenance will be marked as "emergency exit only". Pedestrian flow in and out of the Proposed Rink will be directed through doors on the east side of the building.

- 6) The Proposed Rink will not include any parking to the south of the arena building.
- 7) The Proposed Rink will incorporate measures to ensure that snow, snowmelt, and surface water do not discharge onto properties to the west.
- 8) The turn lane discussed in the Applicants' traffic study shall be reviewed by the New Hampshire Department of Transportation (NH DOT) and shall be installed if determined necessary by NH DOT.
- 9) The Applicants shall obtain Site Plan approval from the Planning Board for the Proposed Rink and shall comply with all conditions that may be imposed by the Planning Board as part of any site plan approval. If Site Plan approval is denied, the Zoning Board's approval of the Proposed Rink as set forth herein shall be rendered null and void.
- 10) A landscaping plan shall be submitted as part of the Planning Board Site Review required for the Proposed Rink. The landscaping plan shall, at a minimum, be substantially similar to the Landscaping Plans submitted by the Applicants at the September 19th Board meeting. Copies of the Landscaping Plans are attached hereto. The Applicants shall provide additional coniferous vegetative screening to the building on the north side of the fence to soften the visual impact, subject to approval by the Planning Board.
- 11) Fencing shall be installed, at a minimum, as depicted on the Landscaping Plans except that the fence proposed for the western side of the Property shall be extended south to the proposed access gate, and the fencing proposed for the north side of the parking lot shall be extended to the ball field fence line. Fencing on the north side of the parking lot shall be installed from mid-October to mid-March and shall be opaque to prevent light pollution from affecting residents on Gould Road.
- 12) Prior to the issuance of any permits, the Hanover Improvement Society and the Town of Hanover shall develop and have approved by the City of Lebanon Planning Office, a cohesive land management plan for the entire property, including the field sports complex that is compatible with its surrounding neighborhood. The plan should address, but is not limited to: property care and maintenance, lighting management, parking regulation, signage, night-time noise regulation, trash and litter control, alcohol consumption regulation, handling of mischief and nuisances. It should also identify responsible parties and point(s) of contact. If deemed appropriate by Planning Department staff, the plan shall be submitted to the Planning Board for review and approval.
- 13) The following conditions, proposed by the Applicants, are hereby accepted by the Board and adopted as conditions of approval:

- a. Except when necessary to provide adequate on-site parking during high school hockey games or sporting events on Sachem Fields, access to the rear of the facility shall be restricted by gates between the hours of 7PM and 7AM.
 - b. Unless otherwise required by the Planning Board, and except to the extent necessary to accommodate safety considerations, exterior lighting shall be on a timer or switch and turned off when the rink is not open for operations.
 - c. Exterior lighting to the rear of the facility shall be turned off between 7PM and 7AM, except as otherwise required by the Planning Board.
 - d. Truck deliveries and dumpster pickups shall only occur between the hours of 7AM and 7PM.
 - e. All trash receptacles on the property shall be appropriately covered to prevent windblown trash from leaving the property.
 - f. Any dumpsters on the property shall be located to the east of the building.
- 14) The Proposed Rink shall provide exterior lighting that complies with all applicable requirements of the City of Lebanon Site Plan Review Regulations.
- 15) The Proposed Rink shall utilize a cooling tower that has a sound power level that is 85 dba or less to match the quietest sound tower unit modeled by RSG in its sound assessment dated April 16, 2016. In addition, the cooling tower shall not be located closer than 190 feet to any existing residence and the sound level shall measure 43 dba or less at the residence located at 378 N. Main Street."

Notice of Decision prepared by: Tim Corwin, Senior Planner, March 15, 2017

NOTE: (NH RSA 677:2) Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed.

6. ***The Board must find the proposed location suitable. The Board finds the proposed location suitable.***

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 19th day of September, 2016, hereby GRANTS the request of Alice Peck Day Memorial Hospital for a Special Exception pursuant to Article VI, Section 608.4.C.1 & 608.9 of the Zoning Ordinance to install a freestanding sign on the subject property advertising Harvest Hill and Woodlands residential facilities, as referenced above.

Conditions:

- 1) ***A building permit shall be obtained prior to installation.***
- 2) ***Sign will be located behind the property line.***

Seconded by Al Patterson.

****The motion was approved by a vote of 5-0.***

- C. REHEARING: DARTMOUTH COLLEGE TRUSTEES, TOWN OF HANOVER, and CAMPION SPORTS & REC PROJECT, 394 N. MAIN STREET (Tax Map 5, Lot 2-701), 0 GOULD RD (Tax Map 5, Lot 1), 0 N. MAIN STREET (Tax Map 8, Lot 27), and 0 INDIAN RIDGE DRIVE (Tax Map 8, Lot 28), zoned RL-3 and R-3:** Applicants propose a 56,570 s.f. expansion of the James W. Campion III Rink. The expansion will require a boundary line adjustment with three lots owned by Dartmouth College. Applicants request Variances from the following: (a) Article III, 310.2 to allow a non-public recreation facility in the R-3 portion of the proposed lot; (b) Article III, 310.3 to allow 29.9% building coverage in the R-3 portion of the proposed lot where 25% is the maximum allowed for a Class 1 lot; and (c) Article III, Section 314.3 to allow 2.9% building coverage in the RL-3 portion of the proposed lot where 1% is the maximum allowed. Applicants also request a Special Exception pursuant Article III, Section 314.2 to allow an indoor recreational facility in the RL-3 portion of the proposed lot. #ZB2016-03R-SEVAR

Mr. Steve Girdwood stated he is counsel for Mr. David Donley, who is an abutter to the property. He said Mr. Donley had filed a request for rehearing of the proposed Campion Rink expansion project. Mr. Girdwood said he and his client have reached an agreement with the applicants and Mr. Donley is no longer going to object to the project, based on the agreement reached.

He said Mr. Donley and the applicants have reached a memorandum of understanding (MOU) which includes six design feature/conditions that the applicant has agreed to include in the project. He provided the Board with a copy of the six requested conditions, which deal with:

- Stormwater discharge
- Traffic flow
- Pedestrian flow in and out of the building
- Visual impact mitigation
- Parking
- Congregation of people outside arena

He said another contractual agreement between the parties is that the applicants will clean up dumping that has occurred over the years along the property line boundary. He said Mr. Donley also has asked to be able to give input into the design related to sound mitigation.

Mr. Nate Stearns, who represents the applicant, asked if the withdrawal of the rehearing request meant Mr. Donley had no objection to the hours of operation and Mr. Girdwood confirmed he did not.

Mr. Stearns, Mr. John Hochreiter of the Hanover Improvement Society, and Mr. Alan Saucier of Pathways Engineering were present to represent the applicant. Mr. Stearns said the only new information that had not been included in the previous hearing meetings were Mr. Donley's conditions and revised hours of operation. He asked that the Board incorporate into the record all the applicant's previous testimony and exhibits from the prior hearings.

Mr. Stearns noted that, in its decision in May, it had made the following hours of operation a condition of its approval of the project:

Mid-October to mid-March:

6:00 a.m. to 11:00 p.m.

Mid-March to mid-October:

Monday – Saturday: 7:00 a.m. to 8:00 p.m.

Sunday: 10:00 a.m. to 8:00 p.m.

Mr. Stearns said the hours originally requested by the applicant were:

Mid-September to mid-April:

6:00 a.m. through midnight

Mid-April through mid-September:

7:00 a.m. through 11:00 p.m.

He said these hours were proposed to meet the demands of the rink users. He said after receiving the Board's decision, the applicant revised the proposed hours of operation to the following:

Mid-October through mid-April: 6:00 a.m. to midnight

Mid-April through mid-May: 7:00 a.m. to 10:00 p.m.

Mid-May through late June: Only open to support field use

Late June through early August: 6-week period of 7:00 a.m. to 11:00 p.m.

Early August through Labor Day: Only open to support field use

Labor Day through mid-October: 6:00 a.m. to 11:00 p.m.

Mr. Hochreiter said the main reasons the expansion project is being proposed in the first place is to meet the demands for ice time, and to provide a closed recreational space for the community. He explained that the hourly ice rate is the facility's greatest source of income. He said the hours imposed by the Board produce six less weeks of ice time than the rink presently has. Mr. Hochreiter testified that under the new hours the rink would lose \$300,000 per year.

Vice Chair Koppenheffer said the Board's conditioned hours provided the rink with five months' time where it would lose one hour per day. Mr. Hochreiter said the hours imposed actually are shorter by several weeks throughout the year. He said the rink has not adhered to the mid-October to Mid-March hours of operation, as was stipulated in the 1987 agreement, since the late 1980s. He said the Hanover Improvement Society has been before the Zoning Board several times in the past, and the issue of hours of operation have not been addressed. He said the mid-September to mid-April hours allow the rink to

meet its expenses and break even. He said without the additional hours, the rink will have to turn skating groups/clubs/teams away.

Mr. Stearns asked Mr. Hochreiter to confirm that there are fixed costs to running the rink and the revenue to off-set those costs is obtained by selling ice time by the hour. Mr. Hochreiter confirmed that was true.

Vice Chair Koppenheffer asked if the budget that Mr. Hochreiter had composed was based on two rinks or one, and Mr. Hochreiter said it was only based on one. Vice Chair Koppenheffer said the hours imposed by the Board in May were conditioned on the approval of the second rink, which is part of the proposed expansion project. He said at the time of the decision, the Board had said if the new rink does not get built, the Board cannot affect the hours of the old/existing rink. He said the new hours only go into effect with the new rink, and he said Mr. Hochreiter did not provide estimated revenues of the new rink. Mr. Hochreiter agreed that if the new hours only applied to when the second rink was built the figures regarding losses had no applicability.

Mr. Hochreiter said the Improvement Society did not understand that the hours were to be imposed only once the new expansion had been completed. Ms. Mercer said there seems to be a lot of confusion about the hours of operation. She also said the hours the Board imposed were for year-round operation, going forward with the new project.

The Board members and applicant continued to discuss the hours of operation and which approval - the original 1987 approval or the Board's approval in May 2016 - was in effect until the new expansion project is completed. Mr. Corwin said it was his understanding that once the rehearing was granted, the May 2016 approval was null and void. The Board also continued to discuss that the hours of operation approved in May 2016 were to be enacted once the project was completed.

Chair Halpin said there will not be enough time to make the decision at the current meeting, and suggested the decision be held until the next meeting. Ms. Mercer said she is concerned that the community believes the Board has cut the current hours of operation. Mr. Corwin said the rehearing is the opportunity for the Board to clear up the confusion about the hours of operation.

Mr. Christie suggested that the Board hold a special meeting for the rehearing alone. Ms. Mercer said she did not feel a special meeting was needed. She said she would like to hear the rest of the presentation and to hear from the members of the public.

Mr. Stearns said he could take up the question of the hours of operation with Mr. Corwin. Mr. Corwin said the Board could use the rehearing as the opportunity to clarify specifically what the hours of operation are for the interim period.

Mr. Nash said the new hours imposed by the Board were to take into effect with a Certificate of Occupancy for the new rink. He said now a bridge period has been identified and he said the Board needs to know exactly what it is being asked. He said the May 2016 approval did not specifically address the hours of operation for the interim period until the new rink is open.

Mr. Stearns asked if the Board would approve a verbal request to clarify the following hours of operation for the period between now until the new project is open:

Mid-September through mid-April: 6:00 a.m. to midnight

Vice Chair Koppenheffer asked if a public notice needed to be posted in order to approve the request by Mr. Stearns. Mr. Corwin said he did not believe a formal request was needed because it was part of the rehearing process. Mr. Patterson said he did think a formal request was needed so that neighbors and

abutters could have time to review. Ms. Mercer asked if applicants who are in violation and come to the Board to request a special exception are able to continue to operate as is until the special exception is granted. Mr. Corwin confirmed they could, but if a complaint is received by the City, it will have to be addressed.

Chair Halpin suggested that the applicants be allowed to finish their presentation.

Mr. Stearns read the conditions that were agreed upon by the applicants and Mr. Donley. He said sketches were provided to the Board in the Zoning Board of Adjustments September 19, 2016 Meeting Agenda packet. Mr. Saucier noted that there will not be any parking on the south side of the building and those spaces had been relocated to the east side. He said a revised landscape plan had been created which included several evergreen hedges to shield the abutting properties from noise and lights. He said a six-foot vinyl opaque board fence will be erected on the property line between the rink and the Whites property.

Mr. Stearns said any features that would encourage congregation after or before events have been eliminated from the plans. Mr. Hochreiter said they have already started to relight the outside areas with downward LED lights.

Mr. Corwin asked the applicants to provide an updated site plan that reflect the changes described.

Mr. Nash asked, with the elimination of the parking on the south side of the building, will there be enough parking spaces. Mr. Saucier said additional spaces had been added to the area near the left-field fence line. Mr. Patterson asked that the applicant be specific about whether the parking is adequate because there are safety concerns related to on-street parking, which would be the alternative if an insufficient number of spaces were available. Mr. Saucier confirmed the original plan (with parking in the south) included 184 spaces. He said the new plan, with no parking in the south, includes 180-182 spaces. Mr. Stearns noted that only one high school hockey game will take place at a time.

Chair Halpin opened the hearing to public comment.

Ms. Eliza Howard, a Plainfield resident, said she is a member of a sled hockey club for disabled veterans. She said her club holds weekly clinics on Mondays. She said the schedule has been set for a long time, and it is unfair to change the hours of operation with so little notice. She said it takes a long time to build the trust of the participants and she doesn't want to risk breaking their trust with changes to the clinic times. Vice Chair Koppenheffer asked what the days and hours of the clinics are. She said this year, it has been Mondays from 1:40-3:20 p.m. from October 3 until April. She said last year, the clinics were held from early October to the end of March.

Mr. Tom Martz, of Pinewood Village, said he has only been in the community for two years, but he said he is concerned that the rink has been operating outside the agreed-upon hours without permission. He said he is glad the Board is not making any decisions tonight and can have time to review. He said the applicant has said only one high school game will be played at a time, but what if there is the need in the future for more than one game at a time – will the Board be back here again.

Mr. Dan Weinstein, President of the Upper Valley Speed Skating Club, said the new rink will allow people and clubs like his to get the ice time they need. He said his club has agreed to meet at 7:00 a.m. on Sundays, so if the hours are not approved, he will not have a club. Vice Chair Koppenheffer asked if the club ran last year. Mr. Weinstein said it shared 1/3 of the ice with Skating Club at Dartmouth (SCAD) on Thursdays at 5:30 p.m.

Gary Mayo, Lebanon resident and owner of A.B. Gile Insurance, said he has been a person in the community who has preserved and enhanced local recreational activities. He said he is involved in risk management for the Special Olympics. He said he believes not having the full hours of operation causes financial hardship to the Hanover Improvement Society. He said he hopes the Board finds a way to approve the project.

Jane Chambers Rice said she lives in Hanover, but teaches special education at Lebanon High School. She said she is concerned for Lebanon HS students because she is worried that the Hanover Improvement Society will raise its rates which will cause the hockey program to shut down. She said the Lebanon hockey teams feel like Campion Rink is their home rink.

Pam Jenkins, 43 Gould Road, said the project states the rink is multi-use and she would like to make sure that "multi-use" refers to athletic use and not events, such as concerts or meetings or other non-sports-related events. She also suggested that the parking area along Route 10 be used for the rink, and that a walkway be added from the parking area to the rink.

Kristen Cirbus is a Lebanon resident and youth hockey coach. She said kids need to have time to practice and warm up and starting games too early leads to injuries. Vice Chair Koppenheffer asked when her team uses the rink and she said practices start October 29 this year from 5:00 p.m. to 9:00 p.m. She said practices started last year at the beginning of October.

Chair Halpin closed the public comment portion of the meeting.

Mr. Corwin said he had been reviewing the conditions proposed by Mr. Donley and he said Conditions (a), (b), and (c) are fine. He said instead of Condition (d), he would like to use wording from Condition 12 from the original approval. He said he is very concerned about enforcing the last two conditions (e and f), which relate to (e) keeping snowmelt and surface water from running into Mr. Donley's and the Whites' properties, and (f) the prevention of congregation of people outside the arena. He said these conditions can be a part of a private agreement between Mr. Donley and the applicants, but he said he did not think they were appropriate as conditions of approval by the Board.

Chair Halpin told the applicants that it has not represented the Board well to the community. He said he resents the fact that so many people came forward and looked at the Board as the people who took away their ice time. He said the Board is a quasi-judicial Board and only interprets the rules it has been given. He said the members are appointed by the City Council and are volunteers and he said he felt the applicants did them a disservice by giving them negative push-back from the community.

Mr. Patterson said he is still trying to grasp how the applicants will suffer hardship if the special exception to complete the project is not approved. He asked the applicant to explain the hardship related to the building coverage and the non-public recreational facility.

Mr. Stearns said the statute defines unnecessary hardship as it relates to special conditions of the property that distinguishes it from other properties in the area and the fair and substantial relationship between the public purposes and the specific applications, as well as on reasonable use of the property. He said the only distinction between a non-public and a public recreational facility is that it is owned by a non-public entity. Chair Halpin added that a public entity has a checks and balances in place to handle complaints and other issues that a non-public entity does not have.

Mr. Stearns said the facility spans the RL-3 and R-3 zones, one which allows non-public recreational facilities and one which doesn't. He said without the special exception, the facility would have to have a public owner, such as the Town of Hanover, which doesn't want to own the facility. He said the other

option is for the building to have to have split ownership. He said the Town of Hanover owns the land but it doesn't want to own and operate the facility. He said the area includes existing recreational facilities, such as Sachem fields, so the proposed use is reasonable.

Mr. Stearns said related to building coverage limitation and unnecessary hardship – the lot coverage for limitation for RL-3 zones is 1%. He said the Campion Rink doesn't resemble the uses set forth in the RL-3 Zone Purpose Statement, which is primarily for forestry and single-family lots. He said the area is very well-developed so the idea that the area is to remain undeveloped has passed.

Mr. Patterson said he felt the interpretation of hardship was very broad and that anyone could potentially say that since the area is already fully developed, they could do whatever they want. Mr. Stearns said the property is very unique and there already is an existing rink. He said no other property has a facility like this, and the shape and size of the property are unique.

Mr. Patterson noted that several people have been affected by the facility, and he did not believe the case for hardship has been made. Mr. Stearns said several Supreme Court cases have changed the determination of what is considered a unique property and the applicants do not have to show a strict interpretation of unnecessary hardship.

Ms. Mercer commended the abutters and applicants for enduring through the process. She said it is important to see the process work the way it should and said she hopes a resolution can be found. She asked Mr. Girdwood to comment on the discussion about Mr. Donley's conditions that were agreed upon by the applicants.

Mr. Girdwood said Condition (e) should be easy to meet because it involves grading and retaining walls to keep surface water will flow onto Mr. Donley's or the Whites' properties. He said Condition (f) is hard to define but involves picnic areas or large exterior seating areas.

Mr. Stearns said these conditions were drafted with the expectation that they would be included as conditions of approval, but he said the applicant is prepared to keep them through a private agreement if not included in the Board's approval.

Mr. Nash said his concern was about noise being a nuisance to neighbors. He said this was a major complaint of the neighbors, and he said he has not heard how the applicant will deal with complaints about noise that are made by neighbors.

Mr. Hochreiter said since Lebanon doesn't have a noise ordinance, it would be difficult for the Hanover Improvement Society to police. He said the changes in lighting, additional signage, and to make it known that cameras are in place to try to discourage congregation. He said there is no staff on the site during the summer months. Mr. Stearns noted that the proposed hours from the applicant includes two months during the warmer weather where the facility is closed.

Mr. Hochreiter said neighbors have his personal contact information if they have a complaint, and he has told them to call him directly. Ms. Mercer said the approval in May includes a Land Management Plan for the entire property to address property care and maintenance, lighting management, parking regulation, signage, nighttime noise regulation, trash and litter control, alcohol consumption regulation, and handling of nuisances. She said the plan would identify responsible parties and points of contact.

Mr. Patterson said the police will need to know what the specific regulations of the property are, then they can enforce them if neighbors call with a complaint. He said there needs to be a way for neighbors to

make a complaint immediately. Mr. Hochreiter said he did not realize the Land Management Plan was part of the condition and he said he would address it when the site plan is revised.

Vice Chair Koppenheffer said that Mr. Hochreiter had testified that the rink has been operating as long as he has been involved from mid-September to mid-March. He said during the five meetings held about the expansion project, the hours have been identified as mid-October to mid-March. He asked Mr. Hochreiter if he had any documentation that the hours have been from mid-September to mid-March.

He said the short hours during the summer, the change in the lights, and the shielding are attempts to address the issue of noise for the neighbors. He said in the future the rink may need to expand its hours and these elements may still address the issue of noise. He said he did not see a reason for the Board to change its decision and he felt the hours delineated in the 1987 approval should be in effect until the new rink is operational.

Mr. Hochreiter said that mud season also drives kids into the building because they cannot practice in fields, so this is additional income resource for the facility and need for a second rink. He said mud season typically extends into April. He said if the hours were moved back to mid-October to mid-March timeframe, he said the rink would experience significant financial hardship and would have to raise rates to break even.

Mr. Christie noted that most big rinks actually do not stand on their own financially, and do not make a profit. He said the other businesses around the arenas bring in revenues.

Ms. Mercer asked if all that is being asked for rehearing, in addition to all the conditions that were approved previously, are the conditions put forth by Mr. Donley and the revised hours of operation. Mr. Stearns confirmed that was true.

Mr. Corwin asked that Condition (e) be revised to state that zero post construction stormwater will flow onto Mr. Donley's property.

A MOTION by William Koppenheffer to continue the discussion until the October 3, 2016 meeting of the Zoning Board of Adjustments. Seconded by Al Patterson.

Ms. Mercer said she is concerned about the current hours of operation, and she doesn't need further discussion, so she said she is not in favor of continuing the discussion to October 3.

*****The Motion was approved by a vote of 4-0-1. Aye: Nash, Halpin, Patterson, Koppenheffer. Nay: Mercer***

5. CONSIDERATION OF REHEARING REQUEST:

RORY GAWLER, 103 PROSPECT STREET EXT. (Tax Map 108, Lot 15), zoned R-3:
Motion to rehear request for Variance to allow two principal structures and three dwelling units on the property. The request was denied on August 1, 2016. #ZB2016-14A-VAR

Mr. Nash said the motion for rehearing refers to septic capability being discussed. Mr. Nash said he had said the lot size did not support the density and in planning terms, that generally relates to the septic capacity of the lot. He said even if the applicant proved he could put a septic system on the lot, it would not be approved because the density would be exceeded. He said it is 40,000 square feet required for a single family or duplex property. He said the lot is too small for the additional structure to be used as a dwelling.

FINAL

**CITY OF LEBANON
ZONING BOARD OF ADJUSTMENT
MONDAY, OCTOBER 3, 2016
CITY HALL – CITY COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Jeffrey Halpin, Vice Chair William Koppenheffer, Alan Patterson, Dan Nash, and Patrick Christie (Alt)

MEMBERS ABSENT: Jennifer Mercer

STAFF PRESENT: Senior Planner Tim Corwin

1. CALL TO ORDER:

Chair Halpin called the meeting to order at 7:03 p.m.

Chair Halpin noted that since one Board member was absent from the meeting, Alt member Patrick Christie would take part in all votes for the meeting.

2. APPROVAL OF MINUTES: September 19, 2016

A MOTION by Dan Nash to approve the minutes. Seconded by Patrick Christie.

Amendments:

Page 1 Line 37: change October 19 to October 3

Page 5 Line 34: Add Mr. Hochreiter testified under new hours the rink will lose \$300,000 per year.

Page 6 Line 11: Add Mr. Hochreiter agreed that if the new hours only applied to when the second rink was built the figures regarding losses had no applicability.

*****Vote to approve the minutes as amended: 5-0-0. Motion Approved.***

3. PUBLIC HEARING - Continued from September 19, 2016:

- A. REHEARING: DARTMOUTH COLLEGE TRUSTEES, TOWN OF HANOVER, and CAMPION SPORTS & REC PROJECT, 394 N. MAIN STREET (Tax Map 5, Lot 2-701), 0 GOULD RD (Tax Map 5, Lot 1), 0 N. MAIN STREET (Tax Map 8, Lot 27), and 0 INDIAN RIDGE DRIVE (Tax Map 8, Lot 28), zoned RL-3 and R-3: Applicants propose a 56,570 s.f. expansion of the James W. Campion III Rink. The expansion will require a boundary line adjustment with three lots owned by Dartmouth**

College. Applicants request Variances from the following: (a) Article III, 310.2 to allow a non-public recreation facility in the R-3 portion of the proposed lot; (b) Article III, 310.3 to allow 29.9% building coverage in the R-3 portion of the proposed lot where 25% is the maximum allowed for a Class 1 lot; and (c) Article III, Section 314.3 to allow 2.9% building coverage in the RL-3 portion of the proposed lot where 1% is the maximum allowed. Applicants also request a Special Exception pursuant Article III, Section 314.2 to allow an indoor recreational facility in the RL-3 portion of the proposed lot. #ZB2016-03R-SEVAR

Chair Halpin said that the applicant requested a continuance on the rehearing until October 17, 2016. The Board discussed that, since it was not certain all members could be present for the October 17, 2016 meeting, the rehearing could be continued until November 7, 2016.

A MOTION by William Koppenheffer to Continue the Rehearing for the DARTMOUTH COLLEGE TRUSTEES, TOWN OF HANOVER, and CAMPION SPORTS & REC PROJECT, 394 N. MAIN STREET (Tax Map 5, Lot 2-701), 0 GOULD RD (Tax Map 5, Lot 1), 0 N. MAIN STREET (Tax Map 8, Lot 27), and 0 INDIAN RIDGE DRIVE (Tax Map 8, Lot 28) until November 7, 2016. Seconded by Dan Nash.

Mr. Corwin said the Board could address the issue of the current hours of operation without waiting until the next meeting. Vice Chair Koppenheffer said he felt the abutters needed to be formally noticed if the hours of operation would be discussed.

Mr. Patterson said he is concerned about the traffic study that the applicants presented. He said parts of the study were not accurate for the actual speed of traffic in and around the rink, and for the sight lines of the parking lot entrances and exits. He said RSA 675.5 allows the Board to request a new study to be done at the applicants' expense Mr. Corwin noted that the Planning Board will also be reviewing the sight lines of the project, so it may not be necessary to do another study. Mr. Nash said New Hampshire Department of Transportation will need to approve the driveway plan so it will also review the project for safety.

Mr. Nash said a full traffic study will take 12-16 weeks. He suggested that the City's contracted consultants could review the sight lines only. He said they could have data ready for the November 7, 2016 for the Board's review.

A MOTION by Al Patterson to Amend the Motion to Continue the Rehearing for the DARTMOUTH COLLEGE TRUSTEES, TOWN OF HANOVER, and CAMPION SPORTS & REC PROJECT, 394 N. MAIN STREET (Tax Map 5, Lot 2-701), 0 GOULD RD (Tax Map 5, Lot 1), 0 N. MAIN STREET (Tax Map 8, Lot 27), and 0 INDIAN RIDGE DRIVE (Tax Map 8, Lot 28) to Add the Requirement of a Review of Sight Lines. Seconded by William Koppenheffer.

*****Vote to Approve the Amendment: 5-0-0. Amendment Approved.***

A MOTION by William Koppenheffer to Continue the Rehearing for the DARTMOUTH COLLEGE TRUSTEES, TOWN OF HANOVER, and CAMPION SPORTS & REC PROJECT, 394 N. MAIN STREET (Tax Map 5, Lot 2-701), 0 GOULD RD (Tax Map 5, Lot 1), 0 N. MAIN STREET (Tax Map 8, Lot 27), and 0 INDIAN RIDGE DRIVE (Tax Map 8, Lot 28) until November 7, 2016 and to Add the Requirement of a Line of Sight Review by a City Selected Consulting Firm. Seconded by Dan Nash.

*****Vote to Approve the Motion: 5-0-0. Motion Approved.***

4. PUBLIC HEARINGS - New:

A. MICHAEL S ESTRADA, 97 S. MAIN STREET (Tax Map 101, Lot 30), zoned R-2: A request for a Special Exception pursuant to Article VI, Section 608.9 of the Zoning Ordinance to allow a new 15 sq. ft. freestanding sign to replace the existing 10 sq. ft. freestanding sign which was approved by Special Exception in 1998 (#ZB98002). The new sign does not meet the conditions attached to the 1998 approval and, therefore, requires a new Special Exception. #ZB2016-19-SE

Mr. Michael Estrada was present for the meeting. He said he is requesting a special exception in order to erect a larger, updated sign to include his business's logo and contact information.

Vice Chair Koppenheffer asked why he could not just update his sign without having to make it larger. He said he did not see how there were unique circumstances that required the special exception. Mr. Estrada said he is the property is in a residential zone (R-2) but he is surrounded by commercial businesses. He said his business has been there for 18 years and the sign has never been updated since then.

Chair Halpin opened the discussion to the public. There was no public comment.

Mr. Corwin noted that the original special exception for the sign in 1998 stated the letters on the sign could not be larger than 6 inches, and the sign could include the name of the business only. He said the sign currently in use is in violation of the 1998 special exception on those two points.

The Board discussed whether it had the authority to dictate the content/information displayed on a sign. The Board and Mr. Estrada also discussed whether the sign could or should be elevated for better visibility, as an alternative to increasing its size.

Mr. Patterson asked Mr. Estrada if any of his customers commented on the sign. Mr. Estrada said he is asked by customers why his phone number is not on the sign.

Chair Halpin closed the hearing.

B. GRACE FAMILY HOME LLC, 7 SCOTT AVENUE (Tax Map 4, Lot 26), zoned R-3: A request for a Special Exception pursuant to Article III, Section 310.2 of the

FINAL

**CITY OF LEBANON
ZONING BOARD OF ADJUSTMENT
MONDAY, NOVEMBER 21, 2016
CITY HALL – CITY COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Jeffrey Halpin, Vice Chair William Koppenheffer, Jennifer Mercer, Alan Patterson, Dan Nash, and Patrick Christie (Alt)

STAFF PRESENT: Senior Planner Tim Corwin

1. CALL TO ORDER:

Chair Halpin called the meeting to order at 7:07 p.m.

Chair Halpin noted that since all Board member are present for the meeting, Alt member Patrick Christie would not take part in votes for the meeting.

2. APPROVAL OF MINUTES: October 17, 2016

A MOTION by Dan Nash to approve the minutes. Seconded by Al Patterson.

Amendments:

Page 4 Line 1: change approval to approve

***Vote to approve the minutes as amended: 4-0-1. Motion Approved. Koppenheffer abstained.*

3. PUBLIC HEARING - Continued from October 3, 2016:

- A. REVISED HEARING NOTICE FOR REHEARING: DARTMOUTH COLLEGE TRUSTEES, TOWN OF HANOVER, and CAMPION SPORTS & REC PROJECT, 394 N. MAIN STREET (Tax Map 5, Lot 2-701), 0 GOULD RD (Tax Map 5, Lot 1), 0 N. MAIN STREET (Tax Map 8, Lot 27), and 0 INDIAN RIDGE DRIVE (Tax Map 8, Lot 28), zoned RL-3 and R-3:** The property is improved with a 22,500 s.f. ice rink, approved by Special Exception in 1987. Applicants seek approval for a new Special Exception in order to change the conditions of approval that were imposed in 1987. Applicants also propose a 56,570 s.f. expansion of the rink, which will require a boundary line adjustment with three lots owned by Dartmouth College. In order to obtain a new approval for the existing rink and approval for the proposed expansion, Applicants request the following: (a) a Variance from Article III, 310.2 to allow a non-public recreation facility in the R-3 portion of the proposed lot; (b) a Variance from Article III, 310.3 to allow 29.9% building coverage in the R-3 portion of the proposed lot where 25% is the maximum

allowed for a Class 1 lot; (c) a Variance from Article III, Section 314.3 to allow 2.9% building coverage in the RL-3 portion of the proposed lot where 1% is the maximum allowed; and (d) a Special Exception pursuant Article III, Section 314.2 to allow an indoor recreational facility in the RL-3 portion of the proposed lot. #ZB2016-03R-SEVAR

Attorney Nate Stearns of Hershenson, Carter, Scott and McGee; Mr. John Souther, President of the Campion Sports & Recreation Project; and Mr. John Hochreither of the Hanover Improvement Society were present as representatives of the applicant.

Mr. Corwin noted that the Zoning Board of Adjustments November 21, 2016 Meeting Agenda materials included an email message from City Engineer Christina Hall regarding the sight distances on Route 10/Campion Rink intersection. Mr. Corwin said Ms. Hall's comments were provided in response to the Board's request that the City conduct its own traffic study of the area because it had been suggested that the previous study conducted by the applicant was incomplete. Mr. Corwin said that Ms. Hall's statement indicated she felt the results of the original traffic study were sound.

Mr. Stearns said the applicants' reasons for the rehearing were to seek to amend the original 1987 approval and seek to expand the hours of operation to the following:

Mid-October through mid-April: 6:00 a.m. to midnight

Mid-April through mid-May: 7:00 a.m. to 10:00 p.m.

Mid-May through late June: Only open to support field use

Late June through early August: 6-week period of 7:00 a.m. to 11:00 p.m.

Early August through Labor Day: Only open to support field use

Labor Day through mid-October: 6:00 a.m. to 11:00 p.m.

Attorney Stearns also submitted the Memorandum of Understanding (MOU) between the applicants and Mr. David Donley to be included as part of the record.

Mr. Souther explained that from the present through the next 100+ days, the ice time would be at its highest demand because it is hockey season for the area high schools. He said of the seven area rinks combined, only 80% of the total ice time is available for use by the community, and 60% of that time is being spent at Campion Rink.

Mr. Christie arrived at 7:20 p.m.

Mr. Souther and Mr. Hochreiter discussed how the rink is a center of community activity and that the operating hours that have been utilized until now have been established based on demand for ice time. Mr. Hochreiter noted that the scholastic hockey season ends in mid-March, but the state and national seasons go further than mid-March.

Mr. Hochreiter said the Hanover Improvement Society is a not-for-profit organization and it operates the rink at a break-even basis. He said they try to keep the rink's costs for ice time in the middle of the range of all the other area rinks. He said if the hours of operation are decreased, they will have to make cutbacks somewhere else.

Vice Chair Koppenheffer said the applicants are not considering that the hours of operation will be when two rinks are operational, as would be the case if the expansion project were approved. He said in balancing the interests of the hockey community and those of the neighbors, his preference is to be

conservative in setting the hours of operation because they can be adjusted later to longer times. He said if the Board grants the full hours requested, there is no recourse if neighbors complain.

Mr. Hochreiter said he has met with the neighbors and have made changes to address their concerns in an effort to show good faith. He said he has given his personal phone number to neighbors and told them to call if any kind of incident occurs. He noted that the May 2016 decision by the Board included the condition that a property management plan be established and he said he had already started the process to develop a plan.

Mr. Patterson said the calls to the police that were documented do not accurately represent the number of complaints that neighbors made during the meetings. He said, although the issues were concerning, many neighbors said they did not call the police because they did not want to bother the police.

He also said if the rink was operating by a non-profit organization, the rates for ice time should be at the bottom of the range, not in the middle. Mr. Souther explained that no other rink in the area is run by a non-profit so the rates are higher.

Mr. Stearns said the May 2016 decision states that it replaces the 1987 approval, so it does change the hours of operation. He said the applicants have worked very hard to meet the concerns of neighbors and have entered into Memorandums of Understanding (MOUs) with two neighbors. He said the applicant believes there is demand that will support the expanded hours of operation and therefore coming back to the Board to request expanded hours at a later date may not be productive because they would need to show a change in situation at that time.

Ms. Mercer asked if the MOUs mentioned were effective immediately or effective for the new project. Mr. Stearns said some conditions could be met today but some apply once the new facility is built. She asked about conditions related to noise. Mr. Stearns said the Larssons had made it a condition that the new compressor be moved. Chair Halpin noted also that Mr. Donley had said he wanted to be part of the site plan review to ensure he would be protected from the noise.

Vice Chair Koppenheffer said if the hours of operation are not changed and the new rink opens, then the applicants can show loss of revenue and can request a change of hours at a later date. He said the applicants have not presented any information that they will lose money once there are two rinks operational. Mr. Hochreiter said having two rinks does not equal having 200% the ice time to rent. Mr. Souther said the second rink will be operational mostly from mid-November to mid-March.

Mr. Souther noted that the neighbors had no objections to the new proposed hours of operation. Mr. Patterson said neighbors present at the meeting were shaking their heads in disagreement. Vice Chair Koppenheffer said he is uncertain that promises made by the applicants to the neighbors will be kept.

Vice Chair Koppenheffer said noise is an issue and he said he cannot see how expanded hours of operation would not increase noise. Mr. Stearns said changes have been made to relocate the entrance of the building and to discourage congregation outside the rink. Ms. Mercer said some of the noise complaints were related to noise on the fields near the rink, and Mr. Stearns confirmed that was true.

Chair Halpin invited members of the public to make comments.

Ms. Pam Jenkins of 43 Gould Street said she no longer calls the police about incidents because on one occasion, the police could not help right away and called back in the very early hours in the morning. She said the City has no noise ordinance so very little can be done to control the noise from the rink. She asked that coordination between the applicants be established so multiple events did not happen on the

same weekend at the property. She said this was the case on a recent weekend, and the parking situation that resulted was a mess.

Ms. Mercer said the land management plan included as a condition in the May 2016 decision a way to address parking. Mr. Corwin read the conditions related to parking, but it was noted that Dartmouth College, who owns one of the fields near Campion Rink, was not included in the condition. Mr. Patterson said this situation impacts the community because it is unclear who will enforce parking regulations during events. He said it creates a drain on City resources.

Ms. Jenkins shared an ad she said she found on listserv that was advertising ice time at Campion Rink for holiday parties, etc. Ms. Mercer noted that Ms. Jenkins had previously requested that the word “multi-purpose” be changed to “multi-athletic” in the description of the use of the rink in the May 2016 decision.

Vice Chair Koppenheffer asked if Ms. Jenkins was okay with the proposed new hours of operation. Ms. Jenkins said she hates the midnight closing time, especially during summer when she would have her windows open. Ms. Mercer asked if she believed the situation would improve if the applicants uphold the conditions that have been proposed. Ms. Jenkins said the applicants did a good job on the lights but she said there is no one to govern the property during events. She said there will not be noise issues every night, but the noise situation will not improve with the new conditions. She said she did think a police officer on the premises, which is a condition for certain events, will help keep noise down.

Mr. Hochreiter said the ad on listserv was for ice that was handed back. He said they have always hosted birthday parties, typically for kids, at the rink, and confirmed that they have always been skating parties. He also said the new rink will have better insulation in both buildings so noise will be lessened for neighbors. He said the NHIA requires a police detail for high school hockey games, who is compensated by the high schools involved. Mr. Patterson said the applicants should consider having a police presence to mediate the parking situation for events beyond the detail requirement.

Vice Chair Koppenheffer asked Mr. Corwin to read the use restrictions included in the May 2016 decision, which Mr. Corwin did. Mr. Stearns defined “athletic use” as ice sport use, such as hockey, figure skating, speed skating, etc., or field house use, for lacrosse, baseball, softball, etc. Mr. Christie asked how ‘turned back’ ice time is resold, and noted that the listserv ad presented by Ms. Jenkins does not specify ice related events. He asked how time is sold when the ice is not in use.

Mr. Hochreiter said they use the turf as they would the ice and only athletic related events are booked for the rink. He said when interested parties rent the ice or the turf, they sign a rental agreement that stipulates what they can and cannot use the facility for. He said a staff member is on duty during the open hours of operation to see that renters follow the rules.

Mr. Corwin shared an emailed letter from Ms. Perboner, another neighbor, with the Board members.

Chair Halpin closed the rehearing.

4. DELIBERATION/DECISION

Mr. Corwin gave the Board a revised draft decision. He said he made many edits based on the discussion at the meeting. He asked that a member of the Board be assigned to work with City staff directly to finalize the draft before the next meeting.

The Board discussed the proposed hours of operation. Vice Chair Koppenheffer said he

doesn't understand the 11:00 p.m. closing time for the summer hours (late June through early August) and said it should be 8:00 p.m. Ms. Mercer agreed 11:00 was too late, but she said 8:00 p.m. was too early. She said that the 6:00 a.m. opening time was not a problem.

Mr. Nash noted that the land management plan (Condition 19) should address most concerns related to parking and noise. Mr. Patterson noted that the City does not have the resources to ensure rules are enforced. Mr. Christie said a lack of enforcement invites abuse.

Chair Halpin polled the members of the Board on how they would vote:

For: Mercer/Nash/Halpin/Christie Against: Patterson/Koppenheffer

Ms. Mercer suggested a 10:00 p.m. closing time for the summer hours and Labor Day through mid-October. The group confirmed that the parking lots would be cleared by 10:15 p.m. Vice Chair Koppenheffer and Mr. Patterson said they could agree to this closing time.

The group agreed that the new hours should not go into effect until the new rink is operational. Vice Chair Koppenheffer suggested that the decision should stipulate that the current hours of operation are accepted until the new facility is built.

Mr. Patterson said he had concerns about the sight line study that was conducted by the City in October. He said when the leaves are on the trees, visibility is restricted. He said the brush and leaves will have to be maintained in that area. Mr. Nash said that should be taken care of by NHDOT during the site plan review. Vice Chair Koppenheffer said if the property is not owned by the applicant, how will maintenance be ensured. Mr. Nash said it could be included in the draft decision as part of a Finding of Fact.

Mr. Corwin said he would work on a final draft and have it ready for the ZBA's December 19, 2016 meeting. Mr. Nash asked if the Board members could have the draft prior to the meeting, and Mr. Corwin said one member could, but it could not be shared with the whole Board prior to the meeting.

MOTION by Dan Nash to continue the discussion until the December 19, 2016 Meeting of the Zoning Board of Adjustments. Seconded by Jennifer Mercer.

*****The motion was approved by a vote of 5-0-0.***

Mr. Corwin noted that there is only one other application scheduled for the December 5, 2016 ZBA meeting. He said he may request that the application be rescheduled to the December 19 meeting and cancel the December 5 meeting.

5. STUDY ITEMS

A. REVIEW AND COMMENT TO CITY COUNCIL ON PROPOSED AMENDMENTS TO ZONING ORDINANCE ARTICLES II, III, IV, V, VI, IX AND APPENDIX A.

Mr. Corwin reviewed the Board's position regarding review and comment on City Council proposed amendments to Zoning Ordinances. Mr. Nash said he'd needs more time to review, but he had comments regarding the Planning Board's evaluation of density in reference to multi-family properties, and whether the Contractor's Yard designation is appropriate for the R3 zone. Mr. Corwin

Conditions:

- 1) *A building permit shall be obtained prior to installation.*

Seconded by Al Patterson.

****Vote to Approve the Motion: 5-0-0. Motion Approved.**

B. Continued from October 3, 2016: Dartmouth College Trustees, et al, 394 N. Main Street et al, #ZB2016-03R-SE

Attorney Nate Stearns of Hershenson, Carter, Scott and McGee and Mr. John Hochreither of the Hanover Improvement Society were present at the meeting. Chair Halpin noted that the hearing was actually closed so no presentations would be made by the applicants at this meeting.

Mr. Corwin provided the Board members with a revised draft motion, which he said included the May 2016 draft and changes discussed at the September, October, and November meetings. He said he also added the agreed-upon conditions made between abutter David Donley and the applicants in a previous Memorandum of Understanding (MOU). Mr. Nash said he had worked with Mr. Corwin to review the draft motion. He said he thought the only real point of discussion would be the hours of operation.

The Board members discussed edits to the draft, including the suggestions to change the closing time from Labor Day to mid-October to 10:00 p.m. and to add a requirement for police detail at larger events (drawing more than 200 spectators). The members agreed they should be specific about the operating hours permitted for the existing rink, as well as the hours of operation permitted for when the project is completed and the two rinks are operational.

A MOTION made by Jennifer Mercer that, on September 19, October 3, and November 21, 2016, at duly-noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared representatives of the Campion Sports & Rec Project including Nate Stearns, Esq., Alan Saucier of Pathways Consulting, John Hochreiter, and John Souther, President, on behalf of the Town of Hanover and Dartmouth College Trustees (collectively, "Applicants") regarding 394 North Main Street (Tax Map 5, Lot 2-701), 0 Gould Road (Tax Map 5, Lot 1), 0 North Main Street (Tax Map 8, Lot 27), and 0 Indian Ridge Drive (Tax Map 8, Lot 28), zoned RL-3 and R-3. 394 North Main Street is improved with a 22,500 s.f. ice rink, approved by Special Exception in 1987. Applicants seek approval for a new Special Exception in order to change the conditions of approval that were imposed in 1987. Applicants also propose a 56,570 s.f. expansion of the rink, which will require a boundary line adjustment with three lots owned by Dartmouth College. In order to obtain a new approval for the existing rink and approval for the proposed expansion, Applicants request the following: (a) a Variance from Article III, 310.2 to allow a non-public recreation facility in the R-3 portion of the proposed lot; (b) a Variance from Article III, 310.3 to allow 29.9% building coverage in the R-3 portion of the proposed lot where 25% is the maximum allowed for a Class 1 lot; (c) a Variance from Article III, Section 314.3 to allow 2.9% building coverage in the RL-3 portion of the proposed lot where 1% is the maximum allowed; and (d) a Special Exception pursuant Article III, Section 314.2 to allow an indoor recreational facility in the RL-3 portion of the proposed lot. #ZB2016-03R-SEVAR

I. FINDINGS OF FACT

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

A. Background/Existing Rink

- 1. 394 N. Main Street (the "Property") is a +/- 13.96 acre parcel that is improved with a number of outdoor recreational fields and the James W. Campion III Rink, a +/- 29,510 s.f. recreational ice rink ("Existing Rink"). The Existing Rink was granted Special Exception approval by the Zoning Board of Adjustment in 1987 per Notice of Decision, dated February 24, 1987 (the "1987 Notice of Decision").***
- 2. The 1987 Notice of Decision presumed that the Property is located wholly within the RL-3 District. However, Planning Department staff more recently confirmed that the RL-3 District actually extends 1000 ft. south of the centerline of Gould Road, which moves the district boundary line north of where it was presumed to be in 1987. As a result, the Property is split-zoned RL-3 and R-3 and the Ice Rink itself is located in both districts.***
- 3. The Town of Hanover owns the Property, however the Existing Rink is owned and operated by the Hanover Improvement Society. Because the Existing Rink is not owned by a government entity, it is considered an "indoor recreational facility" use under the Zoning Ordinance and not a "public recreation facility" use. "Indoor recreational facility" is a use allowed by Special Exception in the RL-3 District, but it is not an allowed use in the R-3 District without a variance. A public recreational facility is a permitted use in the R-3 and RL-3 Districts.***
- 4. The portion of the Existing Rink that is located in the RL-3 District exceeds the 1% maximum building coverage allowed in the RL-3. Although this requirement was in effect at the time the Existing Rink was approved, the 1987 Notice of Decision does not address building coverage. It is not known whether this requirement was overlooked in 1987 for a reason or by mistake.***
- 5. The Board was not asked by the Applicants, staff, or any other party to make a determination with respect to the legal status of the Existing Rink in light of the apparent mistake of fact regarding the location of the zoning district boundary.***
- 6. The 1987 Notice of Decision also approved a reduction of landscaping as was then required by Section 317 of the Zoning Ordinance. These requirements are no longer contained within the Zoning Ordinance. Notwithstanding the relief requested from Section 317, the applicant at that time proposed certain landscaping improvements (see 1987 Notice of Decision, finding of fact 11). A condition of approval was also imposed relating to landscaping (see 1987 Notice of Decision, condition of approval 3).***

B. Proposed Rink

- 7. To accommodate a second indoor ice rink, Applicants propose a 56,570 s.f. expansion of the Existing Rink resulting in a total building size of 86,080 s.f., together with associated site improvements including additional parking and accessways (the Existing Rink, the proposed expansion, and the associated site improvements are collectively referred to as the "Proposed Rink").***

8. *The Proposed Rink will require a boundary line adjustment with three lots owned by Dartmouth College identified as Tax Map 5 Lot 1, Tax Map 8 Lot 27, and Tax Map 8 Lot 28 ("Dartmouth Lots"). The boundary line adjustment will increase the size of the Property from +/- 13.96 acres to +/-18.38 acres. The Applicants testified that the Dartmouth Lots will be conveyed to the Town, pending Planning Board approval of the boundary line adjustment and approval from the Town of Hanover to acquire the land (the Property as proposed to be adjusted is referred to as the "Proposed Lot").*
9. *The Proposed Rink will also impact approximately 22,000 s.f. of wetlands which will require additional state and local approvals.*

C. Requested Relief

10. *As reflected in the application materials received September 6, 2016, and as clarified in a letter from Attorney Nate Stearns dated September 27, 2016, Applicants seek the following: (a) a new approval for the Existing Rink (primarily because the conditions of approval imposed by the Board in 1987 no longer suit the Applicants' needs); and (b) an approval to allow the Proposed Rink.*
11. *The Existing Rink and Proposed Rink require the following three (3) Variances and Special Exception:*
 - *VARIANCE from Article III, 310.2 to allow a non-public recreation facility in the R-3 District.*
 - *VARIANCE from Article III, 310.3 to allow 29.9% building coverage in the R-3 portion of the Proposed Lot where 25% is the maximum allowed for a Class 1 lot.*
 - *VARIANCE from Article III, Section 314.3 to allow 2.9% building coverage in the RL-3 portion of the Proposed Lot where 1% is the maximum allowed.*
 - *SPECIAL EXCEPTION pursuant to Article III, Section 314.2 and Article VII, Section 704 to allow a recreational facility in the RL-3 District which is a use permitted by Special Exception.*
12. *The requests set forth in Finding of Fact #11 were originally approved by the Board on May 16, 2016, case #ZB2016-03-SEVAR & #ZB2916-04-SE. Rehearing requests, timely filed by the Applicants and an abutter, David Donley, were granted by the Board on July 18, 2016. Applicants filed their application for the rehearing on September 6, 2016 in time for placement on the Board's September 19, 2016 meeting agenda.*
13. *At the September 19th meeting, Applicants stated that in addition to seeking approval for the Proposed Rink, they are also seeking approval to expand the permitted hours of operation for the Existing Rink. Because the Applicants' application and supporting materials did not clearly express the Applicants' intent, the Board requested that the Applicants amend the application submitted on September 6th. Following receipt of the Applicants' amendment by letter from Attorney Nate Stearns dated September 27, 2016, a revised hearing notice was prepared and mailed to abutters in advance of the continued hearing on November 21st.*

D. Applicants' Testimony

14. *In support of their requests, the Applicants submitted application materials received by the Planning Department on September 6, 2016, which were later supplemented by a letter from Attorney Stearns dated September 27, 2016. Applicants submitted the following additional materials at the September 19th meeting:*
 - a. *A landscaping plan titled "Schematic Perimeter Landscape Plan", dated September 9, 2016, prepared by Pathways Consulting; and*
 - b. *A landscaping plan titled "Landscape Consideration for ZBA Review", dated September 19, 2016, prepared by Pathways Consulting.*
15. *At the September 19th meeting, the Applicants asked that the Board incorporate into the record all the Applicants' previous testimony and exhibits from the original hearing.*
16. *At the September 19th meeting and again on November 21st, the Applicants reviewed the hours of operation requested as part of the original application and the hours of operation approved by the Board and set forth in the May 16, 2016 Notice of Decision. He requested that the Board approve the following hours of operation both for the existing facility and the proposed expanded facility:*
 - *Mid-October through mid-April: 6:00 a.m. to midnight*
 - *Mid-April through mid-May: 7:00 a.m. to 10:00 p.m.*
 - *Mid-May through late June: Only open to support field use*
 - *Late June through early August: 6-week period of 7:00 a.m. to 11:00 p.m.*
 - *Early August through Labor Day: Only open to support field use*
 - *Labor Day through mid-October: 6:00 a.m. to 11:00 p.m.*
17. *The Applicants testified that approximately 180-182 parking spaces will be provided and that no parking will be provided to the south of the building.*
18. *Seven (7) letters were submitted to the Planning Office in advance of the September 19th hearing in support of the proposal, including letters from Lebanon residents and the Lebanon Boys' Varsity Hockey coach. A letter of support from Paul Coats, Lebanon Director of Parks & Recreation was submitted to the Planning Office on September 30, 2016 and provided to the Board at the October 3rd meeting.*

E. Concerns Raised Regarding Impact of Proposed Rink

19. *At the outset of the hearing on September 19, 2016, abutter David Donley, represented by Attorney Stephen Girdwood, presented a document entitled "Campion Rink Project, Requested Conditions". The document was not signed or dated. Testimony by Attorney Girdwood was received that if the conditions noted in this document were met, and the Applicants agreed, Mr. Donley would drop his appeal for rehearing. The representatives of the Applicants verbally agreed to the terms of this document. The Board acknowledged this document and appends it to this decision. The Board made it clear that reference to the document is simply a public acknowledgement of it, and that the city does not accept any responsibility for enforcement of this document.*

The Applicants entered a fully executed copy of the document into the record at the November 21st continued hearing.

20. *At the September 19th meeting, several individuals including two residents of Lebanon, spoke in favor of expanding the hours of operation for the Existing Rink.*
21. *Tom Martz, a resident of nearby Pinewood Village, expressed concern to the Board that the Existing Rink has been operating outside it approved hours of operation without permission, and suggested that the Applicants would be back before the Board in the future to request permission to allow two high school hockey games at the same time.*
22. *Pamela Jenkins of 43 Gould Road spoke at the September 19th meeting to express concern about the scope of the use of the Existing and Proposed Rinks, including the possibility of the rink being used for non-sporting events such as concerts and meetings.*
23. *During the course of the hearings, the Board received several e-mails raising concerns about traffic and parking from Ray Robbins of 72 Oak Ridge Road, Pamela Jenkins of 43 Gould Road, and Ann Perbohner of 47 Gould Road.*
24. *At the continued hearing on November 21st, Pam Jenkins addressed the Board regarding her continued concerns regarding management of the property, parking, and noise. And to substantiate her concerns about the scope of the use, she entered into the record a copy of an e-mail advertising space available for rent at the Existing Rink to hold parties and group events.*
25. *At the October 3, 2016, a Board member raised concerns regarding conclusions and adequacy of the Applicants' traffic study and, based on his own observations at the site, expressed particular concern with respect to the study's conclusion that sight distances at the driveway entrance are sufficient. The Board approved a motion to obtain a third party review of the traffic study's sight distance analysis and conclusions. In response, staff coordinated with Christina Hall, the City Engineer, to review the traffic study's sight distance conclusions. As set forth in an e-mail from the City Engineer dated November 15, 2016, entered into the record by staff at the continued November 21st hearing, the City Engineer concurred with the sight distance analysis in the traffic study and stated that she had no concerns.*

II. CONCLUSIONS OF LAW

A. Variance from Article III, 310.2

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes the following with respect to the requested VARIANCE from Article III, 310.2 to allow a non-public recreation facility in the R-3 portion of the Proposed Lot:

- a. The variance will not be contrary to the public interest. (§801.2.A.1)*
- b. The spirit of the ordinance is observed. (§801.2.A.2)*
- c. Substantial justice is done. (§801.2.A.3)*
- d. The values of surrounding properties are not diminished. (§801.2.A.4)*
- e. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Owing to [the following] special conditions of the property that distinguish it from other properties in the area (§801.2.A.5.a):*

- a) *There is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (§801.2.A.5.a.i)*
- b) *The proposed use is a reasonable one. (§801.2.A.5.a.ii)*

B. Variance from Article III, 310.3

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes the following with respect to the requested VARIANCE from Article III, 310.3 to allow 29.9% building coverage in the R-3 portion of the proposed:

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

C. Variance from Article III, 314.3

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes the following with respect to the requested VARIANCE from Article III, Section 314.3 to allow 2.9% building coverage in the RL-3 portion of the Proposed Lot:

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

D. Special Exception from §314.2

As a result of the above findings of fact, testimony given and supporting documents submitted at the hearing, and application materials presented, the Board concludes that the following with respect to the requested SPECIAL EXCEPTION pursuant to Article III, Section 314.2 to allow a recreational facility in the RL-3 portion of the Proposed Lot:

- A. *That the special exception is specifically authorized by Section 314.2 of the Zoning Ordinance. (§801.3.A)*

- B. That all special conditions required of the Special Exception have been met. (§801.3.B) There are none.*
- C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy. (§801.3.C)*
- D. That the character of the area will not be adversely affected. (§801.3.D)*
- E. That no hazard or nuisance will be created. (§801.3.E)*
- F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted. (§801.3.F)*
- G. That granting the special exception will not result in undue municipal expense. (§801.3.G)*
- H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)*
- I. That the general welfare of the City will be protected. (§801.3.I)*

*Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 19th day of December, 2016, hereby **GRANTS** the request of Campion Sports & Rec Project, Dartmouth College Trustees and Town of Hanover for the Variances and Special Exception referenced above, per plans submitted, with the following additional conditions:*

- A. Conditions of Approval for both the Existing and Proposed Rinks:*
- 2) This Notice of Decision shall supersede any statement made by the Applicants or on behalf of the Applicants in their written materials or at the hearing that is contrary to or inconsistent with any of finding of fact, conclusion of law, or condition of approval set forth herein.*
- 3) The Existing Rink and Proposed Rink shall be used only for the following: (i) ice-related sports including games and practices; (ii) ice-related recreational activities such as “open ice” hours for public use; (iii) indoor practice space for turf sports during the months of March, April, and May; and (iv) the locker rooms and rest rooms may be used as accessory uses for the Town of Hanover recreational fields (see also Condition of Approval #13).*
- 4) Only one high school hockey game shall be played at a time.*
- 5) An outside police detail shall be present at all high school hockey games. In addition, any event held which is reasonably anticipated to draw 200 or more spectators shall also require a police detail.*
- 6) The rest rooms and lockers shall be made available from the outside when the Town of Hanover recreational fields are being used.*
- 7) Alcohol shall be prohibited from the site and shall not be sold nor permitted to be consumed.*
- 8) During the winter months, the Existing and Proposed Rinks shall be made available to the public for reasonable and regular periods of recreational skating.*
- 9) Signs shall be posted restricting parking to permitted uses of the Existing and Proposed Rinks only. Parking for uses associated with the Dartmouth College recreational fields or any other off-site use is prohibited. Such signage shall be reviewed and approved by the Planning*

Department. Such signs shall be installed within six (6) weeks after the appeal period for this Notice of Decision has expired.

- 10) *The exterior walls of the Existing Rink shall be resurfaced with low luster materials to reduce reflectivity rates. Colors shall be earth tone. The exterior color scheme of the walls and roof of the Proposed Rink shall also be earth tone.*
- 11) *No access to the Existing or Proposed Rink may be constructed or utilized over the right of way that is utilized by the property located at 378 North Main Street.*

B. Conditions of Approval for the Existing Rink only:

- 1) *This approval supersedes and replaces the Notice of Decision referenced herein dated February 24, 1987, in its entirety as it relates to the Existing Rink (the 1987 Notice of Decision remains in effect insofar as it relates to the outdoor playing fields). The intent of this approval is to reapprove the Existing Rink, subject to Conditions of Approval A.1 through A.10 and B.1 and B.2, and independent of whether or not the Proposed Rink is approved and constructed.*
- 2) *The hours of operation for the Existing Rink shall be mid-September to mid-April, 6AM to midnight.*

C. Conditions of Approval for the Proposed Rink only:

- 1) *A boundary line adjustment shall be approved by/obtained from the Planning Board.*
- 2) *The Applicants shall obtain a NHDES Wetlands Permit and Special Exception approval from the Zoning Board of Adjustment for the proposed wetlands impacts. The Special Exception request for wetlands impact shall first be reviewed by the Conservation Commission, consistent with Section 401.7.D of the Zoning Ordinance. This Notice of Decision shall not be considered a basis to approve the Special Exception request for the wetlands impact. Should the Special Exception request for the wetlands impact be denied, this Notice of Decision shall be null and void.*
- 3) *The hours of operation for the Proposed Rink, if constructed, shall be as set forth in Finding of Fact #16 except that from Late June through early August, and from Labor Day through mid-October, the building shall close by no later than 10:00 p.m.*
- 4) *No bus or car circulation will be allowed on the access roadway to be constructed on the south and west sides of the Proposed Rink; such access roadway may be used only for emergency vehicle access and for maintenance vehicle access. Locked gates will be maintained at the northwest and southeast corners of the arena building.*
- 5) *Any doors on the north, south and west sides of the Proposed Rink will be for emergency egress and maintenance only, and other than access doors for maintenance will be marked as "emergency exit only". Pedestrian flow in and out of the Proposed Rink will be directed through doors on the east side of the building.*
- 6) *The Proposed Rink will not include any parking to the south of the arena building.*

- 7) *The Proposed Rink will incorporate measures to ensure that snow, snowmelt, and surface water do not discharge onto properties to the west.*
- 8) *The turn lane discussed in the Applicants' traffic study shall be reviewed by the New Hampshire Department of Transportation (NH DOT) and shall be installed if determined necessary by NH DOT.*
- 9) *The Applicants shall obtain Site Plan approval from the Planning Board for the Proposed Rink and shall comply with all conditions that may be imposed by the Planning Board as part of any site plan approval. If Site Plan approval is denied, the Zoning Board's approval of the Proposed Rink as set forth herein shall be rendered null and void.*
- 10) *A landscaping plan shall be submitted as part of the Planning Board Site Review required for the Proposed Rink. The landscaping plan shall, at a minimum, be substantially similar to the Landscaping Plans submitted by the Applicants at the September 19th Board meeting. Copies of the Landscaping Plans are attached hereto. The Applicants shall provide additional coniferous vegetative screening to the building on the north side of the fence to soften the visual impact, subject to approval by the Planning Board.*
- 11) *Fencing shall be installed, at a minimum, as depicted on the Landscaping Plans except that the fence proposed for the western side of the Property shall be extended south to the proposed access gate, and the fencing proposed for the north side of the parking lot shall be extended to the ball field fence line. Fencing on the north side of the parking lot shall be installed from mid-October to mid-March and shall be opaque to prevent light pollution from affecting residents on Gould Road.*
- 12) *Prior to the issuance of any permits, the Hanover Improvement Society and the Town of Hanover shall develop and have approved by the City of Lebanon Planning Office, a cohesive land management plan for the entire property, including the field sports complex that is compatible with its surrounding neighborhood. The plan should address, but is not limited to: property care and maintenance, lighting management, parking regulation, signage, night-time noise regulation, trash and litter control, alcohol consumption regulation, handling of mischief and nuisances. It should also identify responsible parties and point(s) of contact. If deemed appropriate by Planning Department staff, the plan shall be submitted to the Planning Board for review and approval.*
- 13) *The following conditions, proposed by the Applicants, are hereby accepted by the Board and adopted as conditions of approval:*
 - a. *Except when necessary to provide adequate on-site parking during high school hockey games or sporting events on Sachem Fields, access to the rear of the facility shall be restricted by gates between the hours of 7PM and 7AM.*
 - b. *Unless otherwise required by the Planning Board, and except to the extent necessary to accommodate safety considerations, exterior lighting shall be on a timer or switch and turned off when the rink is not open for operations.*
 - c. *Exterior lighting to the rear of the facility shall be turned off between 7PM and 7AM, except as otherwise required by the Planning Board.*
 - d. *Truck deliveries and dumpster pickups shall only occur between the hours of 7AM and 7PM.*

- e. All trash receptacles on the property shall be appropriately covered to prevent windblown trash from leaving the property.*
 - f. Any dumpsters on the property shall be located to the east of the building.*
- 14) *The Proposed Rink shall provide exterior lighting that complies with all applicable requirements of the City of Lebanon Site Plan Review Regulations.*
- 15) *The Proposed Rink shall utilize a cooling tower that has a sound power level that is 85 dba or less to match the quietest sound tower unit modeled by RSG in its sound assessment dated April 16, 2016. In addition, the cooling tower shall not be located closer than 190 feet to any existing residence and the sound level shall measure 43 dba or less at the residence located at 378 N. Main Street.*

Seconded by Dan Nash.

***Vote to Approve the Motion: 4-1-0. Motion Approved. Patterson opposed.*

5. OTHER BUSINESS:

- A. FIRST READING OF PROPOSED AMENDMENTS TO THE BY-LAWS OF THE ZONING BOARD OF ADJUSTMENT to amend the “Order of Business” section and the “Appeals” section, paragraph 6.

A MOTION made by William Koppenheffer to waive the reading of the proposed amendments to the by-laws of the Zoning Board of Adjustments. *Seconded by Dan Nash.*

***Vote to Approve the Motion: 5-0-0. Motion Approved.*

6. STAFF COMMENTS:

Mr. Corwin said that Attorney Bernie Waugh will be presenting a workshop to the Planning Board in January and the ZBA members are invited to attend. He asked the ZBA members to forward questions to him prior to the meeting.

Mr. Corwin suggested that, because the first two meetings of January 2014 are holidays, that the Board meet on Tuesday, January 17, 2017 instead.

Chair Halpin advised the other Board members that, after six years of being on the ZBA, he will not be continuing and that this was his final meeting. The Board members and Mr. Corwin thanked him for his many hours of dedicated service and excellent work on the ZBA.

7. ADJOURNMENT:

MOTION by Dan Nash to adjourn the meeting. Seconded by Al Patterson.

***The motion was approved by a vote of 5-0-0.*

Chair Halpin adjourned the meeting at 8:34 p.m.

Respectfully Submitted,
Paula Roux
Recording Secretary

Jim Damren

3/15/2022

6 Mack Avenue

West Lebanon, NH 03784

Lebanon Planning Board,

I am writing on behalf of the Campion Rink Renovation project that has come before the Board. As a lifelong resident of West Lebanon and a member of the local hockey community, I support the project wholeheartedly. I am the father of three hockey playing son's as well as the Lebanon High School varsity hockey coach, so suffice it to say, I have spent and continue to spend a great deal of time at Campion Rink.

Through the years as a dad and coach, I have had the opportunity to visit hundreds of rinks throughout New England and other areas of the country. This has given me the unique perspective to compare our local facility to other rinks throughout the region. Like many, I am sometimes resistant to change, but not regarding the proposed renovations at Campion. While I love Campion Rink as it stands today, I realize that it needs upgrades.

For the past 30+ years and thousands of hours at Campion Rink, I now realize that the facility needs to be upgraded and I hope you will support that endeavor as well. Thank you for your time and consideration of this worthwhile project.

Sincerely,

Jim Damren – Head Coach

Lebanon High School

Tim Corwin

From: Gary Mayo <gmayo@rowleyagency.com>
Sent: Tuesday, March 22, 2022 3:16 PM
To: Tim Corwin
Cc: Gary Mayo
Subject: [EXTERNAL] Letter of Support / Campion Rink Update Project

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tim-

Please pass this letter of support along to the Planning Board

Also, please confirm receipt

Thanks!

Gary R. Mayo CPCU ARM CIC AIC
A.B. Gile, a division of The Rowley Agency
PO Box 66, Hanover, NH 03755
Phone: 603-643-4540 Fax: 603-643-6382
gmayo@abgile.com
www.abgile.com

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NOTE: We have a SPAM filter and we are finding that some of our e-mail is being blocked. Should you send me an email and I do not respond to it within two business days, please give me a call and I will look for your email. Thank you.

To The Lebanon Planning Board-

I am writing to provide my strong support for the proposed Campion Rink renovation project that **will soon be** reviewed by your committee.

My A. B. Gile office has been located across Route 10 from the rink since 1987, and I have seen literally hundreds of games involving teams from all over the Upper Valley there over the past 35 years. Campion has had a significant impact on many groups of

users over the years, well beyond the youth sports teams that people think of first about Champion.

My lifelong involvement in organizations dedicated to making the Upper Valley the best place to live and work includes recreational projects such as football lights at Lebanon High School, youth baseball fields in Lebanon and West Lebanon, and the Watson Dog Park in Hartford. Champion is another facility that makes a difference in the lives of its neighbors, and improving it so that it will continue in its mission well into the future is deserving of our (and your) support.

I would be honored to reiterate and amplify my support for this project in person if anyone would want that to occur.

Gary R. Mayo CPCU ARM CIC AIC
A.B. Gile, a division of The Rowley Agency
PO Box 66, Hanover, NH 03755
Phone: 603-643-4540 Fax: 603-643-6382
gmayo@abgile.com
www.abgile.com

Please be aware that you may not alter or bind coverage via an email message. Your email message must be acknowledged by a member of our agency's staff before any coverage can be bound or changed. If you need immediate response, please phone our office and speak to a member of our staff.

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NOTE: We have a SPAM filter and we are finding that some of our e-mail is being blocked. Should you send me an email and I do not respond to it within two business days, please give me a call and I will look for your email. Thank you.

CAUTION! BE AWARE OF WIRE FRAUD: WE WILL NOT ACCEPT WIRE/ACH INSTRUCTIONS SENT VIA EMAIL WITHOUT VERIFYING OVER THE PHONE. If you receive an email from The Rowley Agency Inc requesting that you wire funds, please call our office immediately at (603) 224-2562 to verify the request before making any changes on our behalf.

CAUTION! BE AWARE OF WIRE FRAUD: WE WILL NOT ACCEPT WIRE/ACH INSTRUCTIONS SENT VIA EMAIL WITHOUT VERIFYING OVER THE PHONE. If you receive an email from The Rowley Agency Inc requesting that you wire funds, please call our office immediately at (603) 224-2562 to verify the request before making any changes on our behalf.

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**CITY OF LEBANON
APPLICATION FOR**

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

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Town of Hanover c/o Julia Griffin, Town Manager TEL.#: (603) - 643 0701

MAILING ADDRESS: PO Box 483, Hanover, NH 03755

E-MAIL ADDRESS: Julia.Griffin@HanoverNH.org

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Hanover Improvement Society, Inc. TEL.#:

MAILING ADDRESS: PO Box 106, Hanover, NH 03755

E-MAIL ADDRESS: Don.Derrick@Comcast.net

PROJECT LOCATION:

TAX MAP #: 5 LOT#: 1&2 PLOT #: 5-2 ZONE: R3 & RL3 5-1

STREET ADDRESS OF PROJECT: 394 Route 10, Lebanon, NH 03766 394 N. Main St. + 1-3 Field Rd.

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

SCOPE OF PROJECT:

Amendment to 1987 and 2016 approvals and related special exception and variance for interior renovations and minor addition to the Campion Ice Rink associated with the expansion of locker rooms and bathrooms, renovating and expanding the lobby, adding a community room, and replacing the rink floor (currently sand) with concrete floor, and expanding hours and dates.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONEFAMILY ☐ TWOFAMILY ☐ MULTI-FAMILY ☐ xCOMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☐ ONEFAMILY ☐ TWOFAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**
USE: Recreation facility

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.

PROPERTY OWNER: [Signature]

DATE: 3/17/22

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.

PROPERTY OWNER: [Signature]

DATE: 3/17/22

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
3-17-22	5/1 4	232022			

5/2

OT-SEVAR

(Last Revised 4/04/18)

March 17, 2022

Tim Corwin, Senior Planner
Lebanon Planning & Development
51 N. Park St.
Lebanon, NH 03766

Re: Champion Rink Additions and Renovations, Variance and Special Exception Application

Dear Tim:

Thank you for your ongoing assistance and feedback as we have pulled together application materials for variance and special exception approvals for proposed additions and renovations to Champion Rink. Based on your input and our review of prior approvals and the current zoning regulations, we understand that the proposed project requires four variances and a special exception as follows:

- A Variance from the 1% Building Coverage limitation in the RL3 District set forth in Zoning Ordinance Section 314.3 (note that a variance for the existing rink was approved as part of the "2016 Decision" #ZB2016-03R-SEVAR).
- A Variance from the 50 ft. side setback requirement in the RL3 District set forth in Zoning Ordinance Section 314.3
- A Variance from the 25% Building Coverage limitation in the R3 District set forth in Zoning Ordinance Section 310.3 (note that a variance for the existing rink was approved as part of the 2016 Decision).
- A Variance to allow a non-Public Recreation Facility in the R3 District as set forth in Zoning Ordinance Section 301.2 (note that a variance for the existing rink was approved as part of the 2016 Decision).
- A Special Exception to renovate and expand a previously approved indoor recreation facility in the RL3 District (note that a special exception for the existing rink was approved as part of the 2016 Decision).

In support of the project, please find enclosed the following materials:

1. Application form
2. Application fee in the amount of \$568.48
3. Certified Notification List
4. Support statement for variances and special exception
5. Site Plans, existing and proposed (2 sheets)-8 copies

Tim Corwin, Senior Planner
Lebanon Planning & Development
Re: Champion Rink Additions and Renovations, Variance and Special Exception Application
March 17, 2022
Page 2

Please contact me if you have any questions about this application or need further information.

Thank you

Sincerely,

SHEEHEY FURLONG & BEHM P.C.



Nathan H. Stearns

NHS/bmd
Enclosures

cc: Julia Griffin
Don Derrick
John Hochreiter
Jeff Graham
Jeff Goodrich
Randy Mudge
Will Mudge
Peter Raymond, Esq.

CAMPION RINK
HANOVER IMPROVEMENT SOCIETY
Support Statement for
Application for Variances and Special Exception

I. Background

Hanover Improvement Society ("HIS") proposes to renovate the Champion rink and access. The renovations include: expansion and renovation of the lobby (a building expansion of approximately 3,665 sq. ft.) on the front, north side of the building, adding restrooms and locker room space along the eastern side of the building (a building expansion of approximately 2,680 sq. ft.), replacing the sand floor under the ice surface with a concrete floor, reconfiguring the drop-off area at the north entrance to the building, and moving the eastern vehicle access corridor to accommodate the building improvements.

By way of background, the existing Champion facilities were constructed in the latter part of the 1980s for a single ice arena owned and operated by HIS on land owned by the Town of Hanover. HIS's general, non-profit role also includes operation and management of the Storrs Pond Recreation Area and the Nugget Theater complex. The Town's use of the existing 14 acre parcel includes a number of recreation fields and a little league baseball/softball field adjacent to a number of recreational fields for Dartmouth College. For the purpose of this application, we will refer to the aggregate of recreational uses as the Sachem recreation complex, which is a critically important recreation asset and destination for people of many ages in the Lebanon and Upper Valley community.

The existing Champion rink accommodates a high volume of organized team and general recreation use. The Champion facilities are home to the Lebanon and the Hanover boys and girls hockey programs, several youth hockey programs, the Skating Club at Dartmouth, many adult and youth skating programs, and public recreational skating. Each year Champion rink has about 80,000 participant visits and 80,000 spectator visits.

The Champion rink has served the community well over the last 30 plus years. The proposed project will upgrade the rink so it can continue to reliably serve the community for the next 30 years, while maintaining the ambiance of a simple, community rink.

From a user standpoint, the current rink is dated and cramped. Currently, there are four small locker rooms. Due to their small size, these are cramped for teams beyond the youth level. There are two small, two-toilet bathrooms serving these four locker rooms, with each bathroom shared by two locker rooms. Locker rooms 1 and 2 and Locker Rooms 3 and 4 are connected to each other via a door (in essence they are like a single locker room divided by a wall and doorway), with the result being that there is no private locker room for team members of a different gender than the majority of the team (many of the youth teams are co-ed). Currently, one of the two 100 square foot (sq. ft.) public restrooms is used as a changing facility in these situations. There is a very small 85 sq. ft. room used as the official's locker room. It has no facilities (bathroom or shower) connected to it. The two public restrooms are the only restrooms available for spectators and non-players, and when the rink is hosting games or other skating events, these restrooms are substantially undersized.

To address some of these deficiencies, the project will renovate, upgrade and expand the

locker rooms, public restrooms, and space for public use. More specifically, the project includes expanding and updating the lobby area, updating and expanding the size and number of locker rooms, including adding a special use locker room with its own shower and toilet as well as an expanded official's locker room with its own shower and toilet, increasing the size and number of public restrooms, adding space for additional storage of ice equipment, adding a multi purpose room for community use, making improvements to meet ADA accessibility requirements, expanding the office and customer service area, and providing improved restroom access for users of the adjacent Hanover Recreation Department fields and facilities.

The infrastructure for the ice rink itself is also dated, with a sand surface for the rink floor and old, energy inefficient equipment and insulation in the building.

From the infrastructure standpoint, the project will make the rink more energy efficient by improving the building envelope to increase energy efficiency, installing a new energy-recovery de-humidification system, replacing the refrigeration system with new, more energy efficient equipment, replacing the under-ice sand surface with a concrete slab with new refrigeration tubing, and changing out the rink boards and glass. These improvements will make it possible to make and maintain ice in the building throughout the year, and the concrete floor will also enable use of the building for non-ice recreational uses.

The details of the proposed changes are shown on the "Proposed Rink" plan by Randall T Mudge & Associates, submitted herewith.

Applicant also requests re-approval of the hours of operation that were approved in 2016 in connection with the variance and special exception application for a now-abandoned twin-rink project. Those previously approved hours were as follows:

Mid-October through mid-April, 6:00 am. to midnight
Mid-April through mid-May, 7:00 am to 10:00 pm
Mid-May through late-June, only open to support field use
Late-June through early-August, 6 week period of 7:00 am to 10:00 pm
Early-August through Labor Day, only open to support field use
Labor Day through mid-October, 6:00 am. to 10:00 pm

The renovation project represents a significant investment in infrastructure currently serving the community, and Applicant requests these hours to make the rink available to serve the community for more than seven months of the year.

II. Permitting History/Prior Approvals:

The ZBA approved the existing Campion rink by Special Exception in 1987 "to permit development of an indoor ice skating rink and outdoor recreational facilities to be operated by a non-profit organization." The 1987 decision appears to be based on the understanding that the project was located in the RL3 District. However, during the review of a prior but now abandoned proposal to add a second rink to the Campion facility, staff and the ZBA determined that the 1987 record did not reflect site conditions relative to existing Campion rink facilities. While the project was granted a Special Exception in 1987, based on regulations that existed at the time of approval, the project should have been granted Variances. From plans prepared by K.A. LeClair Associates, Inc. for ZBA review in 1987, the City approved:

- Expansion of the lot area from 10-acres to 13.96-acres within what was presumed as the RL3 District.
- A building consisting of 27,540 sq. ft., which would result in approximately 4.5% of coverage in the presumptive RL3 District compared to the district limit of 1%. Field surveying circa 2016 indicates an actual existing building footprint of 29,510 sq. ft., which would result in a building coverage of approximately 4.9%.

Through previous permitting efforts, Planning and Zoning staff determined that the RL3 district boundary is approximately 300 feet north of what was shown on the LeClair plan and that the existing rink building is located in both the RL3 and the R3 districts as follows:

1. The actual location of the RL3 District boundary indicates that 12.72 acres (554,083.2 sq. ft.) are in the RL3 district and 1.24 acres (54,014.4 sq. ft.) are in the R3 District.
2. The square footage of Campion rink within the RL3 district is 9,862 sq. ft., which results in a building coverage in the RL3 District of 1.78% (9,862 sq. ft./554,083.2 sq. ft.), which is still above the 1% threshold for the RL3 district.
3. The remainder of Campion rink (19,648 sq. ft.) falls within the R3 district. The Lebanon Zoning Ordinance (“Ordinance” or “Zoning Ordinance”) permits up to 25% building coverage in the R3 District. The existing building coverage is 36.4% (19,648 sq. ft./54,014.4 sq. ft.), which exceeds the permitted 25% building coverage.
4. In addition, the R3 District does not allow non-public recreation facilities absent a Variance. Campion rink was not a public recreation facility, as defined by the Ordinance, at the time of initial approval in 1987. It was operated by a non-profit rather than the City, but no variance was issued as part of the 1987 approval.

In 2016, HIS, together with the Campion Sports and Rec Project, applied for, and was ultimately granted, variances and special exceptions to authorize expansion of the Campion rink by 56,570 sq. ft. to add a second rink. That project also involved the acquisition of additional land from Dartmouth College. The ZBA approvals for that project included (a) a variance to allow a non-Public Recreation Facility in the R3 District, (b) a variance to allow 29.9% lot coverage in the R3 District, (c) a variance to allow 2.9% lot coverage in the RL3 District, and (d) a special exception to allow an indoor recreation facility in the RL3 District. Funding for that project never materialized and the project was never constructed, and the ZBA approvals have since expired.

As part of the 2016 approvals, the ZBA also approved amendments to the 1987 Notice of Decision, including certain hours, limitations, and operating conditions as set forth in #ZB2016-03R-SEVAR. The 2016 approvals included expanded hours of operation that only would have applied if the twin rink project was constructed. The twin rink project was not constructed, but Applicant requests that the ZBA re-approve those same hours for the current proposal.

A condition of the 2016 approvals was that the walls of the existing Campion rink be resurfaced with earth tone colors. *See* Condition A(9) of Dec. 19, 2016 Approval. Applicant requests that this condition be struck as part of this project approval as further review has shown the condition to be unnecessary to promote aesthetic compatibility with the rink’s surroundings given that the primary visibility of the rink occurs during the winter months.

III. Current project

The current Project proposes the following changes to the existing Campion rink:

1. 3,665 sq. ft. will be added to the north portion of the building and 1,330 sq. ft. will be added to the east portion of the building in the RL3 District (currently, 9,862 sq. ft.), which will increase the building area in the RL3 District to 14,857 sq. ft. This will result in a building coverage of 2.7% (14,857/554,083.2 sq. ft.), an increase from the present 1.89% coverage.
2. 1,350 sq. ft. will be added to the portion of the building in the R3 District (currently, 19,648 sq. ft.), which will increase the building area in the R3 District to 20,998 sq. ft. This will result in a building coverage of 38.9% (20,998/54,014.4 sq. ft.), an increase from the present 36.4% coverage.
3. The RL3 District requires a side yard setback of 50 feet, which relates to the existing building along a segment of the boundary to the east that is less than 15 feet in length. The current building scales approximately 60 feet from the boundary in the RL3 District along this limited segment. The proposed addition will reduce the distance from the building to the limited boundary in the RL3 District to approximately 45 feet.
4. The use and ownership will remain the same. The property is owned by the Town of Hanover but Campion rink is owned and operated by the Hanover Improvement Society, a New Hampshire non-profit corporation. Recreation facilities are permitted by special exception in the RL3 District but facilities that are not owned by a public entity are not permitted by right or special exception in the R3 District.
 - As noted above, Applicant also requests re-approval of the hours of operation that were approved in 2016 in connection with the variance and special exception application for a now-abandoned twin-rink project. Applicant also requests that Condition A.2(iii) of the 2016 approval be modified to allow non-ice indoor practice use during the other months when the facility is permitted to be open.

IV. Variances

The Applicant requests variances for the proposed project as follows:

- A variance from the 1% building coverage limitation in the RL3 District set forth in Zoning Ordinance Section 314.3 (note that this variance was approved as part of the 2016 Decision).
- A variance from the 50 ft. side setback requirement in the RL3 District set forth in Zoning Ordinance Section 314.3
- A variance from the 25% building coverage limitation in the R3 District set forth in Zoning Ordinance Section 310.3 (note that this variance was approved as part of the 2016 Decision).

- A Variance to allow a non-Public Recreation Facility in the R3 District as set forth in Zoning Ordinance Section 301.2 (note that this variance was approved as part of the 2016 Decision).

The criteria for a variance are set forth in Section 801.2 of the Ordinance, which are in turn governed by the state law set forth in RSA 674:33. The Project meets the variance criteria as follows:

1. **The variance, if authorized, will not be contrary to the public interest; and**
2. **The spirit of the Ordinance is observed.**

As the N.H. Supreme Court has stated, “[t]he requirement that the variance not be contrary to the public interest is related to the requirement that it be consistent with the spirit of the ordinance.” *Harborside Assocs., L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 514, 34 A.3d 584, 588-589 (N.H. 2011). Thus, it is appropriate to review these two criteria together.

The N.H. Supreme Court has provided the following guidance to determine whether a proposal will be contrary to the public interest and consistent with the spirit of the ordinance:

We first address the public interest and spirit of the ordinance factors. “The requirement that the variance not be contrary to the public interest is related to the requirement that [it] ... be consistent with the spirit of the ordinance.” *Farrar v. City of Keene*, 158 N.H. 684, 691, 973 A.2d 326 (2009) (quotation omitted). The first step in analyzing whether granting the variance would not be contrary to the public interest and would be consistent with the spirit of the ordinance is to examine the applicable ordinance. *See Chester Rod & Gun Club v. Town of Chester*, 152 N.H. 577, 581, 883 A.2d 1034 (2005). “As the provisions of the ordinance represent a declaration of public interest, any variance would in some measure be contrary thereto.” *Id.* (quotation omitted). Accordingly, to adjudge whether granting a variance is not contrary to the public interest and is consistent with the spirit of an ordinance, we must determine whether to grant the variance would “unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives.” *Id.* (quotations omitted). Thus, for a variance to be contrary to the public interest and inconsistent with the spirit of the ordinance, its grant must violate the ordinance's “basic zoning objectives.” *Id.* (quotation omitted). Mere conflict with the terms of the ordinance is insufficient. *See id.*

We have recognized two methods for ascertaining whether granting a variance would violate an ordinance's “basic zoning objectives.” One way is to examine whether granting the variance would “alter the essential character of the neighborhood.” *Id.* (quotation omitted). Another approach “is to examine whether granting the variance would threaten the public health, safety or welfare.” *Id.*

An examination of the language of the Ordinance demonstrates that the project does not violate the Ordinance's basic zoning objectives.

First, the project is consistent with the stated purposes the Ordinance. The project is consistent with one of the overall purposes of the Ordinance of promoting the health, safety, and general welfare of the community. Ordinance, Section 102. The project is also consistent with the following specifically stated goals in Section 102:

- Lessen congestion in the streets and promote safe and efficient movement of people, vehicles, and goods. The project will undergo Site Plan Review by the Planning Board to ensure that the project meets the standards related to access and traffic for the Campion rink site.
- Secure safety from fire, panic and other dangers. The project is designed to comply with all applicable fire and life/safety codes and, as a result of the current proposal will upgrade existing facilities to current standards.
- Promote health and the general welfare. The project will create enhanced recreational opportunities that will promote the health and welfare for area residents. The project will also upgrade an existing recreation facility to make it a more attractive, user friendly, and a welcoming recreation space for all ages.
- Promote adequate natural light and clean air. The project will not have any adverse impact on natural light and will help reduce air pollution by utilizing energy efficient technology. The project design will modernize the existing refrigeration technologies currently in use at Campion rink, which will reduce the amount of electricity used by the facility.
- Prevent the overcrowding of land by people and structures by avoiding undue concentration of population and preserving open space. Updating the existing recreational facilities will serve the community demand for increased recreational programming without the need to develop open space for a separate or new facility. It will also allow for use and access by field-based groups to locker rooms and public facilities, concessions, and meeting space that currently does not exist.
- Promote adequate facilities and infrastructure for transportation, solid waste, water, sewerage, energy, schools, recreation, parks, and child day care. The primary purpose of the proposed project is to promote and provide recreation infrastructure by enhancing the existing recreation facilities at Campion rink. The project will also promote energy efficiency by upgrading equipment to more energy efficient options.
- Protect and assure proper stewardship of natural resources. The project has been designed to minimize impacts on natural resources, particularly when compared to the potential impacts on another site. The project uses a compact area of land around the existing Campion rink that is, as it exists currently, not readily

accessible for public use.

- Provide a range of housing choices and affordability. The project does not involve any housing and will not impact housing choices and affordability.
- Provide a range of economic opportunities and services. The project will create jobs during construction. Following construction, the project will require operation and management similar to the existing facility. By updating the rink, one goal is to make the facility more attractive for users and spectators which could increase the economic benefits of the rink by creating additional staff positions should the need arise.
- Encourage the preservation of agricultural lands and buildings. The project will not impact any agricultural lands or buildings.
- Encourage energy-efficient land uses and installation of renewable energy systems. The project is being designed to modernize the existing insulation and HVAC/ice-making systems currently in use at the Campion rink, which will reduce the amount of electricity used by the facility.

Second, the project will not alter the essential character of the locality and will not adversely affect the public health, safety or welfare. The requested variances will authorize the renovation and slight expansion of an existing recreation facility. The proposed project is in an area of other existing recreation facilities which comprise the Sachem recreation complex, and will complement and enhance the existing recreational uses in the area. The project will enhance the versatility of the existing Campion rink and make it more amenable and attractive for skaters and spectators, and also expand its services to the public and the recreation field users. The existing and proposed building coverage and recreational facilities owned and operated by HIS, a non-profit organization, will be used for community recreational programming, and are not contrary to the public interest based on over 30 years of viability and compatibility within the Campion rink neighborhood.

Authorizing the requested variances will not alter the essential character of the locality nor will it adversely affect the public health, safety or welfare. Accordingly, the requested variances will not be contrary to the public interest. Furthermore, authorizing a variance to allow ownership and operation by a non-profit organization is consistent with the 1987 approval that authorized an affiliate of HIS to construct and operate the existing facility.

3. Substantial justice is done.

The N.H. Supreme Court has discussed the substantial variance factor as follows:

“Perhaps the only guiding rule [on this fact] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” 15 P. Loughlin, *New Hampshire Practice, Land Use Planning and Zoning* § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997)). [W]e also looked at whether the proposed development was consistent with the area’s present use. [citation and

internal quotations omitted].

Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 109 (N.H. 2007)

Applying the above standard to the project, the loss to the Applicant is the ability to upgrade and expand the existing use on the property in order to modernize the facility, to serve community needs, and to improve the efficiency and usability of the facility. On the other hand, no gain exists to the public by denying the requested variances and limiting the facility to its current state. The facility will continue to operate with the same impacts on the surrounding area.

4. The values of surrounding properties are not diminished.

The existing neighborhood surrounding the project is already a mixed use neighborhood. Residential, commercial, and recreational uses are located along Route 10 in the area of this project. Significant residential developments exist east of the project in Sachem Village, and west of the project, at Quail Hollow. Single family residences are located across the Sachem playing fields complex along Gould Road approximately 1000 feet to the north, along Route 10 to the west, and along Indian Ridge Drive to the south. Commercial facilities exist along Route 10 in the form of office space, a church, and veterinary services. The Sachem recreation complex and existing Campion rink are existing recreational facilities that occupy a prominent location in the heart of the surrounding recreation complex and neighborhood.

Importantly, the project is a relatively small expansion and renovation of an existing recreation complex and recreational facility that will not introduce a new use category to the neighborhood. In addition, although the dates and hours of operation are changing, the type and size of events, and number of spectators at those events, is expected to remain consistent, and therefore there will be little increase in the traffic to the facility on a daily basis compared to the levels during its current operating period. The facility will continue to use the same, existing access to Route 10. In addition, no significant increase in noise is anticipated from the renovated rink, as the uses will continue to occur indoors.

Given that the project will not result in any significant new impacts, the project will not diminish the values of surrounding properties. Site plan review by the Planning Board will ensure that the project will protect and preserve the appearance, character, and value of surrounding neighborhoods by improving the compatibility between different land uses in the City and by buffering neighboring properties and areas from any adverse effects of the project.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

- (a) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The proposed use is a reasonable one.

- (b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The definition of "unnecessary hardship" set forth in subparagraph 5 shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

For many years the concept of "unnecessary hardship" imposed nearly insurmountable barriers to a variance requiring unique land features and a near-unusability of the land. Those standards changed with the decision in the often cited *Simplex* case. *Simplex Technologies, Inc. v. Town of Newington*, 145 N.H. 727, 766 A.2d 713 (N.H. 2001). State law, RSA 674:33, has codified the post-*Simplex* hardship standard so that "unnecessary hardship" is now defined as set forth above.

New Hampshire Supreme Court cases applying the post-*Simplex* unnecessary hardship standard demonstrate that a broad range of features can constitute "special conditions" for purposes of this criterion. Special conditions may, but need not be, found in the property location, its size, and/or its shape. In *Rancourt v. City of Manchester*, the Court found that special conditions existed because the property a) was in a country setting, b) was larger than most of the surrounding lots, and c) was larger in the rear than in the front. 149 N.H. 51, 53, 816 A.2d 1011, 1013 (N.H. 2003). The Court noted that owing to these special conditions, and other factors, the proposed use of stabling horses was reasonable. *Id.* In *Harborside Assocs, L.P. v. Parade Residence Hotel, LLC*, the Court found that the building on the property (a hotel and conference center), rather than a feature of the property itself, had unique characteristics that made the proposed use (signs) a reasonable use of the property. 162 N.H. 508, 518, 34 A.3d 584, 592 (N.H. 2011). Similarly, in *Farrar v. City of Keene*, the Court found that an existing large residence on the property, as opposed to a feature of the land itself, made the property unique in an area of non-residential buildings. 158 N.H. 684, 689-690, 973 A.2d 326, 330-331 (N.H. 2009). The court found that the special condition of the structure and the neighborhood made the proposed mixed office and residential use reasonable. *Id.*

In the present case, special conditions of the subject property make the proposed use of an expanded recreation facility reasonable. The Sachem playing fields and Campion rink complex is unique in the Upper Valley in that it represents a vibrant multi-use recreational complex amidst a mixed use hamlet that straddles the municipal border between the City of Lebanon and the Town of Hanover, and is in a location to optimize use by both municipalities. The property has existing infrastructure in the form of the existing rink and parking lot, direct access to Route 10, and existing utilities, including public water and sewer, that make the continued use for a non-public, recreational skating rink a reasonable use of this property.

In addition to the use being reasonable in light of the special conditions of the property, no fair and substantial relationship exists between the purposes of the Zoning Ordinance and the specific application of the ordinance to the property.

RL3 variance

For the lot coverage and setback variances in the RL3 District, the purpose of the RL3 District is stated in the Ordinance as follows:

These are areas of the City within which development should be restricted until it has been further studied and detailed plans developed. These are critical areas where slopes of over twenty-five percent (25%) may be found, wetlands and a seasonably high water table exist or have poor highway access to the rest of the community. These areas almost uniformly have severe restrictions for on-site disposal of sewage and any extensive development, including driveways, may present problems in grades and control of erosion. The primary use of these areas should be for forestry with only limited development for single family residential purposes on large lots.

No fair and substantial relationship exists between the purposes of the RL3 District and the application of the RL3 restrictions to prevent the project. The physical characteristics of the Sachem playing fields and Campion rink complex do not resemble the description of lands in the RL3 purpose statement. The land within the complex is largely level from many years of site modification, has existing highway access directly onto Route 10, and is served by public sewer and water and existing utility connections. Although some human-made wetlands are present to facilitate conveyance of stormwater, only relatively small portions of these wetland areas are located in the RL3 District. In addition, the Sachem recreation complex and Campion rink do not fit within the “second type” of area described in the RL3 District—areas reserved for future expansion when roads and utilities are developed. Here, the property is already used for community recreation facilities and there is no need to reserve it for future development.

Given these facts, applying the RL3 District regulations to prevent the project would create an unnecessary hardship and would not advance the purpose of reserving the area for future development. Applying the 1% building coverage limitation would not further the purpose of reserving the property for future development, but would only serve to prevent enhancing existing community recreational resources to meet community needs. Pointedly, this property should not be in the RL3 District based on the site characteristics and existing infrastructure. Likewise, requiring strict adherence to the 50 ft. setback distance will not promote the RL3 District’s stated purposes and would only serve to hinder the reasonable modernization of the existing Campion facility. In addition, the intrusion into the setback is very minor and will not alter the existing character of the rink or surrounding area.

R3 Variances

For the lot coverage and use variance in the R3 District, the purpose of the R3 District is stated in the ordinance as follows: “The purpose of the R-3 District is to provide areas primarily for single family residential neighborhoods.”

Within the R3 District, public recreation facilities are permitted by right. Even though Campion rink is owned and operated by a non-public entity, the rink is used as a recreation facility for the larger community, serving the local high school teams, community skating groups, and public skating. It would make little sense to deny a non-public recreation facility

that is owned by a non-profit and used for public recreation in a district where similar facilities with a different ownership structure are permitted by right. In addition, the original approval of Campion rink and its existence in this location for over thirty (30) years demonstrates that the use is appropriate for this area of the City. The expansion and renovation of the existing facility will not adversely affect the ability of the surrounding areas to be used for single family residential neighborhoods. Further, requiring the project to meet the lot coverage limitations would necessitate acquisition of more land that would then no longer be available for single family residential development—which is the purpose that the R3 District is intended to promote. Accordingly, applying the lot coverage limitations and use restrictions in the R3 District to prevent the proposed expansion of a use that is otherwise reasonable in this location creates an unnecessary hardship

V. Special Exception Support Statement

Here, a special exception is being requested because the project will renovate and slightly expand a previously approved indoor recreation facility in the RL3 District. The background information provided above supplies context for the special exception request. Note that the rink was granted a special exception in the 1987 permit and that the special exception was confirmed in the 2016 permit.

Section 801.3 of the Ordinance provides that “In passing upon any application for a special exception, the Board shall make each of the following findings:”

A. That the special exception is specifically authorized by a provision of this Ordinance.

A special exception for the renovation and expansion of the existing Campion rink as a recreational facility within the RL3 District is specifically authorized by Section 314.2, and was authorized by the applicable zoning ordinance in effect at the time of the 1987 approval. The special exception for the existing rink was confirmed in #ZB2016-03R-SEVAR.

B. That all special conditions required of the special exception have been met.

As set forth herein, all special conditions for the requested special exception have been met.

C. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.

To the extent that there are any existing violations, they would be remedied by the requested amendments to the existing Special Exception approval.

D. That the character of the area shall not be adversely affected.

The proposed project involves continuation of an existing recreational facility use. The surrounding area consists of a mixture of residential and commercial uses, and the existing recreational facility is a significant factor in defining the existing character of the area. Allowing the expansion and renovation of the rink will upgrade the existing rink

without increasing impacts on the surrounding land uses, and will not have an adverse effect on the character of the area.

E. That no hazard or nuisance will be created.

Existing, ongoing project operations over thirty years have not resulted in any hazard or nuisance, and the proposed renovation and expansion project will not change the existing use or result in any hazard or nuisance.

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.

The existing project is served by public infrastructure, which will not be adversely impacted by the proposed renovations and addition. The Project is primarily intended to update and modernize Campion rink, to make it more user friendly. The character of the existing uses and the rink's impacts on community facilities are not proposed to increase as the rink will continue to serve the community as an indoor recreation facility at the same scale as it does currently.

G. That granting the special exception will not result in undue municipal expense.

The project will not result in any undue municipal expense, as no municipal funds are proposed for the project and no municipal infrastructure will need to be upgraded or modified for the project.

H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.

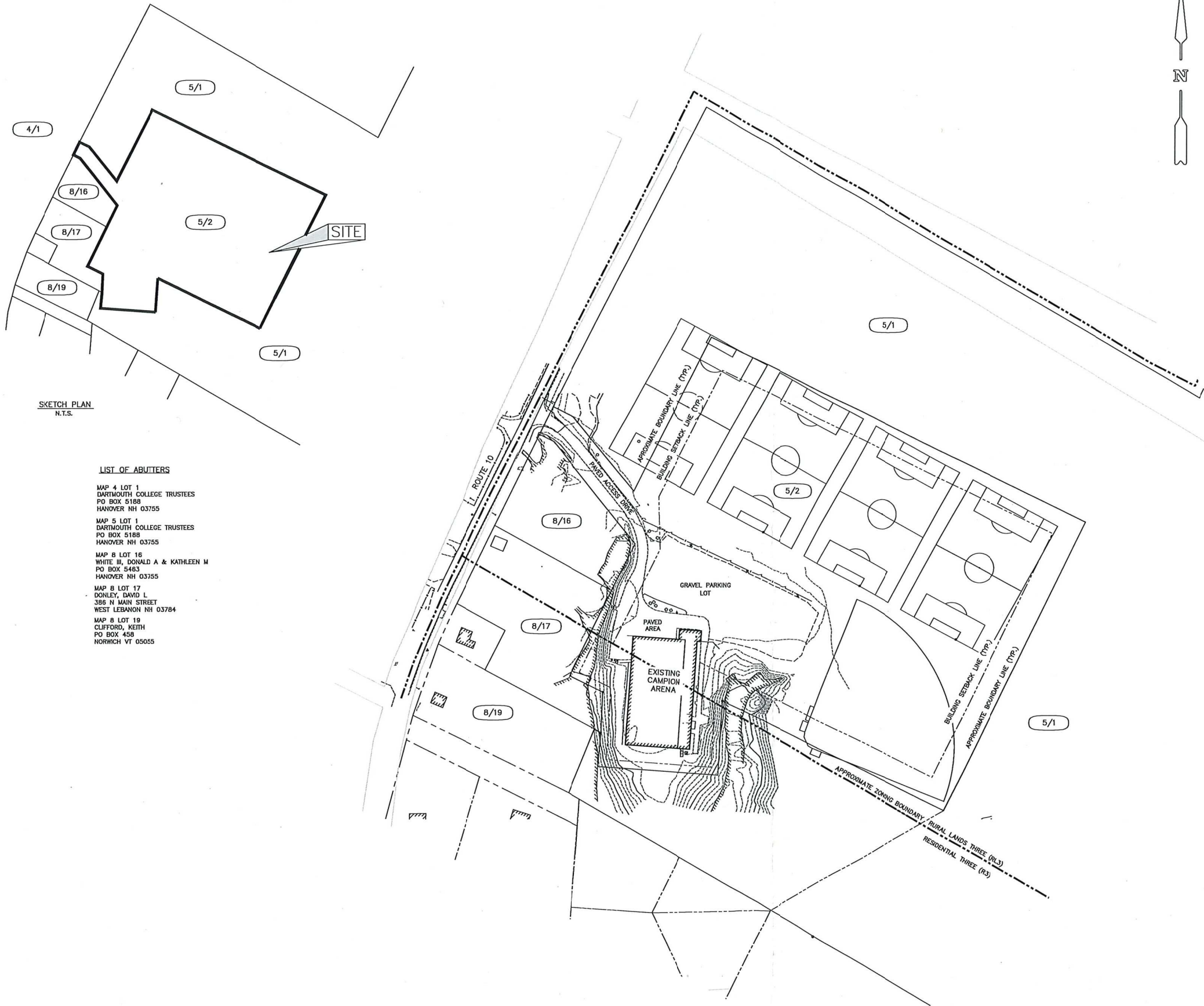
The existing recreational facility is a gem in the Upper Valley that is entirely in keeping with the spirit of the Ordinance and Master Plan, including proposed revisions as shown on the 2030 Future Land Use Map. Improvements to existing facilities to improve user experience and make operation of the rink more efficient is sustainable and also in keeping with the spirit and intent of the Ordinance.

I. That the general welfare of the City will be protected.

Making the existing Campion Rink more user friendly and more efficient will protect the general welfare of the City.

240 MECHANIC STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03766
(603) 448-2200 • FAX: (603) 448-1221

PATHWAYS CONSULTING, LLC
PLANNING • ENGINEERING • SURVEYING • CONSTRUCTION ASSISTANCE



SKETCH PLAN
N.T.S.

LIST OF ABUTTERS

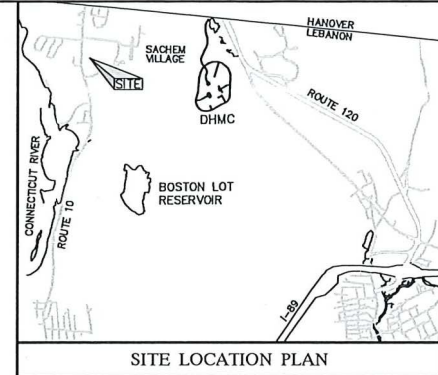
MAP 4 LOT 1
DARTMOUTH COLLEGE TRUSTEES
PO BOX 5188
HANOVER NH 03755

MAP 5 LOT 1
DARTMOUTH COLLEGE TRUSTEES
PO BOX 5188
HANOVER NH 03755

MAP 8 LOT 16
WHITE III, DONALD A & KATHLEEN M
PO BOX 5463
HANOVER NH 03755

MAP 8 LOT 17
DONLEY, DAVID L
386 W MAIN STREET
WEST LEBANON NH 03784

MAP 8 LOT 19
CLIFFORD, KEITH
PO BOX 458
NORRICH VT 05055



SITE INFORMATION

TAX MAP & LOT NUMBER: TAX MAP 5, LOT 2
ZONING DISTRICTS: RURAL LANDS THREE (RL3)
RESIDENTIAL THREE (R3)
EXISTING USE: RECREATION FACILITY
PROPOSED USE: RECREATION FACILITY
GROSS AREA OF BUILDING: EXISTING 29,510 SQ. FT. ADDITIONAL 6,345 SQ. FT. PROPOSED 35,855 SQ. FT.
AREA OF LOT: 13.95± ACRES (607,910 SQ. FT.)

BUILDING SETBACKS: (RL3) REQUIRED EXISTING PROPOSED
FRONT 50' 78.8±' 50.0±'
SIDE 50' 541.4±' 541.4±'
REAR 50' 58.0±' 45.2±'

BUILDING SETBACKS: (R3) REQUIRED EXISTING PROPOSED
FRONT 40' 92.8±' 92.8±'
SIDE 15' 47.8±' 47.8±'
REAR 20' 58.4±' 45.4±'

LOT COVERAGE (RL3): EXISTING 1.8% PROPOSED 2.7%

LOT COVERAGE (R3): EXISTING 37.3% PROPOSED 39.9%

REFERENCE IS MADE TO THE FOLLOWING PLANS FOR BOUNDARY INFORMATION:

- "SACHEM RECREATIONAL SUBDIVISION, ROUTE 10 & GOULD ROAD, WEST LEBANON, NH," DATED: MARCH 2, 1987 PROJECT NO. 17388A PREPARED K.A. LECLAIR ASSOCIATES, INC.
- "OVERALL SITE PLAN FOR SACHEM VILLAGE PLANNED UNIT RECREATIONAL DEVELOPMENT, GOULD ROAD, LEBANON, NH," DATED: SEPTEMBER 30, 2005 PROJECT NO. 10002 PREPARED BY PATHWAYS CONSULTING, LLC.
- CITY OF LEBANON ASSESSOR'S MAPS AND 2003 CITY OF LEBANON AERIAL PHOTOGRAMETRY.

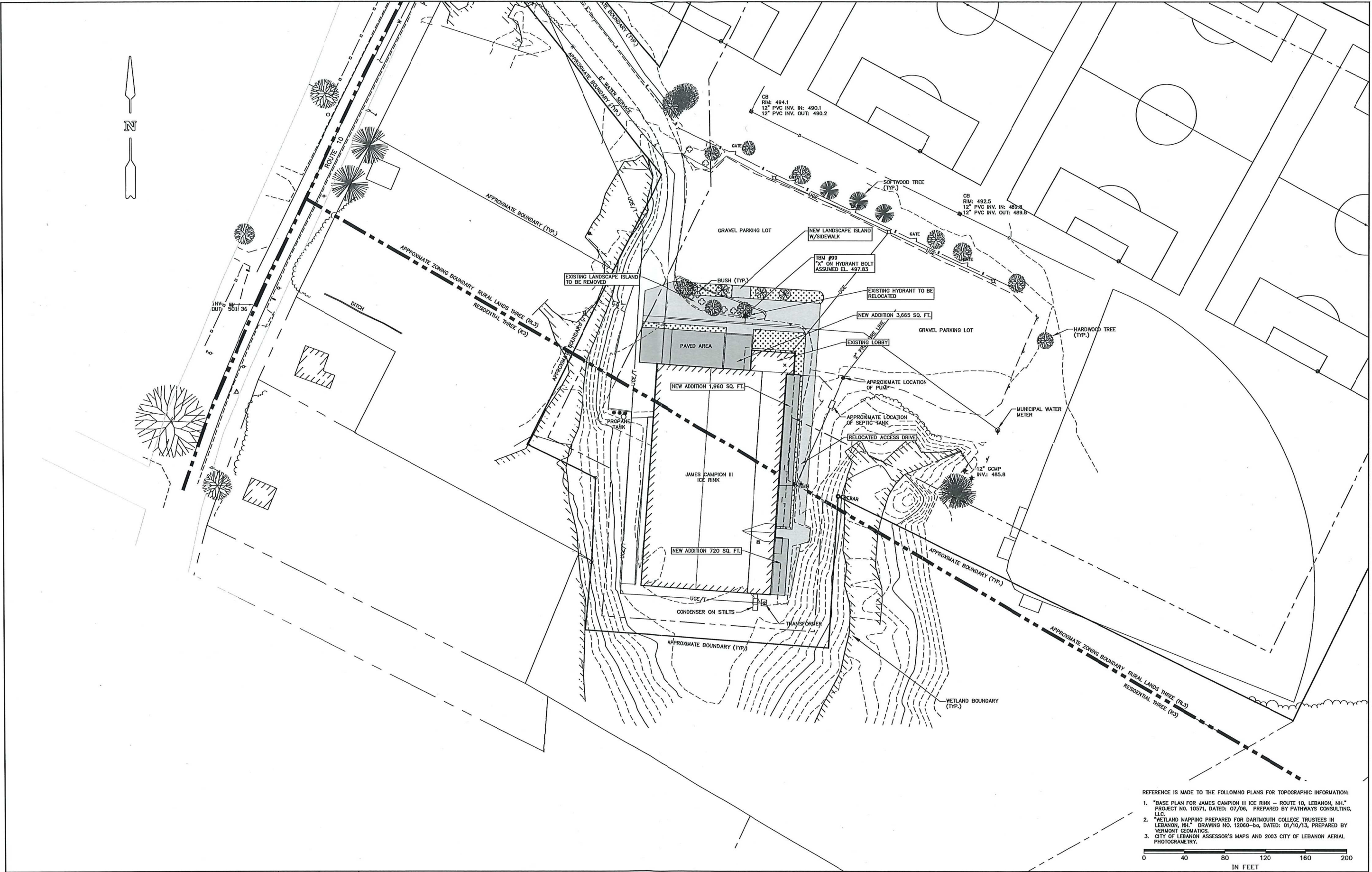
REFERENCE IS MADE TO THE FOLLOWING PLANS FOR TOPOGRAPHIC INFORMATION:

- "BASE PLAN FOR JAMES CAMPION III ICE RINK - ROUTE 10, LEBANON, NH," PROJECT NO. 10571, DATED: 07/06, PREPARED BY PATHWAYS CONSULTING.
- "WETLAND MAPPING PREPARED FOR DARTMOUTH COLLEGE TRUSTEES IN LEBANON, NH," DRAWING NO. 12060-b6, DATED: 01/10/13, PREPARED BY VERMONT GEOMATICS.
- CITY OF LEBANON ASSESSOR'S MAPS AND 2003 CITY OF LEBANON AERIAL PHOTOGRAMETRY.

RECORD OWNER: TOWN OF HANOVER
% JULIA N. GRIFFIN, TOWN MANAGER
POST OFFICE BOX 483
HANOVER, NEW HAMPSHIRE 03755

0 100 200 300 400 500
IN FEET

REV. NO.	DATE	DESCRIPTION	MADE BY	CHKD BY	APP'D BY
EXISTING CONDITIONS PLAN FOR HANOVER IMPROVEMENT SOCIETY 394 ROUTE 10 - LEBANON, NEW HAMPSHIRE					
1					
PATHWAYS CONSULTING, LLC					
240 MECHANIC STREET, SUITE 100 LEBANON, NEW HAMPSHIRE 03766 (603) 448-2200					
SHEET: 1 OF 2 SCALE: 1"= 100' DES. BY: PAB DRAWN BY: PAB CHKD. BY: JSG DATE: 03/14/22 PROJ.NO. 10571-01					



REFERENCE IS MADE TO THE FOLLOWING PLANS FOR TOPOGRAPHIC INFORMATION:

1. "BASE PLAN FOR JAMES CAMPION III ICE RINK - ROUTE 10, LEBANON, NH," PROJECT NO. 10571, DATED: 07/06, PREPARED BY PATHWAYS CONSULTING, LLC.
2. "WETLAND MAPPING PREPARED FOR DARTMOUTH COLLEGE TRUSTEES IN LEBANON, NH," DRAWING NO. 12060-ba, DATED: 01/10/13, PREPARED BY VERMONT GEOMATICS.
3. CITY OF LEBANON ASSESSOR'S MAPS AND 2003 CITY OF LEBANON AERIAL PHOTOGRAMMETRY.

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IN FEET

REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY

SITE PLAN FOR
HANOVER IMPROVEMENT SOCIETY
 394 ROUTE 10 - WEST LEBANON, NEW HAMPSHIRE

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

SCALE: AS NOTED
 DESIGNED BY: ANS
 DRAWN BY: PAB
 CHECKED BY:
 DATE: 03/14/22
 PROJ. NO. 10571-01

SHEET 2 OF 2