



**LEBANON ZONING BOARD OF ADJUSTMENT
SEPTEMBER 5, 2023 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

2. Approval of Minutes

A. August 7, 2023

3. Public Hearing Items

- A. **Steven Bickford, 22 Wheatley St (Tax Map 77, Lot 15), zoned R3:**
Applicant requests a Special Exception pursuant to Sections §703.1 and §801.3 of the Zoning Ordinance to erect a 12 ft. x 16 ft. carport +/- 8 ft. from the right-side property line where a 15 ft. side yard setback is required by section §310.3 of the Zoning Ordinance. **ZB2023-14-SE**
- B. **City of Lebanon, 5 Airpark Rd (Tax Map 131, Lot 1), zoned IND-L and 0 Hall Rd (Tax Map 159, Lot 7) zoned RL-3:** Applicant requests a Special Exception pursuant to Wetlands Conservation District Section §401.5 of the Zoning Ordinance to allow wetland impacts associated with the extension taxiway "A", safety improvements, and the relocation of a localizer antenna, shed and access road at the Lebanon Municipal Airport. **ZB2023-13-SE - To be opened and continued to the October Zoning Board meeting, pending Conservation Commission review.**
- C. **Catherine Patch, 5 Mack Ave (Tax Map 73, Lot 43), zone R3 Class1:** A request for a Special Exception pursuant to section §801.3 to permit the conversion of a One-family dwelling into a Two-family dwelling pursuant to section §310 Residential Three District (R-3) requirements. **ZB2023-12-SE - Continued from August 8, 2023 Meeting**

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](https://lebanonnh.gov/live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

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

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, August 7, 2023
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jeremy Katz, Paul McDonough, Jennifer Barkley (Alt)

MEMBERS ABSENT: Dan Nash, Dave Newlove, Catherine Hembree (Alt)

STAFF PRESENT: Nathan Reichert – Zoning Administrator
Tim Corwin – Deputy Planning and Development Director

1. CALL TO ORDER

Chair Koppenheffer called the meeting to order at 7:05 PM.

Ms. Barkley was given voting privileges for this meeting.

2. APPROVAL OF MINUTES

A. July 11, 2023

Mr. Katz MOVED to approve the June 5, 2023, Minutes as presented in the July 11, 2023 with amendments.

Seconded by Mr. McDonough.

**The Vote on the Motion was (3-0-1).*

Ms. Barkley abstained.

B. July 11, 2023 Building Code Board of Appeal

Approval of these minutes was postponed until the next meeting.

3. PUBLIC HEARING ITEMS

- A. Cicotte Holdings, LLC, 51 Evans Dr (Tax Map 78, Lot 40), zoned RO-1:** An appeal of the Zoning Official's Notice of Violation and Administrative Decision pursuant to section §801.1 Administrative Appeals, that the property is not in the flood zone, that the parking area is grandfathered, and deadlines demanded by the City are unreasonable. **ZB2023-11-AAD-**
Continued from July 11, 2023 Meeting

Mr. Katz MOVED to dismiss the appeal for lack of subject matter jurisdiction on the basis that there is no dispute regarding the meaning of the ordinance that was brought up but rather it is disputing the City's position of the violation and as a result it does not fall within what we have jurisdiction over under 67652.B.

Second by Mr. McDonough

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

1
2 **B. Catherine Patch, 5 Mack Ave (Tax Map 73, Lot 43), zone R3 Class1:** A request for a
3 Special Exception pursuant to section §801.3 to permit the conversion of a One-family
4 dwelling into a Two-family dwelling pursuant to section §310 Residential Three District
5 (R-3) requirements. **ZB2023-12-SE** - Continued from June 5, 2023 Meeting
6

7 Aaron Simpson appeared with Catherine Patch on behalf of the application. She has 4 tenants living
8 in the house and is not using it as a 2-family dwelling at this time. She does not have the apartment
9 available as a unit. She has 4 current tenants, two who came in June 2022, one in June 2021, and one
10 in June 2020. She is looking to maintain long-term renters. She would like to comply with the Fire
11 Department regulations and does not want to ask any of her current tenants to leave. Currently there
12 are 3 cars parking there. She would like to follow the law that would allot 2 parking spaces per unit.
13 Except during the winter, there is street parking and other residents of Mack Avenue also use street
14 parking. She would like to make a door between the two units to allow flexible housing between the
15 units. If she rented to one single large family in the future and a 5th bedroom is needed for a larger
16 family, they would have access to five bedrooms. Aside from this legal situation, the fifth bedroom
17 would not be used as part of the main house. She would like to install a wall with a doorway but is
18 willing to make it a solid wall to alleviate any burden of enforcement. And she is open to future
19 inspections. The current floor plan as proposed was distributed to the Board. She provided the
20 building permits for the work she has done. There are kitchen appliances in one room because they
21 became available. Her real estate taxes have increased substantially between 2021 and 2022.
22

23 Mr. Simpson said there were preexisting violations, but there are no violations at this time due to the
24 number of occupants. He believes there is no nuisance from parking. There is no winter parking on
25 the street. They meet the parking requirements in the drawing they submitted and intend to meet the
26 setbacks, all City requirements and any other regulation that is expected of them, including those of
27 the Fire Department. The City allows 4 unrelated people while the Fire Department only allows 3
28 unrelated people to live in one house before it becomes a boarding house. There are work arounds
29 with the Fire Department with a master tenant lease who then rents to 3 more people. They would
30 change egress windows and door locks that are required by the Fire Department.
31

32 The diagrams are difficult to follow and hard to read. The applicants described the floor plans
33 regarding how the proposed two units would be laid out and how they would potentially be used. The
34 applicants clarified that they would like two units that have two floors of unit space. The Board is
35 concerned with privacy and movement between the two units.
36

37 The Board asked for clarification of the violations and what she is proposing to address the violations.
38 First it was declared that 5 people shared one kitchen, but there are only 4. It was alleged that it is
39 being used as a two-family home. It is not. But she would like to have it approved to be a two-family
40 dwelling. One of the solutions is four bedrooms in one unit. And then make a second unit that is 2
41 potential bedrooms. She has a single-family home with 4 people living there and she would like to
42 turn it into a two-family home. It is not intended to be owner occupied. She is not proposing to have
43 sprinklers. There are smoke alarms. She has egress for both of the units, but it is not clear on the
44 drawings how that would work with two units. There are 2 bedrooms on the first floor. There are
45 two sets of stairs. There are 4 outside doors to the house.
46

47 A clearer plan would be helpful showing doors, walls, steps, and exits with the 2 ways of egress for
48 each unit. It might be best to have the fire department approve the floor plans and then come before
49 the Board. The Board needs a clear set of plans and specifications that meet all the requirements for
50 fire and building code requirements and zoning code. Sprinklers were discussed but it was unclear if
51 they would be needed with changes to the building.

Chair Koppenheffer opened the Public Hearing.

Dr. Luis Alvaraz, neighbor, spoke about the criteria for a special exception. He believes due to the irregularities, past violations, and potential fire violations, he is concerned about granting a special exception. One of the requirements is that all conditions of the special exception are met, and that the character of the area is not adversely affected. He asked if there is any way to regulate or enforce that no violations occur in the future. There are a limited number of options to address purported violations. It is dependent upon the public to inform the City staff. The City is dependent on voluntary compliance and correcting any violations. Dr. Alvaraz opposes the application because he believes there has already been Boarding House violations regarding nuisance and parking issues. His concern is that he is not clear who is living there and how many people are living there at any given time. There are 9 conditions that the applicant has to meet in order to get a special exception. So far there is no evidence that there is an adverse effect on the neighborhood.

Georgia Tuttle, 10 Mack Avenue spoke next. She is against the application. Several houses, including her own, have the same floor plans and they are all single family homes. She said there has been construction going on at the 5 Mack property since 2020 and she said there should be some evidence for past permit requirements. She highlighted the conditions of a special exception. The City made a decision to have single family homes in some areas and she believes there are options for two family homes in other areas of the City.

Mr. Katz asked for clarification about any violations that would not be remedied through the granting of a special exception. She clarified that ADUs would be supported because the owner would live on site and it would not be the nature of a boarding house. There is one two-family home because it was grandfathered in at the time the zoning ordinances were put in place.

Dr. Keily Thomas, spoke in opposition of the application. She is a former tenant at the home. She believes the drawings of the home are confusing to her as well. When she moved into the apartment, she was under the impression that it was a separate unit, with 5 other associated tenants in the building on one lease. They were all on individual leases. She became concerned about the issues of hazards and nuisances. Safety and privacy are her concerns as well as the access and egress in that unit. She spoke to the electrical concerns. She addressed a number of landlord and tenant issues. The Chair stated the Board does not have any jurisdiction or control over landlord and tenant matters. Ms. Thomas stated that she believes the owner is not reliable and the house as it stands is not in good condition and has several safety and fire hazards. Given the structure of the house, a duplex does not seem to be feasible. If the same issues remain, more people and more allowable individuals would exasperate the situations.

Mr. Katz proposed a 10 minute break at 8:57 and the Board returned at 9:09.

Sanaa Siddiqi lives at 30 Dana Street, the only 2 family unit that was grandfathered into the neighborhood. There is a property manager on site. She is opposed to the application. She referenced a large party that had police involvement. There have been 5 cars in the parking in the past and there are a number of people coming and going that come at late hours and do not stay a long time. She is uncomfortable with her sense of what is going on in the house. There is no one paying attention to who is living there and what they are doing. There is no manager on the premises. Mr. Katz asked if she would have opposition to a two-family dwelling if it was managed similar to where she lives. She said she would not oppose that.

1 Margaret Hastings, an abutter at 3 Mack Avenue appeared in opposition. She has lived in the
2 neighborhood for many years. Prior to the sale in 2020 the house was a family neighborhood. Since
3 the new owner, and the large number of tenants, this dwelling has become a revolving door. She
4 voiced concerns about the changing nature of the community with the number of tenants and nature
5 of the tenants. Mr. Katz said he is struggling that Ms. Patch owns the house and she has a right to
6 rent it to anyone. There have been complaints brought to the City and Ms. Patch has made efforts to
7 comply with the City. He asked if the application was approved would the neighbors be better off.
8 Her hope is that moving forward the owner follows the laws. She would like it if it was a two-family
9 unit and it was two families instead of an increased number of individuals.

10
11 Christine Apel-Eram has lived on the street for over 37 years. It was developed in the 1920s and all
12 the houses were built in the same style. She expressed her experiences about the family nature of the
13 neighborhood. She is not sure if she agrees with converting it to a two-family home but is not
14 completely against it. She wishes it would become a home where two families move in and live
15 there. Mr. Katz said considering her neutral stance, are there any logical conditions that could be
16 imposed that would appease some of the other owners in the neighborhood. She did not provide any
17 concrete ideas.

18
19 Georgia Tuttle returned to speak. If nothing is done, the house would return to a single-family home
20 with a maximum of 4 people living there. It is hard to know how many people have lived there at any
21 one time. Mr. Katz clarified that if the application is denied there is a maximum of 4 unrelated
22 people. There can be visitors that stay overnight. He asked if an organized plan with limitations of a
23 duplex would be preferable to what is currently happening.

24
25 Attorney Simpson and Ms. Patch returned to speak. They provided the Board with additional
26 documents showing the certificate of completion and final approval of the changes she has made to
27 the building that were approved 9/2/2020. It is clear that this should be addressed at the next meeting.
28 The Board would like a floor plan that is unambiguous. It needs to show all the doors and windows
29 and the egress. Mr. Reichert suggested what it could be beneficial to do a code assessment of the
30 building done by a professional which would help the owner meet the requirements of the building
31 codes. The Site plan would show the size and location of parking, all doors, and all windows.

32
33 ***Mr. Katz MOVED to continue this hearing until Tuesday, September 5, 2023 at 7:00 PM.***
34 ***Seconded by Ms. Barkley.***

35
36 ****The Vote on the Motion was (4-0).***

37 38 **4. STAFF COMMENTS**

39
40 Mr. Reichert is pleased with how tonight's meeting was operated. It is a complex topic.

41 42 **5. ADJOURNMENT**

43
44 ***Mr. Katz MOVED to adjourn the meeting at 10:04 PM.***
45 ***Seconded by Ms. Barkley.***

46
47 ****The Vote on the Motion was approved (4-0).***

48
49 Respectfully submitted,
50 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

Special Exception

Staff Memorandum – ZB2023-14-SE

September 5, 2023 Regular Meeting

STEVEN BICKFORD

22 Wheatley St (Tax Map 77, Lot 15) Zone R3 Class1

APPLICATION INFORMATION

Agenda Item: 3.A

Application Type:

Special Exception
pursuant to §801.3

Location:

22 Wheatley St
Tax Map 77, Lot 15

Applicant/Property Owner:

Steven Bickford

Zoning District:

Residential Three (R-3) – Class

Property Size:

+/-0.20 acres (+/-8,712 sq. ft.) (per
the City Assessor's records; property
is non-conforming to the min.
required 10,000 sq. ft. lot size in the
R-3 Class 1 District per §310.3)

Overlay Districts:

None

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building Permit

Attachments:

Application
GIS and street view photos

HEARING NOTICE

Steven Bickford, 22 Wheatley St (Tax Map 77, Lot 15), zoned R3:

Applicant requests a Special Exception per Section §310.3 of the
Zoning Ordinance to erect a 12 ft. x 16 ft. carport +/-8 ft. from the right-
side property line where 15 ft is required. **ZB2023-14-SE**

BACKGROUND

The property is improved with a one-family dwelling constructed in 1915
per the City Assessor's records and is non-conforming to the R-3 Class
1 District minimum lot size requirement of 10,000 sq. ft. as the lot is
8,712 sq. ft., approx. 136.03' – 131.73' wide and 100.29' – 112.03' deep.
The R-3 Class 1 standard is for a 75' wide lot frontage. It appears the
home itself is non-conforming to the minimum required front yard of 20
ft. Currently, there are two aged front porches on the property. The two
porches do not presently connect. The existing non-conformity is for a
front yard setback that is +/- 19' from the front property line, with 20'
being required by the ordinance. Only the smaller front porch projects
into the front yard setback thereby creating the pre-existing legal non-
conforming front yard setback.

PROPOSAL

The applicant proposes to construct a 12 ft x 16 ft carport. The Carport
will attach to the existing garage. The proposed setback is greater than
the pre-existing legal non-conforming right side-yard setback of +/-.

ZONING ORDINANCE REQUIREMENTS

SPECIAL EXCEPTION

Class 1 lots (lots that are served by municipal sewer and water) in the
R-2 District must maintain a minimum side yard (i.e. a space
unobstructed by buildings and structures) of 15 ft. See the Dimensional
Requirements specified in §309.3 of the Zoning Ordinance. §703.1 of
the Zoning Ordinance allows the expansion of "any increase in the
footprint and/or volume of the non-conforming part of the building or
structure," by Special Exception from the Zoning Board of Adjustment.
The applicable Special Exception Criteria are as follows:

703.1 Expansion.

In order to grant a Special Exception for the proposed expansion, the Board must make each of the following findings per §703.1.A:

1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.
2. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more non-conforming in the absence of a variance.

Note: §703.1.A.2 allows an expansion that is equally non-conforming or less non-conforming, but prohibits an expansion that would be more non-conforming. Here, the proposed addition will be located no closer to the lot line than the existing garage and, therefore, will not “render the lot size proportionately less adequate”.

By contrast, if the carport was proposed to be located closer to the lot line than the existing garage, the applicant would be unable to demonstrate compliance with §703.1.A.2 and, instead, would require a Variance from §309.3 to permit the carport to encroach further into the minimum required side yard.

3. These special exception standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.

801.3 Special Exceptions.

Per §703.1.A.3 of the Zoning Ordinance, in order to grant a Special Exception for an expansion of a non-conforming structure, the Board must also determine that the proposal meets the general Special Exception criteria, set forth in §801.3 as follows:

- A. The Special Exception is specifically authorized by a provision of this Ordinance.
Note: The Special Exception is authorized by §703.1.A of the Zoning Ordinance.
- B. All special conditions required of the special exception have been met.
Note: The special conditions for an expansion of a non-conforming buildings are those set forth above in §703.1.A of the Zoning Ordinance.
- 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 unaware of any Zoning Ordinance violations on the property.
- D. The character of the area shall not be adversely affected. *In examining the GIS view of the neighborhood nearly every abutting property has zero-lot-line or near zero-lot-line buildings.*
- 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.

STAFF MEMORANDUM

ZB2023-14-SE
22 Wheatley St
(Tax Map 77, Lot 15)
September 5, 2023 ZBA Meeting
Agenda Item 3.A
Page 3 of 3

- 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.

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the §801.3 criteria in an application received by the Planning and Development Department on Aug 8th 2023 (see attached).

STAFF COMMENTS

Absent abutter testimony to the contrary, the proposed expansion does not appear to be inconsistent with any of the applicable criteria set forth in §703.1.A and §801.3.

ATTACHEMENTS

Figure 1. Street View of Subject Property.

Figure 2. GIS View of Subject Property

Respectfully submitted,



Nathan Reichert, Director
Planning and Development Department
Zoning Administrator

22 Wheatly - Front



22 Wheatly



**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: Steven Bickford TEL.#: 603-448-3252

MAILING ADDRESS: 22 Wheatley St. Lebanon NH 03766

E-MAIL ADDRESS: BickfordSteven@yahoo

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 77 LOT#: 15 PLOT #: NA ZONE: R3

STREET ADDRESS OF PROJECT: 22 Wheatley St. Lebanon NH 03766

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

SCOPE OF PROJECT:

Place a 12' x 16' Carport in front of garage -
8 ft from side lot line.

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:

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: Steven Bickford DATE: 8-8-2023

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 #			
8/8/23	77/15	ZB2023-14-			

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) _____, Section(s) _____, 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.)

① I want to build a car port to get them out of the weather ② so I want have to shovel snow ③ to structurally strengthen a part by attaching it to the garage ④ want to remain on my existing driveway ⑤ The carport will be further away from the property line than the existing garage.

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

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

N/A

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

NO

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

Every House In The neighborhood Has
This & None conforming Garage

- E. That no hazard or nuisance will be created:

I will Follow The building Code
Attaching To Garage for stability

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

NO IMPACTS JUST ALLOWS ME TO PARK
MY CAR OUT OF THE WEATHER.

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

I'm adding Value To my house

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

I'm doing this for safety Reasons
and will increase the enjoyment
of my home

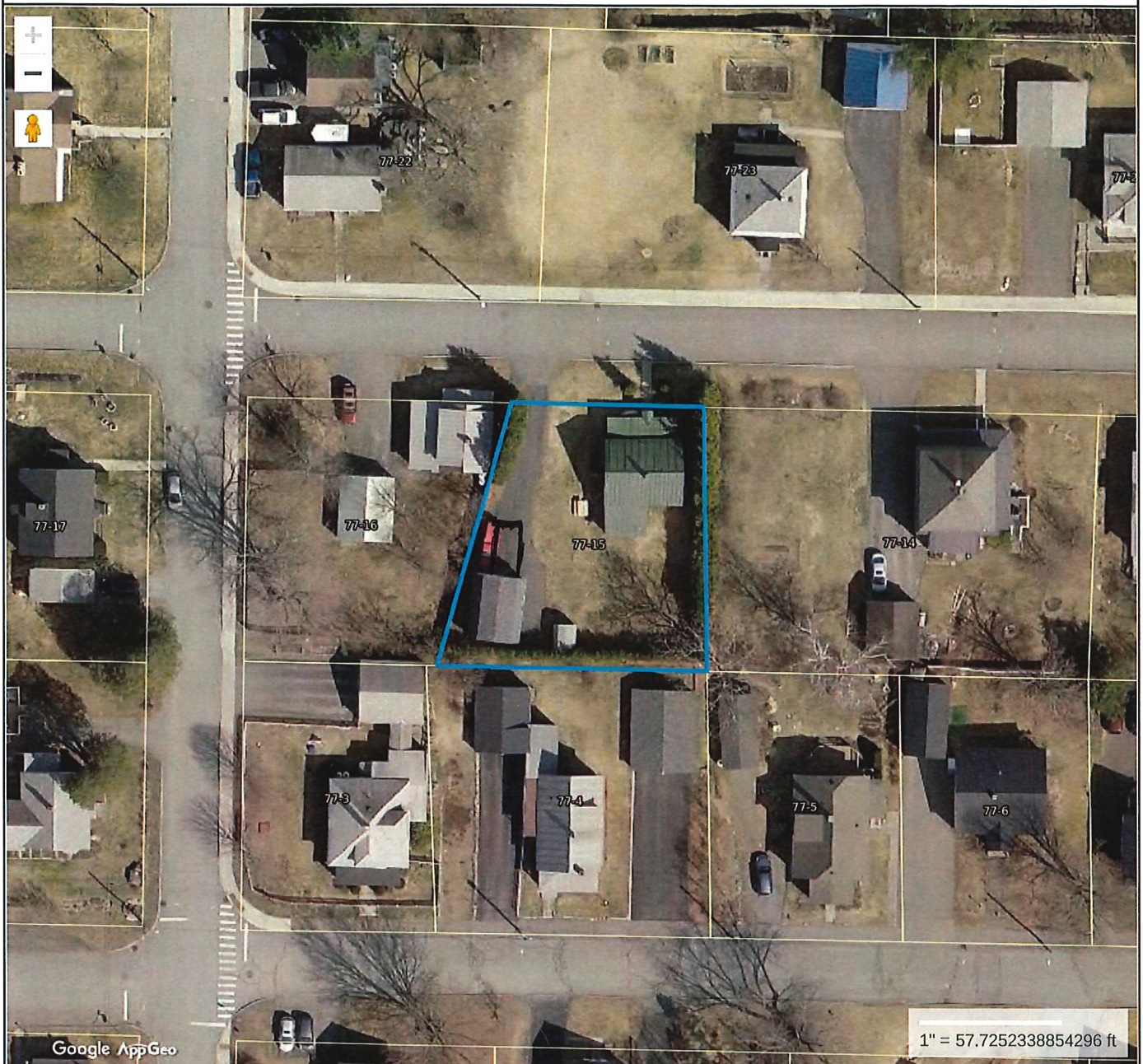
- I. That the general welfare of the City will be protected:

It will protect getting in and out
of my driveway.

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.

**Property Information**

Property ID 77-15
Location 22 WHEATLEY ST
Owner BICKFORD, STEVEN

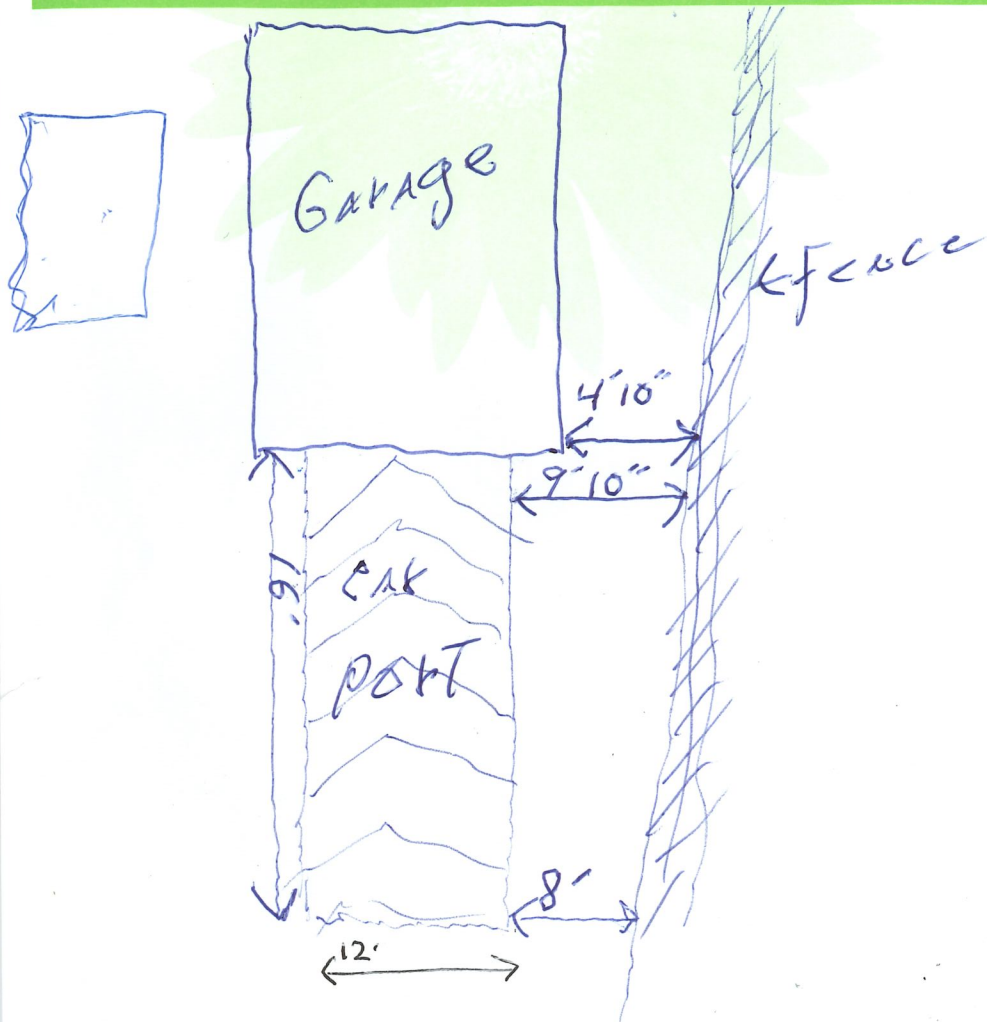
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 06/07/2023
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

ID	Site Address	Owner Name	Owner Address	Owner City	Owner State
77-14	18 WHEATLEY ST	CHAPIN, MELISSA ANNE	18 WHEATLEY ST	LEBANON	NH
77-16	24 WHEATLEY ST	HARRIMAN, CLIFFORD	24 WHEATLEY ST	LEBANON	NH
77-22	21 WHEATLEY ST	ACORN TO SKY INVESTMENTS LLC	PO BOX 822	LEBANON	NH
77-23	17 WHEATLEY ST	LEBLANC, M W & C A CO-TTEES	17 WHEATLEY ST	LEBANON	NH
77-4	47 ELDRIDGE ST	SCHMELING, ANNA	47 ELDRIDGE ST	LEBANON	NH
77-5	45 ELDRIDGE ST	RILEY, SARAH A	45 ELDRIDGE ST	LEBANON	NH
77-15	22 WHEATLEY ST	BICKFORD, STEVEN	22 WHEATLEY ST	LEBANON	NH



City of Lebanon
Zoning Board of Adjustment
September 5, 2023 Meeting

DRAFT MOTION for:

Agenda Item 3.A

Case ZB2023-14-SE

Request for Special Exception per Section 703.1

Motion made by: _____

On September 5, 2023, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Steven Bickford and _____ regarding 22 Wheatley St (Tax Map 77, Lot 15), zoned R-3. The Applicant requests a Special Exception per Section §703.1 of the Zoning Ordinance to erect a 12 ft x 16 ft carport +/- 8 ft from the right-side property line where a 15 ft side-yard setback is required. ZB2023-14-SE

I. FINDINGS OF FACT

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

1. The subject property is developed with a one-story single-family residence with a detached garage constructed in 1915.
2. At this time, the applicant is seeking a Special Exception pursuant to Section §703.1 of the Zoning Ordinance to expand the dimensionally non-conforming garage with the addition of a attached carport.
3. In order to grant a Special Exception to change one non-conforming use to a different non-conforming structure, the applicant must demonstrate that the proposal meets the general Special Exception criteria, set forth in Section §801.3. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning & Development Department on August 8th 2023.
4. _____

5. _____

II. CONCLUSIONS OF LAW

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

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.
2. The following conditions/requirement of Section §703.1 **have been / have not been** met:
 - a. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.

 - b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more non-conforming in the absence of a of a variance.

3. There **are no / are** 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 / will** be adversely affected. (§801.3.D)

5. **No / A** 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 / will** be adversely impacted. (§801.3.F)

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

8. The proposed Special Exception **will / will not** 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 / will not be protected. (§801.3.I)
- _____

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 5th day of September, 2023, hereby **GRANTS / DENIES** the requested Special Exception as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit and a Certificate of Completion.

2. _____

3. _____

Motion seconded by: _____

Vote: _____

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):

City of Lebanon

NAME: Carl Gross, Lebanon Municipal Airport Manager

TEL.#: (603) 298-8878

MAILING ADDRESS: 5 Airpark Road, Suite 1, West Lebanon, NH 03784

E-MAIL ADDRESS: carl.gross@lebanonnh.gov

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Gregg Cohen, Stantec Consulting Services Inc.

TEL.#: (207) 887-3824

MAILING ADDRESS: 2211 Congress Street, Suite 380, Portland, Maine 04102

E-MAIL ADDRESS: gregg.cohen@stantec.com

PROJECT LOCATION:

TAX MAP #: 131; 159

LOT#: 1; 7

PLOT #:

ZONE: Industrial Light, RL3

STREET ADDRESS OF PROJECT: 5 Airpark Road, West Lebanon, NH 03784

IS THIS PROPERTY LOCATED IN THE:

WETLANDS

☒ YES ☐ NO

HISTORIC DISTRICT

☐ YES ☐ NO

FLOOD PLAIN

☐ YES ☐ NO

SCOPE OF PROJECT:

Airport safety improvements including the extension of Taxiway 'A,' the relocation of localizer antenna and localizer equipment shed, 200-ft Runway 34 extension, and the removal of trees obstructing airspace.

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: Airport

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 August 14, 2023, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY

Documented by:

OWNER:

Carl Gross

DATE: 8/2/2023

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 #			
8/3/2023	131-1 + 159-7	ZB2023-13-SE			

**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) IV, Section(s) 401.5, 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.)*

Please see Article IV, Section 401.5 Conformance Statement included with this submission.

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:

B. That all special conditions required of the 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:

CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION
Page 2

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

E. That no hazard or nuisance will be created:

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

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

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

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

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.



Stantec Consulting Services Inc.
2211 Congress Street, Suite 380
Portland ME 04102-1955

August 2, 2023

Project/File: 179450422

Nathan Reichert

City of Lebanon
Planning and Development
City Hall
51 N Park Street
Lebanon, NH 03766

Dear Mr. Reichert,

Reference: Lebanon Municipal Airport Safety Improvement Project: Application for Special Exception

Per Lebanon zoning regulations and Zoning Board requirements, this Special Exception permit application has been prepared to address the safety improvement projects and associated wetland impacts proposed for construction at Lebanon Municipal Airport.

Proposed projects include safety improvement projects to be conducted at Lebanon Municipal Airport including extension of Taxiway 'A' and associated relocation of localizer antenna, localizer shed & localizer access road. Taxiway 'A' is a partial parallel taxiway that serves Runway 18-36, the airport's primary runway. The FAA has identified the taxiway as a "hot spot" as it does not provide landing aircraft immediate egress from Runway 36 end. Rather, aircraft must turn around on the runway and back taxi approx. 2,700 feet on the runway prior to accessing Taxiway 'A,' contributing to a potential safety hazard and opportunity for incursion. To extend Taxiway 'A' to the full length of the runway, the localizer antenna, which provides approaching aircraft with precision vertical guidance, must be relocated, as the existing antenna and its associated clear zone (localizer critical area) would be too close to the extended taxiway and aircraft per FAA design standards. Thus, the existing localizer antenna, access road and localizer electrical shed must be relocated. Construction of the 2,900 ft taxiway extension (to tie into 200 ft RW 36 extension) and relocation of the localizer, localizer service road and shed results in 2.2 ac (95,733 sq ft) of permanent wetland impact from cut and fill activities. The runway is being extended to provide more usable runway length for landing in inclement weather to larger aircraft currently using the runway. The ultimate runway length of 5,400 ft satisfies FAA runway design standards for the current fleet of aircraft using the runway. Construction of the runway extension will not impact wetlands. Additionally, approximately 19.8 acres of obstructions to Runway 36 approach surfaces is proposed from airport property and existing easement areas. Tree removal in wetlands will result in approx 0.67 acres (29,185 sq ft) of temporary impacts. Trees will be selectively removed (only vegetation identified as obstructions will be removed), no stumping/grubbing will occur. Impacts will consist of habitat alteration.

The direct wetland fill impacts resulting from safety improvement projects proposed at Lebanon Municipal Airport will occur within the airport's perimeter security fence. Access is restricted to the general public for purposes other than those activities associated with commercial and general aviation operations. Permanent fill impacts to Wetlands D (0.59ac), F (0.7ac), & G (0.76ac) resulting from proposed actions comprise 2.05 acres of the anticipated 2.2 acres of total direct impact, see attached *Wetlands Plan*. Wetland D is a large 50-acre wetland complex consisting of Forested, scrub-shrub, emergent and wet meadow habitat. Direct grading and fill impacts to Wetland D are proposed within the wet-meadow habitat

Reference: Lebanon Municipal Airport Safety Improvement Project: Application for Special Exception

at the northern edge of the wetland. This area is currently mowed by the airport and is being regraded to provide a compliant runway safety area beyond the edge of pavement and to conform with localizer critical area grading standards. Similarly, Wetland F, a seven acre (approx.) emergent wetland is also characterized by wet-meadow habitat, located on airport, north of Wetland D and west of Runway 38, that is routinely mowed and includes a stormwater ditch running north-south through the wetland. Impacts to Wetland F are limited to several locations along the eastern edge of the wetland and have been minimized by steepening new swale slopes to be constructed east of the wetland. Wetland G is a constructed stormwater conveyance ditch to be filled to accommodate the extended taxiway. New swales and BMPs including vegetated filter strips & underdrained sand filters will be constructed to promote infiltration and manage stormwater runoff. The remainder of wetland impacts (indirect) are associated with vegetative obstruction removal efforts proposed at multiple locations in the southern region of airport property. Only vegetation identified as obstructions will be removed (approx 0.7 ac). No stumping/grubbing or grading is proposed for vegetation removal in wetland locations.

It is important to note that the City of Lebanon and Lebanon Municipal Airport originally received NHDES & USACE permits for these projects as proposed in 1994 and in 1997 for 12.71 acres of wetland impacts. As mitigation for the wetland impacts associated with the projects, a 28.56-acre conservation easement (comprised of 26.59 acres of uplands & 1.97 acres of wetlands) was obtained and recorded in 1996 over land at the southern end of airport property. However, the projects were not constructed and the permit for the taxiway and runway extensions and localizer relocation expired. Improved design measures have been implemented and the proposed project now results in only 2.2 acres of direct wetland fill impacts. Due to changes in state and federal mitigation requirements since the project was originally permitted, mitigation (the acquisition of a 26-acre conservation easement) is longer adequate. Discussions with NHDES and USACE have indicated the conservation easement may account for one credit (10,628 sq ft) of impact reduction, with the remaining balance to be provided via the NHDES in-lieu fee mitigation program. The agencies have agreed however, to meet on site to determine whether additional credits are warranted due to the low value of wetlands impacted (the principal function of wetlands impacted is stormwater conveyance, which is being replaced at a 4:1 ratio (approx.)). The on-site meeting will be scheduled once NHDES has had the opportunity to review the recently submitted wetlands permit application.

Additional materials included with this application include a Wetlands Plan, documentation of compliance with Section 401.5 of Article IV Overlay Districts established in the City's Zoning Ordinance, last amended March 14, 2023, and a project abutters list. Should you have any questions or require additional information, please do not hesitate to contact me. Your assistance with this matter is greatly appreciated.

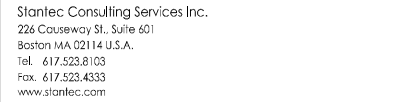
Regards,

STANTEC CONSULTING SERVICES INC.



Gregg Cohen MS
Senior Environmental Analyst, Associate
Phone: (207) 887-3824
gregg.cohen@stantec.com

Attachment: As referenced

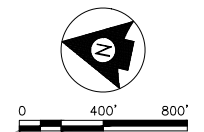
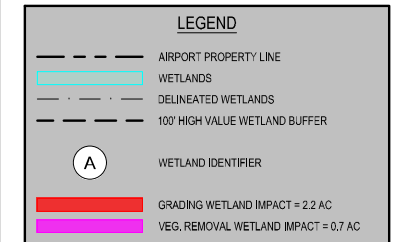


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Wetland ID	Wetland Type	Impact Action	Impact (ac)	Buffer Impact (ac)	Location
A	Palustrine Forested (PFO)	None	0	0	South of RW 36, east of airport property line
B	Paustrine Forested (PFO)	Tree Removal	0	0.1	South of Wetland A, on and off airport property
C	Palustrine Emergent (PEM)	Tree Removal	0.04	N/A	South of RW 36
D	Palustrine Forested (PFO)	Tree Removal	0.19	N/A	South, southwest of RW 36
D	Palustrine Emergent (PEM)	Grading/Fill	0.59	N/A	South of RW 36
E	Palustrine Scrub-Shrub (PSS)	Tree Removal	0.44	1.57	Southeast of RW 36
F	Palustrine Emergent (PEM)	Grading/Fill	0.7	N/A	West of RW 36
G	PEM Ditch	Grading/Fill	0.76	N/A	West of RW 36
H	Constructed PEM/Stormwater detention	None	0	N/A	West of RW 36, south of terminal apron
I	PEM/PSS Stormwater features		0.02	N/A	West of RW 36, south of terminal apron
J	Palustrine Emergent (PEM)	None	0	N/A	South of RW 36
K	Palustrine Emergent (PEM)	Grading/Fill	0.08	N/A	South of RW 36
L	Palustrine Emergent (PEM)	None	0	N/A	South of Runway 36
M	PEM /Stormwater swale	Grading/Fill	0.06	N/A	East, south of RW 36
N	Palustrine Emergent (PEM)	None	0	N/A	East of Wetland M

[illegible]

Client/Project
LEBANON MUNICIPAL AIRPORT
5 AIRPARK ROAD, WEST LEBANON, NH

Title
WETLAND IMPACT PLAN

Project No. 179450422	Scale AS NOTED
Figure No.	Revision 0

City of Lebanon Zoning Ordinance

Article IV Overlay District

Section 401.5

Conformance Statement

401.5 Special Exceptions.

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

Upon application to the Zoning Board of Adjustment, excepting the Wetland Conservation District identified as Very High or High Value wetland, a special exception may be requested to permit the erection of a structure; the construction of streets, roads, and other access ways; for pipelines, powerlines, and other transmission lines; and the construction of fences, footbridges, catwalks and docks within the Wetlands Conservation District, provided that all of the following conditions are found to exist, in lieu of the findings required by Section 801.3:

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

The Taxiway 'A' extension cannot be constructed on another region of airport property. Taxiway design and construction must adhere to FAA design standards, including separation distances between runway and taxiway centerlines, thus the proposed taxiway extension cannot move more easterly, or closer to the runway, to avoid wetland impacts. The taxiway extension cannot be constructed on the west side of the runway as this scenario would create a what is referred to as a "hot spot," or an unsafe operational scenario as it would create an additional crossing of the runway. Additionally, due to the presence of a large wetland complex on the east side of the runway, construction of a taxiway on the east side of Runway 18-36 would result in greater wetland impacts than is proposed in the current design.

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

The use of the property is solely restricted to those activities associated with the operation of a public airport as directed by the FAA and outlined within the grant assurances committed to by the City with regard to the safe operation and maintenance of the airport.

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

401.1.A The current design has incorporated features to minimize wetland impacts to the greatest extent possible. Segments of the taxiway extension and localizer access road have been super elevated, meaning one edge of the taxiway and gravel road will be elevated to drain back towards the airfield where stormwater conveyance channels and infiltration structures will be constructed, rather than constructed with a crown, which sheds water on both sides of taxiway and road and back into the affected wetlands. Sediment filters within new drainage swales and two retention basins have also been proposed to provide infiltration to support ground water recharge and to protect water quality.

Wetlands impacted as a result grading and fill actions will not adversely affect wildlife habitat as most areas of impact are currently mowed meadow. Several of the wetlands are part of a larger wetland complex comprised of multiple wetland types that provide greater wildlife habitat value. However, it should be noted that wildlife attractants, including habitat, are regarded as hazards to aircraft operations and incompatible with airport operations. Trees identified as obstructions to The Runway 36 approach surfaces do occur in wetlands (approx. 0.67 ac) and are proposed for removal. Only vegetation identified as penetrations to protected airspace will be selectively removed. There will be no stump grubbing or ground disturbance associated with obstruction removal and impacts to wetlands will include habitat alteration and tree removal will occur in winter months during frozen ground conditions to avoid soil disturbances. Loss of wetland functions and values as a result of obstruction removal is not anticipated.

401.1.B As illustrated on the Wetlands Plan, in most instances, impacts will result within small areas of larger wetlands that will remain undisturbed. One constructed drainage swale will be filled in its entirety but similarly functioning swales will be replicated adjacent to the filled swale. Controls to protect water, including vegetated buffers, sediment filter swales, and check dams to slow stormwater velocity are proposed to ensure water quality standards are met (an Alteration of Terrain permit application including these BMPs has been submitted to NHDES). No area of the project is proposed within a designated flood hazard area and the BMPs mentioned above to address water quality have also been designed to ensure proposed stormwater drainage structures provide adequate infiltration, storage, and flow to prevent the potential for flooding.

401.1.C Once constructed, the project is not anticipated impact or alter the City's current expenses with regard to essential services. The proposed development will not disrupt ground transportation nor will the project segment or separate any communities, businesses, or recreational areas. The potential for flooding will not increase, nor will additional demands on electrical services will result.

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

All areas disturbed by the installation of underground stormwater pipes or electrical conduit will be restored and, in all instances, will be seeded with grass to match existing landscape (with the exception of certain BMPs requiring riprap or other media required for stormwater management). Existing grades will be adhered to unless otherwise required to meet FAA design standards but grade changes required for compliant safety areas and newly the localizer critical area are nominal and will visually resemble existing conditions and grades at this area of the airport.

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

The primary intent of the project is to eliminate hazards to individual and public health, safety and welfare by rectifying existing safety concerns at the airport. The loss of wetlands (2.2 ac) is spread across multiple wetland systems, whose principal functions, values, and geographic extent will be left undisturbed. Stormwater management controls have been designed in accordance with NHDES requirements (and are illustrated in the Grading and Drainage & Erosion Control plans included with the NHDES wetland permit application on file with the City) and with particular focus on minimizing wetland impacts to the greatest extent practicable. Previously discussed BMPs are in place to meet water quality standards and the stormwater system has been designed to meet specific storm event standards required by NHDES to reduce the potential of flooding, the loss of property, and adverse effects to individuals and public safety & health.

F. The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. Note: Applications for required Federal and State wetland permits need not have been applied for, but a zoning permit shall not be issued until all such permits have been granted. Page 70 of 210 G. The project is capable of conforming to all existing best management practices, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment.

The project is capable of complying with all permits required. An Alteration of Terrain permit application meeting all necessary criteria has been submitted to ensure the design meets stormwater and other land development criteria. This permit application has been deemed administratively complete by NHDES. Similarly, a Major Impact Wetlands Application has been submitted to NHDES and will be reviewed concurrently by the Army Corps of Engineers under the programmatic general permit program. Preapplication materials were provided to the Army Corps in advance of submission, and it was determined that an Individual Permit would not be required by the Corps.

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

The project has been designed in accordance with BMPs outlined *Best Management Practices for Ground Water Protection in New Hampshire, NH Code of Administrative Rules, Chapter Env-wq 400 Groundwater Protection, 2007* (or later edition, as may be amended or updated.) Trees identified as

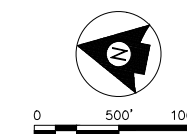
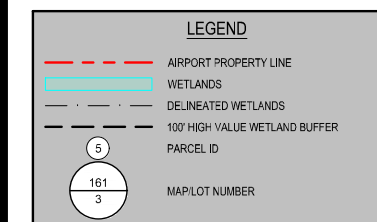
City of Lebanon
Zoning Board
Special Exception Application

obstructions will be removed in conformance with BMPs outlined in *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*, NH Department of Resources and Development, 2004 (or later edition, as may be amended or updated), *Best Management Practices for Forestry: Protecting New Hampshire's Water Quality*, UNH Cooperative Extension, 2006 (or later edition, as may be amended or updated).



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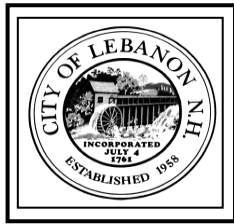
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	Dwn.	Chkd.	Dsgn.	YY.MM.D

Permit-Seal

Client/Project
LEBANON MUNICIPAL AIRPORT
5 AIRPARK ROAD, WEST LEBANON, NH

Title
ABUTTERS PLAN

Project No. 179450422	Scale AS NOTED
Figure No. X	Revision 0



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Zoning Board of Adjustment

FROM: Planning and Development Department Staff

RE: City of Lebanon, Safety Improvements & Taxiway A Extension
Request for Wetlands Special Exception - ZB2023-13-SE
September 5, 2023 Zoning Board Meeting – *Agenda Item 3.B*

DATE: August 30, 2023

HEARING NOTICE

City of Lebanon, 5 Airpark Road (Tax Map 131, Lot 1) zoned IND-L and 0 Hall Road (Tax Map 159, Lot 7) zoned RL-3: Applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance to allow wetland impacts associated with the extension of Airpark Road. ZB2023-13-SE

BACKGROUND

The City of Lebanon Municipal Airport is seeking to construct airport safety improvements at 5 Airpark Road and 0 Hall Road. Pursuant to Section §401.5 a project of this size must obtain a Special Exception from the Zoning Board. Prior to the Zoning Board deliberations an advisory opinion must be made by the Conservation Commission.

At the August 2023 Conservation Commission meeting the topic was raised but no official action was taken. The Commission rendered an advisory opinion to the State of New Hampshire on its required DES Wetlands permit and did not take up consideration of the advisory opinion to the Zoning Board. As such at the September 5th 2023 Zoning Board meeting it is recommended that the Zoning Board accept jurisdiction of the noticed application, open the public hearing and immediately continue the hearing until the October 2nd meeting pending receipt of the advisory recommendation from the Conservation Commission.

Attached are the application materials submitted to the Zoning Board. A copy of the State of New Hampshire DES Wetlands application is available for review at City Hall should members of the public or Zoning Board seek additional information.

ORDINANCE REQUIREMENTS

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

- A. The use for which the exception is sought cannot feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District; and
- B. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the

lot cannot reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section; and

- C. The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance, and adequate conservation measures shall be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands. Such measures may include but are not limited to wetland restoration or enhancement, wetland preservation, or the construction and maintenance of new wetland areas adjacent to the proposed use to replace those portions of the natural wetland affected by the proposed use; and
- D. The proposed construction design of pipelines, powerlines and other transmission lines shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and
- E. The proposed use shall not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason; and
- F. All required Federal and State wetlands permits have been applied for. Note: A zoning permit shall not be issued until all such permits have been granted; and
- G. The project is capable of conforming to all existing best management practices, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment.