

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live
MONDAY, April 6, 2020
7:00 PM**

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

MEMBERS ABSENT: None

STAFF PRESENT: Tim Corwin – Senior Planner and Zoning Administrator
David Brooks - Director of Planning and Zoning

1. CALL TO ORDER

The meeting was called to order at 7:02 PM by Vice Chair Mercer.

This was the first remotely held meeting for the Zoning Board of Adjustment due to the State of New Hampshire's distancing requirements because of the COVID-19 pandemic. A Roll Call of Board Members who participated remotely is listed above.

A. Review of meeting procedures and NH RSA 91-A "Right-to-Know" requirements

Mr. Corwin delivered the Right to Know procedures to the Members and the public.

A special meeting will be held on April 20, 2020 to continue this meeting in order to accommodate anyone from the public who was unable to communicate during this meeting.

2. APPROVAL OF MINUTES: March 2, 2020

Mr. Patterson MOVED to approve the March 2, 2020 Minutes as presented in the April 6, 2020 agenda packet as amended.

Seconded by Mr. Nash.

Amendments: Members Absent; Add Jeremy Katz. Page 5 Line 5; Remove 'Hearing no additional comments from the Public, the Chair closed the public hearing.'

Roll Call Vote:

Mr. Patterson, Vice Chair Mercer, Mr. Nash, Mr. McDonough, Chair Koppenheffer all voting Yea. None voted Nay.

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

3. PUBLIC HEARING - Continued from March 2, 2020

A. **EM & EE BOISVERT SR, CO-TTEES, 237 HANOVER STREET EXT (Tax Map 64, Lot 2), zoned R-3 SR, CO-TTEES, 237 HANOVER STREET EXT (Tax Map 64, Lot 2), zoned R-35:** Applicant requests a Special Exception pursuant to Article VII, Section 702.1 to permit a

change from one non-conforming use (Vehicular Repair) to another non-conforming use (Storage and Recycling Facility). #ZB2020-07-SE

- Mr. Katz (Alt) was given voting privileges for this hearing because Jonathan Peress was absent at the previous meeting.
- Mr. McDonough was given voting privileges for this hearing because Mr. Patterson recused himself from this hearing.

Mr. Eugene Boisvert Jr. appeared on behalf of the applicants, his parents. For many years this property was rented, and the building has been unoccupied since November 2019. They have been seeking another tenant and have not found another vehicle repair shop to rent the premises. The only suitable, interested party has been Nordic Waste, a small storage, recycling firm. Nordic Waste is a small family owned business with 6 employees (2 full time and 4 part time) and 3 vehicles. It is not a public recycling facility. A new fence is being installed to enclose the outside storage area, some building maintenance and repairs will be done, and other landscaping may be planted. The business they intend to rent to is a trucking business and the recycling is taken to other facilities. Anything that remains in the trucks would be inside the building until it is disposed of at another facility.

The Members discussed the application and asked questions of Mr. Boisvert.

The existing footprint would remain the same and should not affect any wetlands. The applicant believes there is no hazard waste that would come to the site. The new renters would not occupy anything other than the current footprint and the applicant believes there is no additional concern for the land use and water contamination.

All the work would be done inside the building and the recycling is hand sorted. The applicant restated the hours are Monday – Friday, 6:30 AM to 4:00 PM and some hours on Saturdays. The trucks do not normally return to the building until the end of the day.

Mr. Boisvert said he included an aerial view that showed parking, Exhibit D. The aerial view that was presented shows a junk yard, not the intended parking spaces and no plan for landscaping. The applicant said the renters intend to keep the vehicles inside the parking bays and does not believe there would be more than 20 vehicles outside in the future.

At this point, Nordic Waste is not moving forward with the food waste route that operates on the weekend, but they would like the option to do some routes on Saturday. Clarification was asked about the intended hours on Saturday and if they intend to store anything onsite over the weekend. It is not intended that food waste would be brought back to the facility.

The Nordic Waste website offers a commercial dumpster service. The application refers to one dumpster onsite to be used by the business. Additional clarification is required about the dumpsters, will they be stored on site and if so, and where will they be stored. The applicant thought new dumpsters may be stored before they go to the client. The applicant needs to address the number of dumpsters stored on site, if they are empty or if they contain materials to be disposed.

There is additional information necessary for approval and enforcement of the application that is not specifically stated or addressed in the application.

It is thought the hours of the previous operation were 8:00 AM to 5:00 PM.

Chair Koppenheffer Re-Opened the Public Hearing.

Mr. Corwin asked for the names of any Members of the public who are interested in speaking to this application.

Mr. Tim Brousseau, 200 Hanover Street, Ward 2 spoke to the application. He stated several other neighbors intended to be on this meeting, and the Chair reminded Mr. Brousseau to contact the Planning Department at the City if they have comments. In recent years, there were only 2 employees at the muffler house. He affirmed that the reported hours were correct and occasionally there were some Saturday morning hours. He asked if the new renters intend to expand and have more employees and if there would be more vehicles, dumpsters and recycling bins. There may be room for several vehicles, but he believes it would be difficult to have enough inside space to keep the metal recycling materials and other sorting bins. He believes there would be a need to store additional recycling materials onsite. To grow and prosper the business would have to be a larger operation than it currently is or than it has been before. He expressed concerns about any garbage onsite that could be a problem in the future.

The Board Members were asked if there are questions of Mr. Brousseau and no one responded.

No one else from the Public spoke at this time.

Mr. Boisvert spoke again to respond to Mr. Brousseau's comments, saying the business is not that large and they do not intend to do a big expansion at this location.

The new renters do several aspects of waste services. They presumably have an inventory of containers. The website says they also offer dumpsters, but Mr. Boisvert believes they currently do not have any dumpsters. Mr. Boisvert was asked to provide a site plan. He was reminded that the operation has to remain comparable to what was currently being used under the present special exception. The applicant was asked for additional specific information about what would be maintained onsite; and where it would be stored, inside the building or with their clients. Mr. Boisvert said it is a small business and he thought anything that would be there would be either in the stockade or the building other than the regular vehicles.

The applicant was asked if the new potential renters could be present at the next meeting to answer the questions raised by the Member and the abutters who spoke against the application at the last meeting. The applicant said the renter would be asked to attend. The applicant was also asked to provide some assurances, such as a boundaries survey, to ensure the right of way and pedestrian traffic are protected; and a site plan that represents to intended parking. Staff asked that any additional materials that would be submitted be provided by April 13 in order to get the material out and make it public information before the next meeting. That is the same deadline for additional questions and information from the public.

***Mr. Nash MOVED to continue this hearing to the next meeting.
Seconded by Vice Chair Mercer.***

Roll Call Vote:

***Mr. McDonough, Mr. Katz, Mr. Nash, Vice Chair Mercer, and Chair Koppenheffer all voting Yea.
None voted Nay.***

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

Mr. Patterson returned as a regular member of the Board.

4. PUBLIC HEARING – New

- A. JOSHUA RUDNER, 15 SHAW STREET (Tax Map 92, Lot 153), zoned R-2:** Applicant requests a Special Exception pursuant to Article VII, Section 703.1 of the Zoning Ordinance to reconstruct and expand an existing front porch that is non-conforming to the 20 ft. minimum front yard setback. **#ZB2020-09-SE**

The Chair performed a roll call of all regular Members for this hearing. Participation was affirmed by Vice Chair Mercer, Mr. Patterson, Mr. Nash, Mr. Peress, and Chair Koppenheffer.

Mr. Philip Webster, the builder from High Meadow Builders, appeared on behalf of the application. He stated they intend to change a nonconforming front porch to a covered porch. They are extending the porch on the sides, but it would not infringe any further into the setback than the existing porch. They would be on the same footprint within the setback area.

The Chair asked the Board Members for questions. The drawing on the application was clarified by the applicant. The existing porch is enclosed. The previous porch did not have proper support, so it would be rebuilt and would not be enclosed with walls. The new section would have a roof and a deck but would not be enclosed.

There were no additional questions from the Members and no one from the public spoke at the time.

*Mr. Nash Moved to continue this hearing until April 20, 2020.
Seconded by Mr. Patterson.*

Roll Call Vote:

*Mr. Patterson, Mr. Peress, Mr. Nash, Vice Chair Mercer, and Chair Koppenheffer all voting Yea.
None voted Nay.*

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

5. OTHER BUSINESS

There is a seminar on Wednesday and the Chair encourages Members to sign up for the seminar. There is a discrepancy regarding the dates on the materials and there will be a clarification on the exact date. It is either 4/8 or 4/18 and the confirmation notices provided to Members signing up should clarify the date.

6. STAFF COMMENTS: None

7. ADJOURNMENT

*Mr. Nash MOVED to adjourn the meeting at 8:17 PM.
Seconded by Mr. Patterson.*

Roll Call Vote:

*Mr. Patterson, Mr. Peress, Mr. Nash, Vice Chair Mercer, and Chair Koppenheffer all voting Yea.
None voted Nay.*

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

Respectfully Submitted,
Linda Billings
Recording Secretary