



LEBANON ZONING BOARD OF ADJUSTMENT

APPLICATION FOR WETLANDS SPECIAL EXCEPTION

THE LEBANON ZONING BOARD OF ADJUSTMENT

Instructions for filing Appeals

The Zoning Board of Adjustment meets the first and third Mondays of each month. Meetings begin at 7:00PM, and are held at City Hall, 51 North Park Street, Lebanon, NH, in City Council Chambers, Level 5). Attached are the forms and instructions necessary for appeals to the Zoning Board of Adjustment.

Please Submit: The cover application; support statement; certified notification list, and a site plan. The required filing fee must be paid upon submission of the application.

A site plan is required for most Zoning Board appeals. If your site plan is drawn on paper larger than 8 ½" x 11", please submit 10 copies of the plan. In addition to the required paper copies, digital submissions are also appreciated.

Please include the following on the site plan:

- The lot that is the subject of your application to the ZBA;
- location of all buildings and structures on the lot, showing building setbacks to all property lines;
(If you have a survey or plot plan, please use that as your base plan. Assessing maps are available on the City's website www.lebnh.net (see E-Services GIS Maps on-line). However, please note, GIS maps are not surveys and are not always accurate. It is your responsibility to determine the location of your building and property lines.
- driveways and/or parking areas, and
- any other prominent features of the lot that will assist you in explaining why you need relief from the Zoning Ordinance (i.e., location of on-site utilities, landscaping features, wetlands, riverbanks, and topographic information as applicable).

After filing your application and supporting documents with the Codes Office, City Staff will confirm the date of your public hearing. City Staff will advertise your request in the Valley News and will send a notice about the hearing, by certified mail, to you (the owner of record) co-applicants and/or agents listed on your cover application. City staff will also mail a notice, by certified mail, to the abutting property owners listed on the certified notification sheet you provided. These notifications are mailed at least five days prior to your public hearing.

What will happen the night of the Public Hearing:

- The Chairperson calls the meeting to order. Usually the first order of business is the acceptance of the meeting minutes from the previous meeting. There *may* also be continued public hearings or unfinished business from the previous meeting.
- The Zoning Board Chairperson will announce your request, at which time you come forward and present your application.

Instructions for filing Appeals

Page 2 of 2

- After you have presented your application to the Board, your hearing is opened up for public comment. After public comment is taken, and if the Zoning Board is satisfied that all relevant questions concerning your application have been answered, your hearing is closed. Once a hearing is closed, no further testimony from the applicant or the public can be taken. *(Please do not send or distribute information to Board members after the public hearing is closed.)*
- The Board will hold deliberations after completing all other scheduled public hearings. After deliberations, the Board *may* finalize a decision and vote that evening on your request. If not, the decision is presented and voted on at the following meeting.
- Decisions are final once a motion is passed by at least 3 members* of the Zoning Board.

**ZBA By-Laws, Appeals, Section 4. "The failure of the Board to reach any result by 3 concurring votes constitutes a defacto denial unless a subsequent motion is made at the same meeting that garners the required 3 votes. If there are fewer than 5 members able to sit on the appeal, the applicant has the choice of either (a) wait until a 5 member board can sit or (b) proceeding with the understanding that the failure of any motion to receive at least 3 votes will automatically constitute grounds for a rehearing."*

- You may be given a copy of the decision that night. A formal copy of the decision and the Zoning Permit are usually prepared and mailed within two weeks of the final vote. Audio recordings of all public meetings are usually available on the City's website the day after the meeting.

If your appeal is granted, in most cases, you will also need to obtain a Building Permit for your construction project. Please contact the Codes Department at (603) 448-1524 for the appropriate Building Permit application and assistance.

If your appeal is denied, you have the right to request a rehearing. A motion for rehearing must be filed within 30 calendar days. The 30-day time frame to file an appeal begins the day after the Board voted. *See Rehearings and Appeals, Section 802.5 of the Zoning Ordinance.*

The Zoning Ordinance and Zoning Map are both available on-line at the City's website: www.Lebnh.net Please go to Codes Department page and look for the link to *Current Zoning Ordinance & Map*. Copies of all Zoning Board application packets are also available on-line, see Codes Department page, *Zoning Board Applications*.

If you have any questions concerning the filing of a Zoning Board application, appearing before the Lebanon Zoning Board of Adjustment, or have a question about a pending application before the Board, please contact the Codes Department at (603) 448-1524 or by email Codes@Lebcity.com

CITY OF LEBANON APPLICATION FOR

WETLANDS	SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SITE PLAN REVIEW
	VARIANCE	<input type="checkbox"/>	<input type="checkbox"/>	SUBDIVISION
	MOTION FOR REHEARING	<input type="checkbox"/>	<input type="checkbox"/>	LOT LINE ADJUSTMENT
	APPEAL OF AN ADMIN. DECISION	<input type="checkbox"/>	<input type="checkbox"/>	OTHER ()

PROPERTY OWNER (APPLICANT):

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: _____ LOT#: _____ PLOT #: _____ ZONE: _____

STREET ADDRESS OF PROJECT: _____

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

FLOOD PLAIN YES NO

SCOPE OF PROJECT:

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:

_____ DATE: _____

PROPERTY OWNER

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.

_____ DATE: _____

PROPERTY OWNER

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

**CITY OF LEBANON, NEW HAMPSHIRE
APPLICATION FOR WETLANDS SPECIAL EXCEPTION
CHECKLIST AND SUPPORT STATEMENT**

I. APPLICATION CHECKLIST

- *Cover application*
- *Abutters list*
- *Filing fee*
- *This form, including written responses to the Section 401.5 requirements, outlined below (You can respond in the space provided, or on a separate sheet of paper. Please be prepared to address the requirements with the Zoning Board during your public hearing. You must show that your proposal meets all of the requirements.)*
- *A wetland delineation plan certified by a Wetland Scientist*
- *Copy of the State of NH Wetland Permit Application (not required if the project impacts the wetland buffer only).*

II. SUPPORT STATEMENT

I hereby request a Wetlands Special Exception pursuant to Article IV, §401.5 of the Zoning Ordinance for the property located at (insert property address) _____.
The project is not located within the High and Very High Value Wetlands according to *Natural Lebanon: Results of the Phase II Natural Resource Inventory of the City of Lebanon, NH (June 2010)* and further depicted in the Lebanon Wetland Overlay District Map.

Upon application to the Zoning Board of Adjustment [...] 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:

- 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:

- 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:

- 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 (****see below****), 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:

- 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:

- 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:

- 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.

- 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:

Section 401.1 Purposes.

The purposes of the Wetlands Conservation District are to:

- A. *Preserve wetlands, which provide flood protection, recharge groundwater supply, augment stream flow during dry periods, provide wildlife habitat, and enhance water quality; and which are important for such other reasons as those cited in RSA 482-A:1.*
- B. *Prevent the development of structures and land uses on wetlands, which would contribute to the pollution of surface or ground water, disrupt wetland ecosystems, and damage property due to flooding.*
- C. *Prevent unnecessary or excessive expenses to the City of Lebanon for essential services and utilities because of the incompatible use of wetlands.*

CERTIFIED NOTIFICATION LIST

THE CITY OF LEBANON IS REQUIRED UNDER NH RSA 672:3 TO NOTIFY THE FOLLOWING PERSONS OF PUBLIC HEARINGS BEFORE THE PLANNING BOARD: ALL ABUTTERS; THE APPLICANT; PROPERTY OWNER; HOLDER OF CONSERVATION, PRESERVATION, OR AGRICULTURAL PRESERVATION RESTRICTION(S); AND EVERY ENGINEER, ARCHITECT, LAND SURVEYOR, OR SOIL SCIENTIST WHOSE PROFESSIONAL SEAL APPEARS ON ANY PLAT SUBMITTED TO THE BOARD.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
PROPERTY OWNER:	APPLICANT:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER: