



**LEBANON ZONING BOARD OF ADJUSTMENT
NOVEMBER 22, 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. October 3, 2022
 3. **Public Hearing Items**
 - A. **Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD:** Applicant requests a Special Exception per Sections 704 and 801.3 of the Zoning Ordinance to increase the building from two (2) stories to three (3). **ZB2022-25-SE**
 - B. **Mary Hitchcock Memorial Hospital, 1 Medical Center Drive (Tax Map 10, Lot 8), zoned MC:** Applicant requests Variances from Section 608.4.A.3.b of the Zoning Ordinance to allow a wall sign in excess of 100 sq. ft. in area, and from Section 608.4.A.4 to allow more than one (1) freestanding sign on the lot. **ZB2022-26-VAR**
 - C. **Lisa Johnson (applicant), Jolin Salazar-Kish (property owner), 185 North Main Street (Tax Map 44, Lot 4), zoned R-3:** Applicant requests a Special Exception pursuant to Section 702.5 of the Zoning Ordinance to expand the non-conforming furniture retail store use by offering retail sales of products to decorate and repair furniture and home décor, and offering workshops to learn to decorate and repair furniture and home décor. **ZB2022-27-SE - Application has been withdrawn**
 - D. **Shawn Griffin, 2 Freeman Avenue (Tax Map 90, Lot 13), zoned R-3:** Applicant requests a Special Exception pursuant to Section 610.H of the Zoning Ordinance to allow a proposed detached structure with an accessory dwelling unit (ADU) to be two (2) ft. taller than the existing principal residence. **ZB2022-28-SE**
 - E. **Chorro, LLC, 77 Bank Street (Tax Map 92, Lot 79), zoned RO:** Applicant requests a Special Exception per Sections 311.2 and 601 of the Zoning Ordinance to convert the existing building to an 8-unit multi-family dwelling. **ZB2022-29-SE**
 4. **Other Business**
 - A. Zoning Amendments - Review of proposed amendments to the Zoning Ordinance and Zoning Map
 5. **Staff Comments**
 6. **Adjournment**

**Lebanon Zoning Board of Adjustment Agenda
November 22, 2022**

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).

**Agenda
Zoning Board of Adjustment
November 22, 2022**

**Agenda Item #2A
Approval of Minutes**

October 3, 2022

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
Monday, October 3, 2022
7:00 PM**

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

MEMBERS ABSENT: Mr. Newlove

STAFF PRESENT: Tim Corwin – Interim Planning & Development Director

1. CALL TO ORDER

Chair Koppenheffer called the meeting to order at 7:03 PM.

2. APPROVAL OF MINUTES

Ms. Hembree and Mr. McDonough were given voting privileges for this motion.

A. September 6, 2022

Mr. Nash MOVED to approve the September 6, 2022, Minutes as presented in the October 3, 2022, packet with the correction of the spelling of a name.

Seconded by Mr. McDonough.

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

3. PUBLIC HEARING ITEMS

- A. Hayden Anderson (applicant), Kyle Stumetz (property owner), 34 S. Main Street (Tax Map 86, Lot 15), zoned R-2:** Applicant requests (i) a Variance from Section 309.2 of the Zoning Ordinance to allow a freestanding deck to be located +/- 3 ft. the side lot line shared with 36 South Main Street where 15 ft. is the minimum required and (ii) a Special Exception per Section 703.1 to expand a non-conforming structure to allow deck to be located +/-5 ft. from the side lot line shared with 36 South Main Street and 8 ft. from the side lot line shared with 32 South Main Street, where 15 ft. is the minimum required. **ZB2022-21-SEVAR**

Hayden Anderson appeared for the application as the agent on behalf of Kyle Stumetz, the current property owner. He previously owned the property that is now owned by Mr. Stumetz. Apparently two structures on the property were built in 2000 and never permitted. Neither Mr. Anderson nor Mr. Stumetz were aware that these structures were never permitted until the time of the closing of the sale to Mr. Stumetz. To make things legal, they are looking for the variance and the special exception.

The special exception is for the deck that is attached on the back of the house. It is a wooden platform that measures 7 ft by 22 ft and is 6 inches tall. The house itself is 5 ft from the southern property line. And 8 ft from the northern property line. The deck does not extend further into the property line than

1 the house. Mr. Anderson reviewed the statements made in the application. The deck has been taxed
2 over the last 22 years.

3
4 The variance is for the free-standing deck at the rear of the property. The deck was built in 2000. It is
5 only 3 ft from the property line. He emphasized that neither Mr. Anderson nor Mr. Stumetz built these
6 structures, they are merely hoping to make sure the property is legal for the future. He reviewed the
7 statements made in the variance application. This deck has also been taxed for 22 years.

8
9 It is unknown if the garage structure was permitted. During the closing of the sale of the property, Mr.
10 Anderson agreed to assist in the application for the variance and the special exception. The structures do
11 not conflict with the sewer easement. The applicants are ready to move forward on the building permits
12 if the Board approves the variance and the special exception.

13
14 **Chair Koppenheffer opened the Public Hearing. Hearing no one, the Public Hearing was closed.**

15
16 **Ms. Barkley and Mr. McDonough were appointed voting members for this hearing.**

17
18 The Board agreed with the special exception and discussed the hardship criteria related to the variance.

19
20 Mr. Katz is agreement about the special exception but felt the hardship criteria has not been presented to
21 allow a variance.

22
23 Chair Koppenheffer said the structure has been there 22 years and has nothing to do with the applicants.

24
25 ***Mr. Nash MOVED on October 3, 2022 , at a duly noticed meeting of the Lebanon Zoning Board of***
26 ***Adjustment, there appeared Hayden Anderson and Kyle Stumetz regarding 34 S. Main Street (Tax***
27 ***Map 86, Lot 15), zoned R-2. Applicant requests (i) a Variance from Section 309.2 of the Zoning***
28 ***Ordinance to allow a freestanding deck to be located +/- 3 ft. the side lot line shared with 36 South***
29 ***Main Street where 15 ft. is the minimum required and (ii) a Special Exception per Section 703.1 to***
30 ***expand a non-conforming structure to allow deck to be located +/-5 ft. from the side lot line shared***
31 ***with 36 South Main Street and 8 ft. from the side lot line shared with 32 South Main Street, where 15***
32 ***ft. is the minimum required. ZB2022-21-SEVAR***

33
34 **I. FINDINGS OF FACT**

35
36 Based on testimony given, application materials presented, and supporting documents submitted, the
37 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 38
39 1. Per the City's assessing records, the property is improved with a one-family dwelling constructed
40 in 1900. The home sits at or nearly at the property line shared with the adjacent property to the
41 north (32 South Main Street) and, therefore, is non-conforming to the minimum required 15 ft.
42 side yard. A deck has been constructed to the rear of the home without a building permit. The
43 deck spans the rear with of the home and, therefore, is also nonconforming to the side lot line.
44 Before applying for an after-the-fact building permit for the deck, the applicant must apply for
45 and obtain a Special Exception per Section 703.1 to allow an expansion of a non-conforming
46 structure.
- 47
48 2. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-2 District must
49 maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15 ft. See
50 Section 309.3 of the Zoning Ordinance. Section 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.

- 3.
4. In order to grant a Special Exception for the proposed deck, the Board must determine that the proposal meets the criteria set forth in Section 703.1.A of the Zoning Ordinance. Per Section 703.1.A.3, the Board must also determine that the proposal meets the general Special Exception criteria set forth in Section 801.3.
4. A 7 ½ by 23 ft. freestanding platform has also been constructed to the rear of the home and is located 3 ft. from the side lot line shared with 36 South Main Street. Before applying for an after-the-fact zoning permit for the freestanding platform, the applicant must first apply for and obtain a Variance from the 15 ft. minimum side yard requirement set forth in Section 309.2.
5. In the R-2 District, Class 1 lots (i.e. lots that are served by municipal sewer and water) must maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15 ft. See Section 309.3 of the Zoning Ordinance. Therefore, a Variance is required to permit the freestanding platform to encroach approximately twelve (12) ft. into the minimum required 15 ft. side yard.
6. To obtain the requested Variance from Section 309.3, 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). The applicant has submitted testimony addressing the Section 801.2 Variance criteria in an application received by the Planning and Development Department on September 1, 2022.
7. No one from the public spoke for or against the application.

II. CONCLUSIONS OF LAW

A. Special Exception for Attached Deck

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 requested pursuant to Section 310.2:

1. The Special Exception is specifically authorized by §310.2 of the Zoning Ordinance. (§801.3.A)
2. The following special conditions/requirements §703.1.A **are** met (§801.3.B):
 - The reasonable use of abutting properties **is not** adversely affected by the proposed expansion. (§703.1.A.1)
 - The proposed expansion **will 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. (§703.1.A.2)
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)

B. Variance for Freestanding Platform

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):

The features were built well before the current owner and applicant owned the property.

- 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 3rd day of October, 2022, hereby **GRANTS** the requested Special Exception and Variance, 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 compliance within six months.

Seconded by Mr. Katz.

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

Mr. Katz voted nay.

- B. Execusuite, LLC, 75 Bank Street (Tax Map 92, Lot 78), zoned RO:** Applicant requests a Special Exception per Sections 311.2 and 601 of the Zoning Ordinance to convert a portion of the building to a theater and concert hall. **ZB2022-22-SE**

1 James Wasser, the agent and architect for the project, and Tim Sidore of Execusuite, appeared on behalf
2 of the application. This property is the former Lebanon Junior High School. It currently has 43
3 apartments and commercial space. They have entered into a non-binding agreement with Lebanon
4 Opera House to bring black box theater to Lebanon. The theatre would be using the gymnasium that is in
5 the basement of the building. Mr. Wasser said they anticipate there would be around 90 – 130 seats and
6 auxiliary spaces for offices and rooms for the theater operations. There are 85 parking spaces available
7 on the lot. The housing requires about 45 spaces, leaving 40 spaces for the theatre venue. Those 40
8 spaces would be required for 123 seats. They can also access a neighboring property that is owned by
9 Execusuite for public parking as well as the lot across the rail trail. He believes this venue would be less
10 intrusive than the activities that previously took place when it operated as a school. The applicants were
11 undecided about agreeing to a limited number of seats.

12
13 The mixed-use calculation would allow additional parking for more seats. The hours of operation would
14 not conflict with the tenants. The majority of performances would be over by 10 PM. Currently the
15 commercial uses of the property do not conflict with the tenants. The activities would be interior use
16 only. Tenants and abutting properties would have some concerns. There would be increased pedestrian
17 and vehicle traffic. They have not planned for food and beverages, but it is possible in the future.
18 Attendees would have access to the rest of the building. It was noted that parking has been an issue
19 during the current operation of the gym. The Black Box Theatre is a term for a style of production. It is
20 smaller than the Lebanon Opera House. It is for smaller productions, such as plays and musical
21 productions.

22 23 **Chair Koppenheffer opened the Public Hearing.**

24
25 Sarah Chamberlin, a nearby resident to the building, appeared. The gymnasium has been a daytime
26 event. When there were evening events in the past, traffic was congested. There are lingering
27 conversations among attendees that happen during the coming and going that would be difficult to
28 manage.

29
30 Bob and Lucy McLellan, 50 Bank Street, are kitty corner to the building. They appreciate the idea of a
31 black box theater, but there are concerns. Some concerns could be dealt with signage, but during events
32 when it was a junior high, the street was filled with cars and pedestrian traffic. Although all the parking
33 is required to be onsite, it is believed the street's convenience would be used by attendees. There is
34 concern if alcohol is going to be served onsite. Safety and maintenance on the property is a concern
35 because for some time, there have been mobile units on the back of the property, and if this moves
36 forward, the back lot should be cleaned up. If this is a musical venue, it would be quite loud. However,
37 in the past, the McLellans did not have concerns about noise from inside the building. It was the
38 vehicles and loud conversations of the attendees before and after the events that were disruptive. The
39 tenants of the building have not been informed of the future theatre.

40
41 Jim Wasser said they have consulted with an acoustic contractor because they want to control the sound
42 within the building. They are looking at creating new bathrooms for the performers, but at this time,
43 attendees would use the existing commercial bathrooms that are in the hallway near two apartments.
44 Code and safety issues would be addressed by the building permit application.

45
46 Mr. Corwin said he received three emails. He read two into the record. One email was written by the
47 McLellans, and they spoke at this hearing. Dianne and Phil Perkins who reside near the school spoke of
48 noise and parking, serving of alcohol and hours of operation. The second email was from Karen
49 Melendy Cervantes, who wrote they did not receive notice. She spoke against the application for this
50 venue in a family neighborhood. She did not receive notice because the mailing address on file with the
51 City is incorrect.

1 David Donnelly asked why the Opera House is not being used. It is just down the street and is
2 frequently not being used.

3
4 Mr. Wasser, an abutter who owns property across from the playing fields commented. There is a lot of
5 activity near the property. Having a performing venue seems consistent with the use of this property
6 which has been historically used for activity with large numbers of people.

7
8 Mr. Corwin said a quick calculation indicates the minimum required parking spaces would be 80 parking
9 spaces for all the activities. With all the uses, using the shared parking table, 130 seats could be
10 allowed. The apartments are restricted to one parking space per apartment and many of the residents do
11 not have a vehicle. It is anticipated that there would be daytime and evening performances.

12
13
14 **Hearing no one else wishing to comment, the Public Hearing was closed.**

15
16 **Ms. Hembree and Ms. Barkley were given voting privileges for this hearing.**

17
18 Mr. Nash MOVED on October 3, 2022, at a duly-noticed meeting of the Lebanon Zoning Board of
19 Adjustment, there appeared Tim Sidore on behalf of Execusuite, LLC, and James Wasser, Architect,
20 regarding 75 Bank Street (Tax Map 92, Lot 78), zoned R-O. Applicant requests a Special Exception per
21 Sections 311.2 and 601 of the Zoning Ordinance to convert a portion of the building to a theater and
22 concert hall. ZB2022-22-SE

23
24 **I. FINDINGS OF FACT**

25
26 Based on testimony given, application materials presented, and supporting documents submitted, the
27 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 28
29 1. The 7.42-acre property, formerly the Lebanon Junior High School, has been the subject of
30 numerous applications in recent months as part of its overall renovation and reuse.
- 31
32 2. On August 5, 2013, the applicant obtained a Special Exception to convert the building into 40
33 units of multi-family housing. On March 3, 2014, a Special Exception was granted for the
34 conversion of 3,213 sq ft in the former wood shop to office use. On April 21, 2014, the applicant
35 obtained a Special Exception for 2 additional dwelling units and a Variance to allow personal
36 service uses (gym and exercise studio(s)) in the former gymnasium. On May 5, 2014, the
37 applicant obtained a Special Exception for conversion of a portion of the former wood shop to a
38 Private Education Facility for the Spark! Community Center. On July 21, 2014, the applicant
39 obtained a Special Exception for 1 additional dwelling unit, bringing the final total to 43 units.
- 40
41 3. The applicant now proposes to change the gymnasium and private education facility use within
42 the lower basement level of the building to a “theater and/or concert hall”, as described in the
43 attached application materials.
- 44
45 4. “Theater, concert hall, movie theater conversion per Section 601” is a use permitted by Special
46 Exception in the R-O District per §311.2. To obtain approval, the applicant must demonstrate
47 compliance with the special design standards set forth in §601 and the general Special Exception
48 criteria set forth in §801.3.
- 49
50 5. The applicant has submitted testimony addressing the §801.3 and §601 Special Exception criteria
51 in an application received by the Planning Department on September 15, 2022.

6. Sarah Chamberlain, 79 Bank Street, expressed concerns regarding traffic during events, concessions, especially alcohol, and potential noise.
7. Bob and Lucy McClellan expressed favor for the theater venue, but had concerns regarding off-site parking, concessions, especially alcohol, and noise (after events).
8. Dianne Perkins, Shaw Street, expressed concerns regarding parking, noise, and the impact to existing residents in the building.
9. Karen and Raul Cervantes, 54 Bank Street, expressed concerns regarding noise and off-site parking.
10. Jim Wasser, abutter and project architect, explained the already very active nature of the entire site.
11. Dan Donley, not an abutter, but an interested party, questioned why the existing theater could not be used to host the proposed events.

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 §311.2 of the Zoning Ordinance. (§801.3.A)
2. Regarding the following conditions/requirements of Section 601 of the Zoning Ordinance (§801.3.B):
 - a. The applicant **has** demonstrated compliance with the architectural compatibility requirements of Section 601.1.

There will be no exterior changes to the building.
 - b. The applicant **has** demonstrated that adequate off-street parking will be provided on the lot, and that parking will not occupy the front yard except within parking areas existent as of the 2013 amendment to Section 601. (§601.2)

The site parking will support up to 130 theater seats/spaces.
 - c. The applicant **has** demonstrated that impermeable coverage plus unpaved parking and driveway areas shall not exceed 65 percent of the lot area. (§601.3)
 - d. Sections 601.4 through 601.8 are not applicable to the proposed development.
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 3rd day of October, 2022, hereby **GRANTS** the requested Special Exception per Section 311.2 and 601 of the Zoning Ordinance, 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 all other required permits, including place of assembly.
2. Theater spaces/seats will be limited to 130 seats.
3. Separate restroom facilities will be provided for the theater venue to prevent theater goers from infringing on existing residential units.
4. Theater activities will be limited to a late completion time of 10 pm.

Seconded by Mr. Katz.

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

At 8:31 the Board took a break and returned at 8:35.

Ms. Hembree left the meeting.

- C. **Dartmouth College Trustees, 1-3 Field Road (Tax Map 5, Lot 1), 00 N. Main Street (Tax Map 8, Lot 27), 00 Indian Ridge Drive (Tax Map 8, Lot 28), zoned R-3:** The Applicant proposes to construct stormwater management facilities on the subject properties to serve a proposed expansion of the Champion ice rink located at 394 N. Main Street (Tax Map 5, Lot 2). To do so, the Applicant requests a Variance from Sections 215 and 310.2 of the Zoning Ordinance to allow an accessory use to serve an off-site principal use. **ZB2022-23-VAR**

Nate Stearns, attorney for the applicant, William Mudge, architect, Scott Williams project manager and Don Darek, President of Hanover Improvement Society appeared. The applicant has previously received permission to renovate the Champion Rink. During the design stage, it was later determined that storm water facilities are needed, and they would not fit on the site. They are very close to the boundary lines. They are not allowed to send any water to the west side, a parking lot is on the north, to the west and to the east there is a wet land and a steep bank, and on the South there is a close property

1 boundary. But there is a point of land that is surrounded by wetlands that is owned by Dartmouth
2 College. Dartmouth College has tentatively agreed to provide an easement for the use of the property
3 for the stormwater.

4
5 The applicants are questioned if a if storm water facility is an accessory use. They are surprised that the
6 use of the adjacent land might not be permitted. In the zoning ordinance, the definition of an accessory
7 use is not helpful. The adjacent property is only being used for stormwater management. There are no
8 other use categories that apply in this situation, except an offsite accessory use. Storm water facilities
9 are not identified as an accessory use in the zoning ordinances. The applicants discussed other
10 properties where stormwater facilities were on adjacent properties.

11
12 The variance criteria in the application were reviewed. The applicants summarized the characteristics of
13 the land that make it a hardship to permit stormwater drainage on site. They would use about 1/3 of an
14 acre for this purpose. It would not be visible from adjacent properties or would it cause any noise or
15 hazard. It is difficult to outright purchase the property because it is complicated and would require a
16 town vote to acquire the land.

17
18 The Board discussed if it is reasonable that an abutting property be used for accessory uses provided
19 there are easements. It was discussed if the use for stormwater facilities is an accessory use by
20 definition. If a stormwater facility is not defined as an accessory use on the owner's property, why
21 would it be defined as an accessory use on a neighboring property. In theory anyone can ask for a
22 variance, but what makes this puzzling is that a variance affects the owner's land, not the neighbor's
23 land. It is possible the neighbor's property needs a variance.

24
25 Mr. Corwin clarified the examples of stormwater facilities in Lebanon that the applicants presented. The
26 Centerra storm water pond was constructed entirely within the Centerra lot. There is only one example
27 where the stormwater facility is not within the lot in Lebanon, and that might have been an oversight.
28 This is rare and not an ordinary situation.

29
30 Mr. Katz stated if this is a use, it is an allowed use within every district. He believes the cleanest way to
31 do this, in this instance, with these facts, does not implicate a use and does not require having relief.
32 There is no place that states it is not allowed.

33
34 Daniel Justynski, from Dartmouth College, online, stated the College signed the application and
35 approves of the application and easement.

36
37 **Chair Koppenheffer opened the Public Hearing.**

38
39 David Donley, neighbor, appeared saying he only received notice about this application a couple of days
40 ago. He asked for a copy of the approval of the expansion that was granted in April, 2022. He
41 referenced the action that took place in 2016. He discussed the surrounding lots where there are
42 significant wetlands with vernal pools. He is concerned about the wetlands and the vernal pools, the
43 discharge coming off the parking lot and the snow that is pushed close to his property. The runoff from
44 the road seems to gravitate to his property.

45
46 **Hearing no one else, the Public Hearing was closed.**

47
48 **Ms. Barkley and Mr. McDonough were given voting privileges for this hearing.**
49

Mr. Katz MOVED upon evaluation of the unique facts and circumstances presented by Dartmouth College and the Town of Hanover in application **ZB2022-23-VAR**, this Board determines variance relief of Section 215 is not required.

Seconded by Mr. McDonough.

**The Vote on the Motion was (4-1).
Mr. Nash voted nay.*

- D. Eric and Susan Cole, 162 Mechanic Street (Tax Map 105, Lot 14), zoned R-2:** Applicants request a Variance from Section 309.3 of the Zoning Ordinance to allow an access ramp to be located +/-8 ft. from the front property line along Mechanic Street and +/-6 ft. from the front property line along the property's other frontage, where 20 ft. is the minimum required.
ZB2022-24-VAR

Mr. Nash recused himself from this hearing.

Susan Cole and Eric Cole, and Philip Webster of High Meadow Builders, appeared on behalf of the application. They are asking for an access ramp that would impinge on two boundary lines. The applicant materials were reviewed. Due to the slopes of the land and height differential to the entrances, the placement of the ramp in this area is the best location for safety considerations and continued access for customers. A commercial office requires handicap accessibility and in order to achieve this, the construction of any ramp would be within the boundary lines. Originally there was a non-conforming ramp that came off the deck that was too steep and unsafe.

Mr. Katz asked about the use of the building. There is a small business unit and two residential units. The ramp has already been built, and they are asking for forgiveness. The ramp is located on the gable end, by the entrance to the office, where there is no hazard from snow falling off the roof. Commercial ramp requires inspection for code and a building permit has been filed. It is not clear if the ramp is an ADA requirement for the operation of the business or residential units.

Chair Koppenheffer opened the Public Hearing and hearing no one, closed the Public Hearing.

*Mr. Katz MOVED on October 3, 2022, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Eric and Susan Cole, regarding 162 Mechanic Street (Tax Map 105, Lot 14), zoned R-2. Applicants request a Variance from Section 309.3 of the Zoning Ordinance to allow an access ramp to be located +/-8 ft. from the front property line along Mechanic Street and +/-6 ft. from the front property line along the property's other frontage, where 20 ft. is the minimum required.
ZB2022-24-VAR*

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 located in the Residential Two (R-2) District and is currently improved with a mixed used building containing a two-family dwelling and an office. Fronting on a major thoroughfare at the corner of a busy intersection, the property is surrounded by a mix of uses and is located directly across the street from the General Commercial (GC) District.

2. To provide handicap accessibility to the office use (currently a realtor's office), the applicants have constructed a handicap accessible ramp. However, the ramp is located within the minimum required 20 ft. front yard along the property's Mechanic Street frontage and its other frontage along what is technically Slayton Hill Road.
3. To allow the ramp as constructed and to make additional adjustments to comply with applicable Building Code requirements, the applicants request a Variance from Section 309.3 to allow the ramp to be located +/-8 ft. from the front property line along Mechanic Street and +/-6 ft. from the front property line along the property's other frontage.
4. To obtain the requested Variance from Section 309.3, the applicants 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. Philip Webster of High Meadow Builders spoke with the applicants.
6. 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):

The positioning of the property on the lot with such proximity to the road makes the landowner unable to construct any ramp to provide ADA access to the commercial entrance without violating the setback.

- 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 **3rd day of October, 2022**, hereby **GRANTS** the requested Variance from Section 309.3 of the Zoning Ordinance, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

- 1
2 1. The applicant shall obtain a building permit.
3

4 ***Seconded by Mr. McDonough***

5
6 ****The Vote on the Motion was approved (4-0).***
7

8 **Mr. Nash returned to the meeting.**
9

10 **4. STAFF COMMENTS**

11
12 **None**
13

14 **5. ADJOURNMENT**
15

16 ***Mr. Nash MOVED to adjourn the meeting at 9:42 PM.***

17 ***Seconded by Mr. Katz.***
18

19 ****The Vote on the Motion was approved (5-0).***
20

21 Respectfully submitted,
22 Linda Billings
23 Recording Secretary

**Agenda
Zoning Board of Adjustment
November 22, 2022**

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

**Mason Storage, LLC,
38 Spencer Street
(Tax Map 78, Lot 39),
zoned LD
ZB2022-25-SE**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

November 22, 2022 Meeting

Staff Memorandum – ZB2022-25-SE

APPLICATION INFORMATION

Agenda Item: 3.A

Application Type:

Special Exception per §702.5 to expand a non-conforming use

Location: 38 Spencer St (78-39)

Applicant/Property Owner:

Mason Storage, LLC

Zoning District: Lebanon Downtown (LD) District

Property Size:

+/-1.2 acres (+/-52,272 sq. ft.)

Existing Use & Improvements:

+/-13,000 sq. ft. warehouse constructed in 1984, per the City Assessor's records (a non-conforming use in the CBD per §306.2)

Proposed Use:

Construct a 3-story +/-45,000 sq. ft. building expansion; non-conforming warehouse use to continue

Overlay Districts: Flood Plain

Further Approvals Required:

- Site Plan Review
- Building Permit

Attachments:

- Application Materials

HEARING NOTICE

Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD: Applicant requests a Special Exception per Sections 704 and 801.3 of the Zoning Ordinance to increase the building from two (2) stories to three (3). ZB2022-25-SE

BACKGROUND

The subject property (outlined in blue in Figure 1 below) is improved with a +/-13,000 sq. ft. warehouse which is a non-conforming use in the Lebanon Downtown (LD) District. Between the building, parking areas, and loading areas, nearly all of the site is improved and devoted to the non-conforming warehouse use.

The property was formerly occupied by a light manufacturing use (Barker Steel), which was a non-conforming use in the Central Business (CB) District, which was the zoning of the property up until 2020. A Special Exception was granted in 2002 pursuant to Section 702.1 of the Zoning Ordinance ("Change of Use") to allow the use of the property to change from a non-conforming light manufacturing use to a non-conforming warehouse use (specifically, a moving and storage business). **The warehouse was not in use prior to the adoption of the Zoning Ordinance.** (see discussion re: Section 704 below)

On May 6, 2019, the Zoning Board approved a Special Exception to construct a +/-15,000 sq. ft. addition onto the rear of the existing building to accommodate an expansion of the non-conforming warehouse use. The addition would have expanded the footprint of the existing building by approximately 115%.

Following approval of the 38 Spencer Street addition, Section 702.5 of the Zoning Ordinance was amended in January, 2020, to provide that:

[T]he Board of Adjustment may allow a legal non-conforming use to expand into an addition to an existing building occupied by the non-conforming use provided that the **footprint of the addition is no greater than ten percent (10%) of the size of the footprint of the existing building** measured as of January 22, 2020.

On October 21, 2021, the Planning Board granted Site Plan approval for the proposed addition (PB2021-13-SPR). The addition approved by the Planning Board contained two (2) stories, which doubles the floor

floor area approved by the Zoning Board.

In June, 2022, the applicant contacted staff to ask what approvals would be required to construct a 3-story storage facility. It was at this time that staff realized that the two-stories approved by the Zoning Board should have first received approval from the Zoning Board. In an e-mail to the applicant, the Zoning Administrator determined that it's "[not] fair to revisit [the lack of Zoning Board approval for the two-stories] since it wasn't caught prior to site plan approval for a two-story addition. But now that we're aware of the zoning issue, we need to ensure that any further changes are in compliance with applicable regulations and approvals."

The Zoning Administrator further concluded that the "2019 approval was for a Special Exception to allow a 15,000 sq. ft. addition. To allow an addition triple the size approved, a new Zoning Board approval would be required. However, subsequent to the granting of the 2019 Special Exception, the Zoning Ordinance was amended to limit expansions of non-conforming structures to no more than 10% of the existing footprint. Therefore, the proposed three-story expansion is no longer eligible for a Special Exception and instead would require a Variance from the Zoning Board." See attached e-mail correspondence to the applicant.

Instead of applying for a Variance, the applicant has applied for a Special Exception per Section 704 of the Zoning Ordinance which provides as follows:

Any use which existed prior to the adoption of this Ordinance or amendment thereto which is allowed as a special exception or conditional use by this Ordinance shall not be deemed a non-conforming use, but shall, without further action be deemed a conforming use. Expansions of such uses shall be governed by Section 801.3 ("Special Exceptions") or by Section 302.4 ("Conditional Uses") rather than Section 702.5.

Section 704 is not applicable to the applicant's proposal to construct a 45,000 sq. ft. addition. Section 704 provides that uses in existence prior to the adoption of this Ordinance which are now allowed by Special Exception may be expanded by Special Exception per Section 801.3. **The existing warehouse use was *not* allowed in the Central Business District (or the Lebanon Downtown District) at the time the Zoning Ordinance was enacted.**

Since the proposed addition is not an expansion of a use allowed by Special Exception that was in existence prior to the adoption of the Zoning Ordinance, **Staff recommends that the Zoning Board deny the Special Exception.**

Attachments

cc: Mason Storage, LLC, applicant/property owner (via e-mail)
File

From: [Tim Corwin](#)
To: ["Shawn Mason"](#)
Cc: advancedgeomatics@comcast.net
Subject: RE: [EXTERNAL] Mason Storage Building Plans
Date: Wednesday, June 29, 2022 8:56:24 PM

My apologies – just to clarify, the 2019 approval was for a *Special Exception* to allow a 15,000 sq. ft. addition. To allow an addition triple the size approved, a new Zoning Board approval would be required. However, subsequent to the granting of the 2019 Special Exception, the Zoning Ordinance was amended to limit expansions of non-conforming structures to no more than 10% of the existing footprint. Therefore, the proposed three-story expansion is no longer eligible for a Special Exception and instead would require a Variance from the Zoning Board.

To reiterate, I see now that the two-story addition was inconsistent with the Zoning Board's Special Exception approval, but I don't believe it's fair to revisit that since it wasn't caught prior to site plan approval for a two-story addition. But now that we're aware of the zoning issue, we need to ensure that any further changes are in compliance with applicable regulations and approvals.

I hope this makes sense. If not, please let me know and I'll do my best to explain further and to answer any questions that you have.

Thank you, Tim

From: Tim Corwin
Sent: Wednesday, June 29, 2022 8:45 PM
To: Shawn Mason <shawnmason.22@gmail.com>
Cc: advancedgeomatics@comcast.net
Subject: RE: [EXTERNAL] Mason Storage Building Plans

Hi Shawn –

I reviewed the 2019 variance application materials and the ZBA meeting minutes and I don't see anything in either indicating the addition would include a second floor. Unfortunately, I missed this in reviewing the Planning Board application so I don't think it would be fair to revisit that issue now. However, just as the addition of a second floor would have doubled the floor size and therefore should have required Zoning Board approval, the addition of a third floor will triple the proposed floor area and will therefore require approval from the Zoning Board (i.e. a new Variance would need to be obtained).

The size of the third floor would also exceed the jurisdictional thresholds for minor site plan review and would require site plan approval from the Planning Board.

If you have any questions or would like to discuss, please don't hesitate to let me know. -Tim

TIM CORWIN, AICP
SENIOR PLANNER
CITY OF LEBANON

From: Shawn Mason <shawnmason.22@gmail.com>
Sent: Monday, June 27, 2022 1:02 PM
To: Tim Corwin <Tim.Corwin@lebanonnh.gov>
Cc: advancedgeomatics@comcast.net
Subject: [EXTERNAL] Mason Storage Building Plans

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

Hi Tim

We are considering building a 3 level storage facility vs the 2 level we are approved for.

I was wondering what the process would be to do a minor site revision from 2 floors to a 3 floor facility?

Thanks,

*Shawn Mason
President
603-252-5400 cell
603-727-4700 office
603-727-9213 Moving and Storage*

Mason Marketing Group
Corporate: 38 Spencer St Lebanon NH 03766
Florida: 1003 43rd St Ocala FL 34480
www.masonmarketinggroup.com

- **The Local Directory** print*on-line*mobile www.TheLocalDirectory247.com
- **Mason Merchant Services** Elavon www.masonmarketinggroup.com
- **Mason Moving & Storage -Secure Records Storage** www.MasonStorageNH.com

**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: MASON STORAGE, LLC TEL.#: 603-252-5400
MAILING ADDRESS: 38 SPENCER STREET, LEBANON, NH 03766
E-MAIL ADDRESS: SHAWNMAISON.22@GMAIL.COM

CO-APPLICANT, AGENT, OR LESSEE:

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

PROJECT LOCATION:

TAX MAP #: 78 LOT#: 39 PLOT #: ZONE: LD
STREET ADDRESS OF PROJECT: 38 SPENCER STREET
IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☒ YES ☐ NO

SCOPE OF PROJECT:

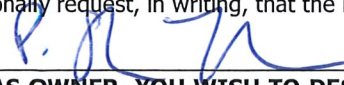
Increase building from two stories to three.

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: Storage

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:  DATE: 10-20-22

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: DATE:

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
10/11/2022	78-39	ZB2022-			

25-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 hereby request a Special Exception as provided for in Articles VII and VIII, Sections 704 and 801.3, 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.)*

The addition of a third story to an approved two-story warehouse building.

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:

Section 704 of the Ordinance states that:

Any use which existed prior to the adoption of this Ordinance or amendment thereto which is allowed as a **special exception** or **conditional use** by this Ordinance shall not be deemed a **non-conforming use**, but shall, without further action be deemed a conforming use. Expansions of such uses shall be governed by Section 801.3 ("Special Exceptions") or by Section 302.4 ("Conditional Uses") rather than Section 702.5.

On May, 6, 2019, Mason Storage, LLC, received a special exception for the expansion of its warehouse which had been a non-conforming use in order. The zoning board granted that expansion as a special exception. Having been granted the special exception, that expansion is a "conforming

use" as provided for in Section 704. The request to add a third story to that building is a permitted expansion of the building, with no change in footprint.

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

All of the conditions stated in the zoning board approval from May 6, 2019, have been met. Site plan approval has been granted by the Planning Board.

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

No violations exist on the property.

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

The property has long been used as a warehouse. Mason Storage has approval for a two-story building and only requests to add a third story. The existing use will continue with no impact on the area.

E. That no hazard or nuisance will be created:

No hazard or nuisance will be created. The footprint of the building will not change and given that the building is for warehouse use and is approved for two stories, the addition of the third story will generate little additional traffic and imposes no additional demands on municipal services.

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

The addition of a third story to the approved two-story warehouse use requires no additional municipal services and the recent improvements to Spencer Street only allow the third story to be added without any impact on municipal services.

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

The addition of a third story to the approved building for warehouse use requires no municipal expense.

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

The Spencer Street area includes a number of businesses as well as single family and multi-family uses. Bonardi Steel is across the street in a multi-business property. Geokon is also across the street. The warehouse has easy access and creates no adverse traffic impact. The spirit and intent of the zoning ordinance seek not only to "promote health and the general welfare" but also to "provide a range of economic opportunities and services." The Mason Storage building provides a service in a manner that is consistent with the general welfare of the City and a third story will have no impact on the area.

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

The addition of a third floor to the already approved two-story warehouse building will have no effect on the general welfare of the City, other than to expand the services that can be provided by Mason Storage to the community.

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.

**Agenda
Zoning Board of Adjustment
November 22, 2022**

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

**Mary Hitchcock
Memorial Hospital,
1 Medical Center Drive
(Tax Map 10, Lot 8),
zoned MC
ZB2022-26-VAR**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

November 22, 2022 Meeting

Staff Memorandum – ZB2022-15-VAR

APPLICATION INFORMATION

Agenda Item: 3.B

Application Type:

Variances from §608 to allow a wall sign in excess of 100 sq. ft. and to allow more than one freestanding sign

Property Location & Tax Map:

1 Medical Center Drive (Tax Map 10, Lot 8)

Property Owner/Applicant:

Mary Hitchcock Memorial Hospital

Property Size:

+/-289 acres

Future Land Use Map:

Medical Office

Zoning District:

Medical Center

Overlay Districts:

Wetlands Conservation District

Previous ZBA Action (since 1995):

Related to signs:

2012 – Special Exception for additional signs and sign area
2012 – Variance for sign affixed to building more than 4 ft. above roof

Other Approvals Required:

Sign Permit

Attachments:

- Application materials

HEARING NOTICE

Mary Hitchcock Memorial Hospital, 1 Medical Center Drive (Tax Map 10, Lot 8), zoned MC: Applicant requests Variances from Section 608.4.A.3.b of the Zoning Ordinance to allow a wall sign in excess of 100 sq. ft. in area, and from Section 608.4.A.4 to allow more than one (1) freestanding sign on the lot. ZB2022-26-VAR

BACKGROUND & PROPOSAL

The subject property is a +/-289-acre parcel owned by the applicant. The property is currently developed as the Dartmouth Hitchcock Medical Center (DHMC), consisting of multiple buildings, which provide in-patient and out-patient clinical services and medical research along with associated improvements.

At this time, the applicant proposes to install a +/-378 sq. ft. wall sign on the new patient pavilion under construction at the north end of the main hospital building. The applicant also proposes to replace and update the existing freestanding signs located on the property in addition to installing new freestanding signs. Included with the attached Variance application materials are sign renderings, diagrams, and maps depicting the proposed signage.

ZONING ORDINANCE REQUIREMENTS

Per Section 608.4.A.3.b of the Zoning Ordinance, the maximum permitted size for a wall sign is 100 sq. ft., and per Section 608.4.A.4, only one (1) freestanding sign is allowed per lot. Therefore, the applicant requires a Variance from Section 608.4.A.3.b and Section 608.4.A.4 in order to install the wall sign and in order to install those freestanding signs depicted in the attached application materials that are new, changing location, or changing size.

To obtain the requested Variances, 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). A Variance Support Statement addressing the Section 801.2 Variance criteria was not provided with the application materials. Staff has asked the applicant to submit a support statement in advance of the Board's meeting.

cc: David Stiger
File

CITY OF LEBANON APPLICATION FOR

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☒	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	OTHER ()

PROPERTY OWNER (APPLICANT):			
NAME: Mary Hitchcock Memorial Hospital		TEL.#: 603-650-5741	
MAILING ADDRESS: One Medical Center Drive, Lebanon, NH 03756			
E-MAIL ADDRESS: David.L.Stiger@Hitchcock.org			
CO-APPLICANT, AGENT, OR LESSEE:			
NAME: Design Communications Limited		TEL.#: 617.542.9620	
MAILING ADDRESS: 85 Bodwell St, Avon, MA 02322			
E-MAIL ADDRESS: Jason Bridges <JBridges@dclboston.com>			
PROJECT LOCATION:			
TAX MAP #:	10	LOT#:	8
PLOT #:		ZONE:	Medical Center
STREET ADDRESS OF PROJECT: One Medical Center Drive, Lebanon, NH 03756			
IS THIS PROPERTY LOCATED IN THE:			
WETLANDS		☐ YES ☒ NO	HISTORIC DISTRICT
FLOOD PLAIN		☐ YES ☒ NO	☐ YES ☒ NO
SCOPE OF PROJECT:			
Installation of building mounted signs, ground mounted signs and update to existing loop road directional signs. This will include removal and or replacement of existing loop road directional signs.			
TYPE OF OCCUPANCY:			
EXISTING	☐ VACANT	☐ ONE FAMILY	☐ TWO FAMILY
PROPOSED	☐ VACANT	☐ ONE FAMILY	☐ TWO FAMILY
	☐ MULTI-FAMILY	☐ COMMERCIAL	☐ INDUSTRIAL
	☐ MULTI-FAMILY	☐ COMMERCIAL	☐ INDUSTRIAL
Medical Center			
IF USE IS COMMERCIAL OR INDUSTRIAL , PLEASE NOTE SPECIFIC USE: _____			
SIGNATURE BLOCK:			
		DATE: 10/25/22	
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: 10/25/22	
PROPERTY OWNER			

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

November 3, 2022

Attn: Tim Corwin
City of Lebanon
Codes Enforcement
51 North Park Street
Lebanon, NH 03766

RE: Dartmouth-Hitchcock Medical Center
Medical Center Zone Sign variance request

Dear Mr. Corwin:

Mary Hitchcock Memorial Hospital (MHMH) is embarking on an effort to upgrade our existing facility wayfinding, monument and building signs in order to accommodate our new Patient Pavilion. As part of this effort we will be revising our signs on campus in an effort to simplify wayfinding for our patients, visitors and staff. This work will include replacing, removing and adding signs around the loop road, along LaHaye and Mt Support Roads and on our buildings. All the work will incorporate the change of our system name to Dartmouth Health.

The existing Zoning ordinance does not specifically address the Medical Center Zone in terms of sign requirements. Our situation is unique in that much of our facility is not visible from the public way and we have multiple entrances and destinations to which we need to direct our visitors. The new Dartmouth Health sign that we would like to attach to our Patient Pavilion project is designed and shown in the enclosed documents. We have also included the current progress plans that address the rest of our campus. Note that the overall campus plans are a work in progress. We are finalizing the language to be used on the signs and we are working to see if we can eliminate or combine some signs to reduce the number of signs on campus.

We look forward to working with the City and the Zoning Board to address this request. Please contact me at (603) 650-5741 if there are any questions or if additional information is needed. We would be glad to meet with you to review the project documents in more detail if helpful.

Thank you,

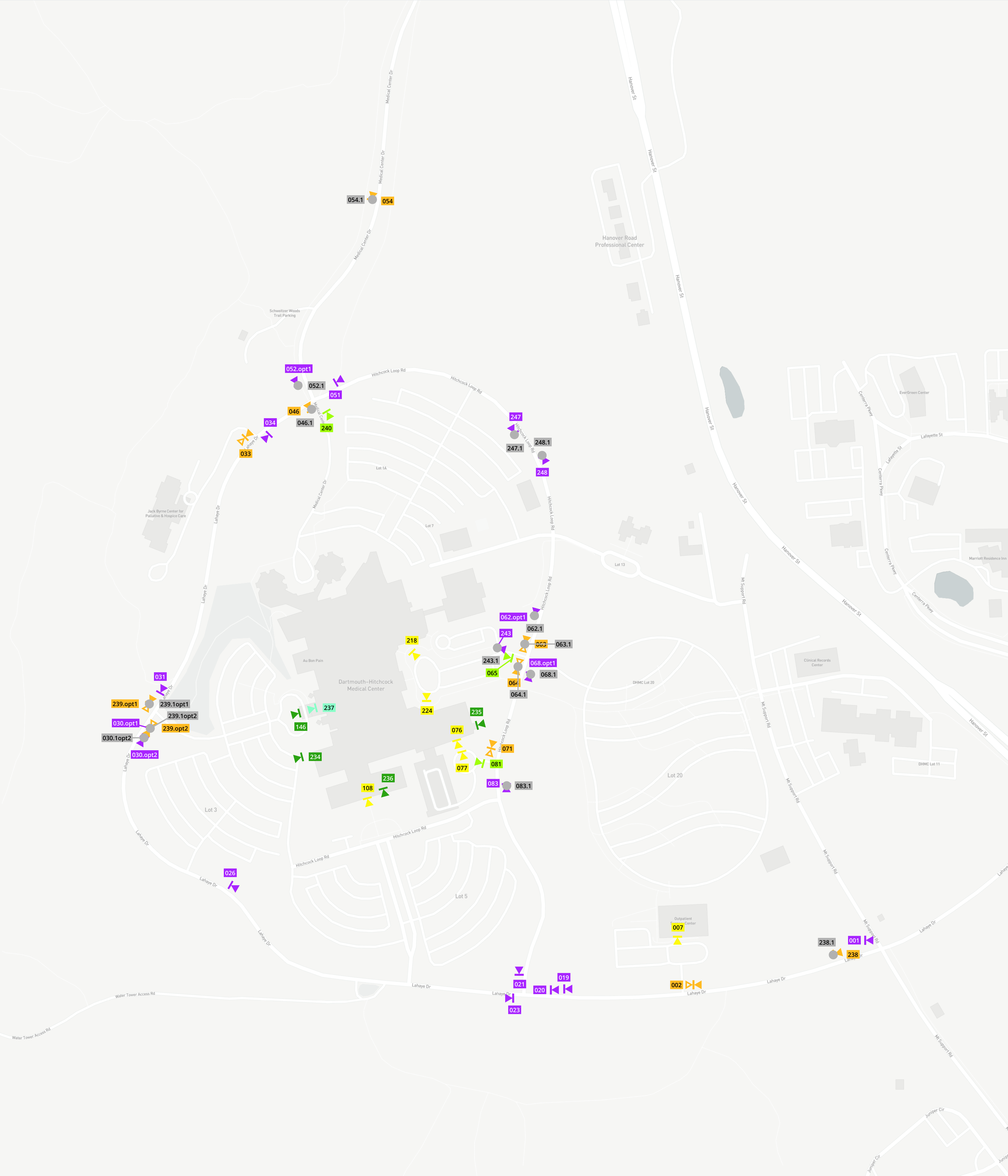
David L. Stiger
MHMH Facilities, Director Design and Construction

Cc: DCL Inc Jason Bridges
Attachments: See page 2 of this letter.

Dartmouth Health, DHMC sign variance request

Documents included with this submission:

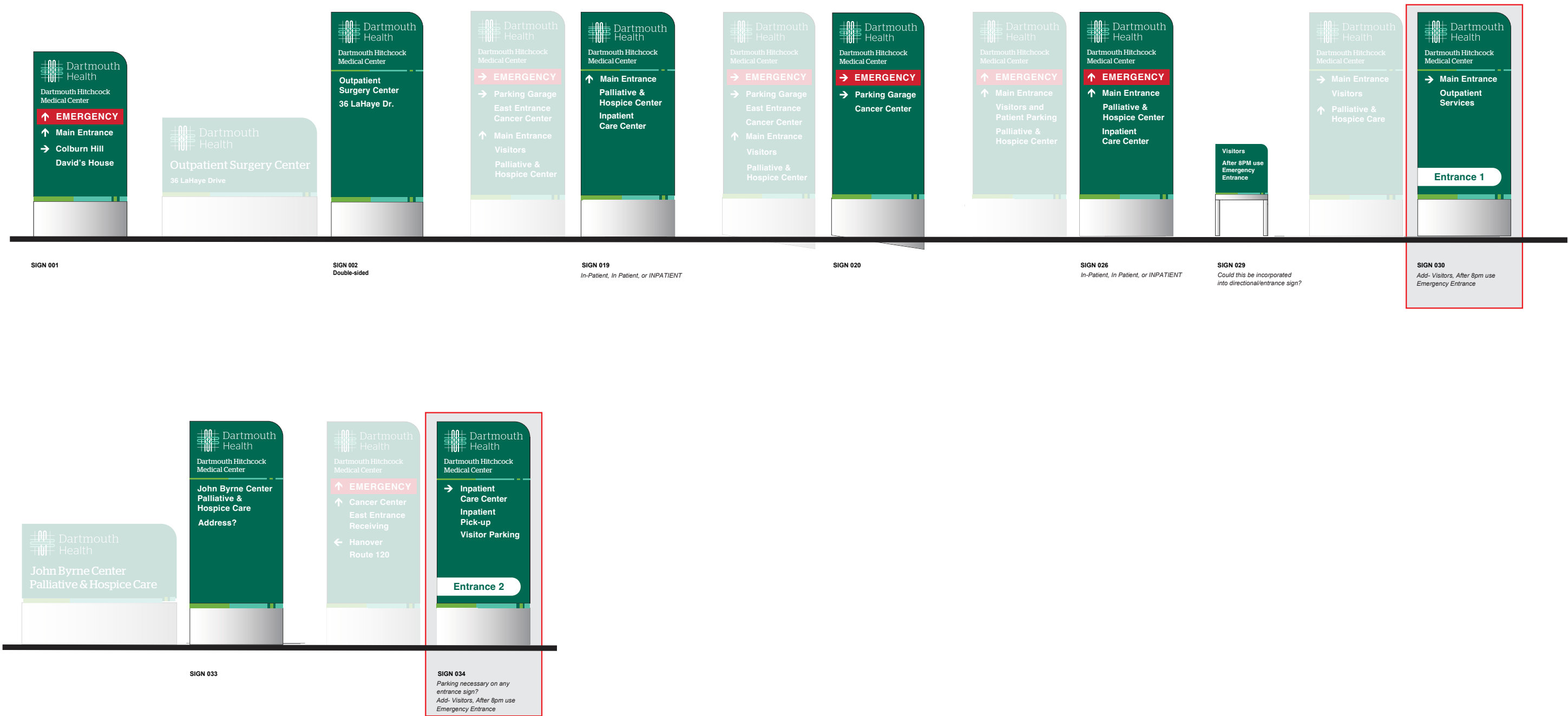
- Zoning Variance Application
- Building / Zoning Application form
- Building / Zoning Support Statement
- Certified Notification List
- ZBA Fee Schedule
- Patient Pavilion specific sign information
 - Bldg image with sign – similar: This provides a good overview of how the sign will look on the building. Text is different, but location is same.
 - Sign example lit and unlit: We have a mockup of a portion of the sign construction and lighting in our office. This photo shows it with and without light.
 - 101400-002 Rev 2 - SD-Exterior Signage-East Elevation-HDR: This is the actual dwg of the sign we will be installing including the lighting information.
 - Patient Pavilion Bldg sign design dwg: Original intent was to install this sign with overhead lighting. This package shows those details. While we have changed the concept for the letters to be back lit, this lighting will be installed and not used. It will only be used if we find the backlit letters to be ineffective.
 - 265100-003 Rev 6 - PD-Light Fixtures-L60 exterior sign light: This is the overhead light fixture.
- DHMC Campus overall plans:
 - DH-001 Permit plans. Overview of site showing locations of signs
 - DH-001 Permit report reduced. Information on existing signs to be revised
 - 091522_DH_PYSIGNLINEUP_5PGSrev. This represents the current version of what our signs will look like. The sizes are as shown, similar to existing. The wording may change.



Directional Sign Line Up Overview

NOTE: This overview does not contain all client comments or message additions at this time

Approach (Clockwise LaHaye Drive)



Approach (Clockwise Loop Road)



Approach (Counterclockwise Loop Road)



SIGN 090
Could this be incorporated into directional/entrance sign?

SIGN 084
In-Patient, In Patient, or INPATIENT

SIGN 083
Add- Visitors, After 8pm use Emergency Entrance

SIGN 082

SIGN 068

SIGN 061
Hanover direction?
In-Patient, In Patient, or INPATIENT

SIGN 060
Recommend double-sided.
Noted - possibly add Staff Parking Sign at staff load Needed or identify receiving with sign 058 double-sided

SIGN 056
Could this be incorporated into directional/entrance sign?

SIGN 051
Add- Visitors, After 8pm use Emergency Entrance



SIGN 033

SIGN 032
Could this be incorporated into directional/entrance sign?

SIGN 031
Add- Visitors, After 8pm use Emergency Entrance

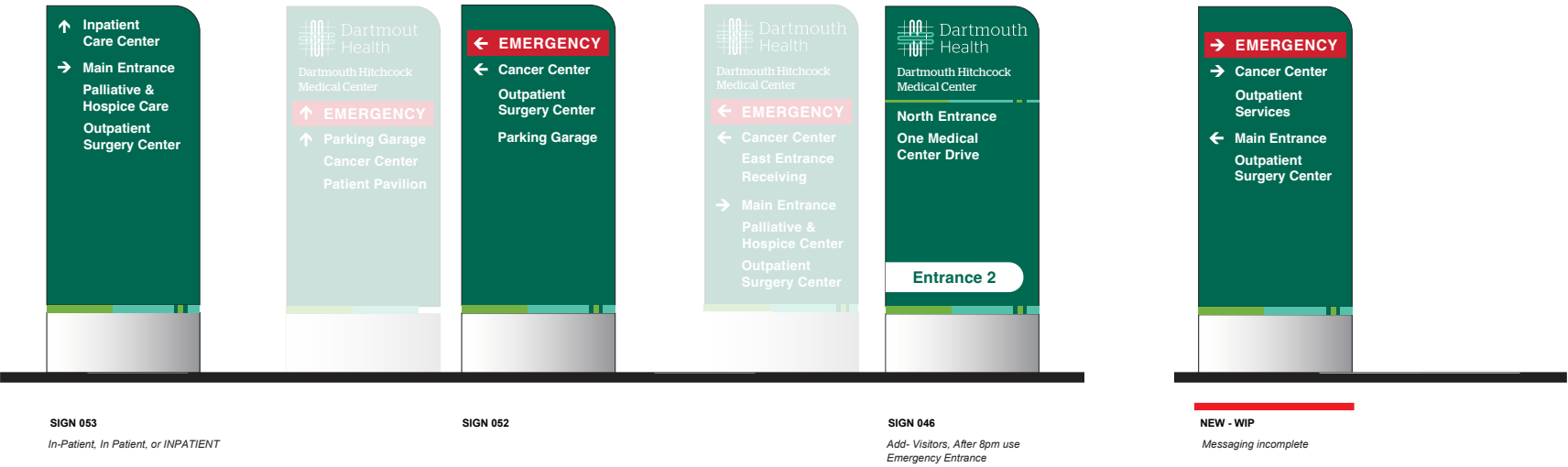
SIGN 028

SIGN 023

SIGN 003

SIGN 002

Approach (Southbound Medical Center Drive)



Approach (Leaving Entrance 2)

Exit (Parking Garage)



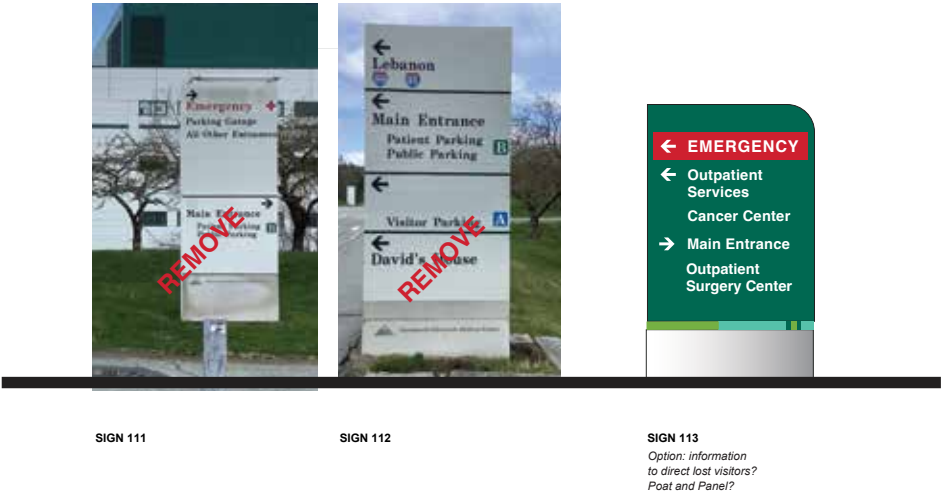
DHMC (North Entrance -from Hanover)

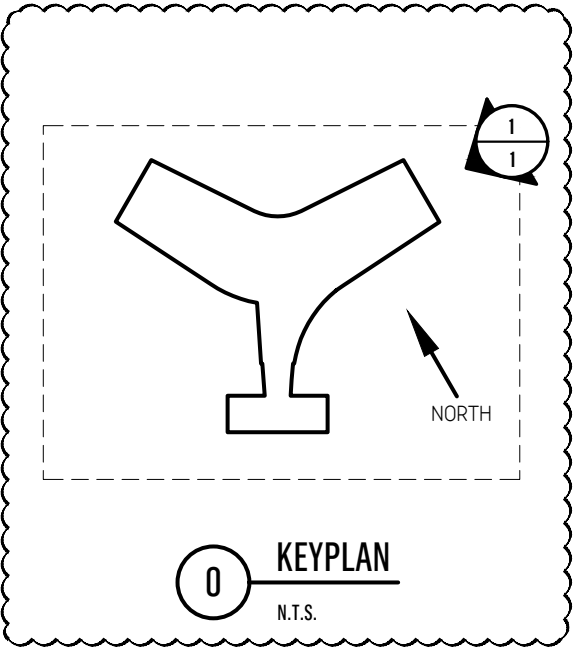
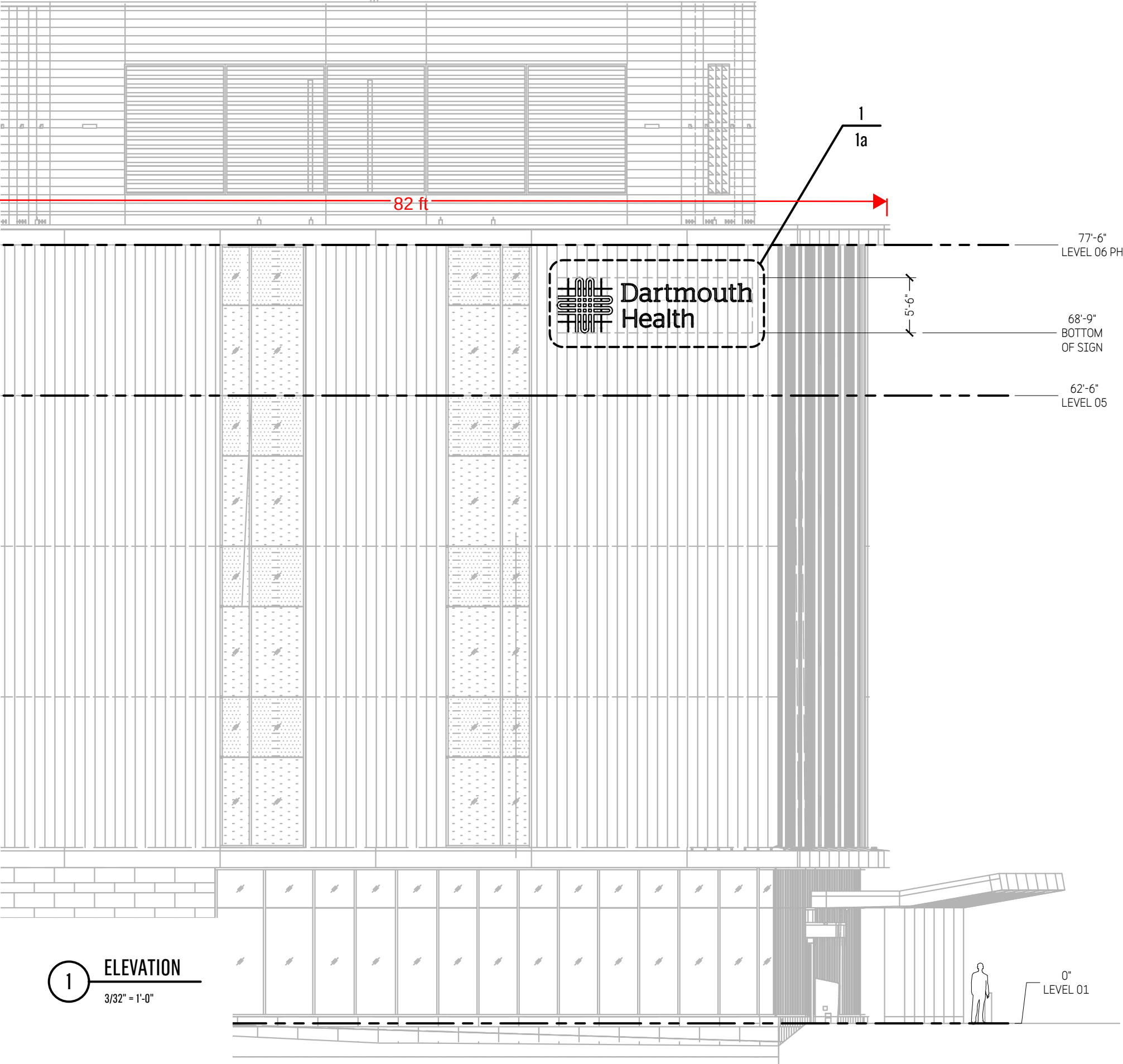
DHMC (South Entrance -from Lebanon)

DHMC (East Entrance and Emergency)



DHMC (East Lots 4 & 5)





DESIGN COMMUNICATIONS LTD.

BOSTON, MA 617.542.9620
ORLANDO, FL 407.856.9661
NEW YORK, NY 212.255.3226

PE STAMP

Dartmouth Health Exterior Rebrand

Lebanon, NH

TITLE	Sign Type A: Patient Pavilion Main ID
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ISSUE	For Approval 17 May 22 Revision 18 July 22 For Coordination 16 Aug 22
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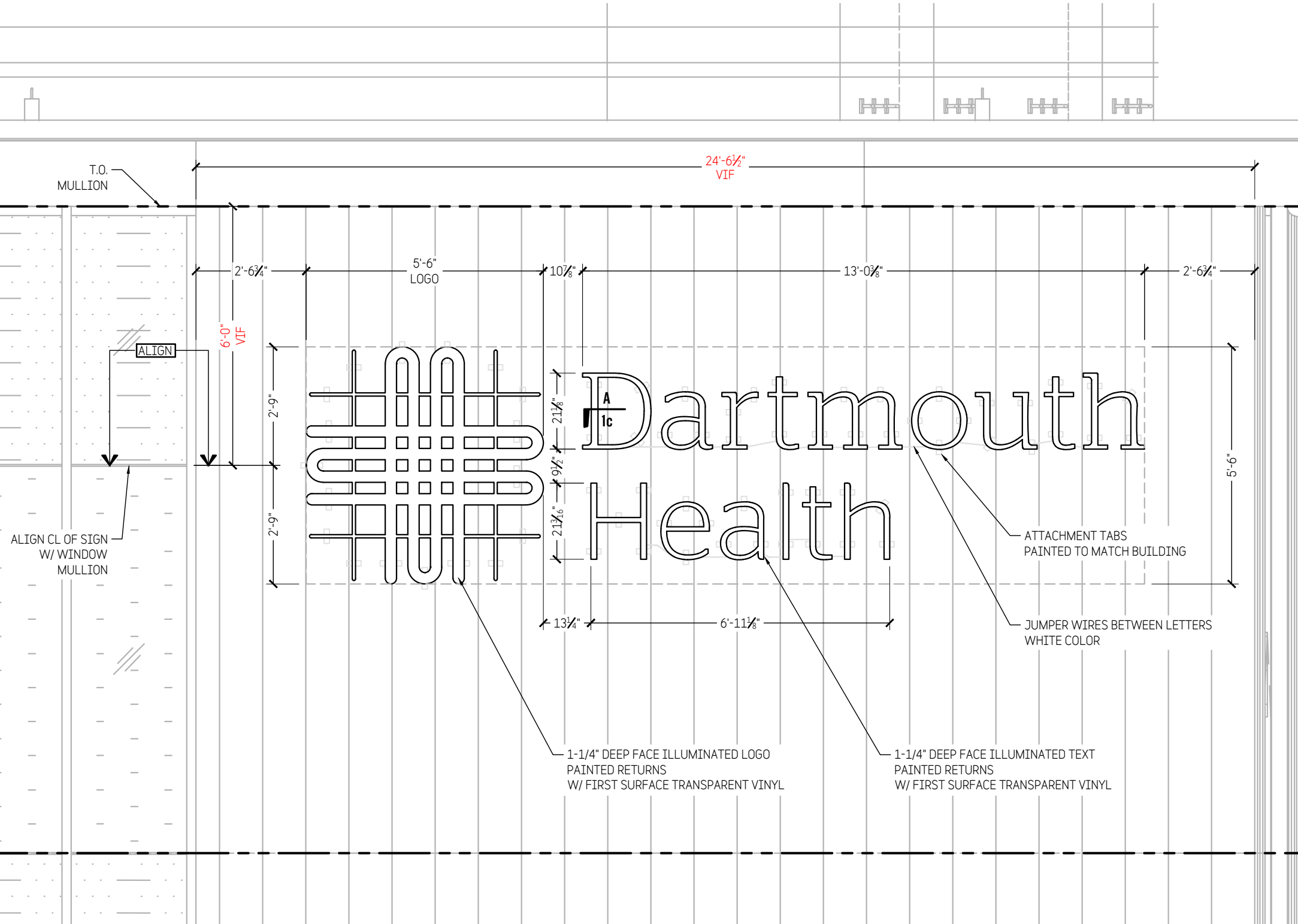
ELECTRIC	120-277VAC, 8.12-3.64A
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DRAWN BY	ADH	EXTERIOR
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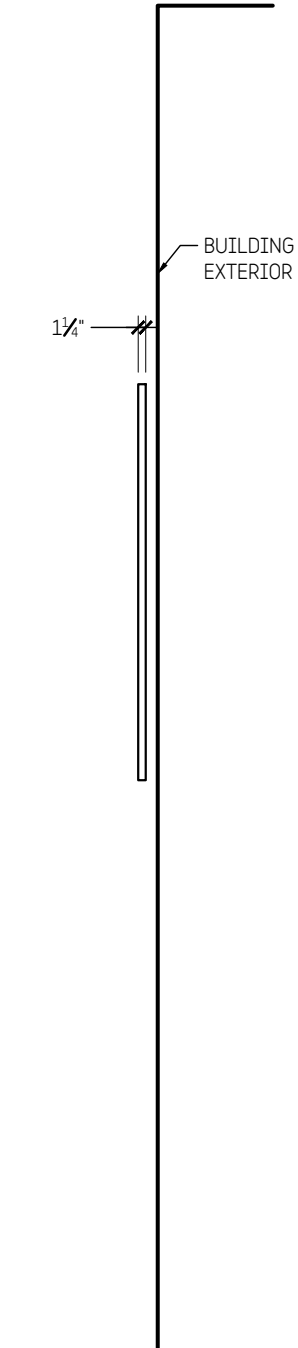
CHECKED	
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Shop Drawing 16991	1
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THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



1 ENLARGED DETAIL - MAIN ID
3/8" = 1'-0"



2 SIDE VIEW
3/8" = 1'-0"



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NEW YORK, NY 212.255.3226

PE STAMP

Dartmouth Health
Exterior Rebrand

Lebanon, NH

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ELECTRIC	120-277VAC, 8.12-3.64A
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DRAWN BY	ADH	EXTERIOR
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CHECKED

Shop Drawing 16991	1a
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Location of new sign
Different language



DH Existing Exterior signs post Hospice project

Red lines represent city or state owned roadways. All others on this dwg are owned by DHMC

remove existing sign

Revise sign face text to include Hospice directions.

New signs were part of Hospice LPB approval. Locations may shift

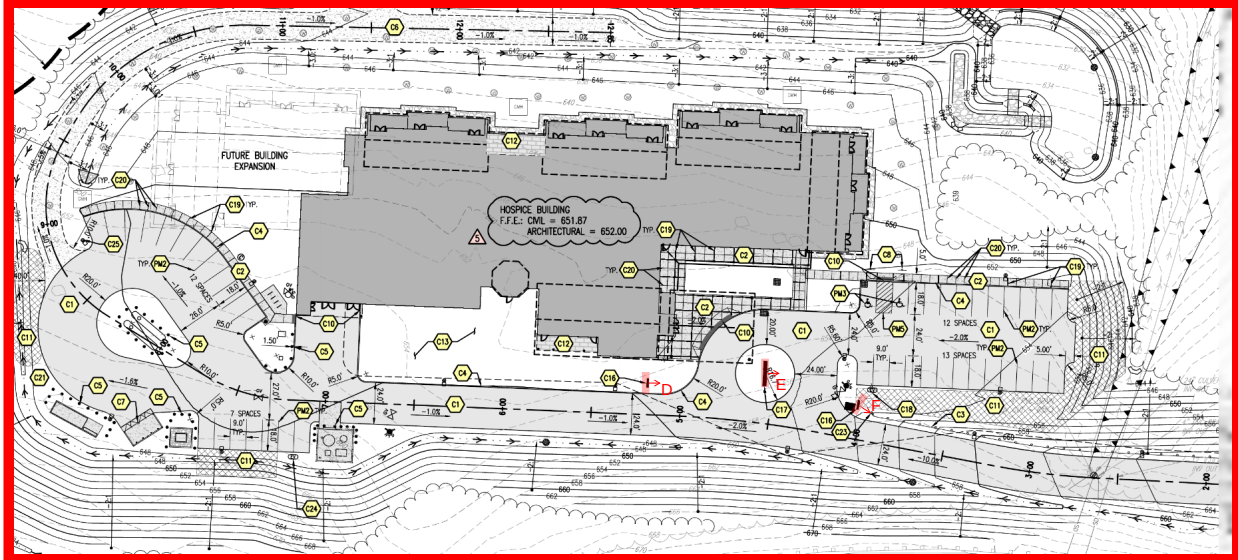
New 'DHMC' sign matches existing style

Revise sign face text to include Hospice directions.

Revise sign face text to include Hospice directions.

Eliminate this sign

Revise sign face text to include Hospice directions.



DHMC CAMPUS

Not To Scale

Red lines represent city or state owned roadways. All others owned by DHMC

CENTERRA

DH site with new Patient pavilion

Route 120

LEBANON, →
I-89
50, 51, & 5
N. Labomb
Road

Mt. Support Road

DAVID'S HOUSE
DAYCARE CENTER

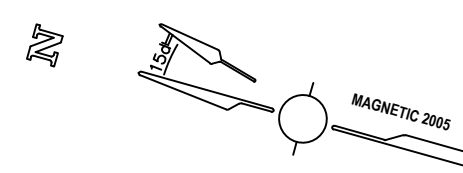
VEHICLE MAINT.
& GROUNDS

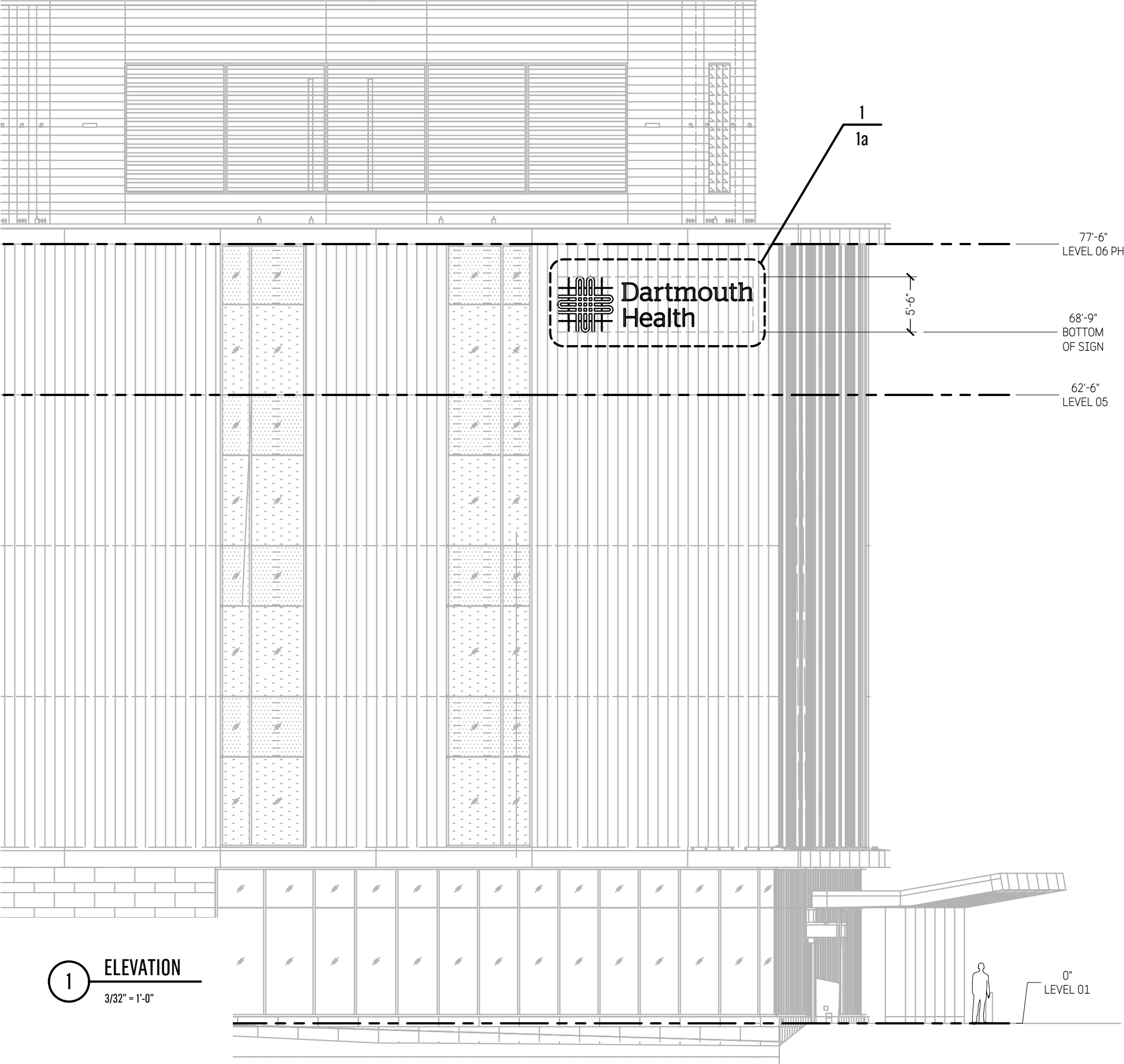
OUTPATIENT
SURGERY CENTER

Lot 20

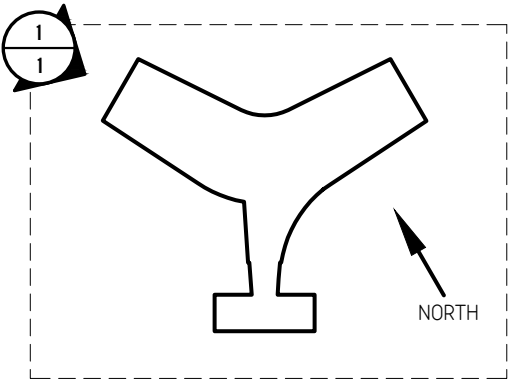
LaHaye Drive

New DH name and logo
sign on new patient pavilion





1 ELEVATION
3/32" = 1'-0"



0 KEYPLAN
N.T.S.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



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ORLANDO, FL 407.856.9661
NEW YORK, NY 212.255.3226

PE STAMP

Dartmouth Health
Exterior Rebrand

Lebanon, NH

TITLE	Sign Type A: Patient Pavilion Main ID
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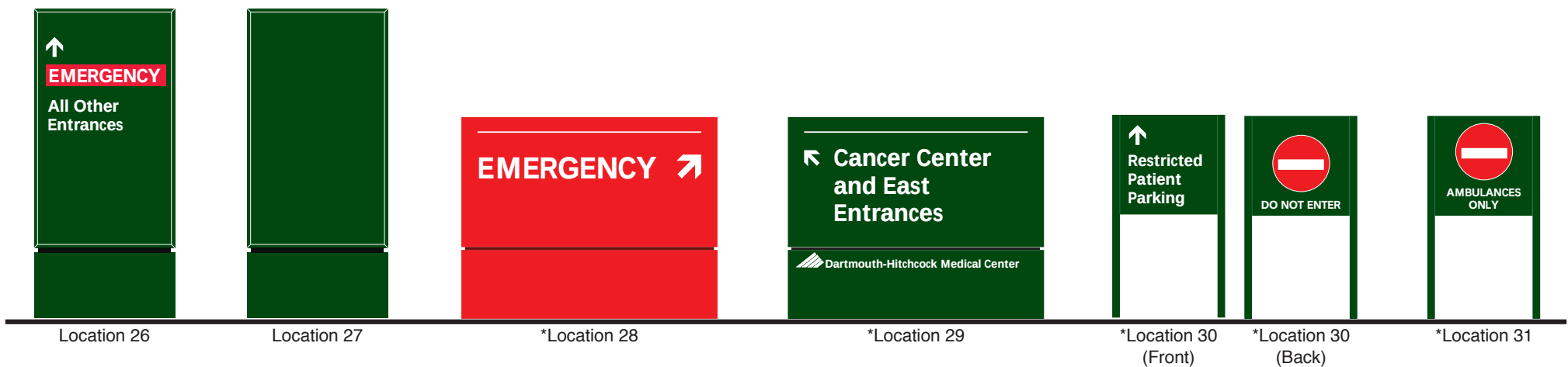
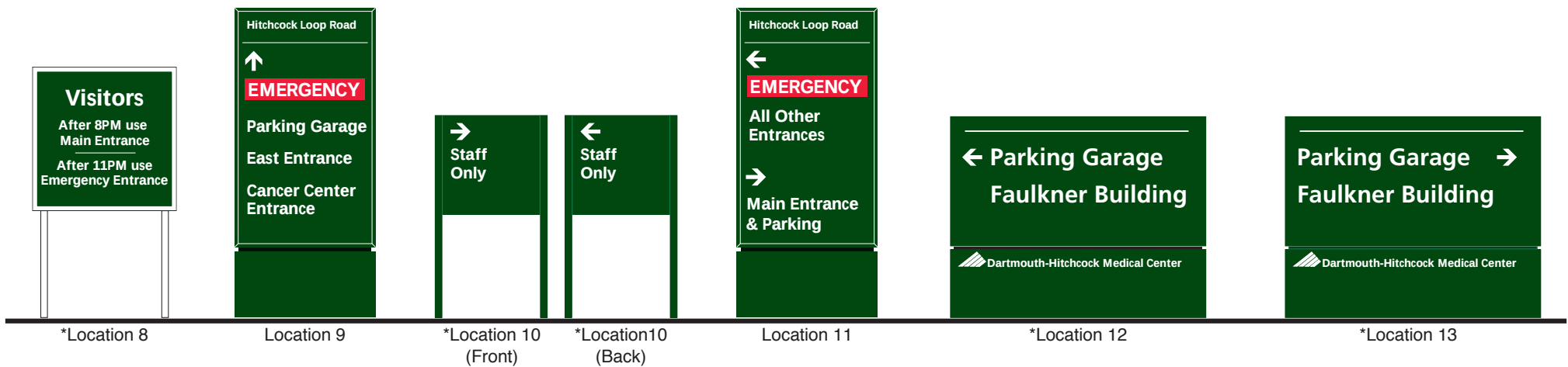
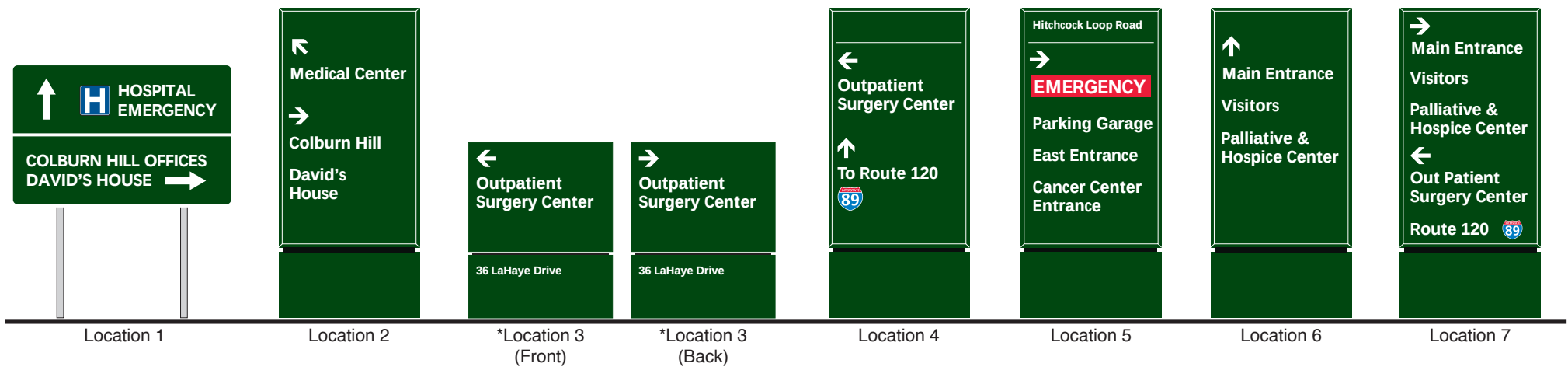
ISSUE	For Approval 17 May 22
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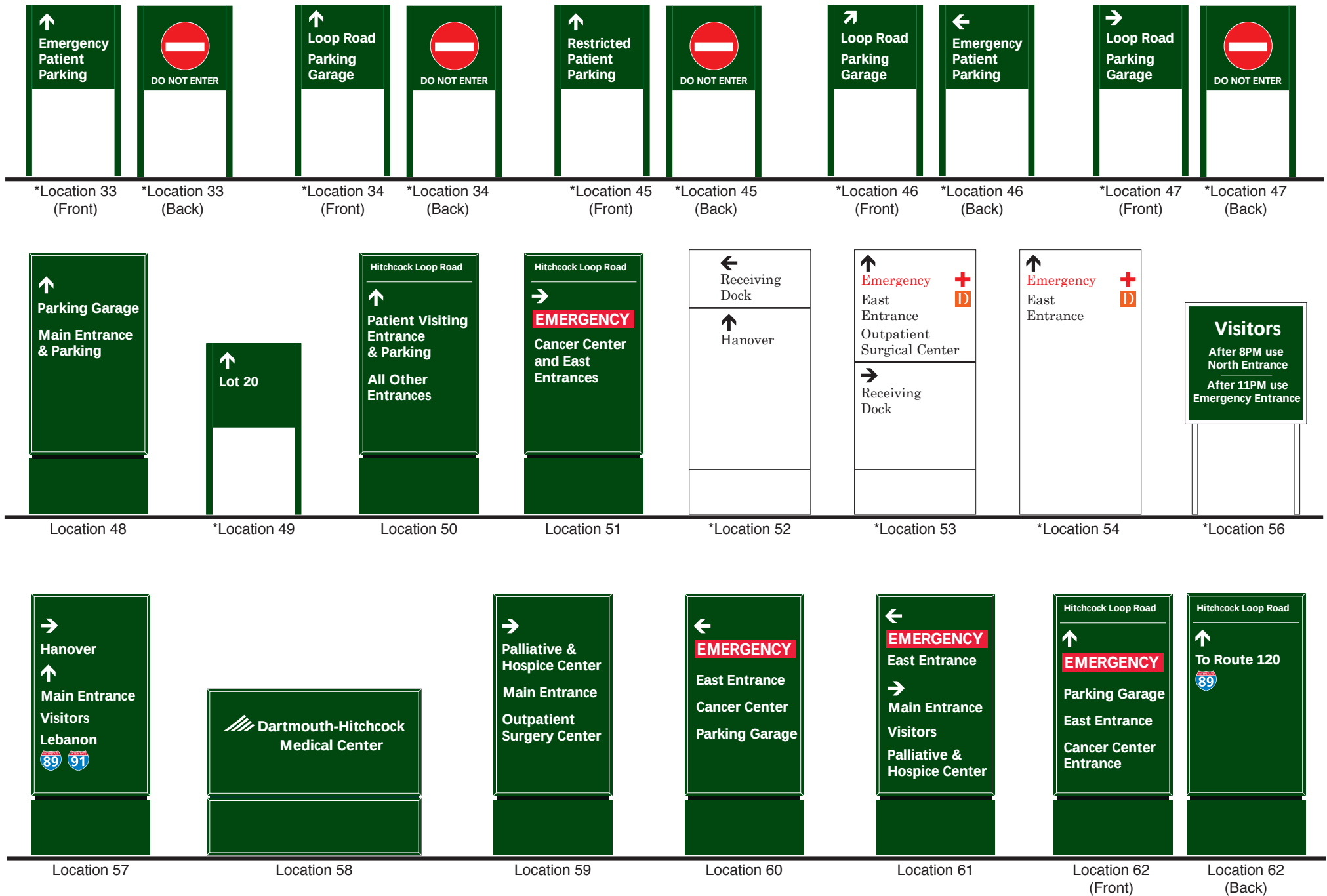
ELECTRIC	120-277VAC, 8.12-3.64A
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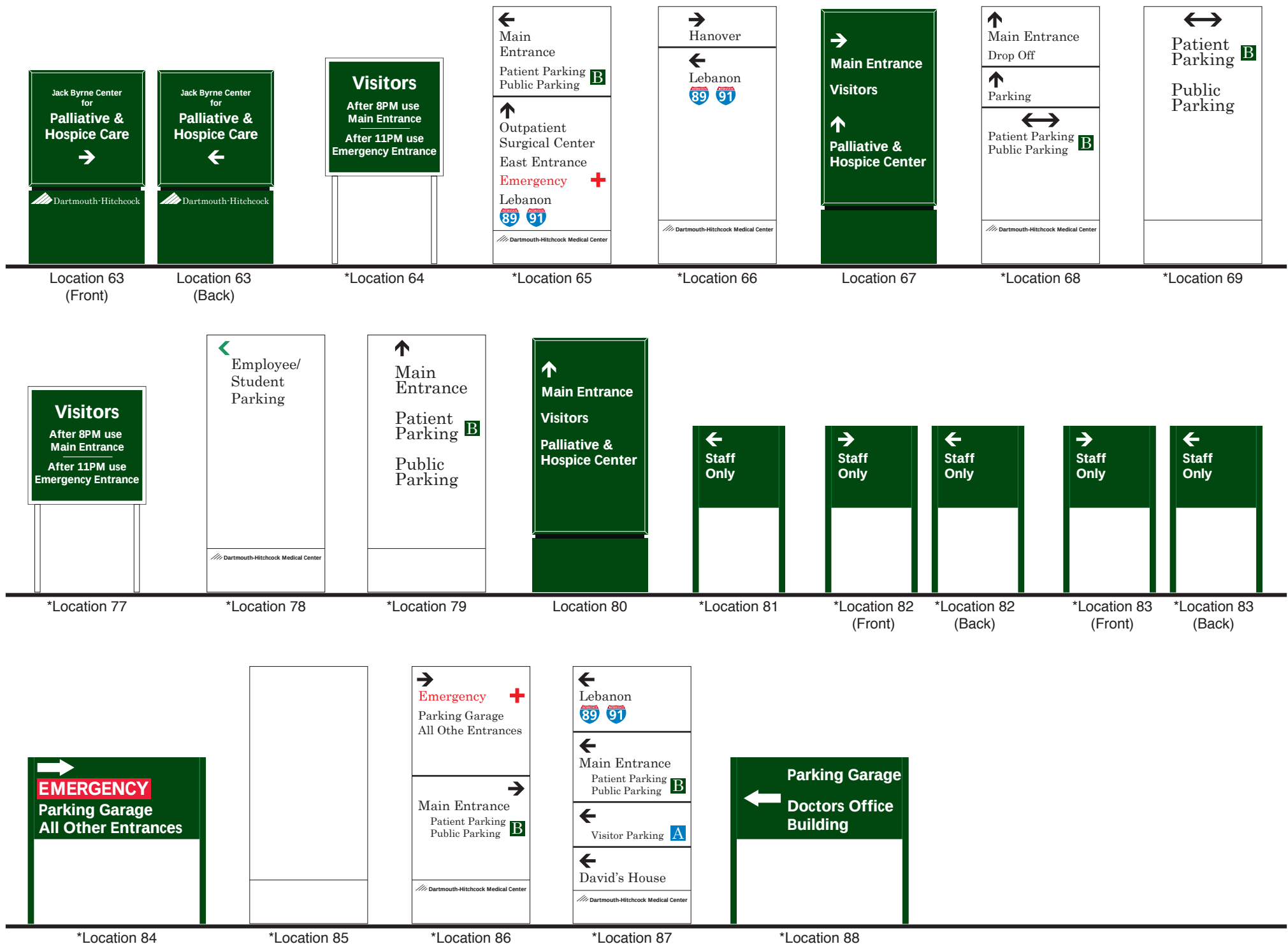
DRAWN BY	ADH	EXTERIOR
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CHECKED

Shop Drawing 16991	1
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**Agenda
Zoning Board of Adjustment
November 22, 2022**

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

**Shawn Griffin,
2 Freeman Avenue
(Tax Map 90, Lot 13),
zoned R-3
ZB2022-28-SE**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

November 22, 2022 Meeting

Staff Memorandum – ZB2022-28-SE

APPLICATION INFORMATION

Agenda Item: 3.D

Application Type:

Special Exception per §610.H to allow an accessory dwelling to be located in a building taller in height than the existing principal dwelling

Location:

2 Freeman Avenue (Tax Map 90, Lot 13)

Applicant/Property Owner:

Shawn Griffin

Zoning District:

Residential Three (R-3) District

Property Size:

+/-0.49 acres (per the City Assessor's records)

Overlay Districts:

none

Previous ZBA Action (since 1995):

none

Other Approvals Required:

- Building Permit

Attachments:

- Application (6 pages total)

HEARING NOTICE

Shawn Griffin, 2 Freeman Avenue (Tax Map 90, Lot 13), zoned R-3: Applicant requests a Special Exception pursuant to Section 610.H of the Zoning Ordinance to allow a proposed detached structure with an accessory dwelling unit (ADU) to be two (2) ft. taller than the existing principal residence. ZB2022-28-SE

BACKGROUND & PROPOSAL

2 Freeman Avenue, a +/-0.38 acre lot improved with a one-family dwelling, was recently merged with the adjacent vacant lot of 0.11 acres, for a total lot size of +/-0.49 acres. On the 0.11 acre portion of the lot recently merged into 2 Freeman Avenue, the applicant proposes to construct a detached garage with an accessory dwelling unit on the second floor. The proposed building will be +/-2 ft. taller in height than the existing one-family dwelling.

In order to allow the ADU to be located in a detached structure that is taller than the principal dwelling, the applicant requires a Special Exception pursuant to Section 601.H of the Zoning Ordinance.

Figure 2. Bird's Eye View of subject property (looking south).



ORDINANCE REQUIREMENTS

An accessory dwelling unit (ADU) is a permitted use in the R-3 District, subject to the criteria set forth in Section 610 of the Zoning Ordinance. Section 610.H provides that:

A detached ADU, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the principal building on the lot. An ADU may be permitted to be taller than the principal building by special exception.

Here, the applicant proposes to locate the ADU in a detached building having a height that exceeds the height of the principal dwelling and, therefore, requires a Special Exception pursuant to Section 610.H.

In order to grant a Special Exception to allow the proposed ADU to be located in the front yard, the Board must determine that the proposal meets the 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 §610.H of the Zoning Ordinance.
- B. That all special conditions required of the special exception have been met.
Note: There are none.
- 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.
- 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 (see attached).

Attachment

cc: Shawn Griffin
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: Shawn Griffin TEL.#: 802-369-6407
 MAILING ADDRESS: 2 Freeman Ave Lebanon NH 03766
 E-MAIL ADDRESS: Shawn@uppervalleystove.com

CO-APPLICANT, AGENT, OR LESSEE:

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

PROJECT LOCATION:

TAX MAP #: 90 LOT#: 13 PLOT #: _____ ZONE: R3
 STREET ADDRESS OF PROJECT: 2 Freeman Ave Lebanon
 IS THIS PROPERTY LOCATED IN THE: WETLANDS ☐ YES ☒ NO HISTORIC DISTRICT ☐ YES ☒ NO
 FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

I'm putting in a garage with a ADU above it.

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 Nov 22, 2022, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: Shawn Griffin DATE: 10/18/22

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: _____ DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
<u>10-2-22</u>	<u>90/13</u>	<u>2B2022-</u>			

28-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) VI,
Section(s) 610. H, 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.)*

I'm putting in a second garage with a Adu
above it. With the higher ceiling in the garage
so I can work on my truck it will put the
total height of the building taller than my house
by 2 Feet.

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:

see attached

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:

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

Section 610.H. authorizes a higher garage.

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

There are no special conditions.

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

There are no existing violations.

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

The neighborhood is residential and other properties have garages and the extra two feet will not be noticed.

E. That no hazard or nuisance will be created:

There will be no hazards or nuisances by having the garage two feet higher.

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

The extra two feet will not affect the city and the property has city water and sewer and the ADU is permitted.

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

There is no expense to the city by having two more feet on the garage.

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

I will make it look nice because it's on my home property.

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

I will follow all of the building regulations.

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.

Freeman Ave

City of Lebanon Line

OCT 24 2022

Side Neighbor

Lot 100' Long

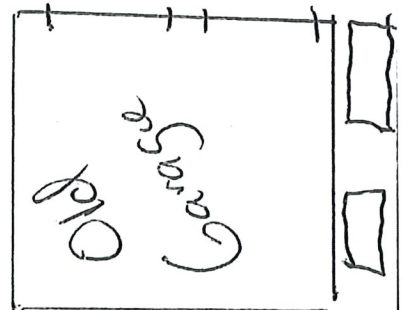
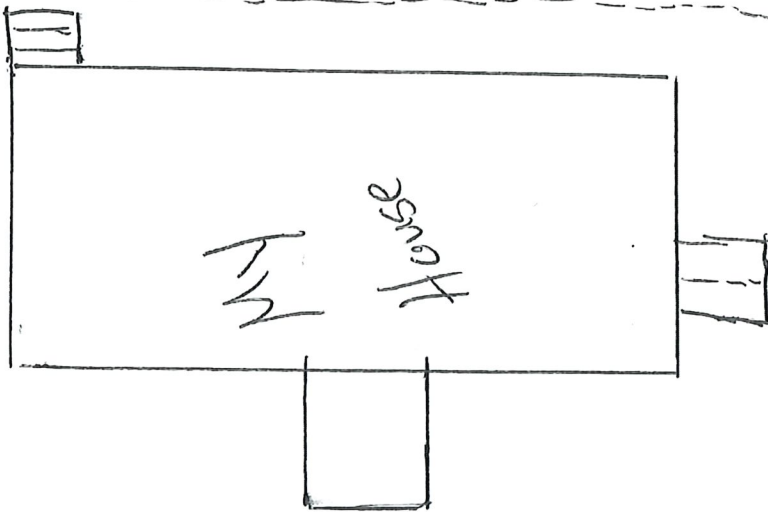
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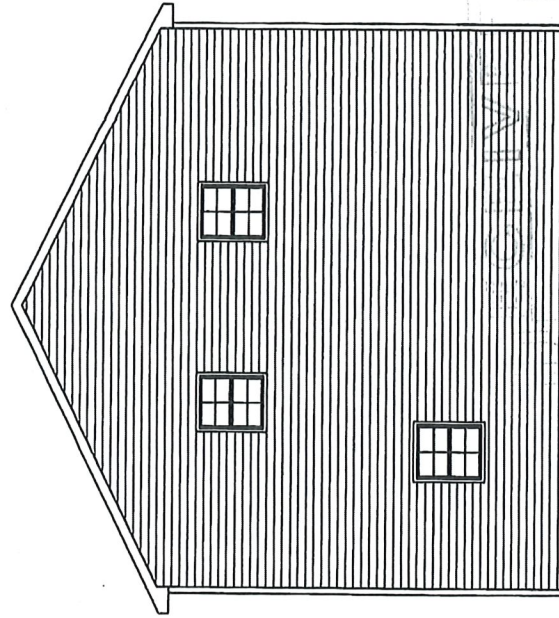
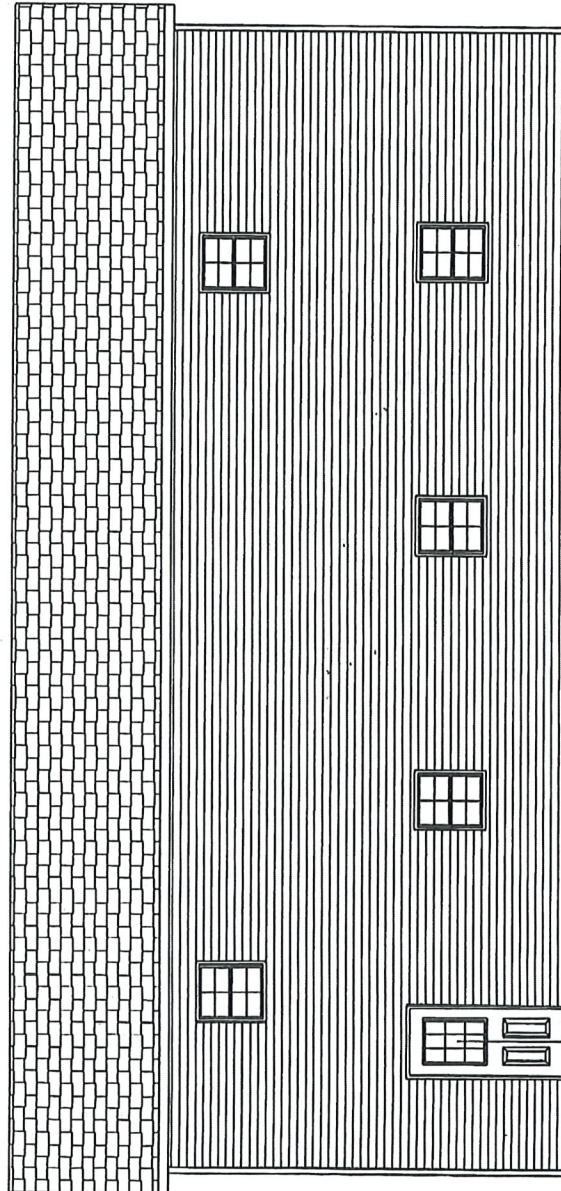
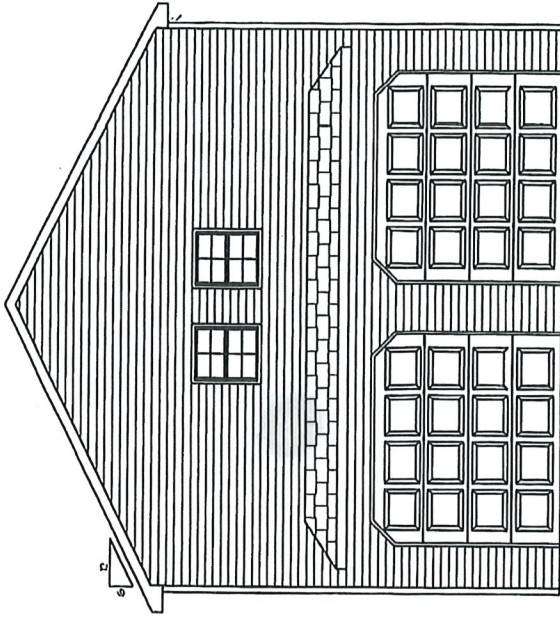
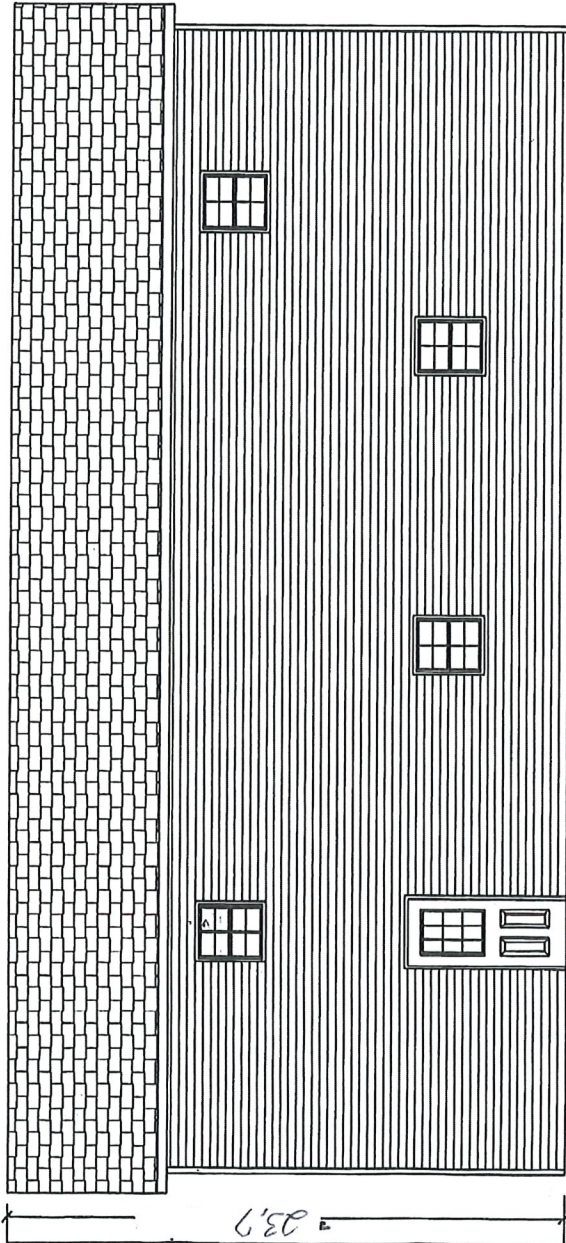
25

27

12

48





Elevations

Construction Notes:	Job Name:	Dimensions:	Date:
Shed Load 20 psf Wind Load 15 mph Weathering: Severe Termite: Moderate to Heavy Decay: Slight to Moderate Flood Hazard: See Local Flood Map	Shawn Griffin 2 Freeman Ave Lebanon, NH 03766	24x48	May 18, 2022
			Revisions: 0

OCT 24 2022

**Agenda
Zoning Board of Adjustment
November 22, 2022**

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

**Chorro, LLC,
77 Bank Street
(Tax Map 92, Lot 79),
zoned RO
ZB2022-29-SE**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

November 22, 2022 Meeting

Staff Memorandum – ZB2022-29-SE

APPLICATION INFORMATION

Agenda Item: 3.E

Property Size (per City Assessor):
+/-0.49 acres

Existing Use:
Office building with one dwelling unit
(per application materials)

Proposed Use:
Eight (8) unit multi-family dwelling

Overlay Districts:
none

Previous ZBA Action (since 1995):
none

Further Approvals Required:
Site plan review & building permit

Attachments:
Application w/ attachments

HEARING NOTICE

Chorro, LLC, 77 Bank Street (Tax Map 92, Lot 79), zoned RO:
Applicant requests a Special Exception per Sections 311.2 and 601 of the Zoning Ordinance to convert the existing building to an 8-unit multi-family dwelling. ZB2022-29-SE

BACKGROUND & PROPOSAL

According to the application materials, the property is improved with a mixed-use building containing office space and one dwelling unit. The applicant proposes to convert the building to an eight (8) unit multi-family dwelling.

A conversion of a building to a multi-family dwelling is allowed by Special Exception in the R-O District provided that the conversion complies with the requirements set forth in §601 ("Special Design Standards"). Section 601.4 requires compliance with the applicable density requirements (per §311.3, in order to accommodate the proposed 8 dwelling units, the lot would need to be at least 28,000 sq. ft. in size, whereas the lot is only 21,200 sq. ft. in size).

To provide the minimum required lot area for 8 dwelling units, the applicant has submitted an application to the Planning Board for a boundary line adjustment with 75 Bank Street (PB2022-55-BLA). Staff recommends that any approval of the requested Special Exception is conditioned on recording the boundary line plat following approval by the Planning Board.



ORDINANCE REQUIREMENTS

“Multi-family conversion per Section 601” is a use permitted by **Special Exception** in the R-O District per §311.2 of the Zoning Ordinance, provided that the conversion complies with the requirements set forth in §601 (“SPECIAL DESIGN STANDARDS”). To grant a Special Exception for the proposed multi-family conversion, the Board must determine that the proposal meets the following criteria set forth §601, as applicable:

601.1 Architecture.

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing **building**; of abutting properties; or of the neighborhood. New construction shall be compatible with the architectural character or the abutting properties and neighborhoods.

For the purpose of this subsection only, the term "compatible" shall mean having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.

601.2 Parking & Access. Adequate off-street parking shall be provided on the lot, unless off-premise parking is approved pursuant to Section 607.4. Such parking shall not occupy the **front yard** except within **parking areas** existent as of the 2013 amendment to this section.

601.3 Coverage. Impermeable coverage plus unpaved parking and **driveway** areas shall not exceed 65 percent of the **lot area**.

601.4 Density. The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

To grant the requested Special Exception, 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 §311.2 of the Zoning Ordinance.
- B. All special conditions required of the special exception have been met.
Note: The “special conditions” for a multi-family conversion are the §601 requirements listed above.
- 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 §801.3 criteria in an application received by the Planning and Development Department (see attached).

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: Chorro, LLC (Tim Sidore, contact) TEL.#: 603-322-3260

MAILING ADDRESS: 77 Bank Street, Lebanon, NH 03766

E-MAIL ADDRESS: tim@ledgeworks.ocm

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Studio Nexus Architects (Jim Wasser, contact) TEL.#: 802-275-5110

MAILING ADDRESS: P.O. Box 275, White River Junction, VT 05001

E-MAIL ADDRESS: jimw@studionexusarch.com

PROJECT LOCATION:

TAX MAP #: 92 LOT#: 79 PLOT #: ZONE: RO - Class I

STREET ADDRESS OF PROJECT: 77 Bank Street, Lebanon

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

SCOPE OF PROJECT: The building is an existing 3-story structure with a partial basement and attached 2-story barn. Work consists of minor renovations to the existing 1st floor business use space.

converting the second floor office space into three studio apartments and upgrading the access stair to the existing third story 1-bedroom apartment. The barn, which is currently unfinished on the first floor and had offices on the second, will be converted to studio apartments, two each per floor. There will be 8 apartments total.

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: Office

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 November 22, 2022, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: X Tim Sidore DATE: 2 NOV 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: X Tim Sidore DATE: 2 NOV 2022

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



November 2, 2022

Zoning Board of Adjustment,
City of Lebanon
51 North Park Street
Lebanon, New Hampshire 03766

RE: 77 Bank Street Renovations

Dear Commissioners:

We respectfully submit the enclosed application and plans for a Special Exception for the proposed seven new apartments for the property at 77 Bank Street. These apartments will bring needed housing options to downtown Lebanon in line with the Lebanon Downtown Vision Study.

The 77 Bank Street Building is an existing 3-story wood-frame structure with a partial basement and an attached 2-story barn. Work on the 3-story structure will consist of minor renovations to the existing 1st floor business use space, converting the second floor office space into three studio apartments and upgrading the access stair to the existing third story 1-bedroom apartment. The barn, which is currently unfinished on the first floor and had offices on the second, will be converted to studio apartments, two each per floor.

Studio Nexus Architects of White River Junction have been engaged to assist with site planning and interior design. The project is conceived by the owner of the property, Michael Davidson. Mr. Davidson has redeveloped the former Lebanon Junior High School and Roy's Gulf; the conversion of 77 Bank Street will be completed with the same sense of preservation and attention to detail. Construction work will begin immediately after permit approval with the goal to complete the work by late spring of 2022, including the installation of a fire sprinkler system.

The 77 Bank Street conversion project promotes Lebanon's purpose of mixed use, high-density redevelopment in the downtown area. This conversion and renovation will allow for an existing business to thrive, while adding much-needed downtown housing units. We propose small, but high quality studio units to meet what our experience shows is the current market demand: units for singles or couples, a familial demographic that is increasing rapidly in the Upper Valley.

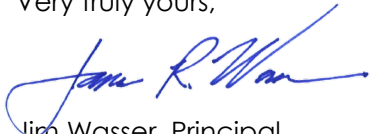
- The smaller studio units meets a critical need for the Upper Valley: apartments for singles and couples within walkable distance to a downtown.
- There is no increase in the building footprint; the number of occupants would not be appreciably greater than if the units were larger and fewer. The existing uses—office and apartments—remain the same, but the ratio between the two changes to meet the realities of the market.

- The purpose of the ordinance is to control density and maintain the residential character of the neighborhood; having more units, but with a similar number of total occupants within the existing building envelope achieves that intent.
- We are providing adequate parking meeting the requirements of the zoning code.
- The purpose of the R-O District is "to preserve the residential character of older established neighborhoods". We are making no substantial changes to the building's exterior and preserving its historic character.

The site features mature vegetation with trees, shrubs and landscape beds, much of which is remaining and being expanded. In addition, the property is adjacent to the former Junior High School, now the home of a 43-unit multi-family and mixed use development, with ample parking and recreational facilities that will be available to tenants of 77 Bank.

In summary, we are confident our proposal does not negatively impact the neighborhood, does not increase density, and remains in the spirit of the Zoning Code. Thank you for your consideration of our application.

Very truly yours,



Jim Wasser, Principal
Studio Nexus Architects + Planners, LLC

Special Exception

In an RO district, multi-family dwelling conversion of 5 dwelling units or more requires a special exception. A special exception must meet the Special Design Standards of Section 601 or the Zoning Code. The project meets those requirements as follows:

601.1. Architecture:

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. New construction shall be compatible with the architectural character of the abutting properties and neighborhoods.

For the purpose of this subsection only, the term "compatible" shall mean having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.

- With the exception of a small entry porch to one of the units, we are proposing no additions or changes to the existing 1890's building exterior and limited changes to the site. The porch design is compatible with the historic building's facade. Located at the entry of the "barn", the approximately 4' x 4' porch consists of articulated wood columns and a gable roof.

601.2. Parking & Access:

Adequate off-street parking shall be provided on the lot, unless off-premise parking is approved pursuant to Section 607.4. Such parking shall not occupy the front yard except within parking areas existent as of the 2013 amendment to this section.

- We are providing parking that exceeds the minimum requirements of the zoning code. In addition, the residents will have access to the parking lot at 75 Bank.
- There are approximately 18 existing parking spaces on site, although some of the spaces are overgrown due to disuse. Primarily, we are repairing and cleaning up the existing lot, with those changes to the site limited for the most part to back half of the site. We are proposing 18 spaces, one of which is dedicated to car sharing. This meets the requirements of the proposed use:

Use	Parking Required	Existing SF or # of Units	Spaces Required	Proposed SF or # of Units	Spaces Required
Storage	1/1,000 SF	930 SF	0.93	--	0
Office	1/250 SF	3,374 SF	13.5	1,403 SF	5.61
1 Bedrooms	1.5/ unit	1	1.5	1	1.5
Studios	1/ unit	0	0	7	7
Total			16		14
Parking Provided			~18		18
120% Max. Allowable					17
150% Allowable w/ Carshare					21

601.3. Coverage:

Impermeable coverage plus unpaved parking and driveway areas shall not exceed 65 percent of the lot area.

- The impervious area increases from 47.3% to 49.0%, but still substantially below the 65% maximum.

601.4. Density:

The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

- Per Code, an RO class 1 lot area permits two units for the first 10,000 SF, and one additional unit for every additional 3,000 SF
- Lot area with lot line adjustment: 28,000 SF
- 10,000 SF for (2) units + 18,000 SF for (6) units = 28,000 SF for (8) total units allowable by Special Exception
- The project meets the density requirements

601.5. Additions to Existing Buildings:

Such remodeling may include expansion of the building by special exception provided that:

A. The architectural compatibility requirements of Section 601.1 are complied with.

B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.

- With the exception of a small entry porch to one of the units, we are proposing no additions or changes to the existing 1890's building exterior and limited changes to the site. The porch design is compatible with the historic building's facade. Located at the entry of the "barn", the approximately 4' x 4' porch consists of articulated wood columns and a gable roof.

601.6. Accessory Buildings: N/A

601.8. Replacements of Destroyed Structures: N/A

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) 311.2, 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.)*

The 77 Bank Street Building is an existing 3-story wood-frame structure with a partial basement and an attached 2-story barn. Work on the 3-story structure will consist of minor renovations to the existing 1st floor business use space, converting the second floor office space into three studio apartments and upgrading the access stair to the existing third story 1-bedroom apartment. The barn, which is currently unfinished on the first floor and had offices on the second, will be converted to studio apartments, two each per floor. There will be a total of 8 apartments. Site work will consist of a lot line adjustment with the neighboring property at 75 Bank, also owned by Mike Davidson, to increase the lot size to the code minimum for 8 units, and cleanup of the existing parking area. Most mature vegetation will be preserved.

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:

Multifamily dwellings of 5 dwelling units or more meeting the requirements of Sections 801.3 and 601 is a special exception in the RO district.

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

All the requirements of 601 have been met. Please see attached.

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

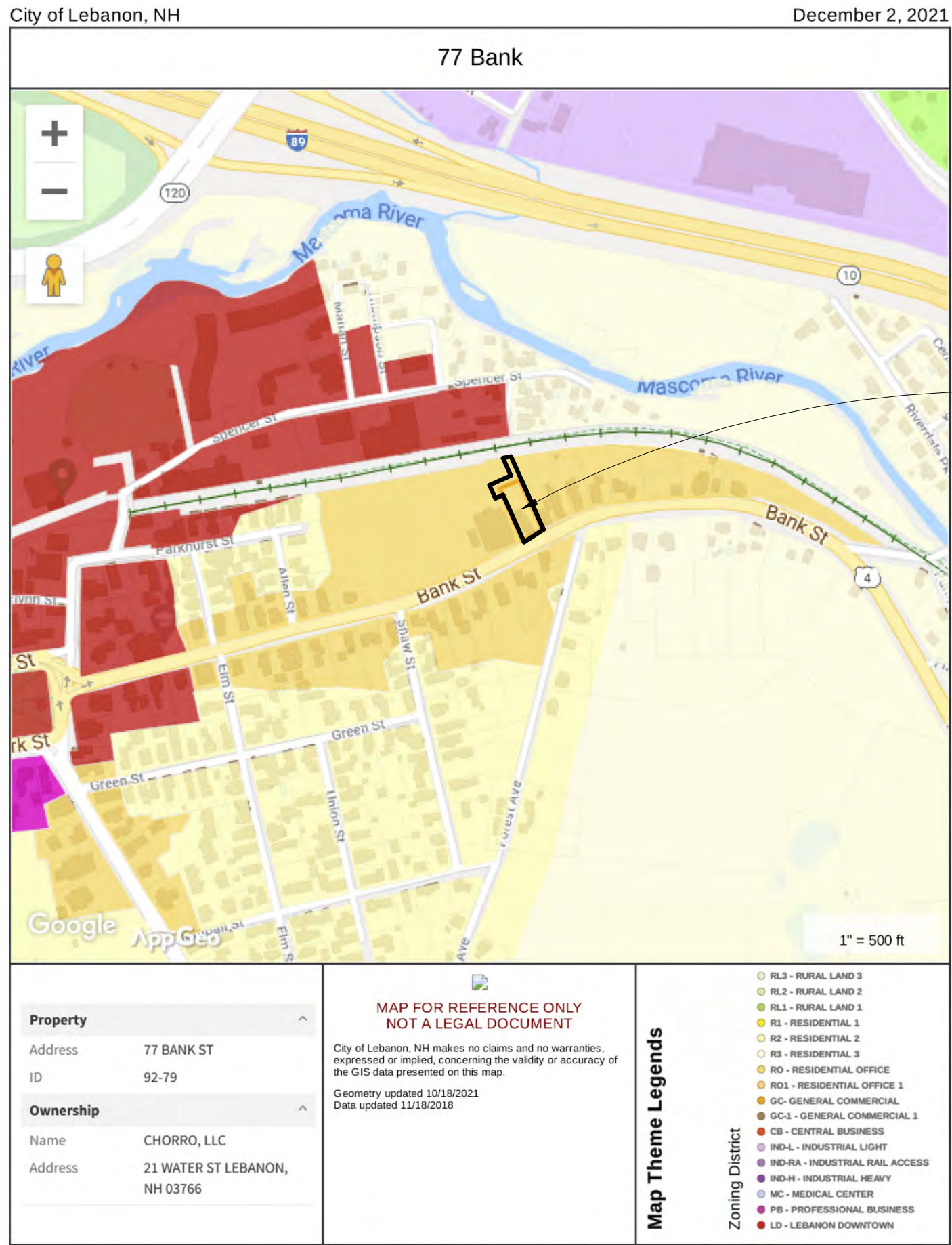
There are no existing violations of this ordinance on the property.

- D. **That the character of the area shall not be adversely affected:**
The purpose of the R-O District is "to preserve the residential character of older established neighborhoods". We are making no substantial changes to the exterior of the building and preserving its historic character. In addition, the property is adjacent to the former Junior High School, now the home of a 43-unit multi-family and mixed use development.
- E. **That no hazard or nuisance will be created:**
No nuisance or hazards will be created. The uses remain as previous--office and housing.
- F. **That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:**
The capacity will not be adversely impacted. The change of use from mostly office and some housing to less office and 8 studio units should not substantially increase the number of occupants and intensity of use. Required parking per the attached table actually shows a reduction in need from the previous use.
- G. **That granting the special exception will not result in undue municipal expense:**
No undue municipal expense is anticipated. Again, the change of use from mostly office and some housing to less office and 8 studio units should not substantially increase the number of occupants and intensity of use.
- H. **That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:**
The purpose of the R-O District is "to preserve the residential character of older established neighborhoods". With the exception of a small entry porch to one of the units, we are proposing no additions or changes to the existing 1890's building footprint and limited changes to the site.
- I. **That the general welfare of the City will be protected:**
The redevelopment will provided much needed housing for the City. No undue additional municipal expense is anticipated. The character of the original 1890's historic building will be maintained and the site will be improved aesthetically, but with minimal reconfiguration, and mature vegetation maintained.

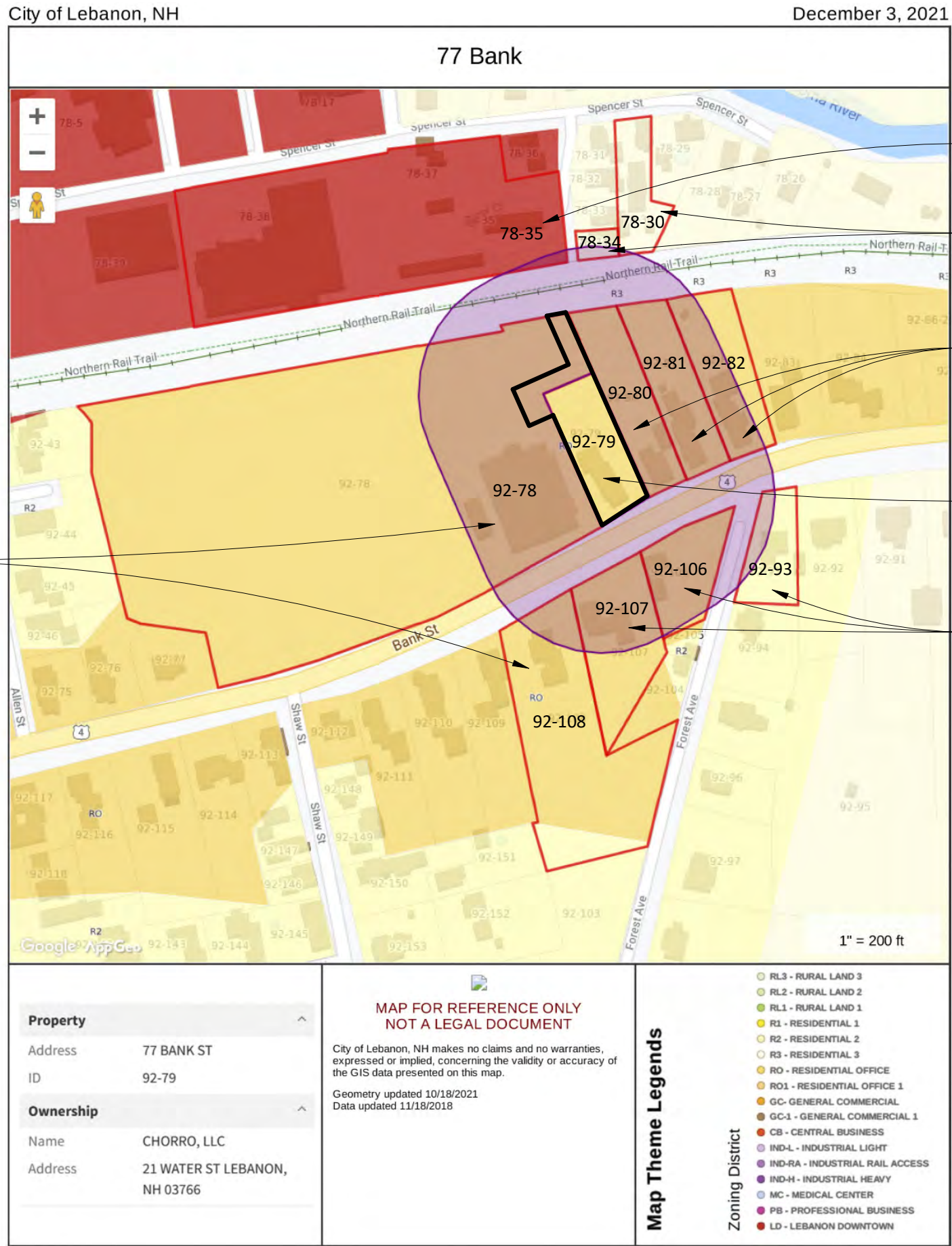
Please Note:

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.



1" = 500' VICINITY REFERENCE MAP



1" = 200' ABUTTER REFERENCE MAP

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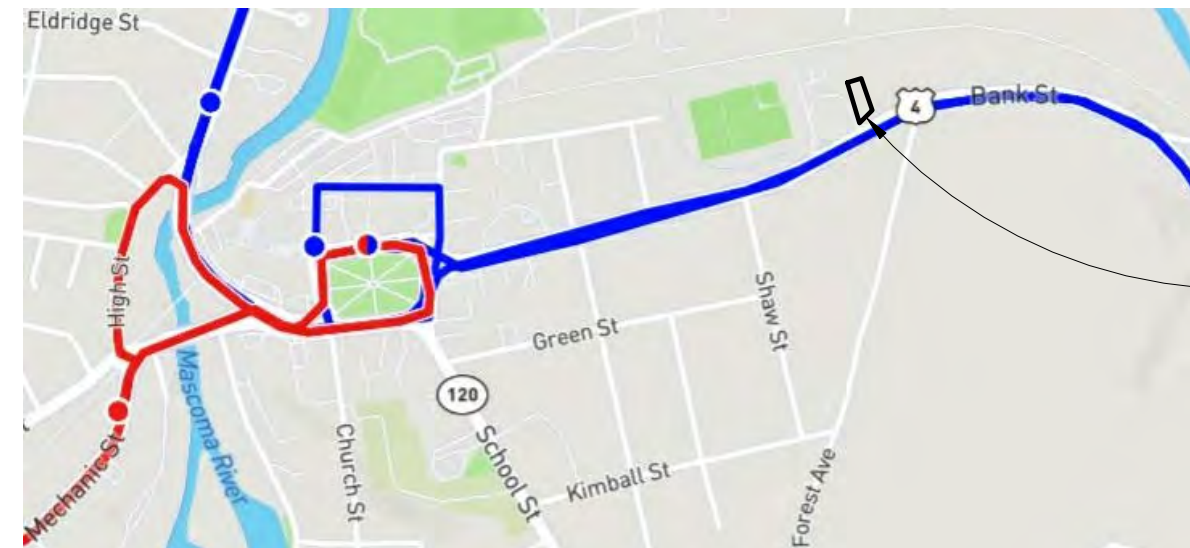
1 OF 8	G-0	VICINITY & ABUTER PLANS, PHOTOMETRIC, AND ZONING TABLE
2 OF 8	G-1	SURVEY
3 OF 8	G-2	EXISTING ARCHITECTURAL SITE PLAN
4 OF 8	G-3	ARCHITECTURAL SITE PLAN
5 OF 8	G-4	FLOOR PLANS
6 OF 8	G-5	ELEVATIONS
7 OF 8	G-6	SITE AND LANDSCAPE DETAILS
8 OF 8	G-7	SITE PHOTOS

OWNER:
CHORRO LLC
77 BANK STREET
LEBANON, NH 03766

CONTACT: TIM SIDORE
EMAIL: tim@ledgeworks.com
PHONE: 603.727.9024
CELL: 603.322.3260

ARCHITECT:
STUDIO NEXUS
ARCHITECTS + PLANNERS, LLC
46 SOUTH MAIN STREET, SUITE 206
PO BOX 275
WHITE RIVER JUNCTION, VT 05001

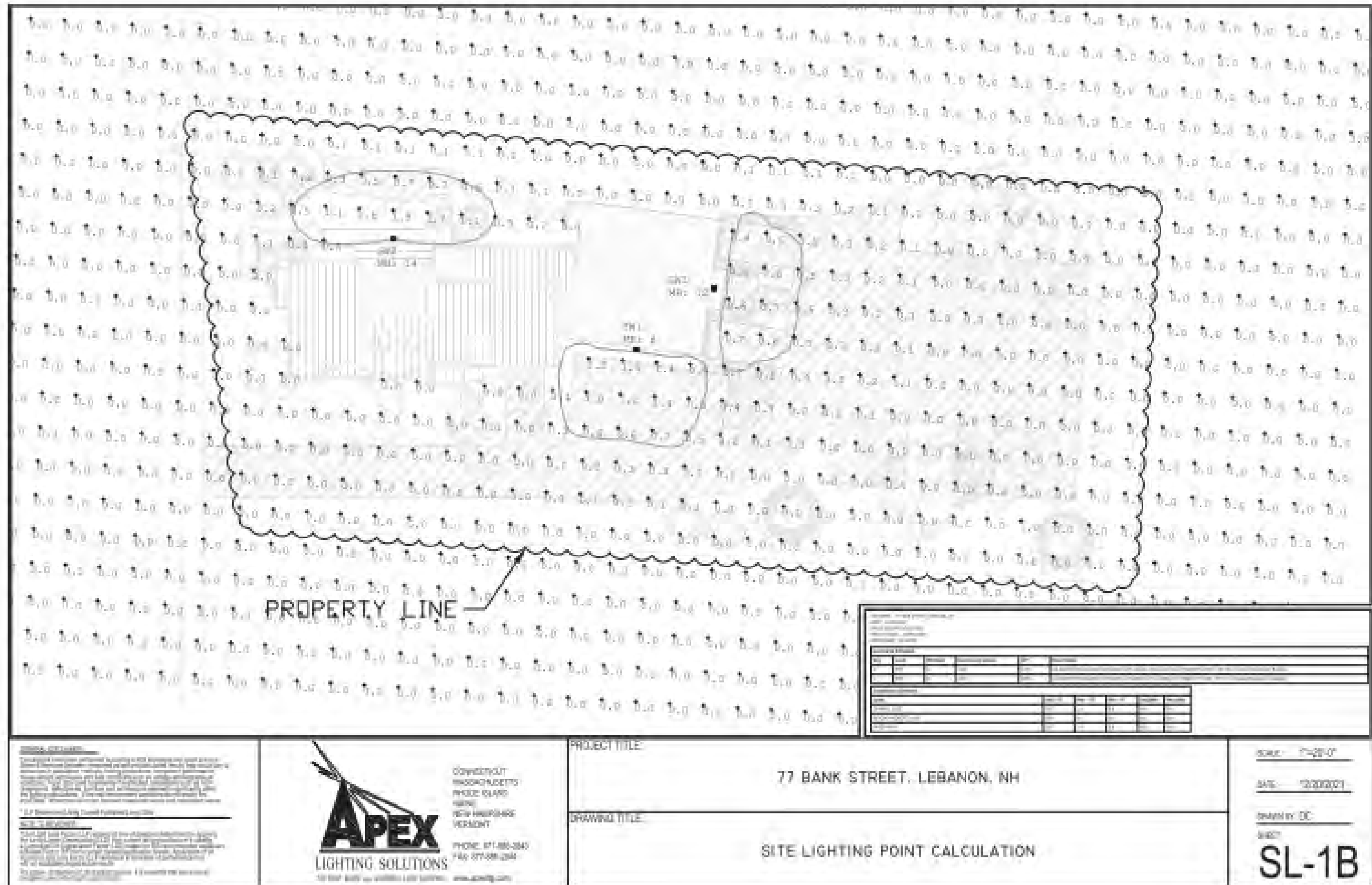
CONTACT: JIM WASSER
EMAIL: jimw@studionexusarch.com
PHONE: 802.275.5110 EXT. 101



TRANSIT ROUTE MAP-ADVANCED TRANSIT RED & BLUE LINES
(NOT TO SCALE)

77 BANK ST. - ZONING TABLE

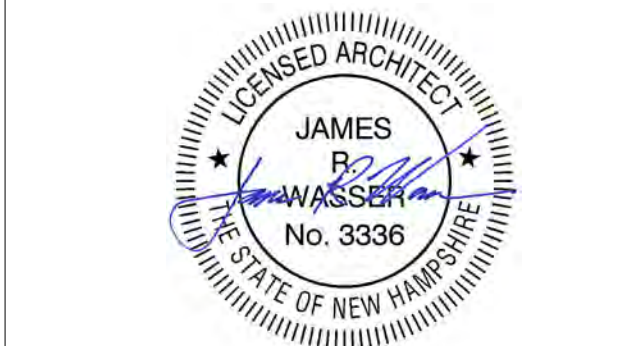
ITEM	Required/Allowable	77 Main Street	
		Existing	Proposed
Street Address		77 Bank St.	Same
1 Zoning District/Designation		RO	Same
2 Tax Map & lot number		92-79	Same
3 Area of Lot (Acres)	10,000 sf minimum	19,771 sf	28,000
4 Building Gross Floor Area (SF)		5,635	Same
5 Parking Spaces	14/21	18	18
6 Short/Long term Bicycle Storage Spaces		0	up to 6
7 Number of Loading Spaces		None	None
8 Building Height (Ft)	45' (maximum)	35'	35'
9 Number of Stories		3 not including basement	Same
Basement		1,393	Same
First		2,467	Same
Second		2,424	Same
Third		744	Same
10 Use	Office, Multi-Family Dwelling	Office, One Family Dwelling	Office, Multi-Family Dwelling
11 Setbacks (Ft)*			
Front	20	20	20
Side	15	15	15
Rear	20	20	20
12 Building Footprint Area (SF)	None	2,931	2,956
Total Building Coverage on Lot (%)	25%	13.8%	10.6%
13 Overlay District		None	None
Impervious surfaces (%)		47.3%	49.0%
Impervious surfaces (sf)		10,017	13,735



Chorro LLC

77 Bank Street Apartments

Issued For: SPECIAL EXCEPTIONS



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Issue Date: November 02, 2022

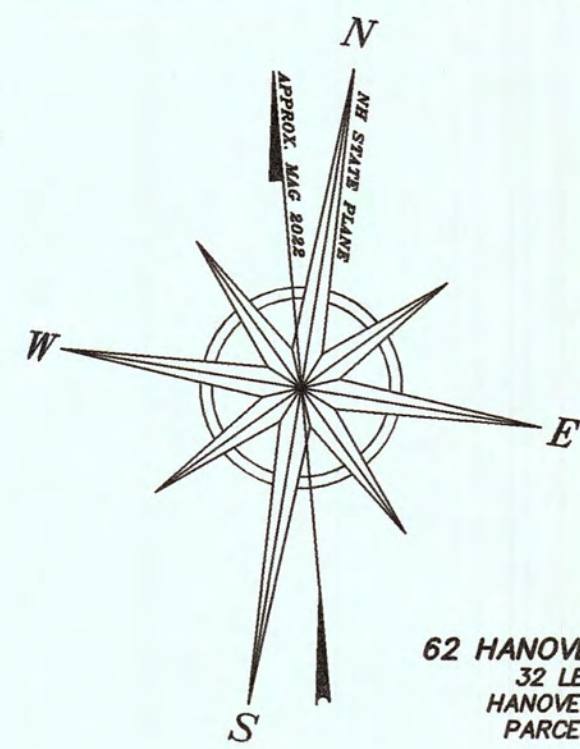
Revisions		
No.	Description	Date
1	Revision 1	01/03/22

VICINITY & ABUTER PLANS, PHOTOMETRIC, AND ZONING TABLE

Project No.: 2114

G-0
1 OF 8

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62 HANOVER STREET LLC
32 LEBANON ST
HANOVER, NH 03755
PARCEL ID 92-43

JAMES R. WASSER
PO BOX 373
LEBANON, NH 03786
PARCEL ID 92-44

DUSTIN CP & CW TRUSTEES
5 ALLEN ST
LEBANON, NH 03786
PARCEL ID 92-45

ROBIN & TERESA CARPENTER
41 BANK ST
LEBANON, NH 03766
PARCEL ID 92-76

MATTHEW & LINDSAY KNITTLE
43 BANK ST
LEBANON, NH 03766
PARCEL ID 92-77

ROBERT & LUCY MCLELLAN
50 BANK ST
LEBANON, NH 03766
PARCEL ID 92-113

KAREN & RAUL CERVANTES
PO BOX 283
LEBANON, NH 03766
PARCEL ID 92-112

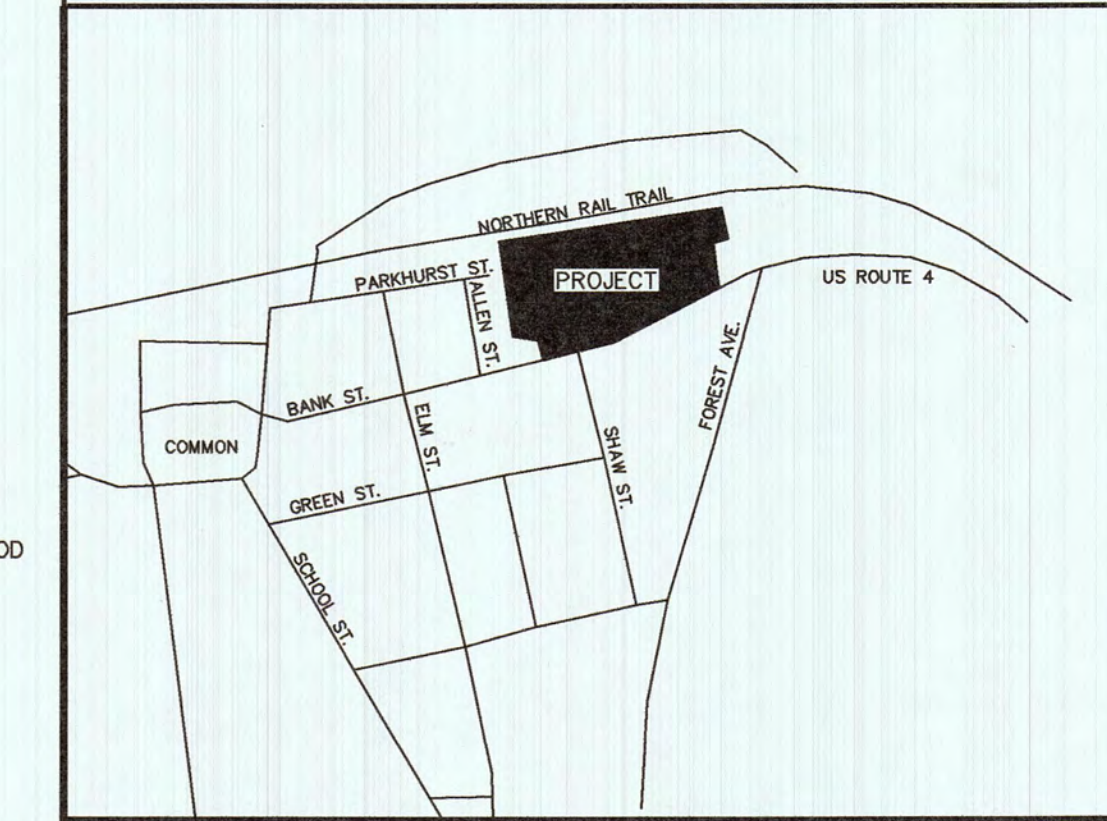
MAKOTI ENTERPRISES LLC
507 OAK ST
NEWPORT, NH 03773
PARCEL ID 92-111

PTC RENTAL LLC
PO BOX 632
LEBANON, NH 03766
PARCEL ID 92-110

PATRICIA MORSE TRUSTEE
64 BANK ST
LEBANON, NH 03784
PARCEL ID 92-109

PATRICIA MORSE TRUSTEE
68 BANK ST
LEBANON, NH 03766
PARCEL ID 92-108

PCF BANK LLC
32 MAIN ST
WEST LEBANON, NH 03784
PARCEL ID 92-107



~ LOCATION MAP ~

92-79
0.45 ACRES ±
+0.19 ACRES FROM LOT 92-78
=0.64 ACRES ± OR 28,160 SQ. FT.

SARAH CHAMBERLIN
IRENE HEATH
79 BANK ST
LEBANON, NH 03766
PARCEL ID 92-80

STATE OF NEW HAMPSHIRE
NORTHERN RAIL TRAIL
SEE VAL SHEET #S V32.1/65,V32.1/66 & V32.1/SL67

0.19 ACRES OR 8,389 SQ.FT. TO BE
ANNEXED TO PARCEL 92-79 FROM PARCEL
92-78 AND BECOME ONE CONTINUOUS LOT
OF RECORD.

92-78
7.11 ACRES ±
-0.19 ACRES TO LOT 92-79
=6.92 ACRES ± OR 301,520 SQ. FT.

~ NOTES ~

- METHOD OF SURVEY: LEICA VIVA TS16 TOTAL STATION & STONEX S900 GPS
- BEARINGS ARE REFERENCED TO NEW HAMPSHIRE STATE PLAN COORDINATE SYSTEM. (NAD83) GRID NORTH. ELEVATION ARE TIED TO NORTH AMERICAN VERTICAL DATUM (NAVD88).
- DIBERNARDO ASSOCIATES IS NOT RESPONSIBLE FOR PROPERTY DESCRIPTIONS PREPARED BY OTHER PERSONS FOR CONVEYANCE OF THE PROPERTY SHOWN HEREON.
- THIS PLAN WAS PREPARED FOR THE SOLE USE OF EXECUSUITE LLC AND CHORRO LLC AND IS NOT INTENDED TO BE USED BY ANY OTHER INDIVIDUAL OR BUSINESS WITHOUT THE CONSENT OF SAID PARTIES AND DIBERNARDO ASSOCIATES, LLC.
- ALL NEW HAMPSHIRE TURNPIKES ARE 4 RODS WIDE OR 66'.
- ALL UNDERGROUND UTILITIES ARE SHOWN AS APPROXIMATE. NO UNDERGROUND EXPLORATION WAS CONDUCTED BY THIS FIRM. LINES ARE ASSUMED TO RUN IN A STRAIGHT LINE FROM SURFACE STRUCTURE TO SURFACE STRUCTURE.

~ REFERENCE PLANS ~

- PLAN ENTITLED "BOUNDARY LINE ADJUSTMENT FOR LEBANON SCHOOL DISTRICT & FRANK & JANET THIBODEAU", DATED JUNE 9, 2003, PROJECT NO. 10689, RECORDED AS PLAN NO. 11613, PREPARED BY PATHWAYS CONSULTING, LLC.
- PLAN ENTITLED "ROGER MURRAY & ALFRED E. STEWART BANK STREET LEBANON, N.H.", DATED JUNE 9, 1971, RECORDED IN BOOK 1139 PAGE 31, PREPARED BY KENNETH A. LECLAIR.

~ REFERENCE DEEDS ~

- DEED FROM LEBANON SCHOOL DISTRICT TO EXECUSUITE, LLC RECORDED IN BOOK 4018 PAGE 186 ON OCTOBER 11, 2013.
- DEED FROM ARTHUR HOUGH AND ANCIL HUNT TO THE LEBANON SCHOOL DISTRICT RECORDED IN BOOK 586 PAGE 85 ON MARCH 27, 1923.
- DEED FROM AILEEN CARPENTER TO LEBANON SCHOOL DISTRICT RECORDED IN BOOK 587 PAGE 54 ON MAY 6, 1925.
- DEED FROM FRANK AND JANET THIBODEAU TO LEBANON SCHOOL DISTRICT RECORDED IN BOOK 2894 PAGE 902 ON SEPTEMBER 23, 2003.
- DEED FROM LEBANON SCHOOL DISTRICT TO GEORGE MOORE RECORDED IN BOOK 599 PAGE 594 ON NOVEMBER 3, 1926.

~ CERTIFICATION ~

THE SUBDIVISION REGULATIONS OF THE CITY OF LEBANON, NH ARE A PART OF THIS PLAT, AND APPROVAL OF THIS PLAT IS CONTINGENT ON COMPLETION OF ALL THE REQUIREMENTS OF SAID SUBDIVISION REGULATIONS EXCEPTING ONLY ANY VARIANCES OR MODIFICATIONS MADE IN WRITING BY THE BOARD AND ATTACHED HERETO, TOGETHER WITH THE FOLLOWING INFORMATION.

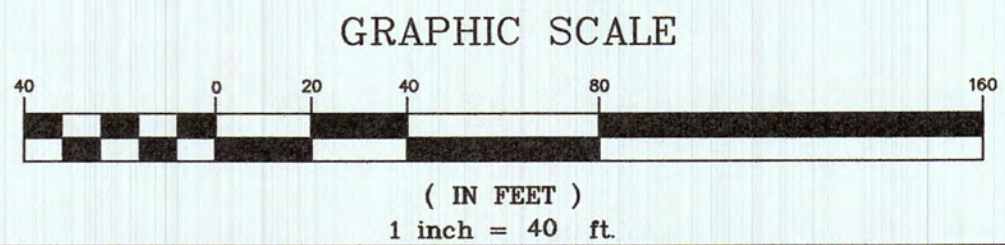
APPROVED BY THE LEBANON PLANNING BOARD ON _____

CERTIFIED BY CHAIRMAN _____

AND SECRETARY _____

~ LEGEND ~

- PROPERTY LINE
- RIGHT OF WAY LINE
- APPROX. PROPERTY LINE
- IRON PIN FOUND
- 5/8" Ø IRON ROD SET
- STONE WALL
- STOCK FENCE
- CHAIN LINK FENCE
- UTILITY POLE
- BROOK
- SEWER MANHOLE
- DRAIN MANHOLE
- GATE VALVE
- CATCH BASIN
- FIRE HYDRANT
- SANITARY SEWER LINE
- WATER LINE
- STORMWATER LINE



PLAN SHOWING BOUNDARY LINE ADJUSTMENT BETWEEN PROPERTY OF

EXECUSUITE LLC

75 BANK STREET

LEBANON, NH 03766

PARCEL ID 92-78

AND PROPERTY OF

CHORRO, LLC

77 BANK STREET

LEBANON, NH 03766

PARCEL ID 92-79

~ BANK STREET ~ LEBANON NH ~ GRAFTON COUNTY ~

DIBERNARDO ASSOCIATES, LLC

VT NH

LICENSED LAND SURVEYORS

P.O. BOX 62

BELLOWS FALLS, VT 05101

802-463-9031 ~ 803-368-5509

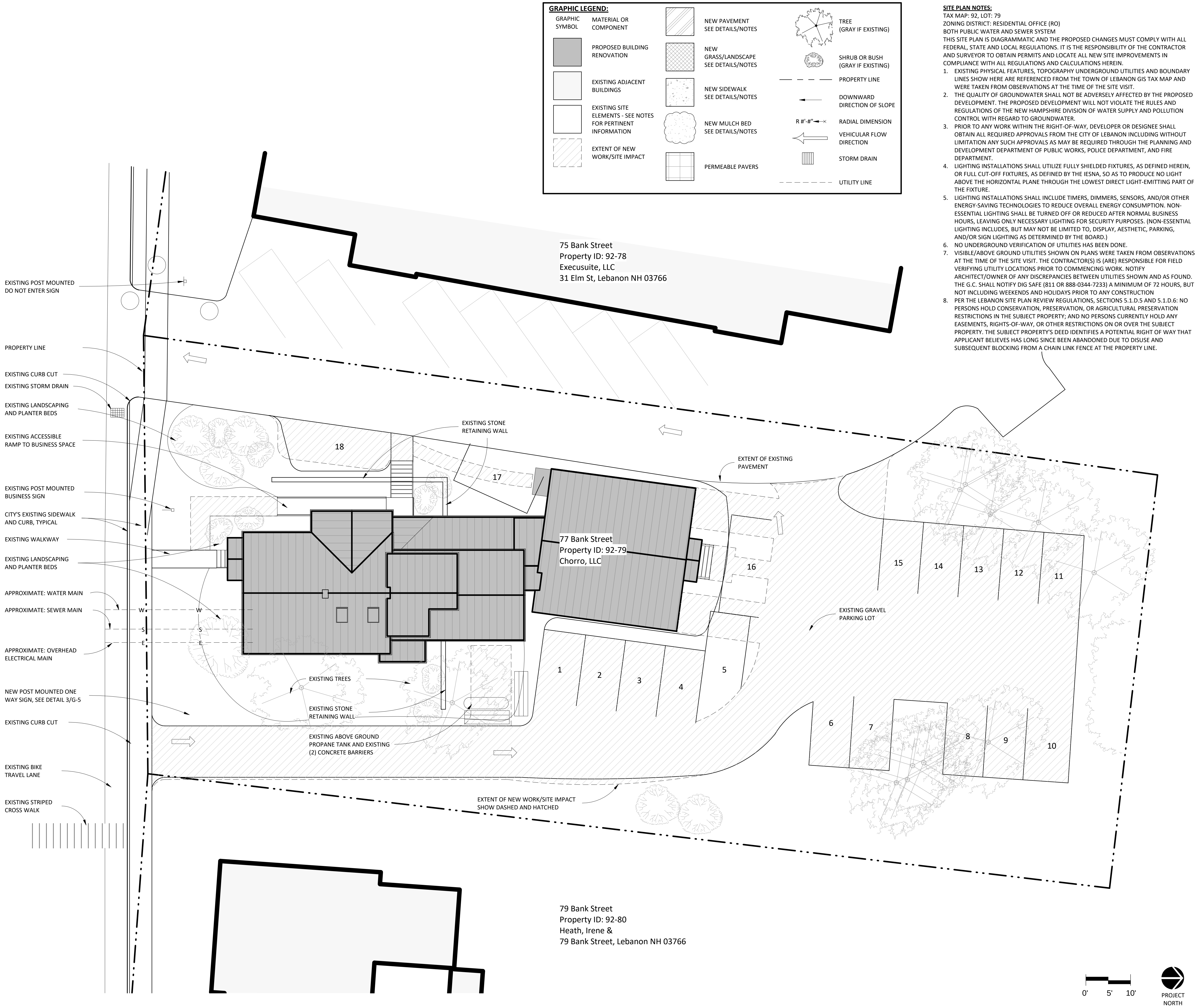
DATE FEBRUARY 24, 2022 SCALE 1" = 40'

DRAWN BY BG,JD CK'D BY JAD

SURVEYED BY BG

DWG.NO. 3433-1 © COPYRIGHT 2022 DIBERNARDO ASSOCIATES, LLC.

Bank Street



STUDIO
NEXUS

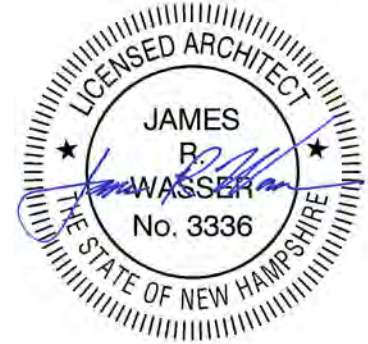
ARCHITECTS + PLANNERS

PO Box 275, White River Junction, VT 05001
802 275 5110 | studionexusarch.com

Chorro LLC

77 Bank Street
Apartments

Issued For:
SPECIAL EXCEPTIONS



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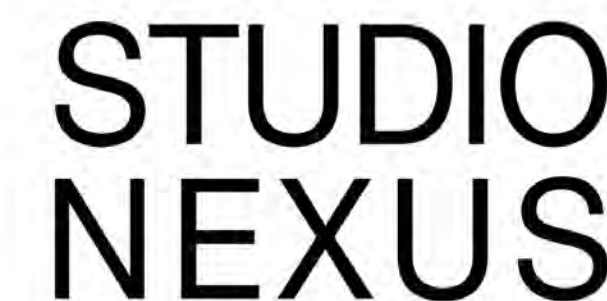
Revisions		
No.	Description	Date

EXISTING
ARCHITECTURAL
SITE PLAN

Project No.: 2114

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77 Bank Street Apartments

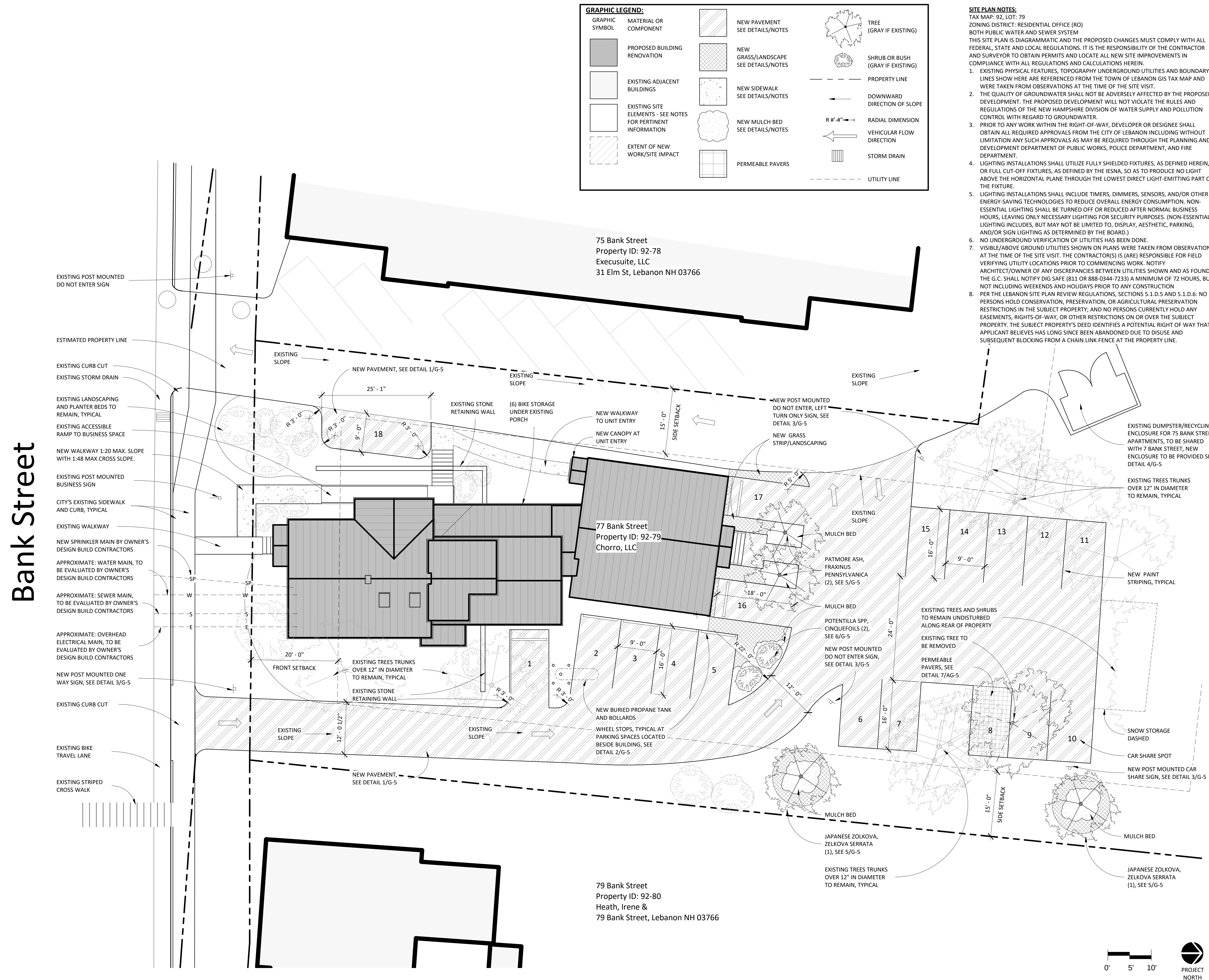
A circular professional seal for a Licensed Architect in the State of New Hampshire. The outer ring contains the text "LICENSED ARCHITECT" at the top and "THE STATE OF NEW HAMPSHIRE" at the bottom, separated by two stars. The inner circle contains the name "JAMES R. WASSERMAN" and the number "No. 3336". A blue ink signature is written across the seal.

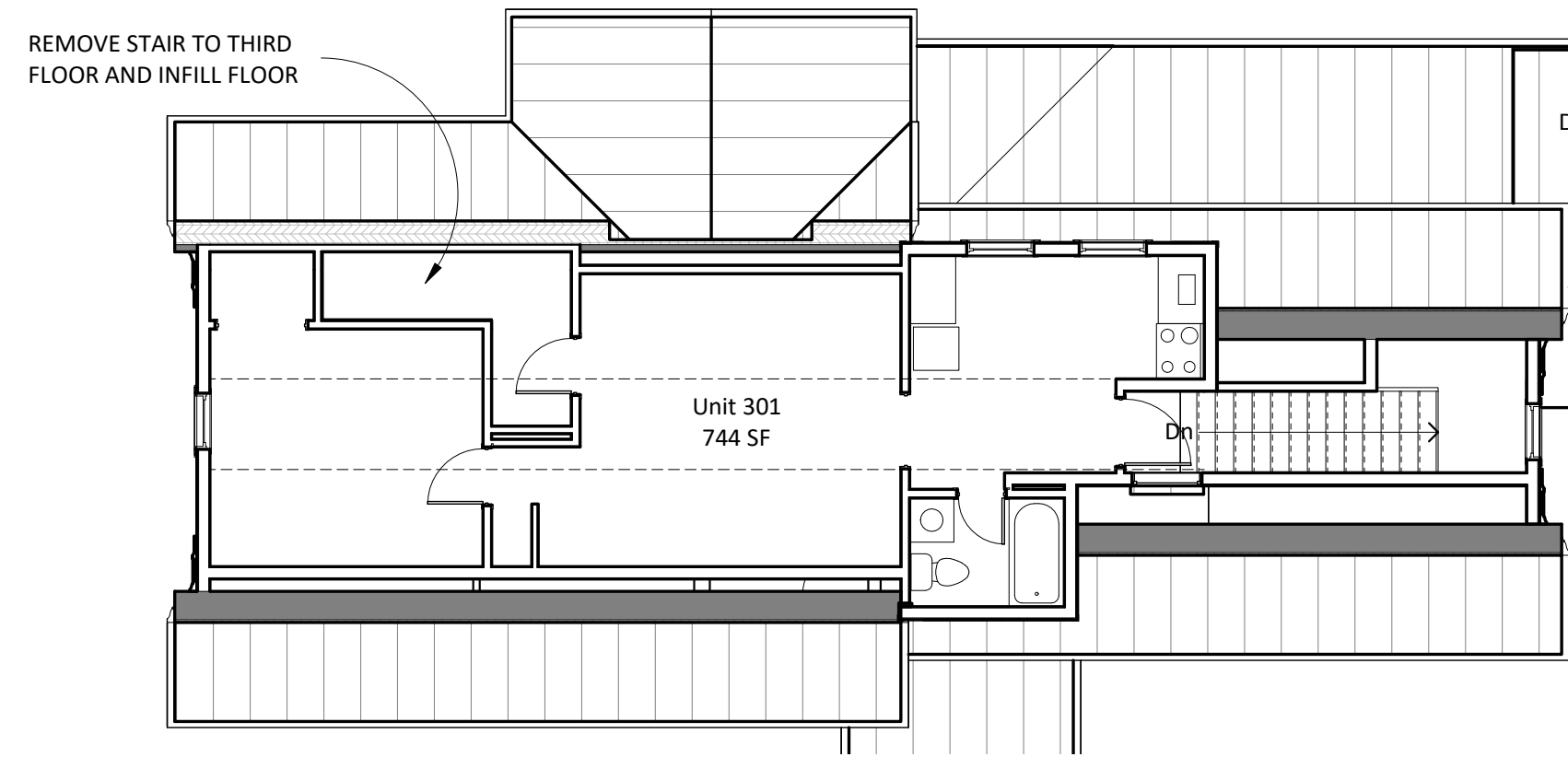
Revisions		
No.	Description	Date
1	Revision 1	01/03/22

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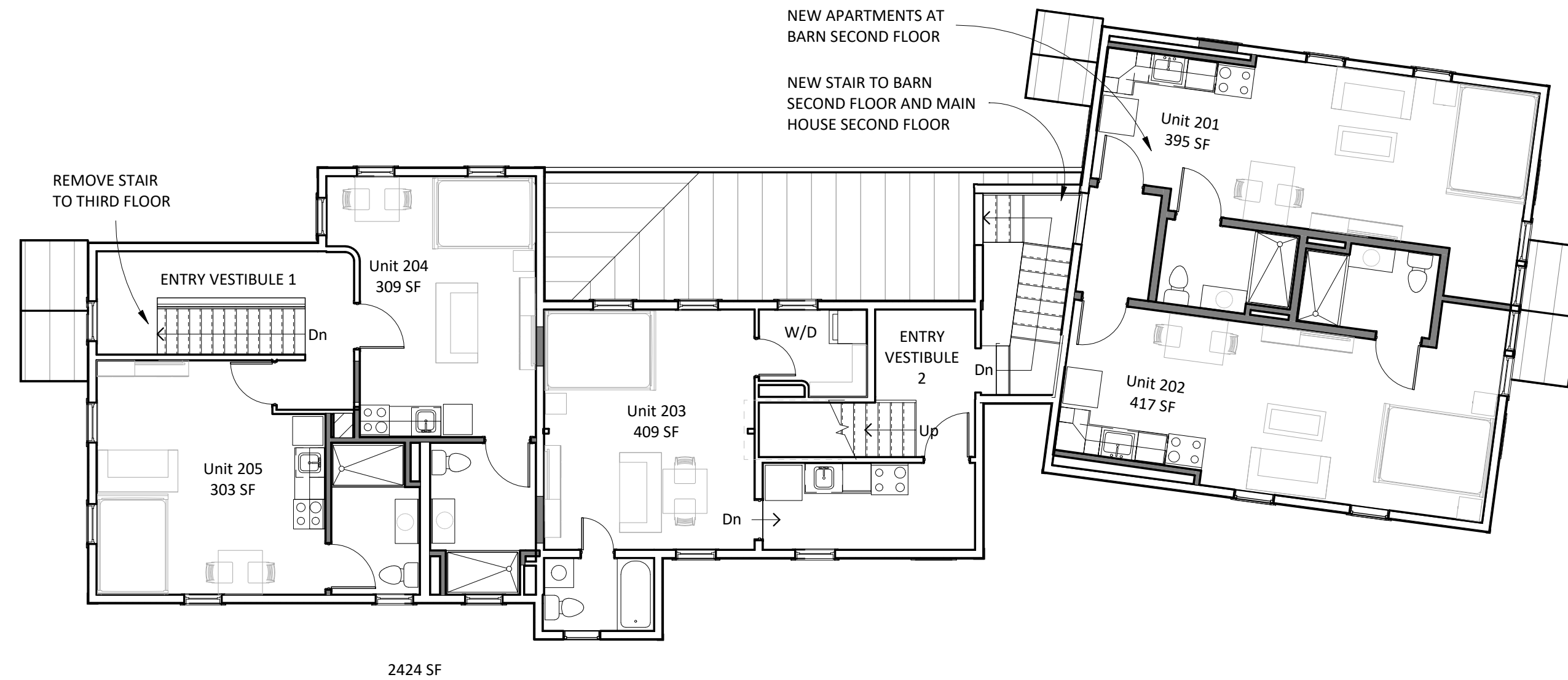
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11/2/2022 2:47:19 PM

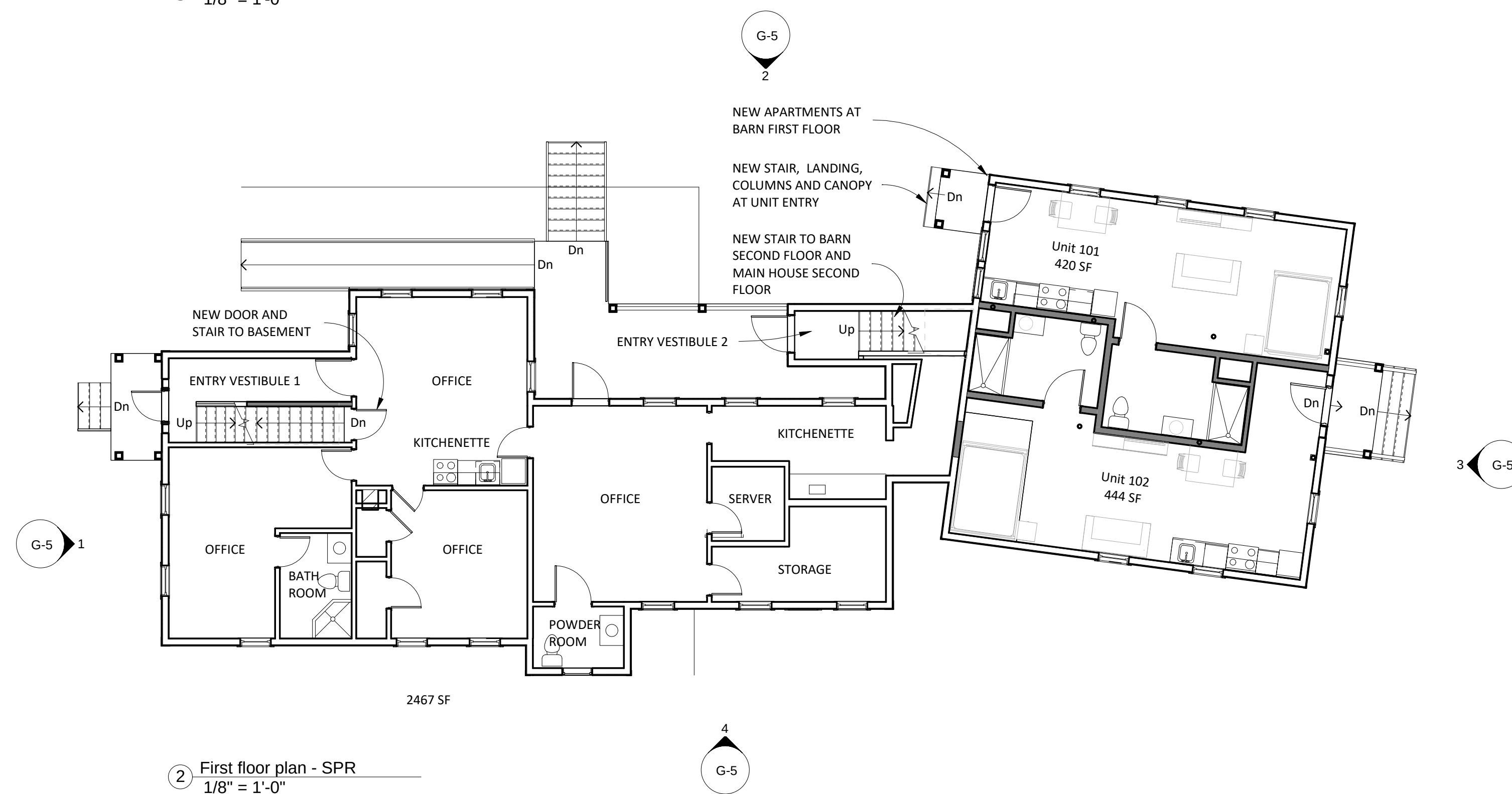




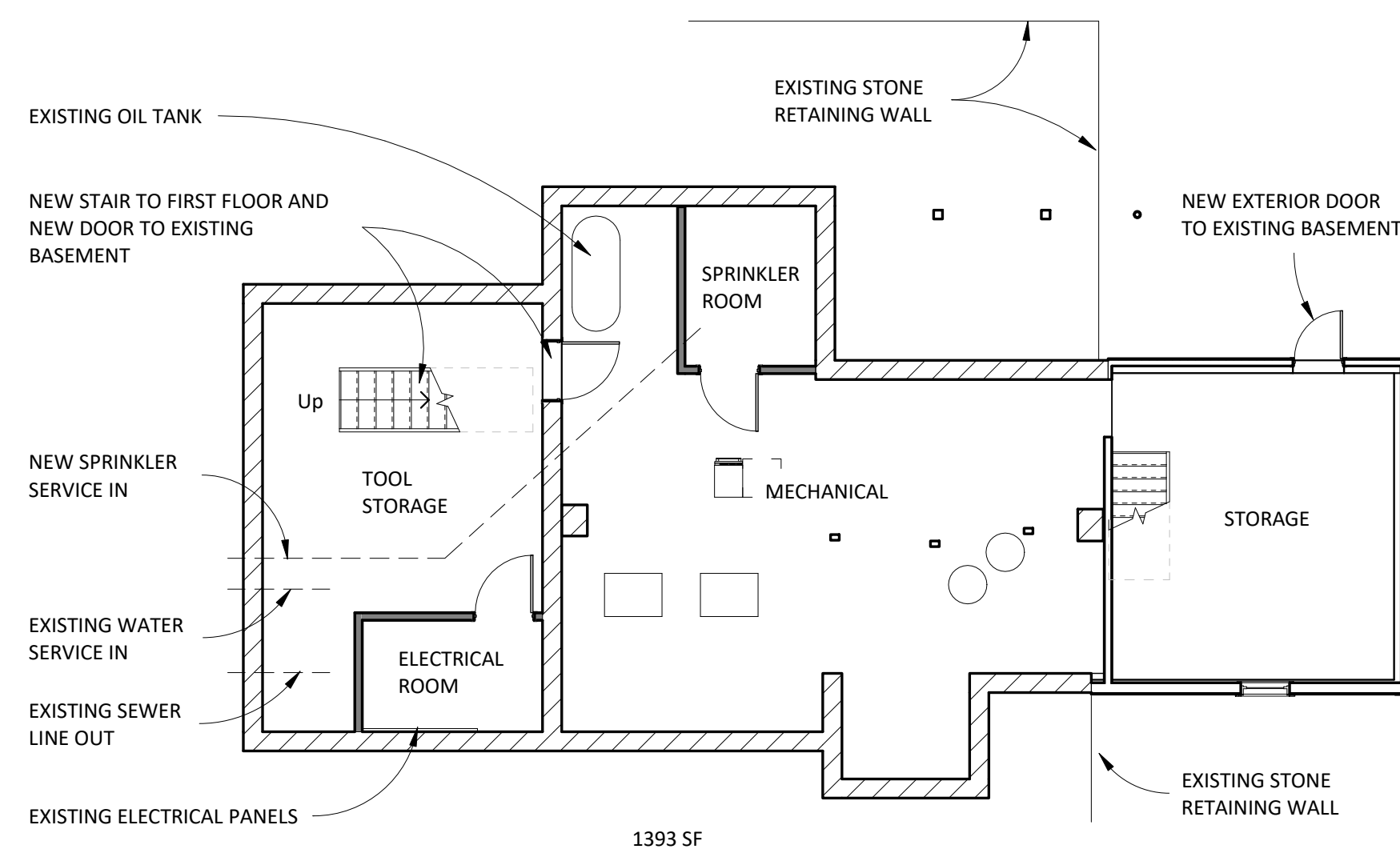
④ Third floor plan - SPR
1/8" = 1'-0"



③ Second floor plan - SPR
1/8" = 1'-0"



② First floor plan - SPR
1/8" = 1'-0"



① Basement plan - SPR
1/8" = 1'-0"



**STUDIO
NEXUS**

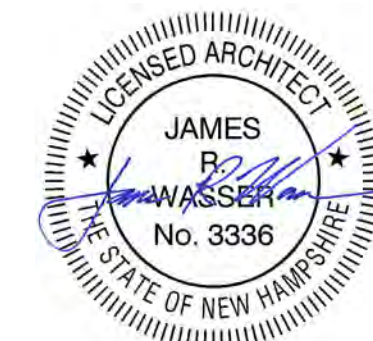
ARCHITECTS + PLANNERS

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Chorro LLC

**77 Bank Street
Apartments**

Issued For:
SPECIAL EXCEPTIONS



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Issue Date: November 02, 2022

Revisions		
No.	Description	Date

FLOOR PLANS

Project No.: 2114



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11/2/2022 2:47:24 PM



STUDIO
NEXUS

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④ East elevation - SPR
1/8" = 1'-0"



③ North elevation - SPR
1/8" = 1'-0"



② West elevation - SPR
1/8" = 1'-0"

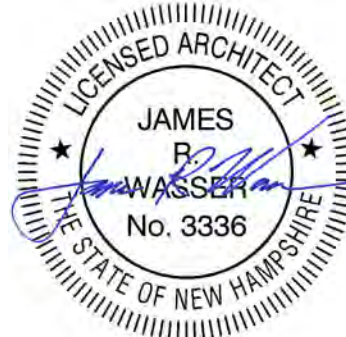


① South elevation - SPR
1/8" = 1'-0"

Chorro LLC

77 Bank Street
Apartments

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Issue Date: November 02, 2022

Revisions		
No.	Description	Date

ELEVATIONS

Project No.: 2114

G-5
6 OF 8

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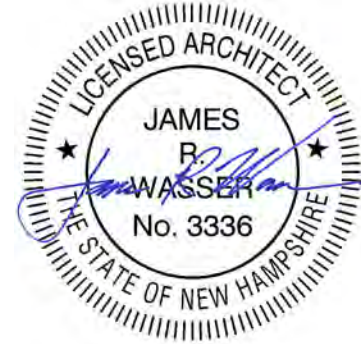
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Issue Date: November 02, 2022

Revisions		
No.	Description	Date
1	Revision 1	01/03/22

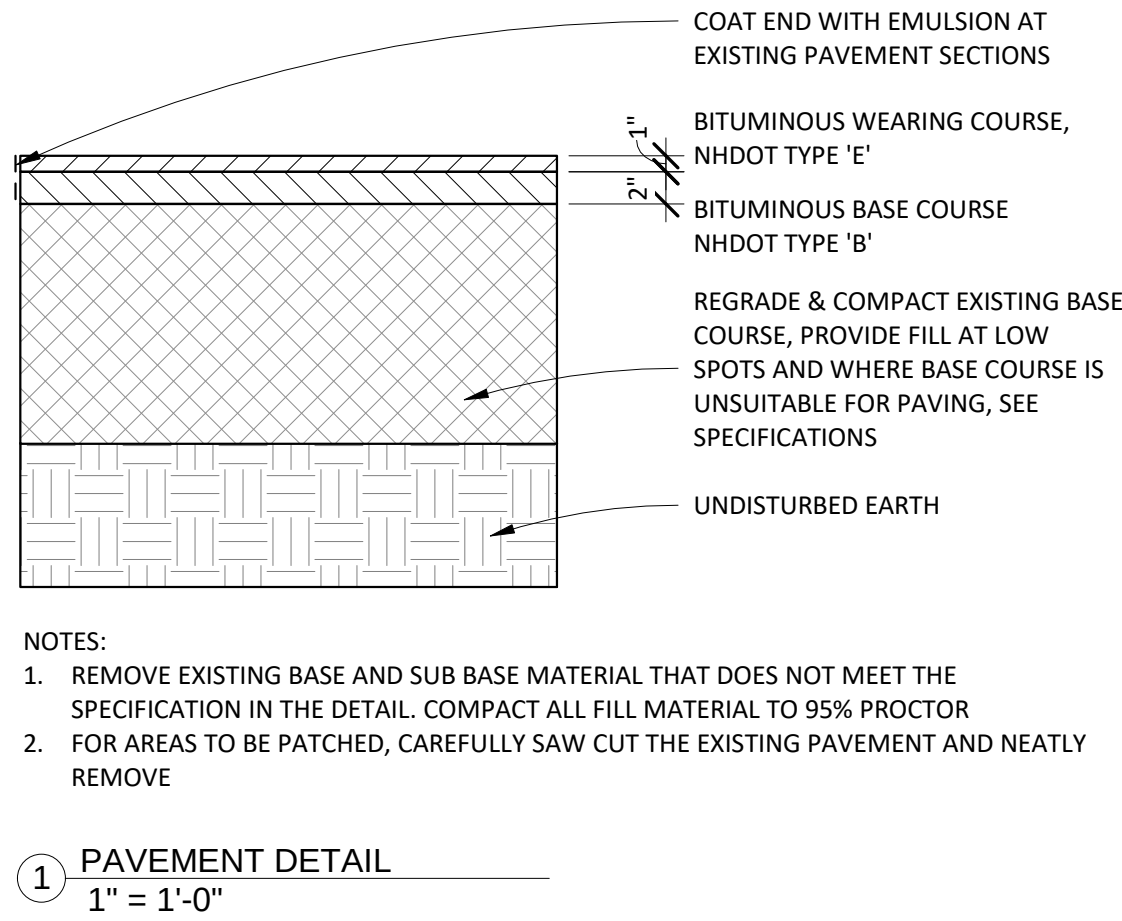
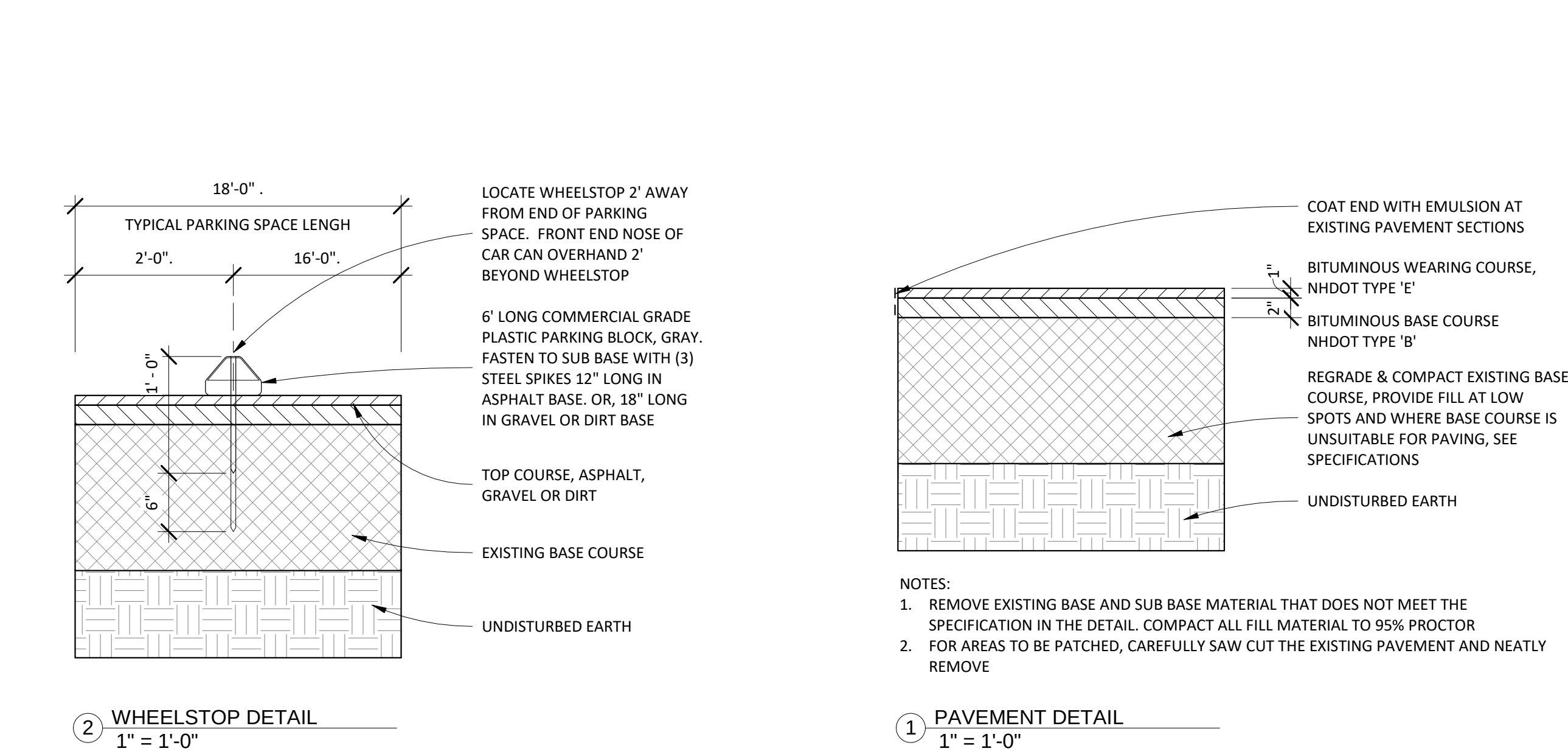
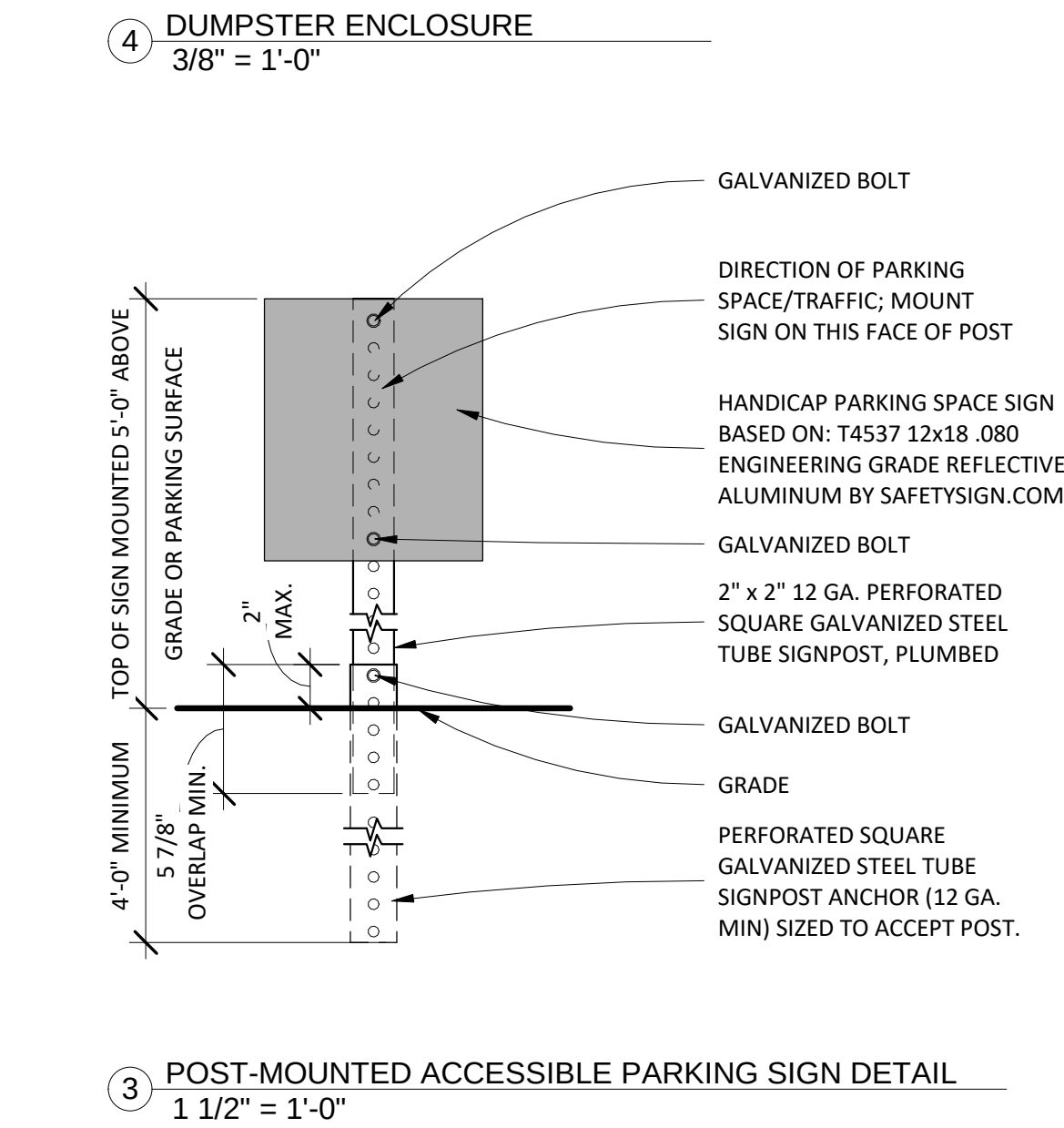
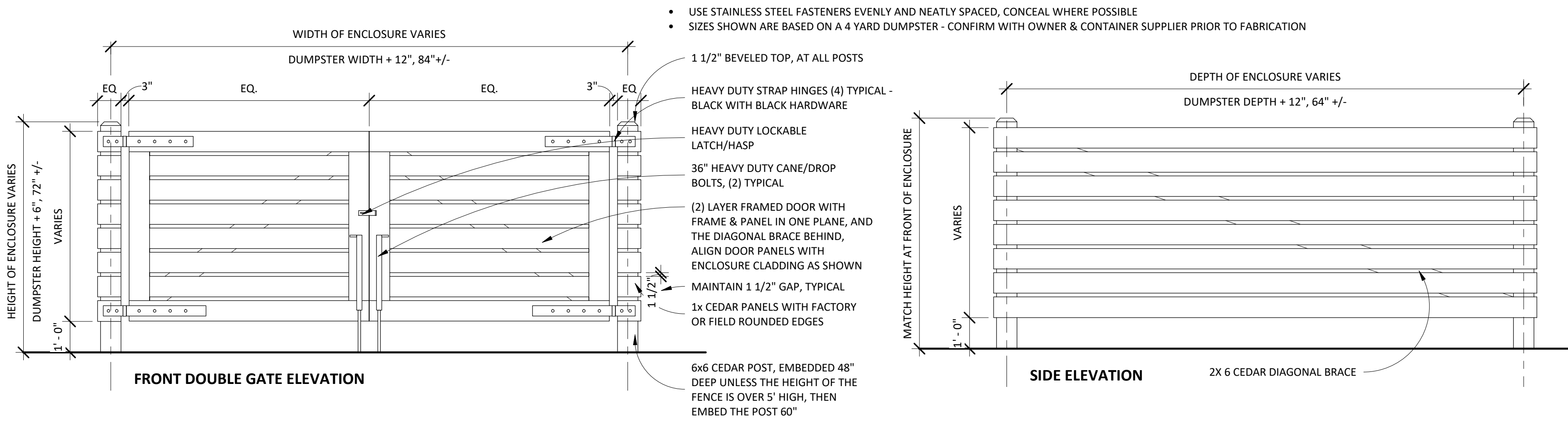
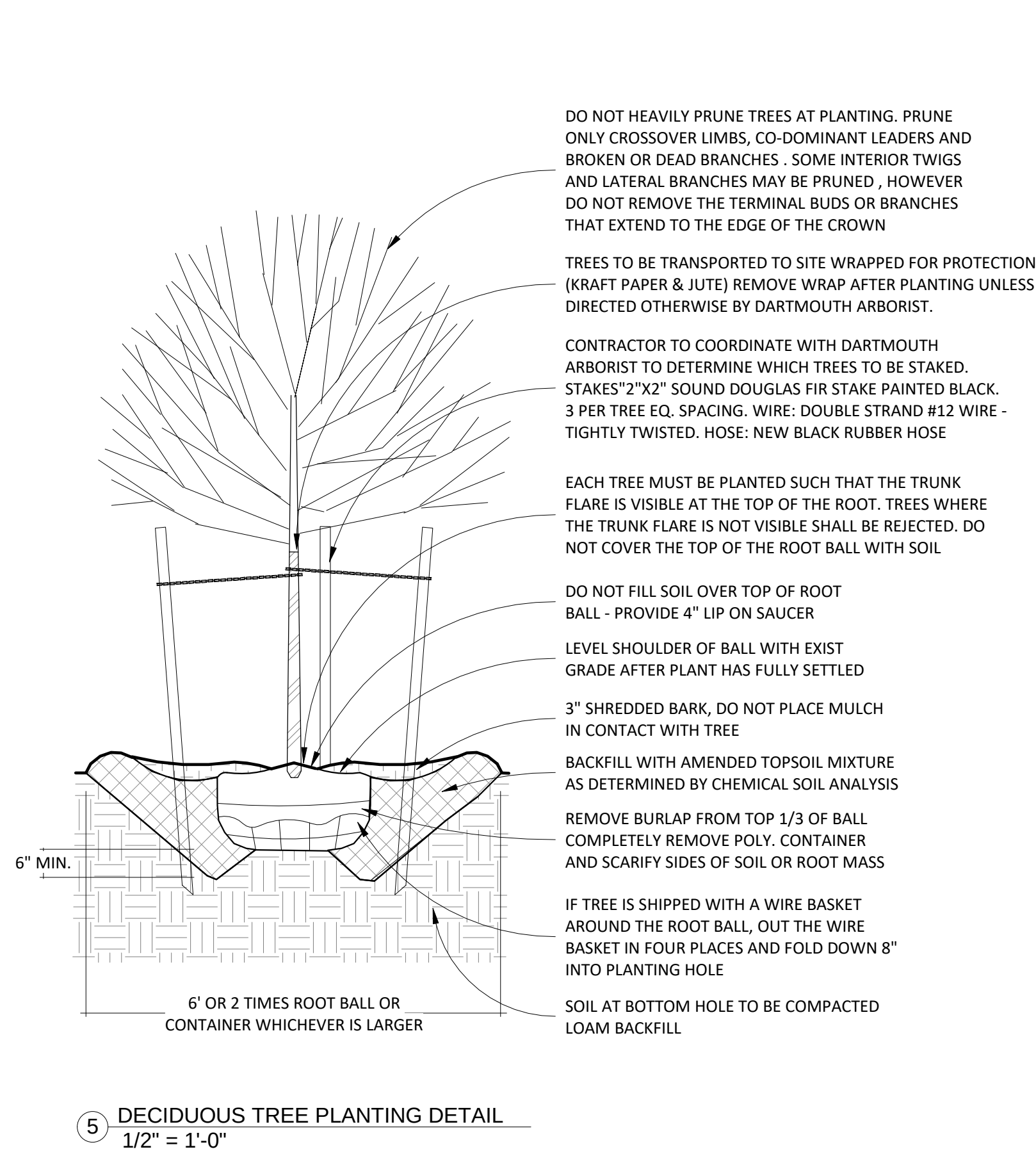
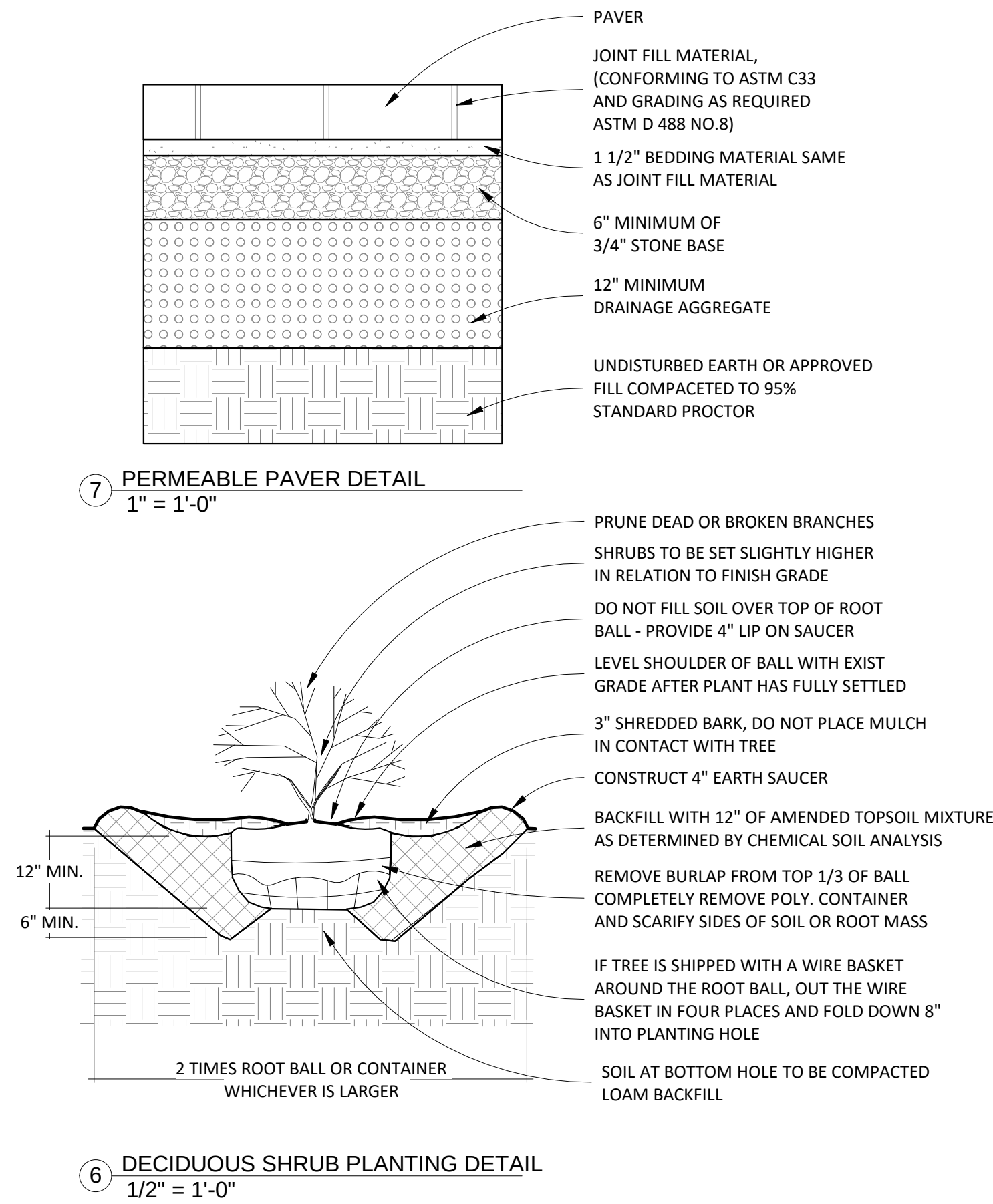
SITE AND LANDSCAPE DETAILS

Project No.: 2114

G-6
7 OF 8

GENERAL SITE AND LANDSCAPE DETAIL NOTES

- UNLESS NOTED OTHERWISE, GROUND COVER SHALL CONSIST OF TOPSOIL, GRASS SEED AND MULCH, MAINTAIN WATERING THROUGH SECOND CUTTING (USING WALK-BEHIND MOWER). ALL NEW PLANT MATERIAL SHALL BE NURSERY-GROWN STOCK
- AT THE TIME OF PLANTING, ALL DECIDUOUS TREES SHALL BE A MINIMUM 2.5 TO 3 INCHES IN CALIPER, MEASURED 6 INCHES ABOVE THE FINISH GRADE LEVEL; ALL EVERGREEN TREES SHALL BE A MINIMUM OF 6 TO 7 FEET IN HEIGHT. TREES SHALL BE PLANTED NO CLOSER THAN 8 FEET TO ANY PROPERTY LINE.
- SHRUBS SHALL BE PLANTED AS A MIX, RANGING FROM 50% TO 70% FLOWERING, WITH THE REMAINDER BEING EVERGREEN. AT THE TIME OF PLANTING, ALL SHRUBS, WHETHER DECIDUOUS OR EVERGREEN, SHALL BE 24 TO 30 INCHES IN HEIGHT AND/OR 18 TO 24 INCHES IN SPREAD.
- THE PROPERTY OWNER AGREES TO BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING, TO INCLUDE GRASS AND MULCH, IN GOOD, HEALTHY CONDITION SO AS TO PRESENT A NEAT AND ORDERLY APPEARANCE. THE PROPERTY OWNER TO REPLACE UNHEALTHY OR DEAD PLANT MATERIALS IN CONFORMANCE WITH THE LANDSCAPE PLAN APPROVED BY THE BOARD AS PART OF THE SITE PLAN.
- EROSION CONTROL:
 - GRADED AREAS SHALL BE VEGETATED TO INSURE EROSION CONTROL BY SEEDING, MULCHING, AND FERTILIZING. DISTURBED AREAS SHALL BE PLANTED WITH SUITABLE PLANT MATERIALS.
 - GRADING SHALL NOT EXCEED A RATIO OF 3 HORIZONTAL TO 1 VERTICAL WITHOUT SPECIAL EROSION CONTROL MEASURES. NETTING OR SIMILAR MATERIAL SHALL BE PROVIDED ON SLOPES WITH A RATIO GREATER THAN 3:1 WHILE GROUND COVER IS BEING ESTABLISHED.





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Issue Date: November 02, 2022

Revisions		
No.	Description	Date

SITE PHOTOS

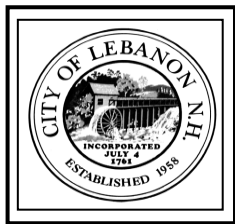
Project No.: 2114

G-7
8 OF 8

**Agenda
Zoning Board of Adjustment
November 22, 2022**

**Agenda Item #4A
Other Business**

Zoning Amendments - Review of proposed amendments to the Zoning Ordinance and Zoning Map



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Zoning Board of Adjustment

FROM: Planning and Development Department Staff

RE: 2022-2023 Proposed Zoning Amendments

DATE: November 15, 2022

On October 5, 2022, Planning and Development Department staff presented to the City Council a set of proposed Zoning Ordinance amendments for initial consideration. Following the presentation, the City Council agreed to move the proposed amendments forward for further review.

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

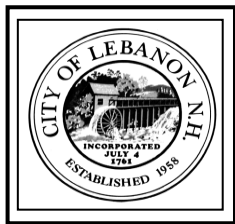
For the Board’s reference and review, please find attached the following:

- A staff memo to the City Council, dated September 27, 2022, providing a description of the proposed amendments.
- A redline of the current Zoning Ordinance (redline last revised November 14, 2022).

Please note:

- Staff has updated the redline in response to the Council’s comments made at their October 5th meeting and in response to an initial review by the City’s legal counsel. Consequently, and the page references in the 9/27/22 staff memo may no longer match the updated redline that is attached to this memo.
- The concept set forth in the “Highway Commercial District” (discussed on page 4 of the attached staff memo) has been replaced by the language set forth in proposed Section 608.4.A.4.d on page 16 of the attached redline.

Once review has been completed by the Planning Board and the other land use boards, the City Council will hold a public hearing in January followed by a vote on whether to adopt the amendments and/or to place them on the March 2023 ballot for voter approval.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

FROM: Planning and Development Department Staff

RE: 2022-2023 Proposed Zoning Amendments

DATE: September 27, 2022

Honorable Mayor and City Councilors,

The Planning and Development Department has prepared draft amendments to the Zoning Ordinance for consideration by the City Council, and requests that the proposed amendments be placed on the October 5, 2022 meeting agenda for discussion.

It is staff's practice to present a set of proposed zoning amendments to the Council each fall for review and consideration. Presenting in the fall allows the amendments to move through the required review process in time for placement on the ballot the following March, when necessary.

The current set of proposed amendments are summarized below and are highlighted in the attached redlined excerpt of the Zoning Ordinance. The new or revised text is blue and underlined. The text to be deleted is shown as ~~red with a strike-out~~.

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

OVERVIEW OF AMENDMENTS

The proposed amendments are grouped into three general categories: amendments that require or may require placement on the March 2023 ballot for approval by the voters, text amendments that can be approved by the City Council, and a Zoning Map amendment that can be approved by the City Council.

A. BALLOT AMENDMENTS

The following amendments either directly or indirectly impact the residential district tables of uses and dimensional requirements. Consequently, the City's legal counsel will review to determine whether approval by the voters is required per Section 1000.4.A of the Zoning Ordinance. In some cases, only portions of an amendment will require placement on the ballot. Prior to the public hearing in January, the Council will need to determine whether the entirety of such amendments should be placed on the ballot or only those portions that require voter approval.

1. **Adopt proposed Section 509 (“Cottage Developments”)** (see p. 12-13 of the redline). As specifically requested by the City Council in the April 21, 2022 directive to the City Manager, the purpose of this new section is to provide opportunities for single family housing that is small, energy efficient, and affordable, while promoting projects that ensure compatibility with surrounding land uses. Cottage developments are proposed to be allowed by conditional use on lots of at least one-half acre in size in the R-1, R-2, R-3, R-O, and R-O-1 Districts subject to the availability of appropriate utilities. To incentivize cottage development and help ensure economic viability, a higher density of 2,500 sq. ft. per unit is permitted. In return, the development must comply with the standards set forth in Section 509, which include limitations on building footprint and gross floor area for each unit, building design standards, minimum requirements with respect to common open space, and the screening of parking areas.

Adoption of the proposed cottage development section is specifically identified in the Master Plan as a strategy to help meet the Master Plan’s goal of providing a range of housing options that will support the City’s continued economic vitality and a diverse population. See 7.1.S15 (“Explore cottage or bungalow development strategies to promote, smaller, more energy-efficient, more affordable dwellings with limited size and footprint.”). Enabling cottage housing developments would help implement multiple additional strategies identified in the Master Plan including the following:

- Allow for appropriate infill and increased density within existing neighborhoods while preserving neighborhood character. (2.3.S1; 2.3.A1)
- Encourage diversification in neighborhoods. (7.1.S13; 7.1.S14; 7.1.S16; 7.2.S8)
- Encourage new housing to be located close to urban centers, employment areas, infrastructure, services, and transit and to positively contribute to existing neighborhoods. (2.2.S1; 7.1.A8; 7.1.S23; 7.1.S24)
- Identify neighborhoods that have the characteristics suitable as redevelopment areas or pods and assess whether zoning changes are needed to allow for infill or redevelopment. (2.3.A1)
- Review and amend the City’s Zoning Ordinance as needed to encourage more intensive redevelopment of existing residential and non-residential areas and to discourage development in undeveloped areas. (6.1.A7)
- Promote balanced land use that preserves the City’s outlying rural character and directs development toward its urban and densely settled residential cores. (2.1.S1; 2.2.S1; 2.2.S2)
- Guide development into existing areas as designated in the Land Use chapter to protect outlying rural areas and open space lands. (5.1.S1; 7.2.A7)

Related amendments include:

- **Section 205** to allow more than one principal building on a lot when proposed as part of a cottage development (see p. 1 of the redline).
- **Section 500** to add cottage development to the Planned Development table (see p. 7 of the redline).
- **Appendix A** to add definitions of cottage and cottage development (see p. 20 of the redline).

2. **Revise the manufactured housing regulations, Sections 503 and 504** (see p. 9-10 of the redline). The Zoning Ordinance allows manufactured housing only when located within a manufactured housing park, a manufactured housing PURD, or a manufactured housing subdivision. Recognizing that manufactured housing is an avenue to affordable home ownership opportunities, the purpose of the proposed amendments to Sections 503 and 504 is to enable additional manufactured housing development within the City that is

comparable to the manufactured housing projects that already exist. To that end, the amendments:

- Increase the permitted density of a manufactured housing development to 5,000 sq. ft. per unit, which is approximately the average density of the City's three existing manufactured home parks; and
- Revise the manufactured housing park regulations and standards to more closely reflect existing conditions at the City's three existing manufactured housing parks, which were otherwise substantially out of compliance with the requirements of Section 503.

Also, since there is no discernible benefit to either the property owner or to the City in allowing manufactured housing subdivisions that aren't also PURDs, the proposed amendments streamline the manufactured housing regulations by removing the manufactured housing subdivision option.

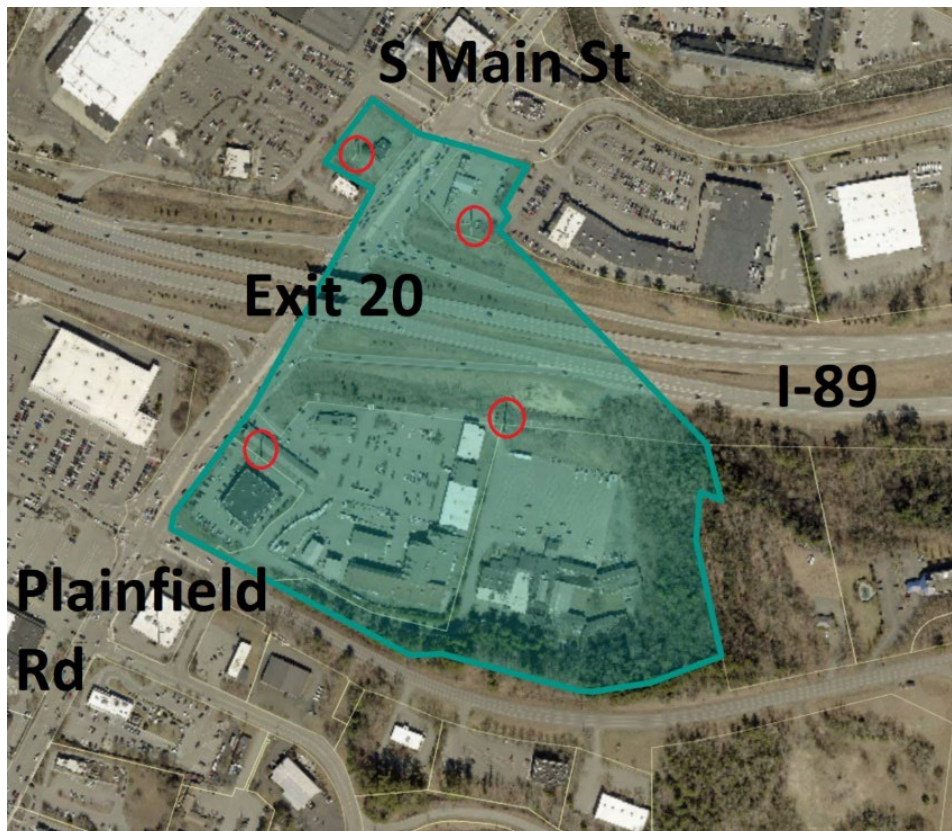
Finally, to further encourage the development of manufactured PURDs (which provide a substantial benefit to the development and the community by requiring that 50% of the lot is protected as open space), the proposed amendment to Section 507 allows the Planning Board to approve a density bonus for the use of that option (see Council amendment #3 below).

Related amendments include:

- **Sections 209, 308.2, 312.2 and 313.2** to update the names of the manufactured housing use categories and remove references to "manufactured home subdivision".
 - **Section 500** to update the Planned Development table (*see p. 7 of the redline*).
 - **Section 501.2.C** to clarify the permitted uses within a manufactured housing PURD (*see p. 8 of the redline*).
 - **Appendix A** to amend the definitions of, "centralized sewer system," "classification of lots," "dwelling," "dwelling unit," "manufactured housing park," "manufactured housing PURD," and "traditional subdivision," and to remove "manufactured housing subdivision" (*see p. 20-23 of the redline*).
3. **Amend Section 314.2, the RL-3 District Table of Uses** to change "accessory use to any one-family dwelling" from a use allowed by Special Exception to a permitted use. Currently, a Special Exception from the Zoning Board of Adjustment is required to construct or install accessory structures for one-family dwellings located in the RL-3 District. This includes sheds, detached garages, and pools. The proposed amendment would allow such accessory uses and structures "by right" rather than requiring approval from the Zoning Board. The RL-3 District dimensional regulations - including setback and building coverage requirements - would continue to apply and a zoning and building permit would still be required for any such structures (*see p. 6 of the redline*).
4. **Amend Section 610 ("Accessory Dwelling Unit (ADU)")** to allow an accessory dwelling unit for an owner-occupied two-family dwelling. Since adoption of Section 610 in 2013, only a modest number of ADUs have been constructed. To make ADUs more viable for the City's property owners, the ADU regulations have been modified over the past several years to minimize regulatory hurdles and to provide more flexibility. As part of its ongoing efforts to encourage ADUs and to provide additional opportunities for affordable housing, and in response to multiple inquiries the Planning & Development Department has received over the past year, staff proposes to expand Section 610 to allow ADUs for owner-occupied two family-dwellings, in addition to allowing ADUs for owner-occupied one-family dwellings (*see p. 17-18 of the redline*).

B. COUNCIL TEXT AMENDMENTS

1. **Add “equipment and machinery sales, rental and service,” as a new use category.**
A developer has expressed interest in developing property located near the Airport for an equipment rental business, which is not currently a use identified in the Zoning Ordinance. Staff proposes to create such a category and to allow it as a permitted use in the Light Industrial District which includes similar and compatible uses. The proposal is to:
 - Amend Section 303.2 to allow “equipment and machinery sales, rental and service,” as a permitted use in the IND-L District, and amend Section 303.4 to require screening for any related outdoor storage (*see p. 2 of the redline*).
 - Amend Appendix A to provide a definition for “equipment and machinery sales, rental and service.” (*see p. 21 of the redline*).
2. **Add proposed Section 411 (“Highway Commercial District”)** (*see p. 6-7 of the redline*). Within the vicinity of I-89 Exit 20 there are four freestanding signs that range in height from 55 ft. to 75 ft. and, as such, they are non-conforming to the current requirements of Section 608 (“Signs”). The height and size of these signs is conducive to attracting customers from I-89, but cannot be practically utilized to provide necessary signage at street level. Recognizing that these signs are legal non-conforming and are permitted to remain, the proposed amendment would allow a second freestanding on each property within the district whereas each property is otherwise permitted to have only one freestanding sign. The purpose of the amendment is to allow these select properties to have a second freestanding to serve street-level customers, in addition to any existing freestanding sign that is non-conforming to the 25 ft. height limitation applicable in the GC District. The extent of the district is roughly outlined in the image below, and the locations of each of the four non-conforming freestanding signs are circled in red (note that a draft zoning district map to be attached as an Appendix is forthcoming).



3. **Amend Section 507 (“Bonuses for Certain Planned Development”) and Appendix A (definition of “workforce housing”)** (see p. 11-12 and 23 of the redline). In another effort to encourage affordable housing opportunities within the City, this amendment would allow the Planning Board to grant a density bonus for any PURD or PRec that provides “workforce housing,” which is defined in RSA 674:58, IV as:

[H]ousing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

Note that the Planning & Development Department intends to commission an inclusionary zoning study to evaluate the feasibility of requiring affordable, workforce housing to be included as part of all multi-family developments of a certain size. The findings of the inclusionary zoning study – which the Department anticipates undertaking in 2023 – may result in future recommended changes to the workforce housing density bonus provisions.

Staff also proposes to authorize the Planning Board to approve up to a 10% bonus for any PURD, PRec, or manufactured housing PURD that incorporates a renewable energy system (as defined in Appendix A) into the design of the development or that commits to energy efficient design by obtaining LEED certification. The remaining columns – which were added to the Zoning Ordinance as placeholders at least 25 years ago – are proposed to be removed (note that with respect to the “sensitivity to environment” category, it is staff’s view that this concept has been substantially addressed through the PUD regulations).

4. **Amend Section 603 (“Senior Housing Complexes”)** (see p. 14 of the redline). HB 1661 from the 2022 legislative session was signed into law over the summer and includes the following amendment to RSA 674:17, IV:

[I]f a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive [...] for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

The only incentive in the Lebanon Zoning Ordinance that specifically applies to housing for older persons is Section 603, which authorizes the Zoning Board to grant a Special Exception to allow a senior housing complex to have a greater density than that specified for the applicable zoning district. Per the recent amendment to RSA 674:17, the Zoning Board’s ability to grant a Special Exception to allow greater density for a senior housing complex will automatically extend to workforce housing developments as of July 1, 2023. In response to HB 1661, staff has preliminarily suggested that the language of Section 603 be updated to reflect the forthcoming statutory mandate. If amended as proposed, note that a Special Exception granted under Section 603 for a workforce housing PURD or PRec would establish the baseline permitted density for the development, from which

a “second” bonus could be added by Planning Board per Section 507 (“Bonuses for Certain Planned Development”). One alternative to adopting staff’s proposed language would be to remove Section 603 pending the completion of the inclusionary zoning study which, as noted above, the City anticipates undertaking in the coming year.

5. **Add Section 607.8 (“Electric Vehicles”)** (see p. 14-15 of the redline). This amendment is proposed in response to the rapidly changing regulatory and market landscape, which is transitioning to an electrified transportation future. The amendment also implements the City of Lebanon Sustainability Principles, Master Plan, and associated commitments to cleaner energy, greenhouse gas reduction, and equity as relates to supporting diverse and affordable transportation options in the face of rising fuel prices. For example, real estate research suggests that EV charging is among the top three desired convenience amenities for multi-family developments.

The amendment applies to all off-street vehicle parking in all zoning districts, and creates requirements for EV-installed, EV-ready, and EV-capable off-street vehicle parking spaces across three use categories: one- and two-family dwellings, multi-family dwellings, and non-residential, and also adds related definitions. The tiered thresholds for the required EV infrastructure allow a gradual transition to EV charging capacity in the City; developments will install a minimum of fully operational chargers and also install the electrical capacity to install future chargers.

Preparedness of building and site utilities saves property owners from the cost of future retrofits that would be significantly greater than the upfront costs and potentially a barrier to EV implementation in the community as a result. The installation of EV charging infrastructure is four to six times less expensive when included during the initial construction phase as opposed to a retrofit.

Members of the LEAC and the LEAC EV sub-committee reviewed and assisted with edits to the amendment, with specific attention to technical and threshold requirements. References reviewed for development of the requirements include the International Energy Conservation Code 2021 and benchmarking of similar regulations across the U.S.

Related amendments include removing **Section 607.3.B.1.c** and amending **Appendix A** to add EV-related definitions. (see p. 14 and 20-22 of the redline)

6. **Amend Section 608.7 (“Signs Allowed Without a Building Permit”)** (see p. 16-17 of the redline). The sign regulations set forth in Section 608 substantially limit Dartmouth Health’s ability to provide adequate signage. The Medical Center is uniquely hampered by Section 608 regulations which are unduly burdensome when applied to a property the size of DHMC. Moreover, adequate and abundant signage is arguably a unique necessity for hospitals in order to facilitate safe and efficient emergency access and wayfinding.

The purpose of the proposed amendment is to provide flexibility for the Medical Center in adding and replacing signage by exempting from Section 608 any medical center complex sign that is not visible from a public street. For example, the exemption would allow Dartmouth Health to add additional freestanding directional signs along its access drive without having to obtain a Variance to allow more than one freestanding sign on the property. Signs visible from a public street would still be subject to the requirements of Section 608.

7. **Amend Section 306.1, the Central Business purpose statement** (see p. 3 of the redline). The proposed amendment is a recommendation from the West Lebanon

Revitalization Advisory Committee (WLRAC) that was made last year, but too late to be included in the set of zoning amendments approved by the Council in January 2022. The WLRAC's recommendation is to expand the CB District purpose statement by incorporating language from the Master Plan and from the West Lebanon Village Visioning Charrette Final Report.

8. **Group Day Care Facilities, Sections 303.2, 303A.2, Section 306.2, Section 307.2, Section 311, Section 311A, and Section 311B.** To help facilitate the development of needed childcare facilities, staff proposes to allow day care facilities as permitted uses in non-residential and mixed-use districts (IND-L, IND-RA, CB, LD, R-O, R-O-1, and PB). The amendment would help ease unnecessary regulatory hurdles by eliminating the requirement to obtain either a Conditional Use permit from the Planning Board or Special Exception from the Zoning Board.

9. **Miscellaneous minor amendments:**

- **Amend Section 501.1.H** to permit existing non-conforming buildings to be included as part of a PUD (see p. 8 of the redline).
- **Section 611.A ("Keeping of Chickens")** to increase the number of chickens permitted for one- and two-family dwellings (see p. 18 of the redline).
- To clarify existing language and to make certain editorial changes to Section 302.4.B ("Enhanced Performance Standards - Authorization"), the Section 500 planned development table, Section 608 ("Signs"), Section 703.2 (discontinuance of non-conforming structures), Section 702.5 (expansion of non-conforming uses), and Appendix A (revise "health club" definition, "vehicular sales" definition, and sign-related definitions, and add definition for "sign structure").

C. **COUNCIL ZONING MAP AMENDMENT**



10. 18 Bridge Street (Tax Map 58, Lot 2): The property at 18 Bridge Street is a +/-2.9 acre lot that is split-zoned CB and R-3. The CB zoning designation extends 200 feet from the centerline of Bridge Street. However, the improved and developable portion of the lot already extends well past the existing CB District boundary line, and the land use of the entire property is identified as “Central Business District” on the Master Plan Future Land Use Map. The proposed zoning map amendment would extend the CB zoning an additional 225 ft. so that the front half of the property can be redeveloped for uses allowed in the CB District, consistent with the desired land use of the property as reflected on the Future Land Use Map. The recommendation to adjust the zoning boundary on this parcel is also among the key recommendations of the West Lebanon Revitalization Advisory Committee’s Action Plan for West Lebanon. As a gateway to West Lebanon, the redevelopment of this property could serve as a catalyst for future redevelopment and financial investment in downtown West Lebanon.

SCHEDULE

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

1. Staff presents amendments to City Council for initial consideration - *scheduled for the October 5, 2022 Council meeting*. Section 1000.2.A.
2. If Council decides to move forward with the amendments, they will set a tentative schedule including review by legal counsel, review before the City’s land use boards, and a public hearing before the Council. Section 1000.3.A.
3. The amendments will be forwarded to the City’s attorney for review. *Legal opinion expected to be received by the end of October*. Section 1000.3.B.2.
4. The amendments are forwarded to the City’s land use boards for review. Sections 1000.3.B.1 and C.
 - a. Zoning Board – *expected to be scheduled for the November 7, 2022 meeting*.
 - b. Conservation Commission – *expected to be scheduled for the November 10, 2022 meeting*.
 - c. Planning Board - *expected to be scheduled for the November 21, 2022 meeting*.
5. The Council will then hold a work session to review the amendments as modified based on legal input and land use board feedback – *expected to be scheduled for the January 4, 2023 Council meeting*.
6. Finally, the Council will hold a public hearing followed by a vote on whether to adopt the amendments and/or to place amendments on the March ballot for voter consideration - *expected to be scheduled for January 18, 2023 Council meeting*. Section 1000.3.D.

Please note that amendments to the Article III Tables of Use for the R-1, R-2, R-3, RL-1, RL-2, and/or RL-3 Districts require approval by referendum vote per Section 1000.4 of the Zoning Ordinance. The remainder require adoption by City Council per Section 1000.4.B of the Zoning Ordinance (keeping in mind that the Council has the ability to place any proposed amendment on the March ballot for voter approval).

ATTACHMENT

- Redline excerpt of current Zoning Ordinance (redline last revised 9/27/22)

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT.

There shall be only one **principal structure** on a **lot** in the **residential districts**, R-O district, and R-O-1 district, except when:

205.1 Approved pursuant to the PUD provisions of this Ordinance or as a cottage development per Section 509; or

[...]

SECTION 209 MANUFACTURED ~~HOMES~~HOUSING.

Manufactured ~~homes~~housing units are permitted only in **manufactured ~~home~~housing parks** or in **manufactured home subdivisions or manufactured home Planned Unit Residential Developments (housing PURDs)**. See ~~Sections:~~ Section 503 (**"MANUFACTURED HOUSING PARKS"**) and Section 504 (**"MANUFACTURED HOUSING PURDs"**).

[...]

ARTICLE III USE DISTRICTS

SECTION 302 USES.

[...]

302.4 Enhanced Performance Standards.

[...]

- B. Authorization. Pursuant to RSA 674:21, II, the Planning Board is hereby authorized to grant a **conditional use** permit for uses identified in Article III as permitted by **conditional use** permit, or as otherwise specified herein, if the application is found to be in compliance with the enhanced performance standards set forth in Section 302.4.D.

[...]

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).

[...]

303.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> [...] <u>Equipment and machinery sales, rental and service</u> <u>Group day care facility per Section 604</u> [...] 1.	<u>Commercial/Non-Residential</u> [...] 1. Group day care facility per Section 604 [...]

[...]

303.4 Outdoor Storage.

Outdoor storage shall be permitted as an **accessory use** to a permitted use if it occupies an area of 20 percent or less of the footprint area of the **principal building**. Otherwise, outdoor storage shall require a **conditional use** permit from the Planning Board pursuant to Section 302.4. The 20% limitation shall not apply to ~~c~~**Contractor's y**ards and equipment and machinery sales, rental and service. All outdoor storage, including outdoor storage for a ~~c~~**Contractor's y**ard and equipment and machinery sales, rental and service, shall be appropriately screened from view from abutting **parcels** and shall not occupy required yard areas.

[...]

SECTION 303A INDUSTRIAL - RAIL ACCESS DISTRICT (IND-RA).

[...]

303A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> [...] <u>Group day care facility per Section 604</u>	<u>Commercial/Non-Residential</u> [...] 1. Group day care facility per Section 604

[...]

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

306.1 Purpose.

The purpose of the CB District is to facilitate smart growth and mixed-use development, other related commercial activities, and higher density residential uses that provide more life and opportunities for recreational and cultural offerings with a mix of uses in new or redeveloped properties. These CB District regulations are flexible in order to invite reinvestment on existing parcels and simultaneously attract new developments to enable opportunities for economic development by capitalizing on the attractiveness of the Connecticut River. The CB District is intended to promote an environment that is safe for walking and biking and provide for uses that are compatible and which would tend to retain and enhance the existing character of the area~~provide in town areas for retail and service businesses, banks, offices and government facilities in West Lebanon. Other related commercial activities and higher density residential uses should be encouraged.~~

306.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Commercial/Non-Residential</u> [...] 1. <u>Group day care facility per Section 604</u> 4. [...]	<u>Commercial/Non-Residential</u> [...] 1. Group day care facility per Section 604

[...]

SECTION 307 LEBANON DOWNTOWN DISTRICT (LD).

[...]

307.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
[...] <u>Commercial/Non-Residential</u> [...] 1. <u>Group day care facility per Section 604</u>	<u>Commercial/Non-Residential</u> [...] 1. 2. Group day care facility per Section 604

[...]

SECTION 308 RESIDENTIAL ONE DISTRICT (R-1).

[...]

308.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> 1. Manufactured home-housing park per Section 503 2. Manufactured home subdivision per Section 504 (or Manufactured home-housing PURD per Section 504	[...]

[...]

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

311.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Commercial/Non-Residential</u> [...] <u>1. Group day care facility per Section 604</u> [...] 1.2.	[...] <u>Commercial/Non-Residential</u> [...] 1. Group day care facility per Section 604 [...] 2.

[...]

SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).

[...]

311A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Commercial/Non-Residential</u> [...] <u>1. Group day care facility per Section 604</u> [...] 1.2.	[...] 1. Group day care facility per Section 604 [...] 2.

$$[\dots]$$

<u>Permitted Uses</u>	<u><i>Special Exception Uses</i></u> (see Section 801.3)
[...] <u>Commercial/Non-Residential</u> 1. <u>Group day care facility per Section 604</u>	<u>Commercial/Non-Residential</u> [...] 1. Group day care facility per Section 604
[...] 1. 2.	[...] 2.

$$[\dots]$$
$$[\dots]$$

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> 1. Manufactured home park<u>housing</u> per Section 503 2. Manufactured home subdivision per Section 504 (or <u>M</u>anufactured home PURD) per <u>Section 504</u>	4. [...]
3. [...]	

[...]

[...]

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> 1. Manufactured home park housing per Section 503 2. Manufactured home subdivision per Section 504 (or Mmanufactured home housing PURD per Section 504) [...]	[...] 1.

[...]

SECTION 314 RURAL LANDS THREE DISTRICT (RL-3).

[...]

314.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> [...] 1. <u>Accessory use to any one-family dwelling</u>	[...] 1.

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

SECTION 500 GENERAL.

[...]

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

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	<u>Manufactured Housing PURD per Section 501.2 / Manufactured Home Housing Park per Section 503 and Manufactured Home Subdivision per Section 504</u>	Recreational Camping Parks per Section 505	Medical Center Complexes per Section 506	Planned Business Park per Section 508	<u>Cottage Development</u>
IND-L			<u>CUP</u> P					<u>CUP</u> P	
IND-RA			<u>CUP</u> P					<u>CUP</u> P	
GC				<u>CUP</u> P					
GC-1				<u>CUP</u> P					
CB				<u>CUP</u> P					
LD									
R-1	<u>CUP</u> P				<u>CUP</u> / P				<u>CUP</u>
R-2	<u>CUP</u> P								<u>CUP</u>
R-3	<u>CUP</u> P*								<u>CUP</u>
R-O	<u>CUP</u> P								<u>CUP</u>
R-O-1	<u>CUP</u> P								<u>CUP</u>
PB						SE			

RL-1	<u>CUP</u> P*	<u>CUP</u> P			<u>CUP / P</u>	SE			
RL-2	<u>CUP</u> P*	<u>CUP</u> P			<u>CUP / P</u>	SE			
RL-3	<u>CUP</u> P*	<u>CUP</u> P							
MC				<u>PCUP</u>			P		

P = permitted

SE = **special exception** required

CUP = conditional use permit required

*Subject to Section 501.2.B.1.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 General Requirements.

[...]

H. Dimensional Requirements.

[...]

4. Existing buildings. An existing **building** on a site proposed to be developed as a PUD may be incorporated into a PUD even if the **building** is nonconforming with respect to the requirements of Section 501.1. However, the extent of the nonconformity may not be increased unless the proposed change to the existing **building** is determined by the Planning Board to be consistent in character, scale and design with the proposed PUD.

[...]

501.2 Planned Unit Residential Development (PURD).

[...]

C. Uses Allowed in a PURD.

1. Residential Uses. A PURD may include **dwelling units** in **one-family, two-family** and **multi-family dwellings**. A mix of **dwelling** types may be permitted at the reasonable discretion of the Planning Board. In a **manufactured home-housing PURD** only **manufactured housing unit** homes are permitted and shall be on individual lots.
2. Non-Residential Uses. Certain non-residential uses may be established within a PURD, subject to the following provisions:

[...]

This provision shall not apply to a **manufactured housing PURD**.

3. All Other Uses in Underlying Zoning District. Any use permitted in the zoning district in which the PURD is located may be permitted within the PURD. Uses allowed by **special exception** or by **conditional use** permit in the underlying zoning district where the PURD is located may also be permitted within the PURD, and shall not require a **special exception** from the Zoning Board or a separate **conditional use** permit from the Planning Board. This provision shall not apply to a manufactured housing PURD.

SECTION 503 MANUFACTURED ~~HOME~~-HOUSING PARKS.

503.1 Area.

A manufactured ~~home~~-housing park shall have an area not less than 10 acres ~~not more than 50 acres.~~

503.2 Layout.

A. A manufactured ~~home~~-housing park shall provide:

1. Individually designated spaces for each manufactured ~~home~~housing unit.
2. Interior access streets for all spaces. Such streets shall have a ~~right-of-way at least 40 feet in width and a~~ surface travel way at least 20 feet in width built on 12 inches of compacted gravel. All interior streets shall be named in accordance with emergency 911 provisions, and shall provide adequate interior circulation with no dead ends unless otherwise approved by the Fire Department.
- ~~3. All weather walkways along streets.~~
- ~~43.~~ At least ~~20-15~~ percent of the total area for common open space or recreation, ~~exclusive of wetlands and slopes of 25% or more.~~ This area shall not include roads, streets, **parking areas**, **service areas**, non-recreation **accessory buildings** or similar facilities. This area may include facilities for recreation and/or playgrounds.
- ~~54.~~ A **buffer** at least ~~50-25~~ feet in width maintained as a landscape area abutting all manufactured home property lines.
- ~~6. Adequate facilities for recreation and/or playgrounds.~~

B. A manufactured ~~home~~-housing park shall have Site Plan Review approval from the Planning Board.

503.3 Manufactured ~~Home~~-Housing Spaces.

- A. Each manufactured ~~home~~-housing space shall be at least ~~105~~,000 sq. ft. in area and shall front on an interior access street.
- B. Each space shall have a separate **driveway**.

- C. Each space shall include a **parking area** built on 12 inches of compacted gravel. Said **parking area** shall be large enough to accommodate two parking spaces; ~~each 10 feet wide by 22 feet long.~~

~~D. At least 100 sq. ft. of indoor storage.~~

- ~~E~~D. Manufactured ~~home~~ housing unit spaces shall not be located on slopes having a natural grade of ~~15~~ 10% or greater.

503.4 Utilities and Services.

For each manufactured housing unit:

- A. ~~An attachment for water supply.~~ The water supply source must meet all local and state regulations.
- B. ~~An attachment for sewage disposal.~~ The method of sewage disposal must be in compliance with all local and state regulations. ~~It shall not be located on the manufactured home space or any adjacent manufactured home space unless the manufactured home space is at least 1 1/2 acres in size.~~
- C. ~~An electrical source supplying at least 60 amps, 120/240 volts.~~ The installation shall comply with all applicable state and city electrical laws and regulations. ~~Such electrical outlets shall be weatherproof.~~ All electrical, television and other wired services shall be installed underground.
- D. Provisions for disposal of household garbage and rubbish.

503.5 Siting Manufactured ~~Homes~~ Housing Units.

- A. A nonporous pad shall be provided for each manufactured ~~home~~ housing unit.
- B. No manufactured ~~home~~ housing unit shall be closer than ~~50~~ 25 feet to a public street right-of-way or to a property line of the manufactured ~~home~~ housing park.
- C. A manufactured ~~home~~ housing unit shall be located so that it is at least 20 feet from the ~~right-of-way~~ surface of the interior road and ~~ten~~ 10 feet from any other manufactured ~~home~~ housing unit space.

503.6 Density.

One (1) **manufactured housing** unit per 5,000 sq. ft. of **lot area** is permitted.

SECTION 504 MANUFACTURED ~~HOME~~ HOUSING ~~SUBDIVISIONS~~ PURDS.

Manufactured housing PURDs are allowed by **conditional use** permit per Section 501.1 and shall satisfy all requirements of Section 501.1 and Section 501.2. Notwithstanding the applicability standards set forth in Section 501.2.B.1, the minimum lot size for a **manufactured housing**

PURD shall be 20 acres, and notwithstanding the density requirements of Section 501.2.D.2, one (1) manufactured housing unit per 5,000 sq. ft. of lot area is permitted, except that in the R-1 District the permitted density shall be as set forth in Section 308.2. The number of dwelling units may be increased by up to 12 percent at the discretion of the Planning Board, per Section 507. ~~Manufactured home subdivisions shall be at least 20 acres in size and shall have at least six (6) lots. Each lot shall have at least two (2) parking spaces. Manufactured Home PURDs are allowed, in accordance with Section 501.2.~~
[...]

SECTION 507 BONUSES FOR CERTAIN PLANNED DEVELOPMENT.

PUD's and manufactured home housing parks and ~~subdivisions~~ may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

Type of Development	For Use of Technique	For Sensitivity to Environment	For Creating Affordable Workforce Housing	For Reducing Fiscal Impact	For Energy Efficient Design	For Renewable Energy Systems Facilities
PURD or PRec	12%	----	----10%	----	10%	10%
<u>Manufactured housing PURD MH Park</u> (or subdivision)	NONE 12%	----	----	----	10%	10%
Subdivision	NONE	----	----	----		

507.2 Criteria for Award of Bonus.

The Planning Board may allow a gross density of development greater than allowed under Article III of this Ordinance for PURD's, manufactured housing PURDs, (or PRec's) ~~(or subdivisions) or traditional subdivisions~~ up to a maximum bonus allowed by Table 507.1. The Planning Board may approve a density bonus for any one or more of the categories identified in Section 507.1. Density bonuses granted pursuant to this section shall be cumulative. The following guidelines shall be used in determining whether a bonus shall be awarded.

A. Use of Technique. An applicant may receive a bonus not exceeding 12% for using either the PURD or PRec form of development.

~~B. Sensitivity to Environment. (Reserved)~~

BC. Affordable Workforce Housing. (Reserved)

For every dwelling unit which qualifies as **workforce housing**, one (1) market rate dwelling unit may be added as a density bonus, to a maximum of 20 bonus units or 10%, whichever is greater, as approved by the Planning Board.

D. Energy Efficient Design. The Planning Board may award a density bonus of up to 10% for any development that will be constructed to meet standards for industry-accepted energy efficiency standards including but not limited to those of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED), the Passive House Institute (PHI), or the Passive House Institute US (PHIUS). In evaluating the requested density bonus, the Planning Board shall take into account the extent and scope of proposed energy efficiency construction throughout the development together with any other relevant factors and considerations related to the development and any applicable energy efficiency certification programs that the applicant proposes to participate in.

C. Renewable Energy Systems. The Planning Board may award a density bonus of up to 10% when one or more non-accessory **renewable energy systems** are incorporated into the design of the development. The bonus awarded shall be commensurate with the amount of energy produced for the development by the proposed **renewable energy system(s)**.

~~D. **Reduced Fiscal Impact.** (Reserved)~~

The decision of the Planning Board in awarding such a bonus and the amount thereof is hereby declared to be a discretionary administrative decision of the Planning Board. In no case shall the Planning Board award a bonus if it determines that the limitations of a site cannot accommodate the increase.

[...]

Section 509 COTTAGE DEVELOPMENTS.

509.1 Purpose. The purpose of this section is to provide opportunities for single family housing that is small, energy-efficient, and affordable; to allow flexibility in site and design standards while promoting projects that ensure compatibility with surrounding land uses and existing neighborhoods; and to promote sustainability and neighborhood interaction through integrated design.

Cottage developments are intended to serve as part of the City's overall housing strategy to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.

509.2 Applicable Use Districts. **Cottage developments** are allowed by **conditional use** on Class 1 lots in the R-1, R-2, R-3, R-O, and R-O-1 Districts, in accordance with Section 302.4.D and the requirements of this section.

509.3 Number and Arrangement of Units. **Cottage developments** shall contain a minimum of three (3) and a maximum of sixteen (16) **cottages**, located in one or

more clusters to maximize efficiency of land use and to encourage a sense of community among the residents. Each cluster shall include a minimum of three (3) units.

509.4 Lot Size. All **cottage developments** shall have a minimum lot area of one-half acre, except in the R-2 and R-3 District, where a minimum lot area of 40,000 sq. ft. shall be required.

509.5 Density and Building Coverage. Permitted density shall be based on 2,500 sq. ft. of lot area per each **cottage**. The maximum permitted building coverage shall be 35%.

509.6 Design Standards. The following design standards are intended to define design parameters to create a small community of cottages oriented around open space and to achieve compatibility with adjacent uses.

A. Individual Cottage Spaces. For each detached cottage, the site plan approved by the Planning Board shall delineate a building site for each detached cottage of no less than 1,500 sq. ft.

B. Detached Cottages. At least 50% of the **cottages** in the development shall be detached units.

C. Interior Setbacks. The minimum setback between units within a cottage development shall be 10 feet, measured from the nearest point of the exterior walls.

D. Common Open Space. A minimum of 400 square feet of common open space shall be provided per **cottage** and per cluster. The common open space area for each cluster shall be contiguous and shall abut all of the **cottages** in the cluster. **Cottages** shall be oriented around and have their main entry from the common open space.

E. Roofs and Porches.

1. The highest point of the roof of the **cottage** shall not exceed 24 feet.

2. **Cottages** shall have an unenclosed, covered front primary entry and porch of at least 60 square feet in size. The front porch shall be oriented toward a common open space. The intent of this porch requirement is to create outdoor space in each **cottage** that is visually and physically connected to the common open space and to other cottages.

F. Parking Location and Screening Requirements.

1. Parking areas and driveways shall comply with applicable minimum yard requirements for the underlying zone.

2. Parking areas shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.

3. Parking areas shall be prohibited in the minimum required front yard.

4. Parking areas shall be separated from the common open space by landscaping or an architectural screen.

G. Existing Dwellings. An existing detached or attached one-family dwelling that is incorporated into a cottage development and is nonconforming with respect to the standards of this section shall be permitted to remain on a site used for a cottage development and shall be considered a **cottage** for purposes of this section. However, the extent of the noncompliance may not be increased except unless the proposed change is determined by the Planning Board to be consistent in character, scale and design with the cottage housing development.

H. Street Facing Facades. All **cottages** within 50 feet of a public street shall have street facing facades that avoid blank walls in order to avoid the appearance of “turning their backs” to the street. For all such **cottages**, a minimum of 25 percent of the street facing façade shall be comprised of windows and/or glass doors.

509.7 Illustrations of Cottage Development Design.

[Note: proposed illustrations are forthcoming]

[...]

SECTION 603 SENIOR HOUSING COMPLEXES AND WORKFORCE HOUSING.

The Board of Adjustment may grant a **special exception** to allow a **senior housing complex** or a development with **workforce housing** to have a greater density than that specified for the applicable zoning district. **Senior housing complexes** may include **congregate living facilities**, subject to granting of a **special exception** by the Board of Adjustment.

[...]

SECTION 607 PARKING.

[...]

607.3 Maximum Off-Street Parking Requirement.

[...]

B. Off-street parking in excess of 120% but not more than 150% of the minimum requirement set forth in Section 607.2 may be permitted as set forth below.

- 1) The following categories of parking spaces shall not be counted towards the 120% maximum set forth in subsection A, but shall be subject to the 150% cap set forth in subsection B:

- a. Spaces provided within a ***parking structure***.
- b. Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program. Such spaces shall be reserved and used only for carpool, vanpool, or car-share program parking, and shall be signed or marked accordingly.
- ~~c. Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen. Such spaces shall be reserved and used only for alternative fueled vehicles and shall be signed accordingly and/or the spaces shall be painted with the words "Alternative Fueled Vehicles Only."~~

[...]

607.8 Electric Vehicles.

- A. Purpose. The purpose of this section is to facilitate the transition to ***electric vehicle*** use and to expedite the establishment of convenient, cost-effective ***electric vehicle infrastructure*** that such a transition necessitates.
- B. Applicability. ***EV charging stations*** are allowed as an ***accessory use*** in all zoning districts. When the retail charging of ***electric vehicles*** is proposed to be the principal use of a ***lot***, then the proposed ***EV charging station*** shall be considered a ***service station*** for zoning purposes.
- C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. ***EVSE-installed spaces***, ***EV-ready spaces***, and ***EV-capable spaces*** shall be provided as follows:
 - 1. One- and Two-Family Dwellings. All new ***one-*** and ***two-family dwellings*** shall provide at least one (1) ***EV-ready*** space per ***dwelling unit***.
 - 2. Multi-Family Dwellings. Parking for ***multi-family dwellings*** shall include:
 - a. ***EVSE-installed spaces*** for a minimum of 5% of proposed ***off-street parking spaces***.
 - b. ***EV-ready spaces*** for a minimum of 20% of proposed ***off-street parking spaces***.
 - c. ***EV-capable spaces*** for a minimum of 65% of proposed ***off-street parking spaces***.
 - 3. Non-Residential Uses. Parking for uses requiring or proposing to provide 50 or more ***off-street parking spaces*** shall include:
 - a. ***EVSE-installed spaces*** for a minimum of 2% of proposed ***off-street parking spaces***, with a minimum of two ***EVSE-installed spaces***.
 - b. ***EV-ready spaces*** for a minimum of 10% of proposed ***off-street parking spaces***.
 - c. ***EV-capable spaces*** for a minimum of 50% of proposed ***off-street parking spaces***.

4. Where the calculations above result in a fractional parking space, it shall round up to the next whole number.
5. Where the number of **EVSE-installed spaces** provided exceeds the minimum required, the excess spaces shall be deducted from the total number of required **EV-ready spaces**.
6. Where the number of **EV-ready spaces** provided exceeds the minimum required, the excess **EV-ready spaces** shall be deducted from the total number of required **EV-capable spaces**.
7. Up to five (5) **Level 2 EV-installed spaces** may be substituted with one (1) **Level 3 EV-installed space** (minimum 50kW).
8. **EVSE-installed spaces, EV-ready spaces, and EV-capable spaces** are to be included in the calculation for both the number of minimum required and maximum permitted off-street parking spaces.
 - a. Every two (2) **EVSE-installed spaces** provided in addition to the required minimum may be counted as four (4) **off-street parking spaces** as relates to Section 607.1 (Minimum Off-Street Parking Requirements), for reduction of total required parking not greater than 10 percent of the total amount of required parking.

SECTION 608 SIGNS.

[...]

608.3 Prohibited Signs.

The following are prohibited:

- A. **Off-premise signs**, except as may be permitted per Sections 608.6.A.1 and 2. A **sign advertising** an on-site use that has ceased operation or vacated the **lot** shall be considered an **off-premise sign** after a period of 180 consecutive days following the discontinuance of the use and shall be removed as required by Section 608.8.C.3. [...]

608.4 Non-Residential Uses.

A. Non-Residential Uses in Commercial and Industrial Districts. [...]

4. **Freestanding Signs.** A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:
 - a. **Sign Area and Height Regulations.**
 - i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District					
<u>Maximum</u>	<u>GC & GC-1</u>	<u>CB</u>	<u>LD</u>	<u>IND-L</u>	<u>IND-RA</u>	<u>IND-H</u>

height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

~~The size of any freestanding sign shall be deducted from the maximum sign area permitted on a lot under Section 608.4.A.1.a ("Maximum Sign Area"), except as set forth in Section 608.4.A.4.a.ii below.~~

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

- d. A lot within 100 feet of the Interstate 89 right-of-way with an existing freestanding sign that is legal non-conforming due to its height may have one additional freestanding sign which shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations. [...]

608.7 Signs Allowed Without a Building Permit.

The following **signs** (1) are allowed in addition to any other **sign** permitted by this Section, (2) do not require a building permit, and (3) are exempt from the requirements of this Section except for the prohibition of **non-static signs** set forth in Section 608.3.C, the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance"):

[...]

- J. Medical Center Complexes. On-premise **signs** for **medical center complexes** located in the Medical Center District, unless such signs are visible from a **public street**.

[...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

[...]

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

- A. An **ADU** is ~~only~~ allowed on any lots in any zoning district with a ~~detached one-family dwelling~~. For lots in any zoning district with a two-family dwelling, a detached ADU is allowed. ~~and only~~ Only one such **ADU** is permitted per **lot**. The dwelling unit density requirements of the underlying zoning district shall not apply to ADUs.

B. The appearance and character of the existing or proposed **ADU** shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU.

[...]

C. The property owner must occupy ~~either the principal dwelling unit or the ADU~~ one of the dwelling units as their permanent residence. A temporary leave of absence by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

[...]

D. The **ADU** must be located in the same **building** as the principal **dwelling unit(s)** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district.

[...]

E. If the **ADU** is located within or by an addition to the existing principal building ~~one-family dwelling~~, an interior door shall be provided between the ADU and the principal dwelling unit ~~and the ADU~~ or between the ADU and one of the principal dwelling units if the principal building is a two-family dwelling.

G. Size of ADU.

1. Conversion of one-family dwelling. If the **gross living area** of the principal **dwelling unit** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than 50% of the **gross living area** of the principal **dwelling unit**. If the **gross living area** of the principal **dwelling unit** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed 750 square feet. If the principal **dwelling unit** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 750 square feet provided the **ADU** is no greater than 25% of the **gross living area** of the principal **dwelling unit**.

2. Conversion of two-family dwelling. If the **gross living area** of the smaller of the two principal **dwelling units** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than 50% of the **gross living area** of the smaller of the two principal **dwelling units**. If the **gross living area** of the smaller of the two principal **dwelling units** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed 750 square feet. If the smaller of the two principal **dwelling units** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 750 square feet provided the **ADU** is no greater than 25% of the **gross living area** of the smaller of the two principal **dwelling units**.

[...]

J. In addition to the two (2) parking spaces required for ~~the principal residence~~ each

principal dwelling unit, one (1) additional parking space for the **ADU** must be provided.

[...]

SECTION 611 KEEPING OF CHICKENS. [...]

The keeping of chickens shall be permitted for all **one-** and/or **two-family dwellings**, provided the following standards are met (these standards do not apply to chickens kept in the rural lands zoning districts where **agriculture** is a permitted use):

- A. It shall be unlawful to keep more than the following number of chickens on any **lot**:
- | | |
|---------------------------------------|---|
| Up to 2 <u>1</u> acres | up to a total of 4 <u>5</u> hens |
| <u>Up to 2 to 5</u> acres | up to a total of 10 hens |
| More than 5 <u>2</u> acres | <u>up to 15 hens plus</u> up to 2 hens per acre. |

[...]

ARTICLE VII NON-CONFORMITIES

[...]

SECTION 702 NON-CONFORMING USES.

[...]

702.5 Expansion of Use.

- A. The Zoning Board of Adjustment may, by **special exception**, permit a legal **non-conforming use** pursuant to Section 700 to be expanded, provided that the following tests are met in lieu of Section 801.3:

[...]

- B. As part of a proposed expansion under subsection A, the Board of Adjustment may allow a legal **non-conforming use** to expand into an addition to an existing **building** occupied by the **non-conforming use** provided that the gross footprint floor area of the addition is no greater than ten percent (10%) of the size of the ~~footprint~~gross floor area of the existing **building** measured as of January 22, 2020.

[...]

SECTION 703 NON-CONFORMING BUILDINGS AND STRUCTURES.

[...]

703.2 Abandonment, Discontinuance, Destruction.

Any **non-conforming building** or **non-conforming structure** which is partially or wholly destroyed by reason of any cause whatsoever, including obsolescence, fire, explosion, storm, floods, or other acts of God, may be resumed or restored and operated in its former non-conformity if same is done within two (2) years; thereafter, any **non-conforming building** or **structure** shall not be re-established if such **building** or **structure** has been discontinued for a period of two (2) years or more; provided, however, that the Zoning Board of Adjustment, upon an appeal from the Zoning Administrator's decision concerning such resumption or restoration, may permit the resumption or restoration of the same **building** or **structure** if it finds: (a) that no action incorporating an intent to abandon the **non-conforming building** or **structure** has been taken by the owner or occupant, including but not limited to a change in **non-conforming use** to razing or remodeling the **building** or structure; and (b) that the failure to resume or restore the use during the two-year period was due to economic, regulatory, or other forces beyond the control of the owner or occupant.

Non-conforming signs shall be subject to Section 608.8 in lieu of Section 703.2. Non-conforming sign structures shall be subject to Section 703.2.

[...]

APPENDIX A DEFINITIONS

[...]

CENTRALIZED SEWER SYSTEMS: A wastewater disposal system that does not connect to the municipal wastewater disposal system and that is designed to serve as the wastewater disposal system for an entire development. Such a system shall be approved by the New Hampshire Department of Environmental Services ("NHDES") ~~NHWSPCD and the City of Lebanon~~. Such systems, if approved, are permitted in the RL Districts only.

[...]

CLASSIFICATION (CLASSES) OF LOTS: Whether a **lot** is classified as "1", "2", or "3" depends on the provisions for water supply and sewage disposal, as follows:

CLASSIFICATION	DESCRIPTION
CLASS 1	Municipal water and municipal sewerage, <u>or community water system and centralized sewer system approved by NHDES</u>
CLASS 2	Municipal sewerage <u>or centralized sewer system approved by NHDES</u>
CLASS 3	Water and sewerage service that is neither Class 1 or Class 2

[...]

COTTAGE: A detached one-family dwelling unit with a maximum gross living area of one thousand, five hundred square feet (1,500 sq. ft.) and a maximum footprint of one thousand five hundred square feet (1,500 sq. ft.). Spaces with a ceiling height of six feet or less measured to

the exterior walls, such as in a second-floor area under the slope of the roof, shall be excluded when calculating the total floor area of a cottage. Cottages may also be attached horizontally in blocks of no more than three (3) units.

COTTAGE DEVELOPMENT: A development on a single lot having shared open space intended to serve **cottages** that interact together as a small community.

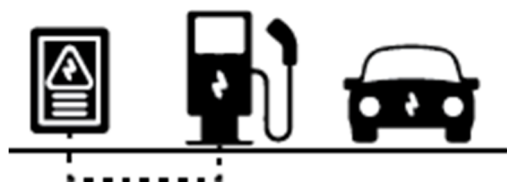
[...]

DWELLING: A ***building*** designed for and used primarily by one or more families for living quarters, but not including recreational vehicles (RVs), ***manufactured homes***housing, trailers of any kind, ***hotels***, ***motels***, ***group residences***, ***lodging houses***, institutional homes, residential clubs, or other commercial accommodations offered for occupancy.

[...]

DWELLING UNIT: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or ***dwelling units*** which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. The term includes sectional homes and modular units but does not include ***manufactured home***housing, ***motel***, ***hotel***, ***lodging house*** or similar structures.

[...]



ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) / EV charging station: The apparatus installed specifically for the purpose of transferring energy between the site or building wiring and the Electric Vehicle. EVSE does not include any equipment affixed to the electric vehicle.

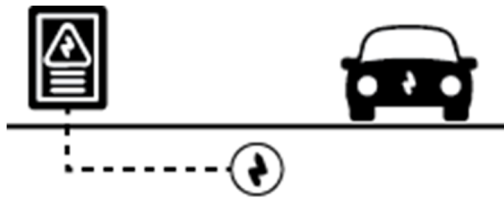
ELECTRIC VEHICLE INFRASTRUCTURE: Structures, machinery, and equipment necessary and integral to support an ***electric vehicle***, including ***EV charging stations*** and electrical outlets.

ELECTRIC VEHICLE (EV): An automotive-type vehicle for on-road use primarily powered by an electric motor, including any battery electric vehicle, fuel cell electric vehicle, or plug-in hybrid electric vehicle, that draws current from an onboard battery charged through a building or site electrical service, ***EVSE***, or other source of electric current.

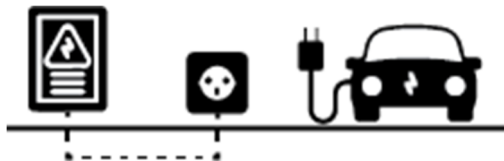
EQUIPMENT AND MACHINERY SALES, RENTAL AND SERVICE: The sale and/or rental of new or used construction, concrete, building and/or agricultural equipment and/or machinery. The outdoor storage and display, maintenance, and servicing of such equipment and machinery is permitted, provided that no retail sale of gasoline or oil is allowed.

EV-CAPABLE SPACE: An ***off-street parking space*** with electrical panel capacity and space for a branch circuit dedicated to the parking space that is not less than 40-ampere and 208/240-volt

and equipped with raceways, both underground and surface mounted, to enable the future installation of **EVSE**. For two adjacent EV-capable spaces, a single branch circuit is permitted.



EV-READY SPACE: An *off-street parking space* which is provided with a dedicated branch circuit that is not less than 40-ampere and 208/240-volt assigned for **EVSE** terminating in a receptacle or junction box located in close proximity to the location of the parking space. For two adjacent EV-ready spaces, a single branch circuit is permitted.



EVSE-INSTALLED SPACE: An *off-street parking space* with a dedicated branch circuit and **EVSE** for *Level 2 EV charging stations*, at minimum.

[...]

HEALTH CLUB: An establishment that provides indoor and/or outdoor exercise facilities, programs, instruction and/or training related to fitness, wellness, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, saunas, and/or related **accessory uses**. This shall not include any **local government use**.

[...]

LEVEL 2: Charging level for **EVs** that operates on a dedicated 40-100 amp breaker (same kind used by a clothes dryer or stove) on a 208 or 240 volt AC circuit while drawing 6.2+ kW to supply 19+ miles of range gained per hour of charging.

LEVEL 3: Fast or rapid charging level for **EVs** that operates on a 60 amp or higher breaker on a 480 volt AC electric circuit or higher three phase circuit with special grounding equipment and mounting on an equipment pad.

[...]

MANUFACTURED ~~HOME~~-HOUSING PARK: Any tract of land on which two or more *manufactured ~~homes~~-housing units* are parked and occupied for living purposes. *A manufactured housing park may also include in whole or in part modular homes of any size up to 1,400 sq. ft. in size.*

MANUFACTURED ~~HOME~~-HOUSING PURD: A *Planned Unit Residential Development (PURD)* for two or more *manufactured ~~home~~-housing units* and consisting exclusively of *manufactured ~~housing~~* ~~subdivision which meets all applicable requirements of Section 504.~~ *A manufactured housing PURD may also include in whole or in part modular homes of any size up to 1,400 sq. ft. in size.*

~~**MANUFACTURED HOME SUBDIVISION:** A subdivision of land which allows individual ownership of lots on which can be located only a manufactured home.~~

MANUFACTURED HOUSING: This term shall have the meaning as set out in RSA 674:31, as may be amended.[...]

SIGN: A structure or an image, display, or illustration which is affixed to, painted or represented directly or indirectly upon a **building, structure** or **parcel** of land, which is (a) visible from a **public street**, private street, or an adjoining property, and (b) designed to communicate a non-artistic message. "Sign" does not include the **sign structure** unless the sign structure forms an integral part of the sign display or is used to differentiate the sign from the background against which it is placed.

SIGN AREA: **Sign area** means the entire area within a geometric form enclosing the extreme limits of writing, representation, emblem or any other figure of similar character, together with any frame, structure, or other material or color forming an integral part of the display or used to differentiate the **sign** from the background against which it is placed; ~~excluding the necessary supports or uprights on which such **sign** is placed.~~ The geometric form shall be limited to a circle, triangle or parallelogram.

Where a **sign** has two or more faces, the area of all faces shall be included in determining the area of the **sign**, except where two such faces are placed back to back and are at no point more than two feet from one another, the area of the **sign** shall be taken either as the area of one face ~~—~~ if the two faces are of equal area, or the area of the larger face ~~—~~ if the two faces are of unequal area. [...]

SIGN STRUCTURE: The necessary supports or uprights on which a sign is placed.

[...]

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. The term includes, but is not limited to, buildings, swimming pools, tennis courts, manufactured homes, ~~billboards, poster panels~~, wind and solar energy facilities, satellite dishes and antenna. The term does not include minor installations such as fences less than three and a half feet high, agricultural and safety fences, mail boxes, flagpoles and children's play equipment, nor does it include subsurface waste disposal systems.[...]

TRADITIONAL SUBDIVISION: Any subdivision of land which meets all applicable dimensional requirements of the zoning district in which it is located and is not approved as either a PUD per Section 501, ~~a manufactured home subdivision per Section 504,~~ or a **planned business park** per Section 508.[...]

VEHICULAR SALES: The display and sales of new or used motor vehicles, motorcycles, recreational vehicles, manufactured homes, and boats, ~~heavy equipment and farm machinery.~~ No retail sale of gasoline or oil is permitted. Vehicular sales shall include facilities for the short term leasing of automobiles and trucks to the end consumer. [...]

WORKFORCE HOUSING: This term shall have the meaning as set forth in RSA 674:58, IV, as amended.[...]