



**LEBANON ZONING BOARD OF ADJUSTMENT
JULY 11, 2023 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. June 5, 2023
 - 3. Public Hearing Items**
 - A. **Cicotte Holdings, LLC, 51 Evans Dr (Tax Map 78, Lot 40), zoned RO-1:** An appeal of the Zoning Official's Notice of Violation and Administrative Decision pursuant to section §801.1 Administrative Appeals, that the property is not in the flood zone, that the parking area is grandfathered, and deadlines demanded by the City are unreasonable. ZB2023-11-AAD- Continued from June 5, 2023 Meeting
 - 4. Staff Comments**
 - 5. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

If you have any questions or would like to view the files for the application identified above, please contact the Planning & Development Department by sending an e-mail to planning@lebanonnh.gov, or by calling 603-448-1457, or by visiting the Planning and Development Office located in City Hall during regular work hours, Monday through Thursday, 7AM to 5PM. The application materials will also be posted to the City's website at LebanonNH.gov/Agendas.

DRAFT

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

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

MEMBERS ABSENT: Dave Newlove, Catherine Hembree (Alt)

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

1. CALL TO ORDER

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

Ms. Barkley was given voting privileges for this meeting.

The hearings and the meeting agenda have been reordered.

2. PUBLIC HEARING ITEMS

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

A notice to continue was received. Attorney Simpson appeared and has discovered there is additional material that they would like to submit. They would like to postpone the hearing until August.

Mr. Nash MOVED to continue this hearing until August 7, 2023.

Seconded by Mr. Katz.

Aleasandra van Loggerenberg asked about the process for delaying the meeting. Is there a guarantee that they would be notified regarding the time of the next hearing in August? The first meeting in August is August 7, 2023. There would be no additional notification because notice was given at this meeting. There is no assurance that the hearing would be that date, but if the hearing is continued again, prior to the 7th, it would typically be published on the agenda for the meeting that is published. Because this is a last-minute request for continuance there was not a way to give notification. There would be a notice on the City website.

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

3. APPROVAL OF MINUTES

- A. April 3, 2023**

1 **Mr. Nash MOVED to approve the April 3, 2023, Minutes as presented in the June 5, 2023.**
2 **Seconded by Mr. Katz.**

3
4 ***The Vote on the Motion was (5-0).**

5
6 **2. PUBLIC HEARING ITEMS-CONTINUED**

7
8 **B. Joshua Tuohy & Meggin Dossett, 7 Riverdale Pkwy (Tax Map 93, Lot 17), zoned R-3 Class**

9 **1:** Applicant proposes to demolish an existing garage and construct in its place a 24 x 30 detached
10 garage with a finished room above. Applicant requests a 10' right-side yard setback variance
11 pursuant to section §801.2 Variances of the Zoning Ordinance to construct the proposed garage
12 +/- 5 ft from the right-side lot line where the minimum required setback is 15' as required by
13 Section §309.3 of the Zoning Ordinance. **ZB2023-09-VAR**

14
15 Josh Tuohy appeared on behalf of the application. They would like to tear down the existing garage and
16 rebuild it with a slightly larger footprint. It would not be closer to the property line but would be closer to
17 the existing home. They hope to build a room on top of the garage to be used for storage. Jeff Curtis, the
18 builder appeared. It would not be a full floor for the storage, they would be adding dormers to create head
19 space.

20
21 Staff said it was thought this was a variance because a tear down and rebuild is considered the same as a
22 new building. It would be a larger footprint, going further into the back yard and closer to the house. It
23 would also be going higher. Mr. Corwin said if all the criteria for a variance can be met, then the Board
24 could proceed. Otherwise, it would need to be re-noticed if the request is changed to a special exception.

25
26 The Chair felt the application was kind of sparse. In order to obtain a variance, there has to be a hardship
27 on the property and parcel of land. The Board asked if the lot was unique compared to others in the
28 neighborhood. The property is similar to other properties in the area, but they are all tightly packed
29 smaller lots with limited off-street parking. There is no other place that the garage can be built on the
30 property.

31
32 **Chair Koppenheffer opened the public hearing and hearing no one from the public closed the**
33 **public hearing.**

34
35 The Board believed this is a reasonable request and the hardship has been addressed. The property is
36 narrower towards the back. There is a slight change in the size of the footprint but it does not further
37 violate any boundary lines than the existing garage.

38
39 **Mr. Nash MOVED** On June 5th 2023, at a duly-noticed meeting of the Lebanon Zoning Board of
40 Adjustment, there appeared Joshua Tuohy & Jeff Curtis regarding 7 Riverdale Parkway (Tax Map 93, Lot
41 17), zoned R-3. The Applicant requests a 10' right side yard dimensional variance from section §309.3 to
42 construct a detached garage with a finished room above +/-5 ft. from the right-side property line.

43
44 **I. FINDINGS OF FACT**

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

- 47
48 1. The property is improved with a one-family dwelling constructed in 1860 per the City Assessor's
49 records. At 15,246 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for
50 Class 1 lots in the R-3 District.

2. The applicants propose to construct a 24' x 30' detached garage with a finished room above. The garage is proposed to be located 5 ft. from the right-side lot line shared with the abutting property at 5 Riverdale Parkway (Tax Map 93, Lot 18) whereas a minimum unobstructed side yard of 15' is required.
3. In the R-3 District, Class 1 lots must maintain a minimum side yard unobstructed by buildings and structures of 15' pursuant to Section §309.3 of the Zoning Ordinance. Therefore, a 10' dimensional variance is required to permit construction of the proposed garage, which will encroach approximately 10' into the minimum required 15' side yard.
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. The applicants have submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on May 2nd 2023.
6. No one 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):
6. 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)
7. 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 **5th day of June, 2023**, hereby **GRANTS** the requested Variances from section §309.3 of the Zoning Ordinance to allow the construction of a construct a 24' x 30' detached garage with a finished room above located +/- 5' from the right-side yard abutting the property at 5 Riverdale Parkway (Tax Map 93, Lot 18) where a minimum unobstructed side yard of 15' is required 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. Katz.***

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

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

12 **Mr. Nash recused himself from this hearing.**
13

14 Johanna Cicotte and Attorney Barry Schuster appeared on behalf of the application. They were informed
15 that in an appeal, if there are fewer than 5 people sitting, the applicant is required to receive at least 3
16 votes affirming the appeal. Procedurally, Mr. Katz was requested to be recused by the applicant. Mr.
17 Katz is not willing to recuse himself. He believes none of the conditions that would require a recusal in
18 effect at this hearing. He does not believe Mr. Schuster's letter stated anything factual in nature. If Mr.
19 Katz is willing to relinquish his attorney privileges the applicants agree to continue.
20

21 There are three issues: 1) They believe that the property is not in the flood zone, 2) The deadlines are
22 unreasonable, and 3) they are not sure if the parking area is grandfathered. Because all the information is
23 not presented, the hearing should be postponed.
24

25 Mr. Katz felt there is no reason for an appeal, but the applicants should be given an opportunity to present
26 all their information. This is a dispute of fact.
27

28 Attorney Schuster said they are not even clear that this is a violation. In the files it shows that the parking
29 lot is not in the flood plain. He feels the City has not proven there is a violation. However, the Board is
30 only present to hear an appeal of a decision.
31

32 ***Chair Koppenheffer MOVED to continue this hearing until July 11, 2023.***

33 ***Seconded by Ms. Barkley.***
34

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

36 ***Mr. Katz voted nay.***
37

38 **Mr. Nash rejoined the meeting.**
39

40 **4. STAFF COMMENTS**

41 **None**
42

43 **5. ADJOURNMENT**
44

45 ***Mr. Nash MOVED to adjourn the meeting at 7:42 PM.***

46 ***Seconded by Mr. Katz.***
47

48 ****The Vote on the Motion was approved (5-0).***
49

50 **Respectfully submitted,**

- 1 Linda Billings
- 2 Recording Secretary

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June 21, 2023

Zoning Board of Adjustment
Lebanon, NH

Re: Cicotte Holdings, LLC - Map 78, Lot 40

Dear Board Members:

On April 19, 2023, the zoning office sent a “Notice of Violation” to Cicotte Properties, LLC, (the actual name of the owner of the property is Cicotte Holdings, LLC) asserting that its property “is in violation of the City of Lebanon Zoning Ordinance ("ZO"), the Lebanon Site Plan Review Regulations, and Lebanon City Code Chapter 74 ("Flood Damage Prevention").” The letter concludes that “newly paved surface adjoining the existing parking area of the car dealership,” violates several City regulations.

Without describing or providing any dimensions of the alleged new paved area, the zoning letter claims that the paving violates several City regulations:

Section 702.5.D concerning the expansion of a non-conforming use;
Section 303.2 concerning the table of uses;
Section 402.2 concerning the Floodplain District overlay;
Section 901.1.D requiring a zoning permit;
Sections 1.6.A and 3.1.D of the Site Plan regulations; and,
City Code chapter 74 concerning flood hazards.

The letter from the Zoning office provides no evidence and, at the very least, is premature in its claims. Existing City files and documents, as well as photographic evidence, shows that there is a substantial doubt that the “new paved area” is new or whether it was an expansion of a non-conforming use. Rather, the use of the area has existed for many years and well prior to the recent ownership by Cicotte Holdings, LLC.

The Property Has Had Multiple Owners

A prior decision of the Zoning Board states in its findings of fact that the original building was constructed in 1969. Exhibit 1. Smith Auto was a long-time Buick and General Motors automobile sales company and operated on the property for many years. In 2000, it

applied to add a new car showroom, offices and a service bay. At that time, the property was in the General Commercial zoning district. As noted in a memorandum to the Planning Board, City Planner Kenneth Niemczyk states that “the site never received site plan approval, the use being established before the advent of site plan regulations. Therefore, relative to the Site Plan Review Regulations, the existing development is grandfathered.” Exhibit 2. The City’s files also include several plans of the property, each showing a different layout for parking and presenting new and used vehicles. Exhibits 3, 4 and 5. Given the lack of any consistent plan for the property, it is not possible to determine the extent of the parking that has existed over the years.

In 2005, the owner of Smith Auto sought to retire and sold the automobile dealership to Button Automotive. That ownership was short-lived and in 2006, Button sold the dealership to Miller Auto which operated the business until 2012, when it sold the dealership to Team Nissan. During the years of its ownership and operation, Team Nissan received zoning approvals for various improvements to the property. In 2019, Team Nissan sold the dealership to Key Automotive. In 2021, Cicotte Holdings, LLC, purchased the property and dealership from Key.

Cicotte Holdings Did Not Enlarge the Parking Area

When Cicotte Holdings acquired ownership in 2021, it found that the paved parking area had deteriorated and so it contracted with Twin State Paving to re-pave the parking lot area. As the estimate from Twin State shows, it proposed and did “reclaim existing lot.” Exhibit 6. Ms. Cicotte will confirm that Twin State only paved the parking lot area that had already been used for parking and that the parking lot was not enlarged or extended. Given the lack of a site plan showing a detailed layout of the parking area, neither the City nor Ms. Cicotte can confirm what may have been constructed by Smith Auto or any of the other prior owners. In any case, Cicotte Holdings inherited the site as it existed prior to its acquisition and did not expand, but only re-paved, the parking area.

This extent of the parking can be shown by Google aerial and street-view photographs of the property taken over the years. The first is a July 2009 street-view from Rt. 120 which shows cars parked at the far left, or south side of the property. Exhibit 7. The next is a 2015 Google aerial view which also shows cars parked on the southerly end of the property. Exhibit 8. A November 2015 street-view, taken from Rt. 120, again shows vehicles parked at the south end of the property. Exhibit 9. An aerial view taken in November 2018, again shows cars parked on the south end of the property. Exhibit 10. All of the photographs were taken at a time prior to Cicotte’s ownership of the property. Having acquired the property in 2021, Cicotte simply restored and paved a parking area that had been established by prior owners.

The Notice of Violation is in error in that it assumed that Cicotte violated a zoning regulation when, if there even is such a violation, it occurred long prior to any ownership by Cicotte Holdings, LLC. The Notice fails to describe the paving and fails to establish the prior existing parking area or the extent of any claimed enlargement.

The Parking Area Is Not in the Flood Hazard Zone

The City's Notice of Violation is also in error in that it claims that the parking area is in a flood hazard area. This claim rests on an incorrect delineation flood area on a flood map and also is contradicted by a plan in the City's file. When Smith Auto applied for Site Plan review in 2000, T & M Associates, Inc., provided a plan as part of that application. Exhibit 5. A note on that plan states "The Site is Not Within the Wetlands Conservation/Floodplain District." Exhibit 11 (enlarged section of plan). At the very least, prior to issuing a Notice of Violation, the zoning office should have reviewed its files to determine if there was any information concerning flood plain compliance in its files.

Additionally, as explained by Daniel Nash, P.E., in his April 28, 2023, letter to the City, flood plain maps often are incorrect and an updated survey of the property will demonstrate that the parking area is not in the floodplain hazard area. Finally, whether or not a LOMA (Letter of Map Amendment) is obtained, a Floodplain Development Permit has been issued by the City as of May 31, 2023. Exhibit 12. Any claimed violation of Section 402.2 concerning the Floodplain District overlay or City Code chapter 74 concerning flood hazards is both incorrect and now moot.

Given the initial development of an auto dealership prior to the adoption of site plan review regulations, and the absence of any defined area of parking, no zoning violation exists. Cicotte is willing, however, to undertake site-plan review for the parking so that a plan can be submitted and reviewed by the planning board which will define the parking area so that future concerns may be avoided.

Very truly yours,
/s/ Barry C. Schuster

BCS/sf
cc: Cicotte Holdings, LLC

1. The location of the sign on the property shall not obstruct visibility for drivers entering or exiting the subject property.
2. The sign shall not exceed a height of 8 feet from the highest point of ground beneath it.
3. The signage granted under this Special Exception shall accommodate all current and future tenants and signage requirements for this property and shall not exceed a total of 20 square feet. Signs under Section 608.8.J are excluded from this condition.

Seconded by Dan Nash.

**The motion was passed as amended, 3-0.*

C. 51 EVANS DRIVE, LLC:

Jeffrey Halpin moved passage of the following:

**NOTICE OF DECISION
ZONING BOARD OF ADJUSTMENT**

On December 1, 2014, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared **Evan Mullen of Port One Architects and Christopher Dessureau, General Manager of Team Nissan, representing 51 Evans Drive, LLC (Team Nissan)** seeking a Special Exception pursuant to Article VII, Section 702.5 to allow the expansion or alteration of a non-conforming use (Vehicular Sales) to enclose +/-572 square feet of additional space under an existing canopy to expand the showroom. The property is located at 51 Evans Drive, Tax Map 78, Lot 40, Plot 200, Lebanon, NH, in the RO-1 zone. #ZB2014-40-SE

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

1. The subject property is situated within the Residential-Office One (RO-1) zoning district. The property is developed with a 16,348 sq ft. building housing the showroom, offices, service facility, and storeroom of Team Nissan, a Vehicular Sales business.
2. The original building was constructed in 1969 and a 2,700 sq ft. addition was approved in 2000 when the property was zoned General Commercial.
3. In December 2001, the City rezoned the subject property and others along Evans Drive, Heater Road, and Route 120 from General Commercial to Residential-Office One.
4. Vehicular Sales is not a use allowed by right or by Special Exception in the RO-1 district and the current business operation is considered pre-existing, non-conforming.

1 5. The applicant is seeking a Special Exception pursuant to Article VII, Section 702.5 for the
2 expansion of a non-conforming use. The expansion involves the enclosure of an existing +/-572
3 square foot canopy on the northern side of the showroom area. This area represents an increase
4 of +/-3.5 percent in the gross floor area of the building.

5
6 6. The applicant testified that the expansion and the overall project are an attempt to improve
7 upon the character and appearance of the property and that there should be no adverse affects
8 on the surrounding neighborhood.

9
10 7. No-one in the audience spoke for or against the application.

11
12 As a result of the above findings of fact, documentation, testimony, and inspections, the Board
13 concludes under Section 702.5 (Expansion of Use) that:

14
15 1. The proposed alteration must reflect the nature and purpose of the existing non-conforming
16 use, and must be closely related to the manner in which the property was used at the time the
17 restriction was enacted.

18
19 *The Applicant has demonstrated that this criterion will be met.*

20
21 2. The proposed alteration or expansion must be merely a different manner of utilizing the same
22 use, and shall not constitute a use which is different in character, nature, or kind.

23
24 *The Applicant has demonstrated that this criterion will be met.*

25
26 3. The proposed alteration or expansion shall not have a substantially different effect on the
27 neighborhood in which the property is located.

28
29 *The Applicant has demonstrated that this criterion will be met.*

30
31 4. In the case of non-conformities with respect to dimensional or numerical requirements, the
32 proposed alteration or expansion shall not render the property proportionally less adequate, in
33 terms of the requirement to which the property does not conform.

34
35 *The Applicant has demonstrated that this criterion will be met.*

36
37 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of
38 **51 Evans Drive, LLC (Team Nissan)** for a Special Exception to allow the expansion or alteration of a pre-
39 existing, non-conforming use, as referenced above.

40
41 **Seconded by Dan Nash.**

42 ***The motion was approved, 3-0.**

MEMORANDUM

TO: Lebanon Planning Board
FROM: Kenneth Niemczyk, City Planner KEN (PM)
DATE: March 3, 2000
RE: Application for Site Plan Review
by Smith Auto Sales Company

REQUEST

Application for site plan review to construct a 2,700 sq. ft. addition for a new car showroom, offices, and service bay, 51 Evans Drive, Lebanon, in the GC zone, Tax Map 78, Lot 40, Plot 2 (PB2000-05)

MAPS AND OTHER SUBMISSIONS

- ▶ Letter to Ken Niemczyk from Tim McNamara dated February 10, 2000.
- ▶ Elevation Plan drawn by Trumbull-Nelson Construction Co., Inc., dated October 25, 2000, last revised November 5, 2000.
- ▶ Site Plan titled, "Smith Auto Sales Company", drawn by T&M Associates, Inc., dated February 8, 2000, project #558899.

STAFF COMMENTS

The applicant is asking for a number of waivers. See letter dated February 10 from T&M Associates. The Planning Office recommends that the Board move that the application is complete enough to commence review and to accept jurisdiction.

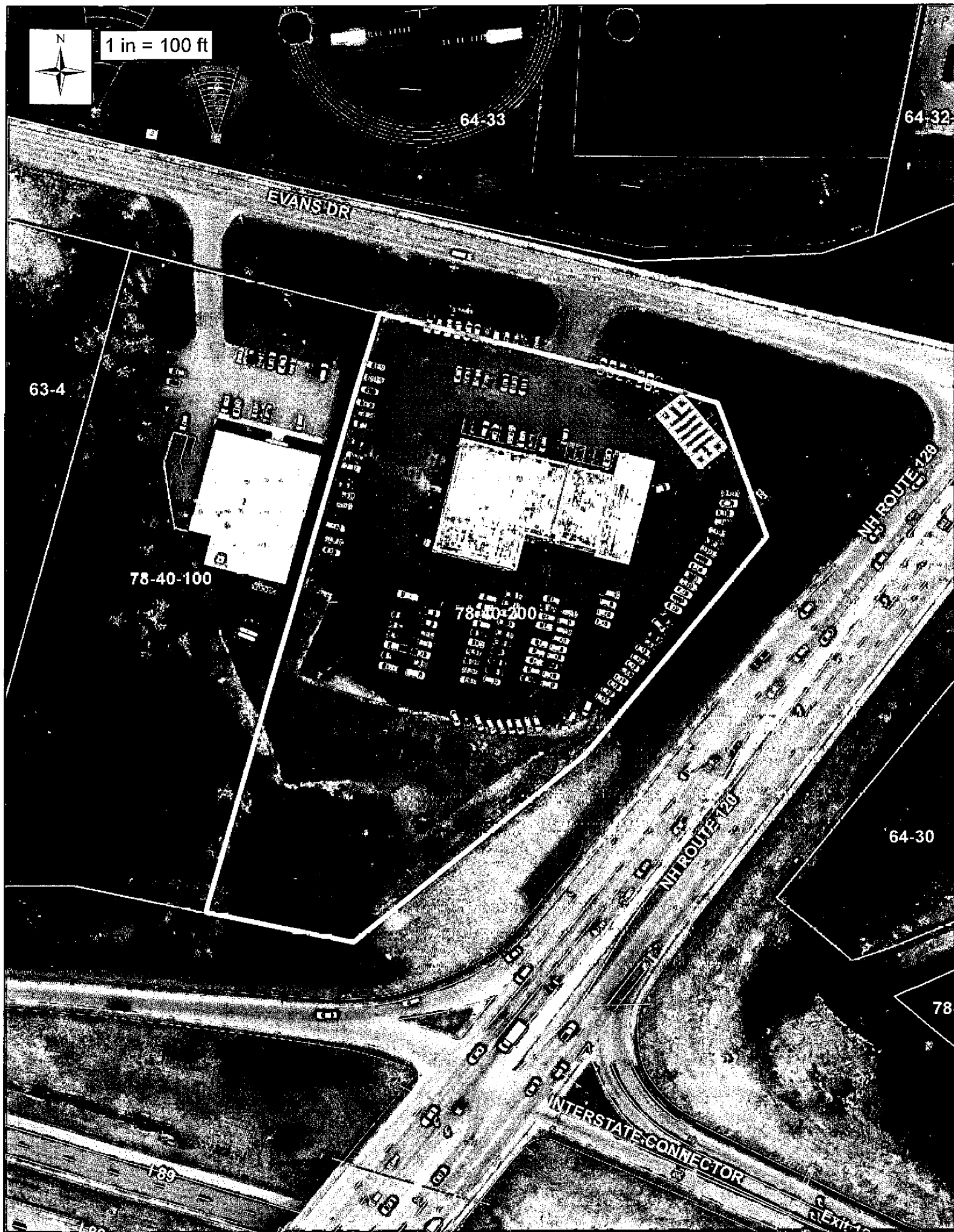
The Zoning Administrator reports that the zoning district is General Commercial, and the use is permitted. The proposal conforms with the setbacks and lot coverage. The plan shows 155 parking spaces, 95 of which are for display leaving 60 for employees and customer parking. Pursuant to the Zoning Ordinance, 31 spaces are required for employee and customer parking.

The Planning Office reports that this site never received site plan approval, the use being established before the advent of site plan regulations. Therefore, relative to the Site Plan Review Regulations, the existing development is grandfathered.

There are no other staff comments.



1 in = 100 ft





DESIGN & CONSTRUCTION
10001 975-2412 - www.jewettauto.com
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CONTRACTOR: JEWETT AUTOMOTIVE
10001 975-2412 - www.jewettauto.com

DATE: 10/1/2014

PROJECT: TEAM NISSAN NORTH
LEBANON, NH

CONSTRUCTION
APPROVAL SET

Project No. 2014-07

Date: OCT. 1, 2014

Drawn By: BM

Scale: As Noted

Reviewed By: WD

Sheet Contents

SITE PLAN

Sheet No. C0.1

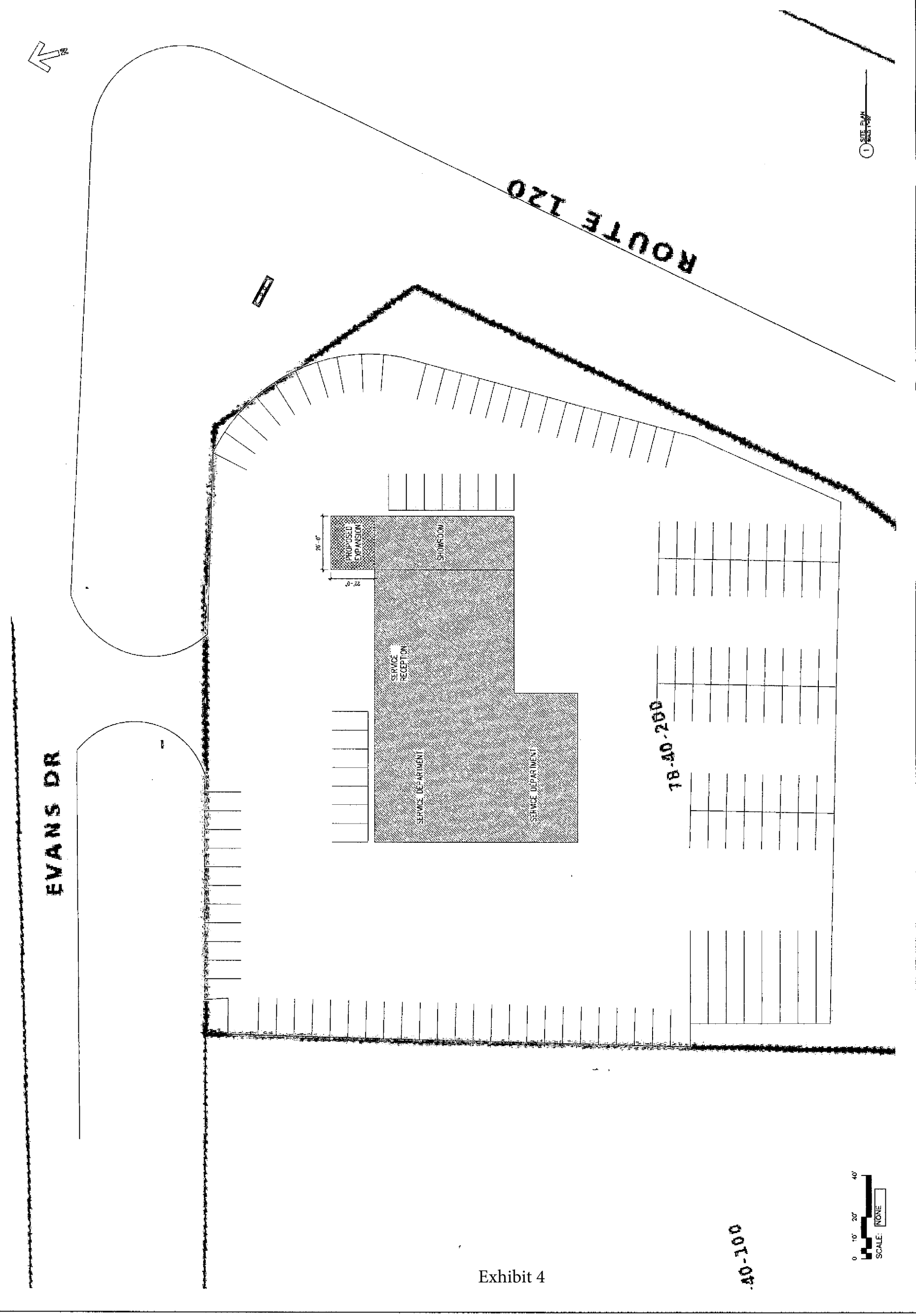


Exhibit 4

18-40-200

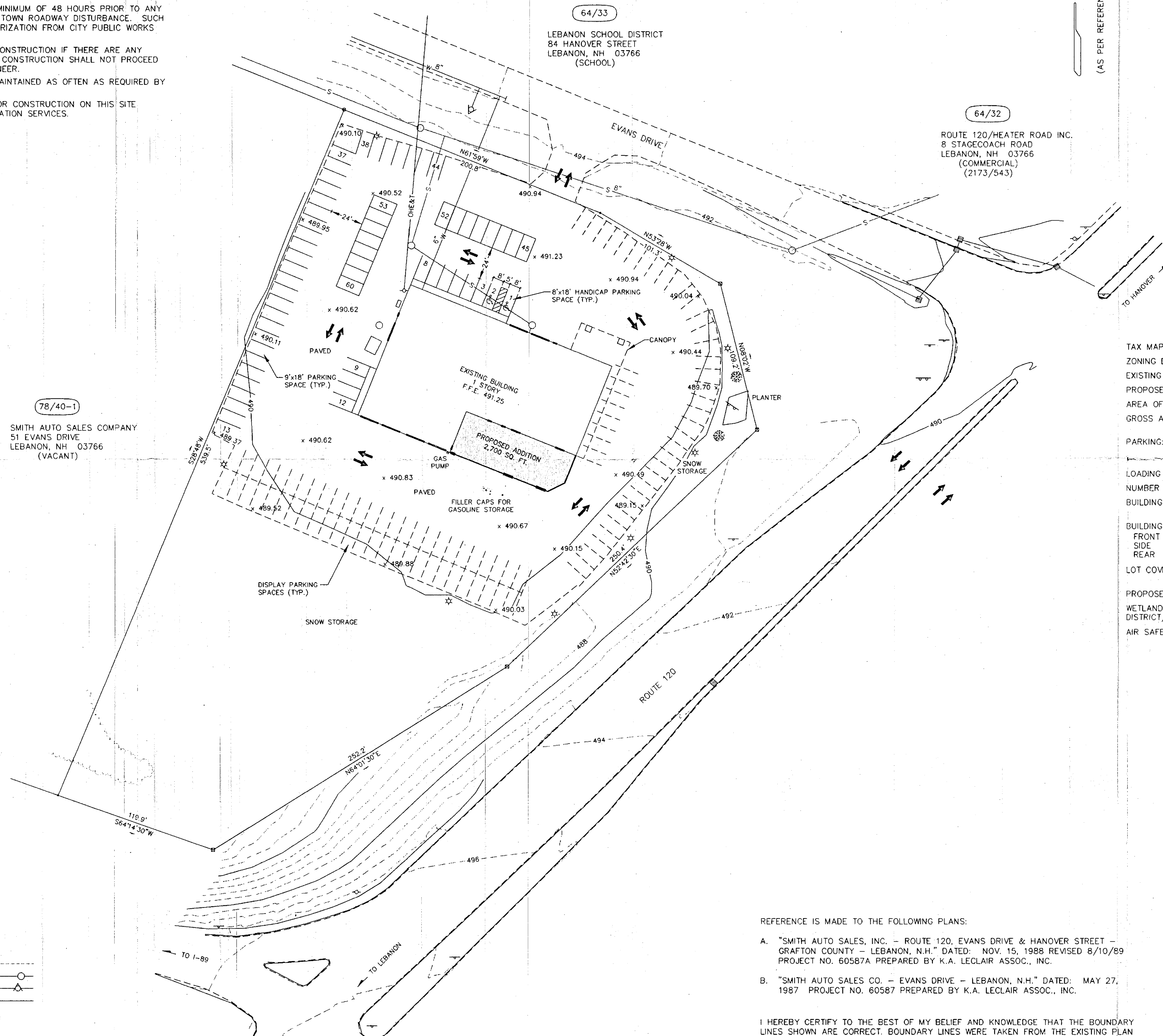
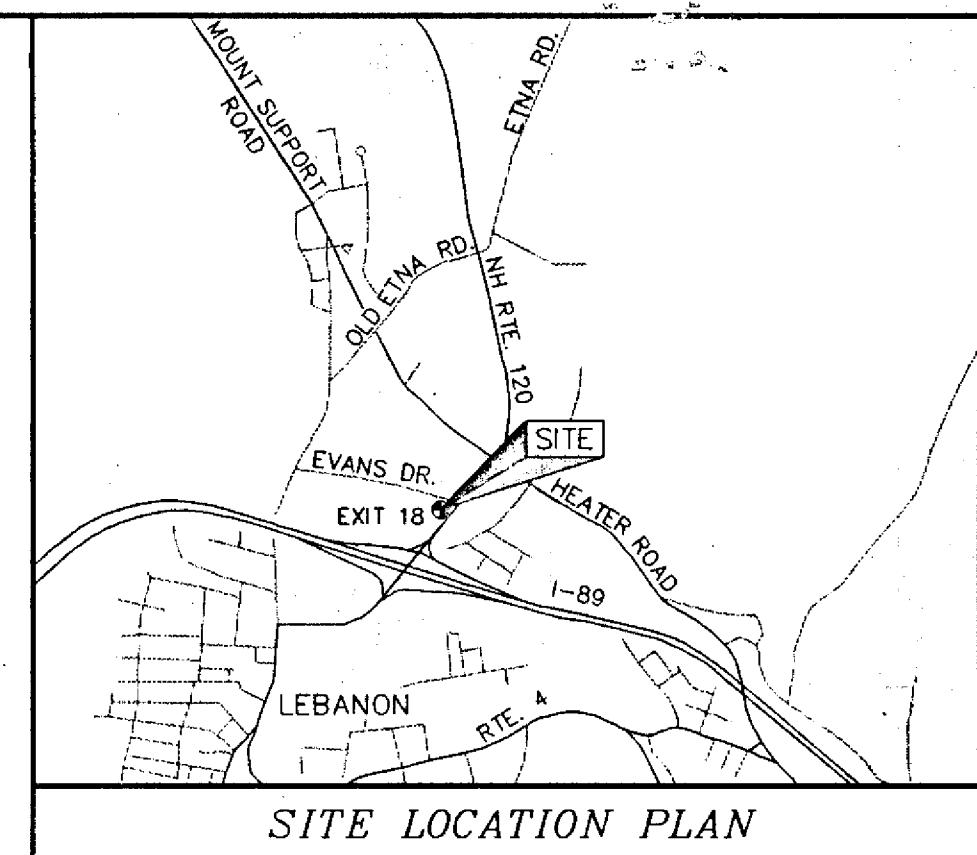
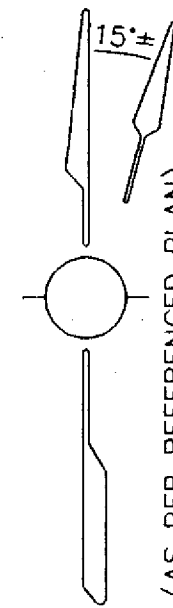


1 SITE PLAN

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LEBANON CONSTRUCTION STANDARDS AND SPECIFICATIONS.
2. LOCATION AND SIZE OF EXISTING PIPES AND OTHER UNDERGROUND UTILITIES ARE NOT WARRANTED TO BE EXACT OR COMPLETE.
3. EXPLORATORY EXCAVATION SHALL BE REQUIRED TO VERIFY LOCATION AND SIZE OF EXISTING UTILITIES AND APPURTENANCES.
4. TOPOGRAPHY WAS COMPILED BY T & M ASSOCIATES, INC.. BASE DATUM IS ASSUMED.
5. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF WORK. DIG SAFE SHALL BE NOTIFIED AT LEAST 3 WORKING DAYS PRIOR TO ANY WORK.
6. THE CITY OF LEBANON SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO ANY WORK REQUIRING TRAFFIC IMPEDANCE OR ANY TOWN ROADWAY DISTURBANCE. SUCH CONSTRUCTION MAY ONLY BEGIN AFTER AUTHORIZATION FROM CITY PUBLIC WORKS PERSONNEL.
7. THE ENGINEER SHALL BE NOTIFIED PRIOR TO CONSTRUCTION IF THERE ARE ANY DISCREPANCIES IN PLANS OR EXISTING DATA. CONSTRUCTION SHALL NOT PROCEED WITHOUT WRITTEN PERMISSION FROM THE ENGINEER.
8. ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED AS OFTEN AS REQUIRED BY WEATHER CONDITIONS.
9. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION ON THIS SITE UNLESS RETAINED FOR CONSTRUCTION OBSERVATION SERVICES.
10. NEW WORK IDENTIFIED BY _____

N

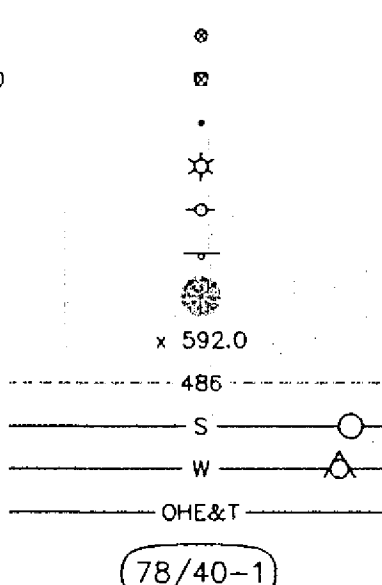


SITE INFORMATION

TAX MAP & LOT NUMBER:	MAP 78 LOT 40-2		
ZONING DISTRICT:	GENERAL COMMERCIAL (GC)		
EXISTING USES:	VEHICULAR SALES		
PROPOSED USE:	ADDITIONAL SHOWROOM, OFFICE SPACE & ONE SERVICE BAY		
AREA OF LOTS:	3.32 ACRES		
GROSS AREA OF BUILDING:	EXISTING: 13,375 SQ. FT.	PROPOSED: 2,700 SQ. FT.	TOTAL: 16,075 SQ. FT.
PARKING:	EXISTING: 155 SPACES (INCLUDES 95 DISPLAY SPACES)	REQUIRED: 59.3 SPACES	
LOADING SPACES:	N/A		
NUMBER OF STORIES:	1		
BUILDING HEIGHT:	MAXIMUM 45'	PROPOSED: LESS THAN 45'	
BUILDING SETBACKS:	REQUIRED 40'	EXISTING 76.8'	PROPOSED 67.7'
FRONT	20'	N/A	N/A
SIDE	20'	94.7	119.6'
REAR			
LOT COVERAGE (BUILDINGS):	ALLOWED: 30%	PROPOSED: 11%	
PROPOSED IMPERVIOUS AREA:	88,475 SQ. FT. (61%)		
WETLANDS CONSERVATION DISTRICT/FLOODPLAIN DISTRICT:	THE SITE IS NOT WITHIN THE WETLANDS CONSERVATION/FLOODPLAIN DISTRICT.		
AIR SAFETY REGULATIONS:	SECTION 407, AIR SAFETY REGULATIONS OF THE ZONING ORDINANCE DOES NOT APPLY TO THE SITE.		

LEGEND

- EXISTING REBAR
- EXISTING NEW HAMPSHIRE HIGHWAY BOUND
- COMPUTED POINT
- EXISTING EXTERIOR LIGHT
- EXISTING UTILITY POLE
- SIGN
- EXISTING SHRUB
- EXISTING SPOT ELEVATION
- EXISTING CONTOUR
- EXISTING SEWER LINE W/ MANHOLE
- EXISTING WATER LINE
- EXISTING ELECTRIC & TELEPHONE
- TAX MAP/LOT NUMBER

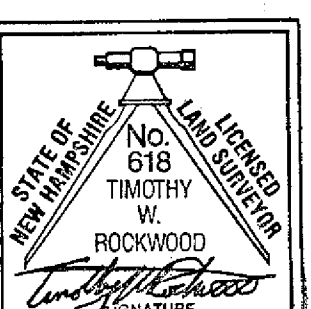
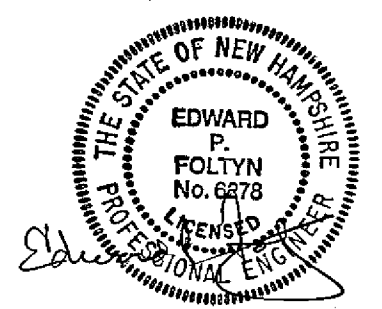


REFERENCE IS MADE TO THE FOLLOWING PLANS:

- "SMITH AUTO SALES, INC. - ROUTE 120, EVANS DRIVE & HANOVER STREET - GRAFTON COUNTY - LEBANON, N.H." DATED: NOV. 15, 1988 REVISED 8/10/89 PROJECT NO. 60587A PREPARED BY K.A. LECLAIR ASSOC., INC.
- "SMITH AUTO SALES CO. - EVANS DRIVE - LEBANON, N.H." DATED: MAY 27, 1987 PROJECT NO. 60587 PREPARED BY K.A. LECLAIR ASSOC., INC.

I HEREBY CERTIFY TO THE BEST OF MY BELIEF AND KNOWLEDGE THAT THE BOUNDARY LINES SHOWN ARE CORRECT. BOUNDARY LINES WERE TAKEN FROM THE EXISTING PLAN AS NOTED AND DO NOT MEET THE CURRENT NEW HAMPSHIRE STANDARDS FOR BOUNDARY SURVEYS. THIS PLAN SHOULD NOT BE USED FOR LEGAL CONVEYANCES.

RECEIVED
PLANNING DIVISION
FEB 14 2000
CITY OF LEBANON
COMMUNITY DEVELOPMENT



RECORD OWNER & APPLICANT: SMITH AUTO SALES COMPANY
MAP 78 LOT 40-2
51 EVANS DRIVE
LEBANON, NEW HAMPSHIRE 03766

PB2000-05
PLANNING FILE COPY

REV. NO.	DATE	DESCRIPTION	MADE BY	CHKD BY	APP'D BY
OVERALL SITE PLAN FOR SMITH AUTO SALES COMPANY EVANS DRIVE - LEBANON, NEW HAMPSHIRE					
T&M ASSOCIATES, INC. ENGINEERS & SURVEYORS 254 DARTMOUTH COLLEGE HIGHWAY LEBANON, NEW HAMPSHIRE 03766 (603) 448-1295					
SHEET: 1 OF 1 SCALE: 1"= 40' DES. BY: PAB DRAWN BY: JSH CHKD. BY: TWR DATE: 02/08/00 PROJ. NO. 558899					

Exhibit 5



Twin State Paving, LLC
P.O. Box 333
Sunapee, NH 03782 US
+1 6038657246
tspaving@yahoo.com
<http://www.twinstatepaving.com>

Estimate

ADDRESS

Johanna Cicotte
132 Ballardvale Drive
WRJ, Vermont 05001

ESTIMATE # 2441
DATE 05/25/2021

ACTIVITY

AMOUNT

1 - New Hampshire:1a - Paving
Services:NH - Paving
51 Evans dr.
Lebanon NH
03766

250,000.00

Reclaim; to reclaim existing lot,
based on 3" of asphalt and a sub
base mixing of 8". Grade and
compact.
Pave existing sub base area with
2.5" of base course asphalt and
1.5" of finish course asphalt.

FOR THE SUM OF: \$250,000.00
10% due at booking on all
commercial projects. 40% due at
start and balance is due within 30
days of finish.

Thank you for your interest in our company. Paving projects where we
have constructed the sub base (12-18" min) will be warrantied for 18
months; paving projects where we have not constructed the sub base
will be warrantied for 12 months. We do not guarantee chemical spills,
tire marks, growth of vegetation, indents in pavement, broken edges,
or delivery/service vehicles, work preformed by sub contractors hired
by the customer, or sub base failure that we have not constructed.
Payment is due upon completion. Projects/Accounts that exceed 30
days past due will incur finance charges at 1.5% per month; in
addition, if litigation is required to satisfy an outstanding debt, Twin
State Paving LLC will seek any and all fees associated with recouping
funds due. Warranty repairs do not constitute for non-payment.
Due to fluctuating liquid prices, this estimate is subject to change to

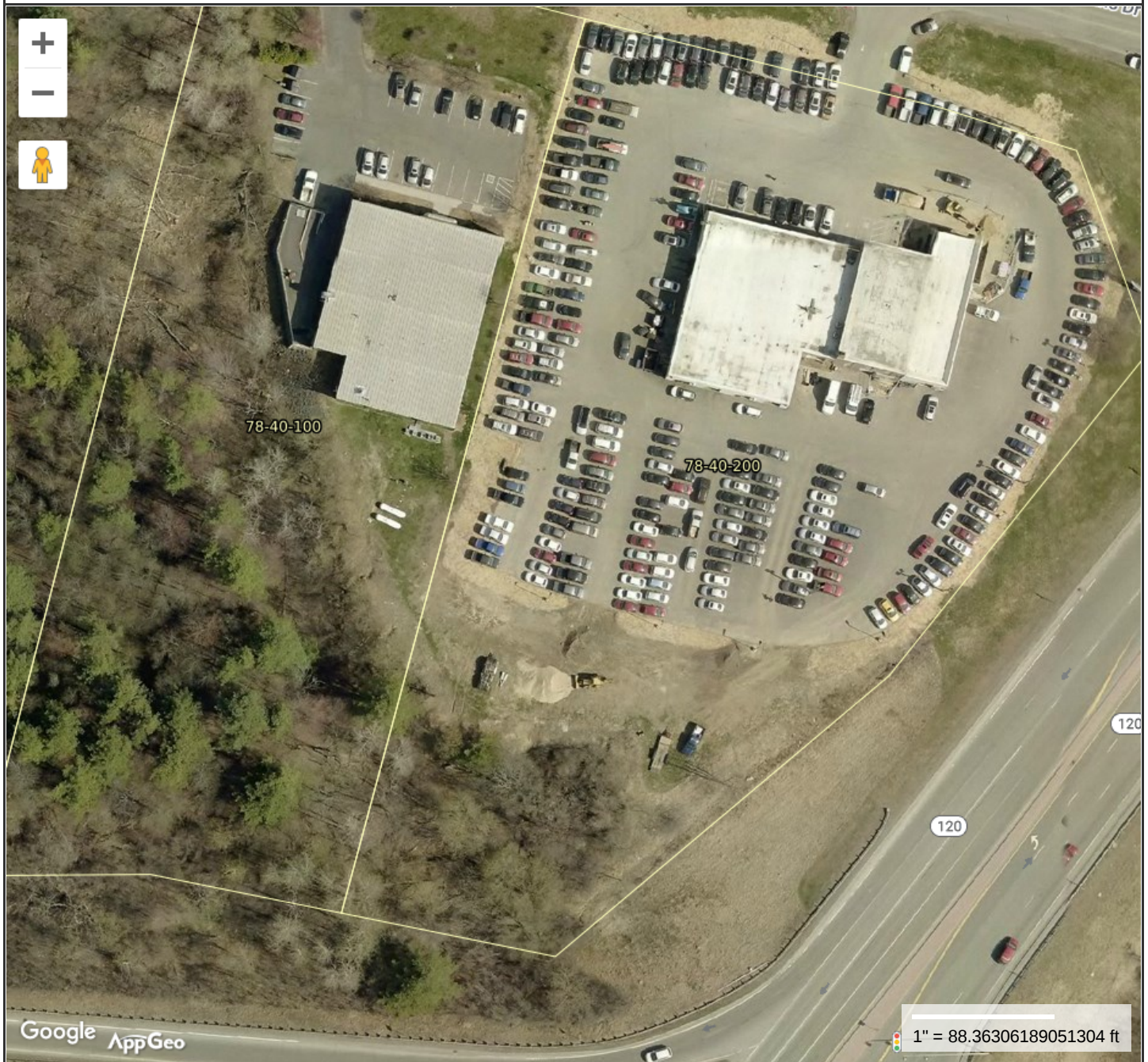
TOTAL

\$250,000.00

Google Maps NH-120



Exhibit 7



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

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

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

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

Google Maps NH-120

Lebanon, New Hampshire

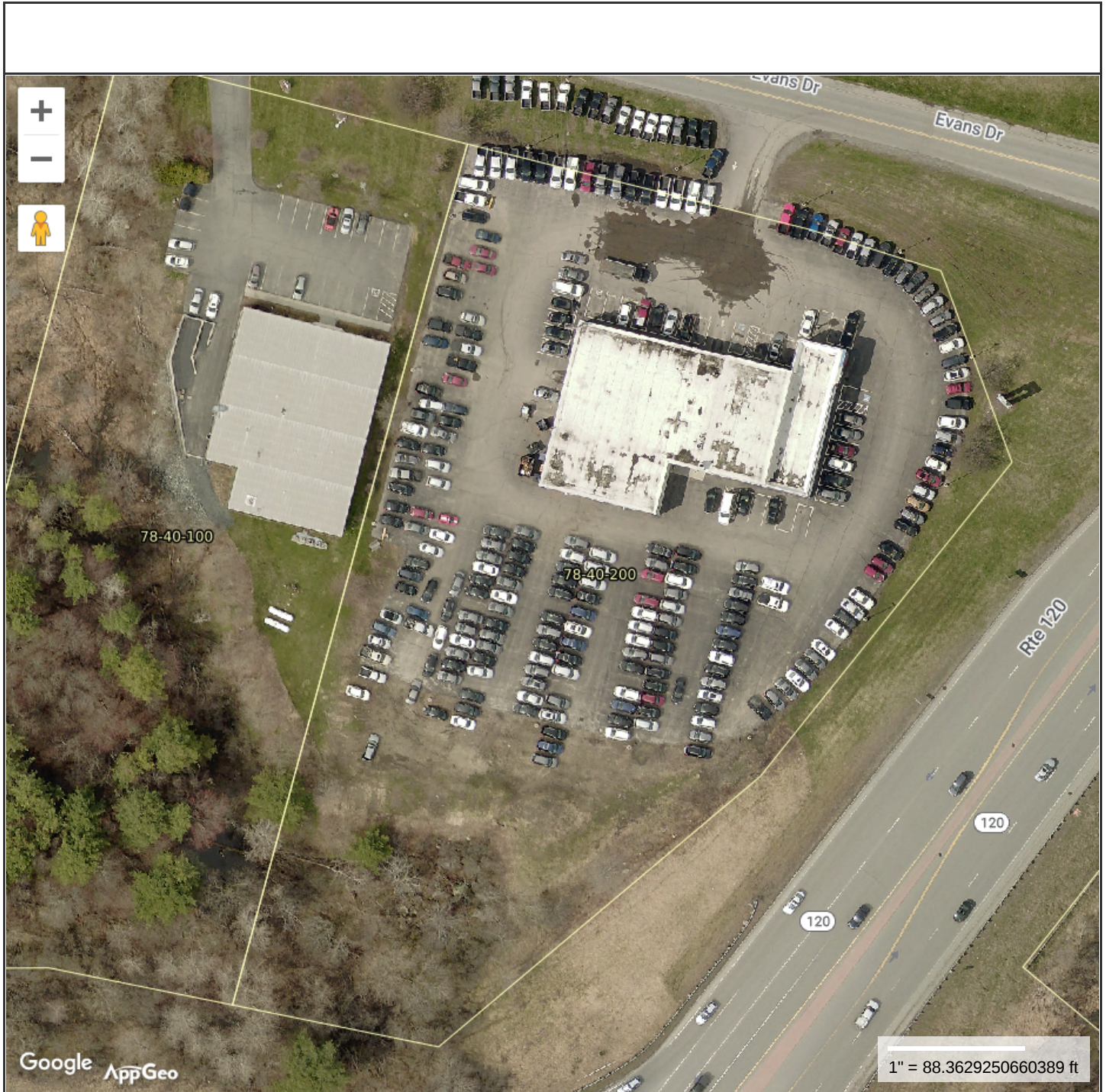
Google Street View

Nov 2015

See latest date



Exhibit 9

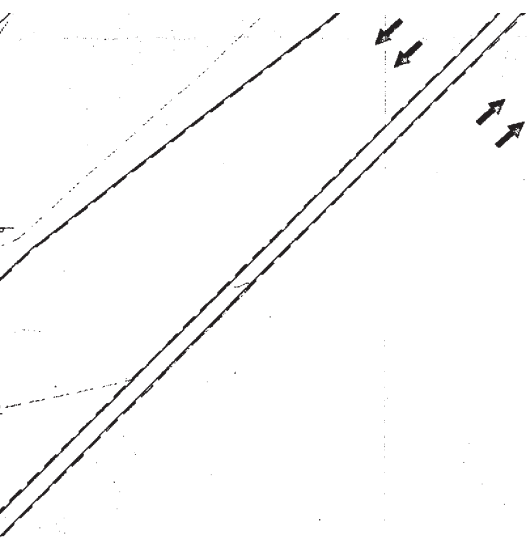


**MAP FOR REFERENCE ONLY
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Geometry updated 06/07/2023
Data updated 11/18/2018

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



LOADING SPACES:
NUMBER OF STORIES:
BUILDING HEIGHT:

BUILDING SETBACKS:
FRONT
SIDE
REAR

LOT COVERAGE (BUILDINGS):

PROPOSED IMPERVIOUS AREA:

WETLANDS CONSERVATION
DISTRICT/FLOODPLAIN DISTRICT:

AIR SAFETY REGULATIONS:

155 SPACES
(INCLUDES 95 DISPLAY SPACES)

59.3 SPACES

N/A

1

MAXIMUM
45'

PROPOSED:
LESS THAN 45'

REQUIRED
40'
20'
20'

EXISTING
76.8'
N/A
94.7'

PROPOSED
67.7'
N/A
119.6'

ALLOWED:
30%

PROPOSED:
11%

88,475 SQ. FT. (61%)

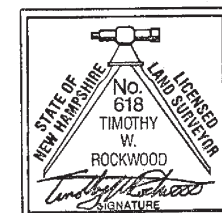
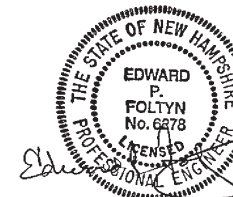
THE SITE IS NOT WITHIN THE WETLANDS
CONSERVATION/FLOODPLAIN DISTRICT.

SECTION 407, AIR SAFETY REGULATIONS OF
THE ZONING ORDINANCE DOES NOT APPLY
TO THE SITE.

RECEIVED
PLANNING DIVISION

FEB 14 2000

CITY OF LEBANON
COMMUNITY DEVELOPMENT



RECORD OWNER & APPLICANT: SMITH AUTO SALES COMPANY
51 EVANS DRIVE
LEBANON, NEW HAMPSHIRE 03766

PB2000-05
PLANNING FILE COPY

REFERENCE IS MADE TO THE FOLLOWING PLANS:

- A. "SMITH AUTO SALES, INC. - ROUTE 120, EVANS DRIVE & HANOVER STREET - GRAFTON COUNTY - LEBANON, N.H." DATED: NOV. 15, 1988 REVISED 8/10/89 PROJECT NO. 60587A PREPARED BY K.A. LECLAIR ASSOC., INC.

REV. NO.	DATE	DESCRIPTION	MADE BY	CHKD BY	APP'D BY
OVERALL SITE PLAN FOR					1

CITY OF LEBANON - APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

The undersigned hereby makes application for a permit to develop in a Local Regulatory Floodplain or in a Local Regulatory Conveyance Zone. The work to be performed is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of all local, state, and federal regulations.

Project Name	51 EVANS DRIVE	Date	17MAY2023
Contact Name	DAN NASH, PE	Contact Telephone	603-448-6295
Owner or Developer	CICOTTE HOLDINGS, LLC	Builder/Contractor	-WORK ALREADY COMPLETE
Address	PO BOX 600, LEBANON, NH	Address	
Telephone	603-448-6363	Telephone	
Engineer	DAN NASH, PE 5737	Architect	
License Number		License Number	
Address	105 BANK ST, LEBANON, NH	Address	
Telephone	603-448-6295	Telephone	

SITE DATA

- Property Location (Physical Address) 51 EVANS DRIVE
- City of Lebanon Tax Map 78 Lot 40
- FEMA Flood Map Panel Number 33009C0913E Effective Map Date 20FEB2008
- Type of Development (Check All That Apply):
☐ New Construction ☐ Alteration or Repair of Existing Structure ☒ Site Grading
☐ Filling ☐ Excavation ☐ Other-Please describe:
- Type of Facility (Check All That Apply):
☐ Residential ☐ Functionally Dependent Facility ☐ Critical Facility
☐ Manufactured Home ☒ Other-Please describe: EXISTING AUTO DEALERSHIP
- Description of Development REGRADE SITE, ADD PAVEMENT
- Structure: -NO NEW STRUCTURE
New Structure sq ft + Existing Structure sq ft + Improvement sq ft = Total sq ft
Principal Use Accessory Uses
- Value of Improvement (Fair Market) \$ N/A Pre-improvement Value of Structure \$
- Is the development located within the Local Regulatory Conveyance Zone? ☐ Yes ☒ No
- Other Permits Required (Check All That Apply):
☐ NHDES Shoreland Permit ☐ NHDES Wetland Permit ☐ NHDES Alteration of Terrain
☐ Other-Please describe: -NONE-

CITY OF LEBANON - APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

ELEVATIONS

1. Elevation of 100-Year Base Flood Elevation (BFE) at development site: 578.00 feet
2. Elevation of lowest floor of structure (minimum one foot above BFE): 598+/- (Exist) feet
3. Elevation of all attendant utilities, including all heating and electrical equipment, servicing the structure for floodproofing (minimum one foot above BFE): N/A-NO NEW STRUCTURE feet
4. Type of flood protection method? Flood Proofing Elevating the development: N/A-NO NEW STRUCTURE
5. Elevation Datum used for determination of BFE: NGVD 1929 X NAVD 1988
6. Has Compensatory Floodplain Storage been provided for all fill areas? Yes X No N/A-NO FILL

I certify that the information on this form is true and correct. I understand that false or inaccurate information submitted to the City of Lebanon on which a permit for proceeding with construction work is issued by the City of Lebanon may be the basis for revocation of the permit or assessment of a civil fine or other penalties. I also understand that construction plans submitted to and approved by the City of Lebanon in the form of a permit issued must be followed and adhered to and any deviance there from not approved by the City of Lebanon may also be the basis for a notice of violation, notice of citation and revocation of the of the permit or assessment of a penalty by the City of Lebanon.

Signature of Owner or Developer

Date

JOHANNA CICOTTE, for CICOTTE HOLDINGS, LLC

Printed Name of Owner or Developer

OFFICIAL USE ONLY

PERMIT APPLICATION IS HEREBY:

✓ APPROVED DENIED

Comments: RECOMMEND THAT YOU APPLY FOR A LETTER OF MAP AMENDMENT
WITH FEMA.


Signature of Authorizing City Official

May 31, 2023
Date

REDRICK J. FINLEY, P.E.
Printed Name of Authorizing City Official

CITY ENGINEER
Title of Authorizing City Official

FLOODPLAIN PERMIT CHECKLIST

51 EVANS DRIVE

17May2023

Project Name

Date

- ☒ 1. A Completed and Signed Permit Form.
- ☒ 2. The Permit Fee (none set at this time)
- ☒ 3. Current survey certified by a land surveyor licensed in NH that shows the following information:
 - ☒ A. North Arrow (MAP PREPARED USING CITY GIS DATA)
 - ☒ B. Scale of the plan
 - ☒ C. Date of the plan and any revisions
 - ☒ D. Perimeter boundaries of the lot(s), including compass bearings, distances, and lot areas
 - ☒ E. Location of existing improvements on the property
 - ☒ F. Location of existing natural features such as streams, marshes, lakes, ponds, wetlands, rock outcrops, or wooded areas, and existing man-made features such as roads and structures.
 - ☒ G. Width and location of rights-of-way and/or easements on property
 - ☒ H. Existing grades, including topographic contours with spot elevations, prepared by a professional engineer or land surveyor licensed in NH. (Contours shall be at 2 ft. intervals)
- ☒ 4. Proposed development plans showing the following information:
 - ☒ A. Vicinity Sketch (suggested scale: 1"=500')
 - ☒ B. Names and mailing addresses of Owner of record of site, holders of any easements, rights-of-way, or other restrictions
 - ☒ C. Names and business addresses of preparer(s) of the plan, and every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted.
 - ☒ D. North Arrow
 - ☒ E. Scale of the plan
 - ☒ F. Date of the plan and any revisions
 - ☒ G. Zoning designation
 - ☒ H. Tax Map and Lot number(s) for the subject property
 - ☒ I. Area of the lot
 - ☒ J. Gross floor area of existing and proposed buildings/additions
 - ☒ K. A legend that clearly indicates all symbols, line types, and shading
 - ☒ L. Perimeter boundaries of the lot(s), including compass bearings, distances, and lot areas
 - ☒ M. Location of existing and proposed improvements on the property
 - ☒ N. Location of existing natural features such as streams, marshes, lakes, ponds, wetlands, rock outcrops, or wooded areas, and existing man-made features such as roads and structures. Indicate those natural and man-made features that are to be removed, retained, or altered
 - ☒ O. Width and location of rights-of-way and/or easements on property
 - ☒ P. Existing and proposed grades, including topographic contours with spot elevations, prepared by a professional engineer or land surveyor licensed in NH. (Contours shall be at 2 ft. intervals)
 - ☒ Q. Wetlands on the property, if any, shall be delineated by a NH Certified Wetlands Scientist, whose seal and signature shall appear on the plan (NONE IN AREA OF WORK)
 - ☒ R. The 100-year flood elevation, floodway, and floodplain limits
 - ☒ S. The NHDES Shoreland setback lines, if applicable
 - ☒ T. Size and location of all existing and proposed public and private utilities
- ☒ 5. Calculations for Compensatory Storage
- ☒ 6. Completed Floodplain Permit Checklist



*City of Lebanon
Planning Office*

51 North Park Street
Lebanon, NH 03766

Phone: 603-448-1457
Fax: 603-448-0684

**NOTICE OF ACTION
LEBANON PLANNING BOARD**

Notice is hereby given that on **March 13, 2000**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

James Mulligan moved to accept the application of **SMITH AUTO SALES** for site plan review as being complete. The motion was seconded by Russell Barber. The vote on the motion was unanimous in favor.

Dennis Blankenbeker moved to approve the application of **SMITH AUTO SALES** for site plan review to construct a 2,700 sq. ft. addition for a new car showroom, offices, and service bay at 51 Evans Drive, Lebanon, in the GC zone, Tax Map 78, Lot 40, Plot 2 (PB2000-05), including all maps and submissions as listed in a memo to the Lebanon Planning Board from City Planner Ken Niemczyk, dated March 3, 2000.

The motion was seconded by Judy Macnab.

Ralph Akins moved to amend the motion to include the following condition:

1. That all existing light fixtures shall be modified as cutoff type fixtures or replaced with new cutoff type fixtures to be approved by the City Planner.

The amendment was seconded by Russell Barber. The vote on the amendment was six in favor, two opposed. The vote on the motion as amended (including the condition) was seven in favor, one opposed.

SIGNED: _____

William Koppenheffer, Chair

DATED: _____

10 April 2000

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LEBANON CONSTRUCTION STANDARDS AND SPECIFICATIONS.
2. LOCATION AND SIZE OF EXISTING PIPES AND OTHER UNDERGROUND UTILITIES ARE NOT WARRANTED TO BE EXACT OR COMPLETE.
3. EXPLORATORY EXCAVATION SHALL BE REQUIRED TO VERIFY LOCATION AND SIZE OF EXISTING UTILITIES AND APPURTENANCES.
4. TOPOGRAPHY WAS COMPILED BY T & M ASSOCIATES, INC.. BASE DATUM IS ASSUMED.
5. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF WORK. DIG SAFE SHALL BE NOTIFIED AT LEAST 3 WORKING DAYS PRIOR TO ANY WORK.
6. THE CITY OF LEBANON SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO ANY WORK REQUIRING TRAFFIC IMPEDANCE OR ANY TOWN ROADWAY DISTURBANCE. SUCH CONSTRUCTION MAY ONLY BEGIN AFTER AUTHORIZATION FROM CITY PUBLIC WORKS PERSONNEL.
7. THE ENGINEER SHALL BE NOTIFIED PRIOR TO CONSTRUCTION IF THERE ARE ANY DISCREPANCIES IN PLANS OR EXISTING DATA. CONSTRUCTION SHALL NOT PROCEED WITHOUT WRITTEN PERMISSION FROM THE ENGINEER.
8. ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED AS OFTEN AS REQUIRED BY WEATHER CONDITIONS.
9. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION ON THIS SITE UNLESS RETAINED FOR CONSTRUCTION OBSERVATION SERVICES.
10. NEW WORK IDENTIFIED BY

78/40-1
SMITH AUTO SALES COMPANY
51 EVANS DRIVE
LEBANON, NH 03766
(VACANT)

64/33
LEBANON SCHOOL DISTRICT
84 HANOVER STREET
LEBANON, NH 03766
(SCHOOL)

64/32
ROUTE 120/HEATER ROAD INC.
8 STAGECOACH ROAD
LEBANON, NH 03766
(COMMERCIAL)
(2173/543)

SITE INFORMATION

TAX MAP & LOT NUMBER:	MAP 78 LOT 40-2		
ZONING DISTRICT:	GENERAL COMMERCIAL (GC)		
EXISTING USES:	VEHICULAR SALES		
PROPOSED USE:	ADDITIONAL SHOWROOM, OFFICE SPACE & ONE SERVICE BAY		
AREA OF LOTS:	3.32 ACRES		
GROSS AREA OF BUILDING:	EXISTING: 13,375 SQ. FT.	PROPOSED: 2,700 SQ. FT.	TOTAL: 16,075 SQ. FT.
PARKING:	EXISTING: 155 SPACES (INCLUDES 95 DISPLAY SPACES)	REQUIRED: 59.3 SPACES	
LOADING SPACES:	N/A		
NUMBER OF STORIES:	1		
BUILDING HEIGHT:	MAXIMUM 45'	PROPOSED: LESS THAN 45'	
BUILDING SETBACKS:	REQUIRED	EXISTING	PROPOSED
FRONT	40'	76.8'	67.7'
SIDE	20'	N/A	N/A
REAR	20'	94.7'	119.6'
LOT COVERAGE (BUILDINGS):	ALLOWED: 30%	PROPOSED: 11%	
PROPOSED IMPERVIOUS AREA:	88,475 SQ. FT. (61%)		
WETLANDS CONSERVATION DISTRICT/FLOODPLAIN DISTRICT:	THE SITE IS NOT WITHIN THE WETLANDS CONSERVATION/FLOODPLAIN DISTRICT.		
AIR SAFETY REGULATIONS:	SECTION 407, AIR SAFETY REGULATIONS OF THE ZONING ORDINANCE DOES NOT APPLY TO THE SITE.		

RECEIVED
PLANNING DIVISION
FEB 14 2000
CITY OF LEBANON
COMMUNITY DEVELOPMENT

RECORD OWNER & APPLICANT: SMITH AUTO SALES COMPANY
MAP 78 LOT 40-2 51 EVANS DRIVE
LEBANON, NEW HAMPSHIRE 03766

PB2000-05
PLANNING FILE COPY

REV. NO.	DATE	DESCRIPTION	MADE BY	CHKD BY	APP'D BY
OVERALL SITE PLAN FOR SMITH AUTO SALES COMPANY EVANS DRIVE - LEBANON, NEW HAMPSHIRE					
T&M ASSOCIATES, INC. ENGINEERS & SURVEYORS 254 DARTMOUTH COLLEGE HIGHWAY LEBANON, NEW HAMPSHIRE 03766 (603) 448-1295					1
SHEET: 1 OF 1 SCALE: 1"= 40' DES. BY: PAB DRAWN BY: JSH CHKD. BY: TWR DATE: 02/08/00 PROJ. NO. 558899					

REFERENCE IS MADE TO THE FOLLOWING PLANS:

- "SMITH AUTO SALES, INC. - ROUTE 120, EVANS DRIVE & HANOVER STREET - GRAFTON COUNTY - LEBANON, N.H." DATED: NOV. 15, 1988 REVISED 8/10/89 PROJECT NO. 60587A PREPARED BY K.A. LECLAIR ASSOC., INC.
- "SMITH AUTO SALES CO. - EVANS DRIVE - LEBANON, N.H." DATED: MAY 27, 1987 PROJECT NO. 60587 PREPARED BY K.A. LECLAIR ASSOC., INC.

I HEREBY CERTIFY TO THE BEST OF MY BELIEF AND KNOWLEDGE THAT THE BOUNDARY LINES SHOWN ARE CORRECT. BOUNDARY LINES WERE TAKEN FROM THE EXISTING PLAN AS NOTED AND DO NOT MEET THE CURRENT NEW HAMPSHIRE STANDARDS FOR BOUNDARY SURVEYS. THIS PLAN SHOULD NOT BE USED FOR LEGAL CONVEYANCES.

LEGEND

EXISTING REBAR
EXISTING NEW HAMPSHIRE HIGHWAY BOUND
COMPUTED POINT
EXISTING EXTERIOR LIGHT
EXISTING UTILITY POLE
SIGN
EXISTING SHRUB
EXISTING SPOT ELEVATION
EXISTING CONTOUR
EXISTING SEWER LINE W/ MANHOLE
EXISTING WATER LINE
EXISTING ELECTRIC & TELEPHONE
TAX MAP/LOT NUMBER

x 592.0

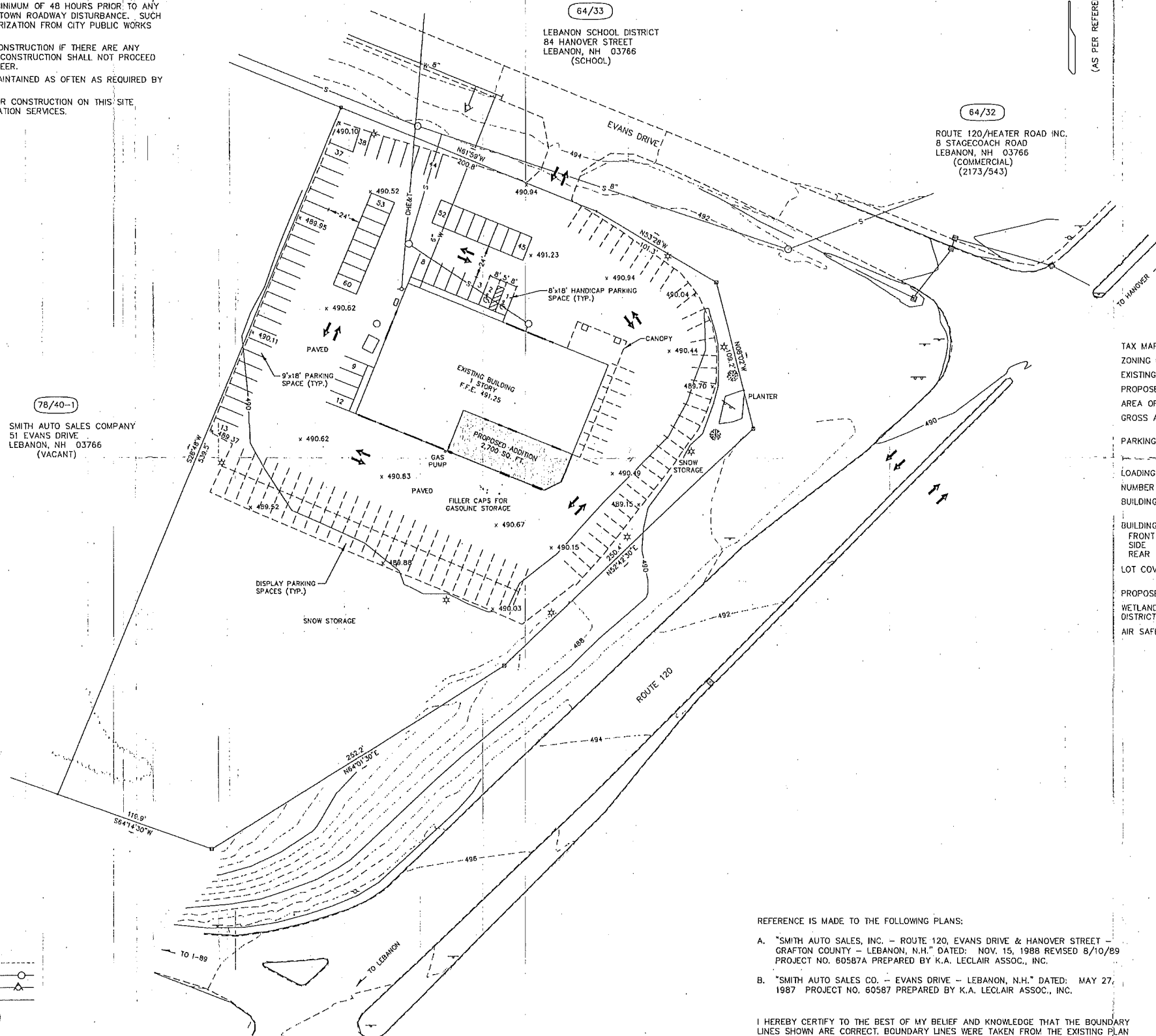
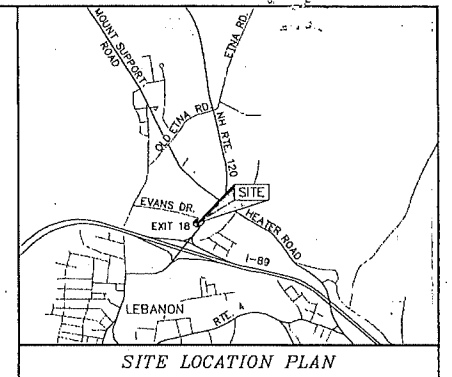
486

S

W

ONE&T

78/40-1





ZONING PERMIT

On approval by the Board of Adjustment of an administrative appeal, variance or special exception, the Zoning Administrator shall issue a Zoning Permit as of the date of approval of the Board of Adjustment.

Zoning Permit Issued to:

51 EVANS DRIVE, LLC: A request for a Special Exception pursuant to Article VII, Section 702.5 to allow the expansion or alteration of a non-conforming use (vehicular sales) to enclose 575 square feet of space under an existing canopy to expand the showroom. The property is located at 51 Evans Drive, Tax Map 78, Lot 40, Plot 200, Lebanon, NH, in the RO-1 zone. #ZB2014-40-SE.

THIS ZONING PERMIT IS GRANTED PURSUANT TO THE ATTACHED ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION AND APPROVED PLAN.

Signed: David Brooks
David Brooks, Director of Planning and Zoning

Date of Zoning Board Approval/Issuance of Zoning Permit: December 1, 2014

Zoning Ordinance:

901.6 Time Limit of Permit.

A zoning permit shall become void if construction is not begun thereunder within 2 years from the date of issuance of the permit or grant of a special exception or variance.

901.7 Non-Transferable.

No permit issued hereunder shall be transferable to a subsequent owner.

901.8 Date of Issuance of Zoning Permit.

On approval by the Board of Adjustment of an administrative appeal, variance or special exception, the Zoning Administrator shall issue a zoning permit as of the date of approval of the Board of Adjustment. Zoning permits shall be conditioned upon receipt of Site Plan Review approval from the Planning Board, when such approval is required. When Site Plan Review is required, the date of the zoning permit for the purposes of SECTION 901.6 shall be the date of receipt of Site Plan Review approval.



NOTICE OF DECISION ZONING BOARD OF ADJUSTMENT

On December 1, 2014, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared **Evan Mullen of Port One Architects and Christopher Dessureau, General Manager of Team Nissan, representing 51 Evans Drive, LLC (Team Nissan)** seeking a Special Exception pursuant to Article VII, Section 702.5 to allow the expansion or alteration of a non-conforming use (Vehicular Sales) to enclose +/-572 square feet of additional space under an existing canopy to expand the showroom. The property is located at 51 Evans Drive, Tax Map 78, Lot 40, Plot 200, Lebanon, NH, in the RO-1 zone. #ZB2014-40-SE

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

1. The subject property is situated within the Residential-Office One (RO-1) zoning district. The property is developed with a 16,348 sq ft. building housing the showroom, offices, service facility, and storeroom of Team Nissan, a Vehicular Sales business.
2. The original building was constructed in 1969 and a 2,700 sq ft. addition was approved in 2000 when the property was zoned General Commercial.
3. In December 2001, the City rezoned the subject property and others along Evans Drive, Heater Road, and Route 120 from General Commercial to Residential-Office One.
4. Vehicular Sales is not a use allowed by right or by Special Exception in the RO-1 district and the current business operation is considered pre-existing, non-conforming.
5. The applicant is seeking a Special Exception pursuant to Article VII, Section 702.5 for the expansion of a non-conforming use. The expansion involves the enclosure of an existing +/-572 square foot canopy on the northern side of the showroom area. This area represents an increase of +/-3.5 percent in the gross floor area of the building.
6. The applicant testified that the expansion and the overall project are an attempt to improve upon the character and appearance of the property and that there should be no adverse affects on the surrounding neighborhood.
7. No-one in the audience spoke for or against the application.

As a result of the above findings of fact, documentation, testimony, and inspections, the Board concludes under Section 702.5 (Expansion of Use) that:

1. The proposed alteration must reflect the nature and purpose of the existing non-conforming use, and must be closely related to the manner in which the property was used at the time the restriction was enacted.

*The Applicant **has** demonstrated that this criterion will be met.*

2. The proposed alteration or expansion must be merely a different manner of utilizing the same use, and shall not constitute a use which is different in character, nature, or kind.

*The Applicant **has** demonstrated that this criterion will be met.*

3. The proposed alteration or expansion shall not have a substantially different effect on the neighborhood in which the property is located.

*The Applicant **has** demonstrated that this criterion will be met.*

4. In the case of non-conformities with respect to dimensional or numerical requirements, the proposed alteration or expansion shall not render the property proportionally less adequate, in terms of the requirement to which the property does not conform.

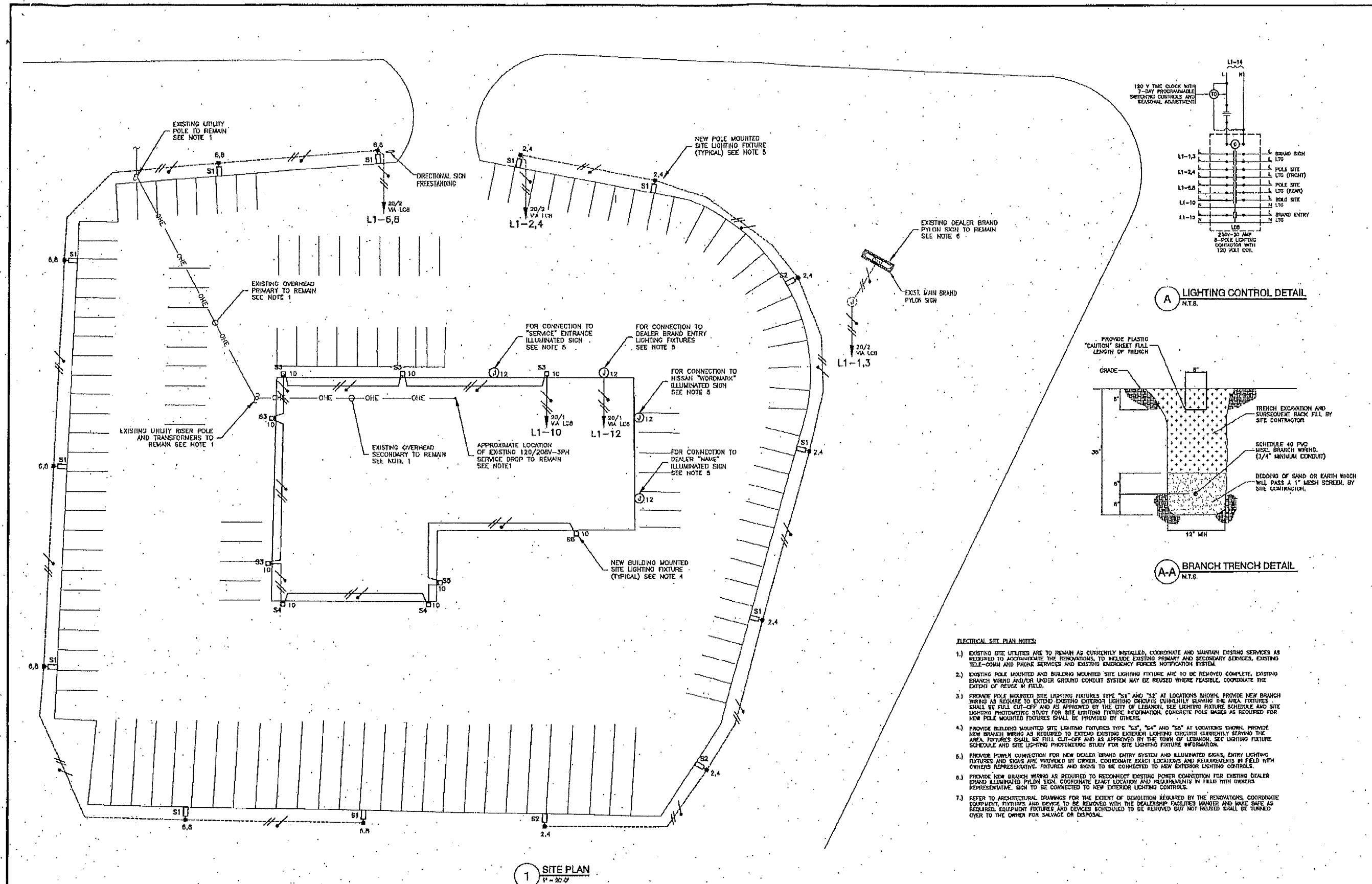
*The Applicant **has** demonstrated that this criterion will be met.*

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of **51 Evans Drive, LLC (Team Nissan)** for a Special Exception to allow the expansion or alteration of a pre-existing, non-conforming use, as referenced above.

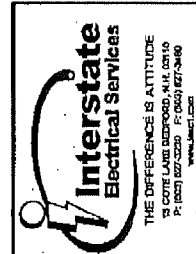
A special exception shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval of a special exception by the Zoning Board of Adjustment; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.

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

The Zoning Board of Adjustment voted to **GRANT** this appeal on December 1, 2014.



NO.	ISSUE/REVISION	DATE	BY
1	ISSUED FOR PERMIT	10/28/14	M. WHITE



PROJECT:
TEAM NISSAN NORTH
LEBANON, NH

DATE:	10-7-14
DRAWN BY:	B. HARLOW
DESIGNED BY:	M. WHITE
CHECKED BY:	M. WHITE
SCALE:	AS SHOWN
PROJECT NUMBER:	671295

DRAWING TITLE:
**ELECTRICAL
SITE
PLAN**

DRAWING NUMBER:
ES1
SHEET 6 OF 6

