



**LEBANON ZONING BOARD OF ADJUSTMENT  
APRIL 7, 2025 - 7:00 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 1-929-229-5356 (access code: 427 509 437#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

**2. Approval of Minutes**

- A. January 16, 2025  
B. March 3, 2025

**3. Public Hearing Items**

- A. **CWM All Waste, LLC & Choice Storage, LLC, 40 N. Labombard Rd (Tax map 51, Lot 10), zoned IND-L:** The applicants request a Variance from Article III, Section 303.3, pursuant to Section 801.3, of the Zoning Ordinance to allow a roadway right-of-way and scale to be located +/- 16.5 ft away from the front property line of a newly created lot where 40 ft is required. **ZB2025-03-VAR - Continued from the March 3, 2025 meeting**
- B. **Headrest, Inc, 14 Church St (Tax map 91, Lot 252), zoned LD:** The applicant requests a Special Exception from Article III, Section 307.2, pursuant to Sections 614 and 801.3 of the Zoning Ordinance to allow the existing facility to be used as a recovery house. **ZB2025-06-SE**
- C. **Execusuite, LLC, 75 Bank St (Tax Map 92, Lot 78), zoned RO:** The applicant requests a Special Exception from Article III, Section 311.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a portion of the basement level to be used as an indoor gymnastics recreation facility. **ZB2025-08-SE**

**4. Other Business**

- A. Zoning Amendment review and discussion: Care & Treatment of Animals  
B. Zoning Amendment review and discussion: Mobile Food Service  
C. Zoning Amendment review and discussion: Hotels in the GC-1 district

**5. Staff Comments**

**6. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://LebanonNH.gov/Live) where you will find instructions on how to enter the meeting. Members of the

**Lebanon Zoning Board of Adjustment Agenda**  
**April 7, 2025**

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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](mailto: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](http://LebanonNH.gov/Agendas).

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE  
THURSDAY, January 16, 2025  
7:00 PM**

**MEMBERS PRESENT:** Paul McDonough, Jennifer Barkley, Michael Morris (alternate)

**MEMBERS ABSENT:** Chair William Koppenheffer, Vice Chair Jeremy Katz, Dave Newlove,

**STAFF PRESENT:** Nathan Reichert – Zoning Administrator

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**Mr. Morris was given voting privileges for this meeting.**

***Mr. Morris MOVED that Mr. McDonough chair this meeting.  
Seconded by Ms. Barkley.***

***\*The Vote on the Motion was (2-0-1).  
Mr. McDonough abstained.***

**1. CALL TO ORDER**

Paul McDonough called the meeting to order at 7:24 PM.

Mr. Reichert gave the Right to Know, RS 91A public announcement.

**2. APPROVAL OF MINUTES**

**None.**

**3. PUBLIC HEARING ITEMS**

The applicants were given the opportunity to postpone this hearing until there is a full Board. They declined. The Board decided to present both of the applications at the same time, in succession. The vote will be done after that.

- A. Mary Hitchcock Memorial Hospital & Families Flourish Northeast, 424 Mount Support Rd (Tax map 24, Lot 6), zoned R-1:** The applicant requests a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow wetland impacts associated with construction of a group residence and associated infrastructure. **ZB2025-01-SE Continued from the 1/6/2025 meeting**

Engineer Nick Fiore and Sue Cobb appeared on behalf of the application. He showed the delineated wetlands within the property. The Conservation Commission asked if it could be a 4-story building instead of a 3-story building. This seemed to minimize the functionality of the building. They tried rotating the building but that did not improve the wetland impact. They drafted many renditions of the building affecting the usefulness of the building, parking, and useful outdoor space. Each iteration impacted the amount of square footage of wetlands impacted. The final design has a bend in the building,

1 with the front of the building facing the road more. This resulted in 5638 square feet permanently  
2 impacting to the wetlands with over 7000 sq. ft temporary impact. It would result in a retaining wall and  
3 sloping ground with native materials growing back to maintain the slope. There would be retention  
4 chambers to control the storm runoff so the flow rate would be equivalent to what flows off the land now.  
5 These chambers would need ongoing maintenance. There would not be contaminants coming off during  
6 construction.

7  
8 Mr. Fiore reviewed the criteria for the special conditions. Nothing can be built upon the site without  
9 impacting the wetlands to some degree. Currently there is water from the City but there is no sewer.  
10 There is no place on the property where a septic system can be built. This building would have an  
11 injector system that would push down to the City sewer system on Mount Support Road. It appears that  
12 there is no other reasonable use for any residence that would work on this property. It would take a much  
13 larger facility to make it financially reasonable to develop the property with the City sewer. There is no  
14 place on the property where a septic system can be built within the wetland guidelines. They believe this  
15 facility is the most reasonable structure for the use of this property.

16  
17 The Board discussed the need for state, federal and local permits. The Conservation Commission asked  
18 the applicants to be conscious of the amount of impermeable surface that would become the parking area.  
19 They would try to make the minimal number of parking spaces that meet approval requirements.

20  
21 Rachel Townsend spoke in opposition to the special exception. She said the character of the area would  
22 be affected by bringing individuals and families with drug addictions into the neighborhood. The  
23 capacity of existing and planned facilities would be adversely impacted, and it would affect the human  
24 services. The City is already a tax burden. Granting would result in undue expenses and the municipal  
25 expense would not result in any tax benefit.

26  
27 Nicholaos Mouzourakis said pertaining to attitudes toward wetlands he has seen the community change  
28 considerably. Hundreds of housing units have been added in the neighborhood and hundreds of  
29 additional units are planned to be added. Previous projects have impacted the wetlands, and it is a bad  
30 precedent to approve the impact on wetlands. Over time it would change the land and wetlands. This  
31 would destroy the natural area that is part of the neighborhood. It would also encroach on endangered  
32 species.

33  
34 Joan Townsend was concerned about the maintenance of the parking lots and the care of the retaining  
35 walls. All of the salt gets pushed away from the lots onto the ground and into the wetlands. The amount  
36 of impermeable grounds and the maintenance of those areas, such as winter salt, would have an impact on  
37 the wetlands.

38  
39 Courtney Tanner spoke saying she has the privilege of serving on the Board for Family Flourish. They  
40 are excited that they have gotten this project to this point. At this point the Board is only evaluating the  
41 impact on the wetlands. She said they have worked very hard to mitigate the impact on the wetlands and  
42 have worked hard to find the best property. This parcel makes the most sense for the project.

43  
44 **Hearing no further comments, the Public Hearing was closed.**

45  
46 The Board did not have any additional questions.

47  
48 **B. Mary Hitchcock Memorial Hospital & Families Flourish Northeast, 424 Mount Support Rd**  
49 **(Tax map 24, Lot 6), zoned R-1: The applicant requests a Special Exception from Section 308.2,**



1           pursuant to Section 801.3, of the Zoning Ordinance, to allow the construction of a group  
2           residence with associated infrastructure. **ZB2025-02-SE Continued from the 1/6/2025 meeting**  
3

4           The second application was discussed. The applicants stated that the Planning Board believes this does  
5           meet the criteria of group residence and meets the criteria for a special exception. They believe this  
6           housing would be smaller than many buildings next to it. The housing would be staffed, and they believe  
7           this would limit the negative impacts of the types of residents that would be living in the building. It is  
8           dedicated to people improving their lives. It would be twelve residential units. The ordinance does allow  
9           for a group residence in this zoning district.  
10

11          Daisy Goodman spoke of the population that would inhabit the residence. Over time they have seen an  
12          increase in the number of people who have significant addiction and have children and are having a new  
13          child. They often come into the hospital close to delivery time instead of coming in earlier and having  
14          time to detox. All of these things would be mitigated by being housed in this type of residence. This is a  
15          model that has been used across the country with good outcomes. Keeping the children and newborn  
16          children together results in a greater outcome for all of this group. Residential treatment settings  
17          eliminate many of the hazards of living on the street, resulting in incredible outcomes. Ideally these would  
18          be 3 to 9 month living arrangements. The residents are simultaneously under treatment for addictions.  
19

20          Courtney Tanner spoke. This residence would have 24/7 staff and be a full-time treatment center.  
21          Living in the home would include the requirement to participate in the community. Family Flourish is a  
22          part of the solution for these women and the community. It would lessen the burden on society.  
23

24          Joan Townsend spoke. It seems that 13.4% of babies who come to MHMH are under substance abuse.  
25          The cost of building in this area would become a City burden in the future. The Board asked how much  
26          the City would have to fund this building and what happens when funding runs out. As it is, there is no  
27          financial burden. Ms. Townsend said this would create costs for road maintenance, ambulances, police  
28          protection, and all the City facilities would be a future cost. It is not apparent how this would benefit the  
29          residents of the City.  
30

31          Andrew Winters from Twin Pines, the adjacent property, spoke in full support of this project, its purpose,  
32          and its location. It is away from significant residential areas and close to the hospital. He believes the  
33          applicants have done a lot to address the concerns of residents of the City. There already is a significant  
34          cost of people who need treatment in the City.  
35

36          Nicholaos Mouzourakis said the Lebanon GIS system shows that all of the land around this area is owned  
37          by Dartmouth. He wondered why this tiny bit of land near the wetlands is chosen instead of the other  
38          land. Also, he wonders how the people who would be living adjacent to the group home who are part of  
39          Twin Pines would feel about living next to that type of facility.  
40

41          Miss Goodman spoke. They are concerned about the safety and benefit of the families of the future  
42          residents of the home. The goal is to provide a sheltered space that is somewhat sequestered. People and  
43          children would not be wandering unsupervised. Most people who come to this place are not allowed to  
44          bring a vehicle. Most of the vehicles would belong to staff. One of the reasons this location was chosen  
45          is its proximity to the bus service.  
46

47          Rachel Townsend said she heard people say that this facility needs to be in Lebanon. She feels it does not  
48          need to be in a location that requires a special exception to be in Lebanon and asked why it needs to be in  
49          a location that it is not already acceptable.  
50

**Hearing no further comments, the Public Hearing was closed.**

The Board deliberated and determined that the wetlands application had no further need for discussion.

**A motion was made by Mr. Morris regarding agenda item 3B2025-01-SE and the request for a special exception.**

*On January 6th, 2025, and January 16, 2025 at duly-noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared Nicholas Fiore regarding 424 Mount Support Rd (Tax Map 24, Lot 6). The applicant requests a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow wetland impacts associated with construction of a group residence and associated infrastructure.*

## **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 applicant seeks to construct a group residence and associated infrastructure.
2. The construction of the safety improvements will impact a total of 5638 sq. ft. of wetlands.
3. The applicant has applied for a wetlands permit from the NH Department of Environmental Services. The wetlands permit was reviewed by the Conservation Commission at its December 12, 2024, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the Zoning Ordinance to allow the proposed wetland impacts.
4. There are no known existing zoning violations on the property.
5. People spoke in favor and against. Courtney Tanner and Daisy Goodman spoke in favor. Rachel and Jan Townsend and Nicholaos Mouzourakis who all spoke against it and presented clear and cogent reasons not in favor of the wetlands 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 Special Exception criteria set forth in §401.5 of the Zoning Ordinance:

1. The use for which the exception is sought **cannot** feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District. (§401.5.A)
2. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot **cannot** reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section. (§401.5.B)
3. The design and construction of the proposed use **is** consistent with the purpose and intent of §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will** be

taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands (§401.5.C)

4. The criteria set forth in Section 401.5.D relates to pipelines, powerlines, and other transmission of lines and, therefore, is not applicable.
5. The proposed use **will not** create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason. (§401.5.E)
6. The project **is** capable of complying with all State and Federal wetlands and wetlands permitting requirements. (§401.5.F)
7. The project **is** capable of conforming to all existing best management practices, as referenced in Appendix A of the Zoning Ordinance, and **will** be implemented in a way which conforms to those practices (§401.5.G)

### III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 16<sup>th</sup> day of January 2025 hereby **GRANTS** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to allow wetland impacts associated with construction of a group residence and associated infrastructure at 424 Mount Support Road, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. All local, state and federal permits be applied for and achieved as necessary in order to proceed with the project.
2. Coordinate with the local Planning Board.

*Seconded by Ms. Barkley.*

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

The Board discussed that the application for the group home is a valuable need of the community, and they recognize the apprehensions of residents in the community. However, the Board realizes this is a population that is already in the community.

**A motion was made by Mr. Morris regarding agenda item 3B2025-02-SE and the request for a special exception.**

***On January 6, 2025 and January 16th, 2025, at duly-noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared Nick Fiore regarding 424 Mount Support Rd (Tax Map 24, Lot 6). The applicant requests a Special Exception from Section 308.2, pursuant to Section 801.3, of the Zoning Ordinance, to allow the construction of a group residence with associated infrastructure.***

### 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 a dimensionally conforming vacant lot.

2. At this time, the applicant is seeking a Special Exception pursuant to Article III, Section 308.2 of the Zoning Ordinance to create a group residence within the R-1 zoning district.
3. As described in the application by the applicant, the applicant proposes to construct a 3-story group residence facility that will include 12 residential units and supportive programmatic space. The facility will be used as a substance use treatment and recovery center for pregnant and parenting women and their children.
4. In order to grant a Special Exception, the applicant must demonstrate that their proposal meets the general Special Exception criteria, set forth in Section 801.3. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning and Development Department on December 9, 2024.
5. There are no known existing zoning violations on the property.
6. A number of people spoke in favor and against. The people who spoke against include the Townsends, both Joan and Rachel and Nicholaos Mouzourakis. Speaking in favor was Andrew Winter, Daisy Goodman and Courtney Tanner. Mr. Winter runs an organization that is on the boarder of 424 Mount Support Road.

## II. CONCLUSIONS OF LAW

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

1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
2. The following criteria of Section §803.1 **have been** met:
  - a. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.
  - b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more nonconforming in the absence of a variance.
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.
4. The character of the area **will not** be adversely affected.
5. **No** hazard or nuisance will be created.
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted.
7. The granting of the Special Exception **will not** result in undue municipal expense.

8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance.

9. The general welfare of the City **will** be protected.

### **III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6<sup>th</sup> day of January 2025 hereby **GRANTS** the requested Special Exception pursuant to Section §801.3 of the Zoning Ordinance to allow the construction of a group residence with associated infrastructure at 424 Mount Support Road, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain Planning Board Site Plan approval.
2. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and federal regulations in the construction of the proposed facility.
3. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.

*Seconded by Ms. Barkley.*

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

### **4. STAFF COMMENTS**

Staff thanked the Board for holding this Special Meeting.

### **5. ADJOURNMENT**

*Ms. Barkley MOVED to adjourn the meeting at 8:47 PM.*

*Seconded by Mr. Morris.*

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

Respectfully submitted,  
Linda Billings, Recording Secretary

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE  
MONDAY, March 3, 2025  
7:00 PM**

**MEMBERS PRESENT:** Vice Chair Jeremy Katz, Dave Newlove, Paul McDonough, Jennifer Barkley, Michael Morris (alternate), Rupert Burtan (alternate)

**MEMBERS ABSENT:** Chair William Koppenheffer,

**STAFF PRESENT:** Nathan Reichert – Zoning Administrator

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**1. CALL TO ORDER**

Vice Chair Jeremy Katz called the meeting to order at 7:00 PM.

Mr. Reichert gave the Right to Know, RS 91A public announcement Mr. Reichert gave the Right to Know, RS 91A public announcement

**Mr. Morris was given voting privileges for this motion.**

**2. APPROVAL OF MINUTES**

**A. February 3, 2025**

*Mr. McDonough MOVED to approve the February 3, 2025, Minutes as presented in the March 3, 2025 packet.*

*Seconded by Mr. Morris.*

*\*The Vote on the Motion was (4-0-2).*

*Two abstentions due to members not being present.*

**3. PUBLIC HEARING ITEMS**

- A. CWM All Waste, LLC & Choice Storage, LLC, 40 N. Labombard Rd (Tax map 51, Lot 10), zoned IND-L:** The applicants request a Variance from Article III, Section 303.3, pursuant to Section 801.3, of the Zoning Ordinance to allow a roadway right-of-way and scale to be located +/-16.5 ft away from the front property line of a newly created lot where 40 ft is required. **ZB2025-03-VAR - Continued to the April 7, 2025 meeting**

This hearing needs to be continued because a signature from the owner of the property has not been received. They will preserve notice by this continuation. It will need to be perfected by the April meeting, or it will be dismissed.

**Mr. Burtan was given voting privileges for this motion.**

1 **Mr. McDonough MOVED to continue the CWM All Waste, LLC & Choice Storage, LLC**  
2 **hearing until April 7, 2025.**  
3 **Seconded by Mr. Newlove.**

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

7 **B. Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax map 103, Lot 11), zoned**  
8 **GC:** The applicant requests a Special Exception from Article VI, Section 608.2.D, pursuant  
9 to Sections 206 Sight Distance at Street and Driveway intersections and 801.3 Special  
10 Exception, of the Zoning Ordinance to allow a freestanding sign to obstruct vision between 3  
11 ft and 10 ft above the street surface within the triangular area formed by the intersection of a  
12 driveway and a street line and a third line joining them at points 25 ft away from their  
13 intersection. **ZB2025-05-SE**  
14

15 **Mr. Morris was given voting privileges for this hearing.**  
16

17 Stefan Huba appeared on behalf of the application. The applicant clarified that this is an application is for  
18 a special exception. The application said it was checked off as a variance. A special exception is correct  
19 relief and was noticed as such.  
20

21 They are requesting relief for the placement of their sign, from the sight distance triangle. Otherwise, the  
22 sign meets the code and they believe it does not create a nuisance to the public. There previously was a  
23 sign in that location and the stop bar is located there. Exhibit C shows the proposed sign location,  
24 exhibiting there is ample vision and clear site lines. Moving that sign would require removing some  
25 substantial mature trees.  
26

27 Mr. Newlove asked for clarification of the official definition of the triangle. The applicants had to  
28 determine where the sight line should be because the stop bar is already in the right-of-way. If they use  
29 where the property line exists, that would also not be correct. They believe it is not relevant in this  
30 situation. The important point is if the sign would interfere with the sight lines for the flow of traffic and  
31 safety and not impair foot traffic or vehicles.  
32

33 The sign would be in the same location where the previous sign was located. The place where a vehicle  
34 naturally stops, a vehicle would go into the right-of-way, which actually makes it easier to see around the  
35 sign. The applicant showed a picture that showed where the sign would be and shows the line of sight  
36 that would be available. He does not believe it is a safety hazard.  
37

38 The sign meets the criteria of the size of the sign. They are not able to determine how the new sign  
39 compares to the Honda dealership sign. There is no documentation or permits for the old dealership sign.  
40 There is no noted history of indications that people could not see around the sign in the past several years.  
41

42 The triangle rule is a new zoning requirement. Sidewalks have been finished in that area in the last years.  
43 And a new stop bar has been painted. The only consideration is the sight line requirement. Engineers  
44 and traffic study experts believe this is not going to be a hazard.  
45

46 **Vice Chair Katz opened the Public Hearing, and no one appeared. The Public Hearing was closed.**  
47

48 The board discussed the advantages of adding a streetlight to luminate the intersection. This would be  
49 something addressed by the City Engineer's office. It would be advisory instead of a condition of  
50 approval.

1  
2 *Mr. Newlove MOVED On March 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*  
3 *Adjustment, there appeared Stefan Huba regarding 369 Miracle Mile (Tax map 103, Lot 11), zoned*  
4 *GC: The applicant requests a Special Exception from Article VI, Section 608.2.D, pursuant to Sections*  
5 *206 Sight Distance at Street and Driveway intersections and 801.3 Special Exception, of the Zoning*  
6 *Ordinance to allow a freestanding sign to obstruct vision between 3 ft and 10 ft above the street surface*  
7 *within the triangular area formed by the intersection of a driveway and a street line and a third line*  
8 *joining them at points 25 ft away from their intersection.*  
9

10 **I. FINDINGS OF FACT**  
11

12 Based on testimony given, application materials presented, and supporting documents submitted, the  
13 Lebanon Zoning Board of Adjustment makes the following findings of fact:  
14

- 15 1. The subject property is improved with a dimensionally conforming commercial building.
- 16 2. The applicant proposes to install a 9 ft wide x 13.5 ft tall freestanding sign parallel to the  
17 driveway, on a pre-existing foundation.
- 18 3. The applicant is seeking a Special Exception pursuant to Article II, Section 206 of the Zoning  
19 Ordinance to allow a freestanding sign to obstruct vision between 3 ft and 10 above the street  
20 surface within the triangular area formed by the intersection of their driveway, Miracle Mile, and  
21 a third line joining them at points 25 ft away from their intersection.
- 22 4. In order to grant a Special Exception, the applicant must demonstrate that their proposal meets the  
23 general Special Exception criteria, set forth in Section 801.3. The applicant has submitted  
24 testimony addressing the Section 801.3 criteria in an application received by the Planning and  
25 Development Department on February 10, 2025.
- 26 5. There are no known existing zoning violations on the property.
- 27 6. No one from the public spoke.

28 **II. CONCLUSIONS OF LAW**  
29

30 As a result of the above findings of fact and based on testimony given, application materials presented,  
31 and supporting documents submitted, the Board concludes the following with respect to the Special  
32 Exception criteria set forth in §801.3 of the Zoning Ordinance:  
33

- 34 1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance by  
35 section 206 Sight Distance at Street and Driveway intersections.
  - 36 2. There are **NO** special conditions of the special exception required by **section 206** that must be  
37 met.
  - 38 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the  
39 Special Exception would not remedy.
  - 40 4. The character of the area **will not** be adversely affected.
- 41  
42  
43  
44  
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46  
47  
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49  
50



5. **No** hazard or nuisance will be created.
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted.
7. The granting of the Special Exception **will not** result in undue municipal expense.
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance.
9. The general welfare of the City **will** be protected.

### III. **DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3<sup>rd</sup> day of March 2025 hereby **GRANTS** the requested Special Exception pursuant to Sections §206 and §801.3 of the Zoning Ordinance to allow a freestanding sign to obstruct vision between 3 ft and 10 ft above the street surface within the triangular area formed by the intersection of a driveway and a street line and a third line joining them at points 25 ft away from their intersection.

1. The applicant shall obtain a building permit.
2. They must follow the landscape plan presented in Exhibit E.

***Seconded by Ms. Barkley.***

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

### 4. **STAFF COMMENTS**

There are a lot of zoning changes coming forward in the near future. Next month additional information will be available. Rupert Barton was welcomed to the Board.

### 5. **ADJOURNMENT**

***Mr. Newlove MOVED to adjourn the meeting at 7:32 PM.***

***Seconded by Mr. Morris.***

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

Respectfully submitted,  
Linda Billings, Recording Secretary



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT

#### STAFF MEMORANDUM

Headrest, Inc.  
14 Church Street

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**To:** Zoning Board of Adjustment

**Prepared By:** Nathan Reichert, *Director of Planning & Development and Zoning Administrator*  
& Tiffany Adams, *Zoning Executive Assistant*

**Date:** April 7, 2025 – Regular Meeting

**Application Number:** ZB2025-06-SE

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#### HEARING NOTICE:

Headrest, Inc, 14 Church St (Tax map 91, Lot 252), zoned LD. The applicant requests a Special Exception from Article III, Section 307.2, pursuant to Sections 614 and 801.3 of the Zoning Ordinance to allow the existing facility to be used as a recovery house. ZB2025-06-SE

#### SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming building constructed in 1945, per the City Assessor's records and is conforming to the LD zoning district, Class 1, minimum lot size requirement of 3,000 sq ft with +/- 12,196 sq ft and is not within any overlay district. There has been no previous ZBA action since 1995.

#### PROPOSAL:

Since 1987 Headrest has managed a residential program for adults experiencing substance use disorders at this location and most recently operated as a 14-bed, 3.1 Low Intensity Residential Program; defined as a "social service center" (an establishment providing assistance and aid to those persons who may need or benefit from counseling for psychological problems, employment, learning disabilities, and/or physical disabilities. Said establishments may include temporary lodging facilities) per the Zoning Ordinance. For a variety of reasons, it has become necessary for Headrest to transition their services to a 14-bed recovery house, defined below, for adults recovering from substance abuse disorders.

#### ZONING ORDINANCE REQUIREMENTS – 614 RECOVERY HOUSES:

**Recovery House:** As defined in RSA 153:10-d, II, as the same may be amended: A residence that provides a safe, healthy, family-like, substance free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that "recovery housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

#### 614.2 Certification Required:

To establish and operate a recovery house, the following standards shall be met:

A. The recovery house shall be certified and maintain certification by the New Hampshire Partnership of Recovery Residences (NHPRR) at all times while in operation. Documentation of this certification and recertification shall be provided immediately to the Zoning Official, Fire Chief, Police Chief, and the City Clerk.

1. A letter from the New Hampshire Partnership of Recovery Residences (NHPRR) confirming the recovery house certification process has commenced shall accompany all City permit applications

for the establishment of a new recovery house.

2. Upon final New Hampshire Partnership of Recovery Residences (NHPRR) certification of a new recovery house the certification shall immediately be communicated to the Zoning Official, Fire Chief, Police Chief and City Clerk. The recovery house may not begin operation under any City approval until certification has been received and transmitted to the City as required by this section.

B. A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building, so it is readily visible to residents and emergency responders. A 24-hour emergency contact person with contact information shall be provided, kept updated and remain on file with the Police Chief and Fire Chief.

#### **614.3 Special Exception Application Requirements:**

An application for a Special Exception shall include the following documentation:

A. A location map demonstrating adherence to the 1320 ft. (1/4 mile) bus stop radius requirement set forth in Section 614.3.

B. A site plan and floor plan demonstrating adherence to the requirements of RSA 153:10-d Exemption for Recovery Houses.

C. A letter from the New Hampshire Partnership of Recovery Residences (NHPRR) confirming the recovery house certification process has begun.

D. A proposed site plan depicting the following:

1. A garbage management plan with locations of exterior garbage receptacles and compliance with the applicable criteria set forth in Section 614.3. If a garbage dumpster is being used, the plan shall demonstrate compliance with the applicable location and screening requirements as set forth in the Site Plan Review Regulations.

2. A proposed smoking compliance plan that meets the standards of 153:10-d Exemption for Recovery Houses and the applicable criteria set forth in Section 614.4.

3. A parking plan sufficient to demonstrate that the recovery house has sufficient parking to meet the needs of its residents.

#### **614.4 Special Exception Criteria:**

In addition to the general Special Exception criteria set forth in Section 801.3 and the certification requirements set forth in Section 614.2, an applicant for a Special Exception shall demonstrate compliance with the following criteria:

A. The recovery house will be operated in a manner harmonious to the neighborhood and shall maintain a residential home appearance from the street view.

B. The recovery house shall have walkable and bikeable access to and be located within 1/4 mile (1320 ft.) of a bus stop.

C. Smoking areas are not permitted in the front yard of a recovery house.

D. A designated smoking area shall meet applicable setback for the zoning district and if abutting a residential use screening shall be provided.

E. All garbage receptacles shall be stored in a location on the side or rear of the house.

**ZONING ORDINANCE REQUIREMENTS – 801.3 SPECIAL EXCEPTION:**

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:

1. That the special exception is specifically authorized by a provision of this Ordinance.
2. That all special conditions required of the special exception have been met.
3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
4. That the character of the area shall not be adversely affected.
5. That no hazard or nuisance will be created.
6. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
7. That granting the special exception will not result in undue municipal expense.
8. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.
9. That the general welfare of the City will be protected.

**STAFF COMMENTS:**

The Recovery House enabling language and use codes are a new addition to the Zoning Ordinance in 2025. The referendum passed on a 3 to 1 vote margin. The use of this location as a more intense use helps easily underwrite the transition into a Recovery House. There are site specific items that are included in the enabling language that need to be verified by the Zoning Board as a part of your findings.

Staff recommends that the site plan specific items appear to meet the submission requirements.



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT SPECIAL EXCEPTION Draft Motion Headrest Inc. 14 Church Street

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#### **DRAFT MOTION for:**

**Agenda Item: 3.B**

**Case: ZB2025-06-SE**

**Request for Special Exception per Sections §614 & §801.3**

Motion made by: \_\_\_\_\_

On April 7th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 14 Church St (Tax map 91, Lot 252), zoned LD. The applicant requests a Special Exception from Article III, Section 307.2, pursuant to Sections 614 and 801.3 of the Zoning Ordinance to allow the existing facility to be used as a recovery house.

#### **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 improved with a dimensionally non-conforming building that was constructed in 1945 and has been used by Headrest Inc. as a residential social service center for adults experiencing substance use disorders since 1987.
2. The applicant proposes to transition away from their current 14-bed, 3.1 Low Intensity Residential Program use.
3. The applicant is seeking a Special Exception pursuant to Article VI Additional Standards for Specific Uses, Section 614 Recovery Houses, of the Zoning Ordinance to allow them to transition their services to a 14-bed Recovery House as defined in RSA 153:10-d, II, as the same may be amended: A residence that provides a safe, healthy, family-like, substance free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that "recovery housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151, in the LD Zoning District.
4. In order to grant a Special Exception, the applicant must demonstrate that their proposal meets the general Special Exception criteria, set forth in Section 801.3. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning and Development Department on March 10, 2025.
5. There are no known existing zoning violations on the property.

6. \_\_\_\_\_  
\_\_\_\_\_
7. \_\_\_\_\_  
\_\_\_\_\_

## II. CONCLUSIONS OF LAW

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

1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.  
\_\_\_\_\_
2. There are **NO** special conditions of the special exception required by **section 614** that have/will not been met.
3. There **are no / are** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.  
\_\_\_\_\_
4. The character of the area **will not / will** be adversely affected.  
\_\_\_\_\_
5. **No / A** hazard or nuisance will be created.  
\_\_\_\_\_
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not / will** be adversely impacted.  
\_\_\_\_\_
7. The granting of the Special Exception **will not / will** result in undue municipal expense.  
\_\_\_\_\_
8. The proposed Special Exception **will / will not** be developed in a manner compatible with the spirit and intent of the ordinance.  
\_\_\_\_\_
9. The general welfare of the City **will / will not** be protected.  
\_\_\_\_\_

## III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 7th day of April,

2025 hereby **GRANTS / DENIES** the requested Special Exception pursuant to Sections 614 and 801.3 of the Zoning Ordinance to allow the existing facility to be used as a recovery house.

1. The applicant shall obtain a building permit.
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

|                                   |                                     |                                                                |
|-----------------------------------|-------------------------------------|----------------------------------------------------------------|
| <b>SPECIAL EXCEPTION</b>          | <input checked="" type="checkbox"/> | <input type="checkbox"/> <b>BUILDING CODE BOARD OF APPEALS</b> |
| <b>WETLANDS SPECIAL EXCEPTION</b> | <input type="checkbox"/>            | <input type="checkbox"/> <b>APPEAL OF AN ADMIN DECISION</b>    |
| <b>VARIANCE</b>                   | <input type="checkbox"/>            | <input type="checkbox"/> <b>REHEARING REQUEST</b>              |
| <b>EQUITABLE WAIVER</b>           | <input type="checkbox"/>            | <input type="checkbox"/>                                       |

## TEL.#:

E-MAIL ADDRESS:

## TEL.#:

E-MAIL ADDRESS:

ZONE: LD

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

If use is **COMMERCIAL OR INDUSTRIAL** please note specific use: Currently a Social Services Center, adding Recovery Housing

Owner Signature: \_\_\_\_\_ DATE: \_\_\_\_\_



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

I (we) hereby request a Special Exception as provided for in Article(s) III, Section(s) 614, 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.)*

Headrest is respectfully requesting a special exception to transition our 3.1 Low Intensity Residential Program located in the Lebanon Downtown District on 14 Church Street to a Recovery House as defined in RSA 153: 10-d. A narrative is attached outlining the House's inception and Headrest's proposal for the transition to continue to support individuals experiencing substance use disorders. No changes to the property will be needed as the facility requirements for a 3.1 Low Intensity Residential Program exceed those of Recovery Housing.

**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 614.1 specifically states the purpose of Recovery Houses is to institute reasonable regulations for the establishment of recovery houses in accordance with RSA 153:10-d Exemption for Recovery House. Its primary purpose is to protect the health, safety, and welfare of the patrons of the operations, the citizens of the City of Lebanon, and to prevent the deleterious siting of recovery houses within the City. Headrest has been operating at the 14 Church Street location since 1987. Headrest met the needs of individuals by providing a safe and substance-free environment without jeopardizing the residents of the city and meeting the standards of a licensed State facility. Additionally, Headrest has successfully operated a certified recovery house for the past 3 years in Boscawen for a maximum of 12 adult males.

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

Headrest meets 614.2 Certification Requirements (1) applying for the State certification from the NH Partnership of Recovery Residences (NHPRR). Headrest started the process on Thursday, March 7, 2025, by completing the orientation-training with the Program Director; (2) upon completion of the certification process, Headrest will communicate to the Zoning Official, Fire Chief, Police Chief, and City Clerk of the certification; (3) the House Manager/Leader, Mr. Michael Kemp is the 24-hour contact person who will keep all stakeholders apprised of updates.

Headrest meets 614.3 Special Exception Application Requirements (A) 14 Church Street is .2 miles from a bus stop and meets the criteria of 614.4; (B) the attached drawings demonstrate adherence to the requirements of RSA 153:10-d; (C) as stated above we have attached a letter from NHPRR; (D) 1-14 Church St has a dumpster in place managed by Casella and meets the criteria of 614.4, 2- The house is non-smoking with a designated smoking area outside on the fire station side of the property and meets the criteria of 614.4, 3 – There are two approved parking spaces that will be occupied by the house managers vehicle and the Headrest van. Residents will not be permitted to keep vehicles at 14 Church Street. These are all current policies and practices so there will be no new impact to the city or its residents. Lastly, in alignment with the criteria of 614.4 Headrest will ensure that the recovery house on 14 Church street will be operated in a manner harmonious to the neighborhood as it has since 1987.

- 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 at 14 Church Street.

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

The character of the area will not be adversely affected. The 14 Church Street location will remain the same without any external modifications. There was a city approved addition added and the interior was renovated in 2020, no further updates will be needed. Headrest already serves the recovery population at 14 Church Street and has done so since 1987.

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

No hazard or nuisance that will be created with the special exception. Headrest has been operating at 14 Church St since 1987 and has not presented any nuisance to the neighborhood or the community during that time. The entire facility was updated on 2020 and meets all requirements of a Recovery House. This special exception, if approved, will not change this.

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

The capacity of the House will not change. There is no adverse impact on the neighborhood or the community. Headrest is currently approved for two parking spaces. Residents will not be allowed to park at 14 Church Street. One Space will be used by the house Manager and the other will be used for the Headrest van that will assist with resident transport as needed.

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

There is no undue municipal expense as result of being granted this special exception. The intent of this transition is to create a self-sustaining and affordable Recovery Home that will serve as a critical resource for those in recovery in our community.

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

Page 3

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

The proposal to transition to a Recovery House directly meets the spirit of the ordinance. Headrest will provide a safe, substance-free environment for individuals in the community to remain gainfully employed and continue their recovery journey. It gives individuals affected by substance misuse an extended opportunity to reside in safe housing while developing a self-sufficient lifestyle in the community. It provides residents with tools, resources, and support to assist them with their recovery efforts.

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

The general welfare of the City will be protected as Headrest has been a part of this community for 53 years. Headrest continues to evolve to meet the needs of our local and state residents through the 988 Suicide Lifeline and recovery housing. As demonstrated at 14 Church St. since 1987 Headrest has always been a grateful partner with the City of Lebanon. It has always been Headrest's mission to assist individuals reach their fullest potential in their recovery journey while being a critical resource 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.

## Narrative- Request for Special Exception

Headrest has been a leading non-profit organization in the Upper Valley Region for 53 years. During this time, Headrest has managed to meet the evolving trends in providing care to individuals and families in need of crisis services, substance use disorder treatment, information and referral, vocational preparation service, and more recently recovery housing.

Headrest managed a residential program, located at 14 Church Street, for adults experiencing substance use disorders since 1987. It started at 10 beds and has grown to a 14-bed program, known as a 3.1 Low Intensity Residential Program. The program is currently a licensed substance use facility by the State of New Hampshire's Bureau of Licensing and Certification. Headrest received funding from the State of New Hampshire as well as from other sources to financially support the overall operation of a substance use facility.

Since the program's inception, the City of Lebanon considered the use of the house at 14 Church a "social service center." The city defines the designation as "an establishment providing assistance and aid to those persons who may need or benefit from counseling for psychological problems, employment, learning disabilities, and/or physical disabilities. Said establishments may include temporary lodging facilities." This designation is a permitted use in the Lebanon District zone which includes 14 Church Street.

Throughout the years of operating the program, Headrest met the requirements set forth by the State and the City. Headrest delivered the services designated by its use and met the requirements of a licensed facility in providing clinical treatment through group and individual counseling, offered employment preparation and placement, provided case management services, medication observation, peer support and outreach services. Offering these services meant retaining qualified staff with specialized credentials seven days per week 24 hours per day. A pivotal position is the Clinical Director who must have a credential known as a(n) MLDAC.

Despite the many triumphs of our residential program, Headrest experienced challenges with finding and maintaining the required staff post COVID-19. Working weekend hours, evening shifts, and our inability to pay competitive wages in the Upper Valley have presented obstacles in hiring and retaining staff. Recently, Headrest resulting in an inability to provide required clinical supervision and preventing Headrests lost our clinical director and our ability to bill for state contracted services and services that would typically be covered by insurance companies. Individuals holding this credential are in high demand throughout New England and difficult for a small non-profit to hire in the Upper Valley Region.

These ongoing challenges resulted in Headrest not having the capacity to meet all the required elements set forth by the Bureau of Alcohol and Drug Services. It also became increasingly difficult to receive insurance authorizations for a 3.1 program level of care. During the past 9 months, the Headrest Board of Directors and the Executive Director have had ongoing strategic discussions to plan for future services to sustainably meet the needs of the community and to address the trends in behavioral healthcare.

With 3.1 Low Intensity Residential Programs becoming less preferred as a level of service authorized by insurance companies, the onset of medication assisted treatment (MAT) as a viable option to treat individuals with substance use disorders, and being able to maintain the staffing capacity to meet the required elements of a licensed substance use facility, Headrest decided to end its contract with the State's Bureau of Alcohol and Drug Services effective March 7, 2025.

Headrest believes that operating a recovery house rather than a 3.1 Low Intensity Residential Program is a more sustainable option for the community. It allows individuals to remain in a safe substance free living environment, remain gainfully employed, and receive treatment from service providers in the community. Operating a recovery house does not require a Clinical Director and staff across three shifts.

Headrest has successfully managed a certified recovery house in Boscawen since 2022 and strongly believes that the 14 Church Street location could be effectively transitioned into a recovery house environment. It meets the needs of the community by offering affordable housing while meeting the needs of individuals in recovery. It not only offers affordable housing but gives individuals an opportunity to enhance self-discipline by establishing work-life balance in recovery.

Headrest respectfully requests a special exception to add recovery housing to the 14 Church Street location in addition to its social service center use code. It will not alter the neighborhood in any way, and it will have a house manager/leader residing on site. All residents are required to work, pay a program fee, and remain substance free substantiated by periodic urine screens. In alignment with our current program, residents are required to meet all program rules and expectations. Additionally, Headrest will seek State certification as a recovery house as an added level of quality programming and community safety.



March 8, 2025

Shaun W. Mulholland  
Lebanon City Manager  
51 N. Park St.  
Lebanon, NH 03766

Dear Mr. Mulholland,

This letter serves to inform you that Headrest has completed an orientation on 3/6/25 with New Hampshire Partnership for Recovery Residences and expressed their intention to open a recovery residence at 14 Church Street Lebanon, NH.

Recovery residences must have a minimum of 50 sq. feet per resident in each bedroom and only six residents may share a full bathroom. Due to these spacial requirements, a certification through NHPRR would be for a maximum of 12 residents.

Please note, this letter serves as notice only that the application process has begun. Headrest has not yet submitted documentations for review or completed a site visit for full verification of the social model, safety checks and standards verifications. Here is an overview of the stages of certification:

- Complete Orientation
- Submit policies and procedures
- Pass Documentation review by NHPRR
- Initial onsite visit and resident interviews- a home may be provisionally certified at this stage
- Final site review, 2-3 months after initial site visit

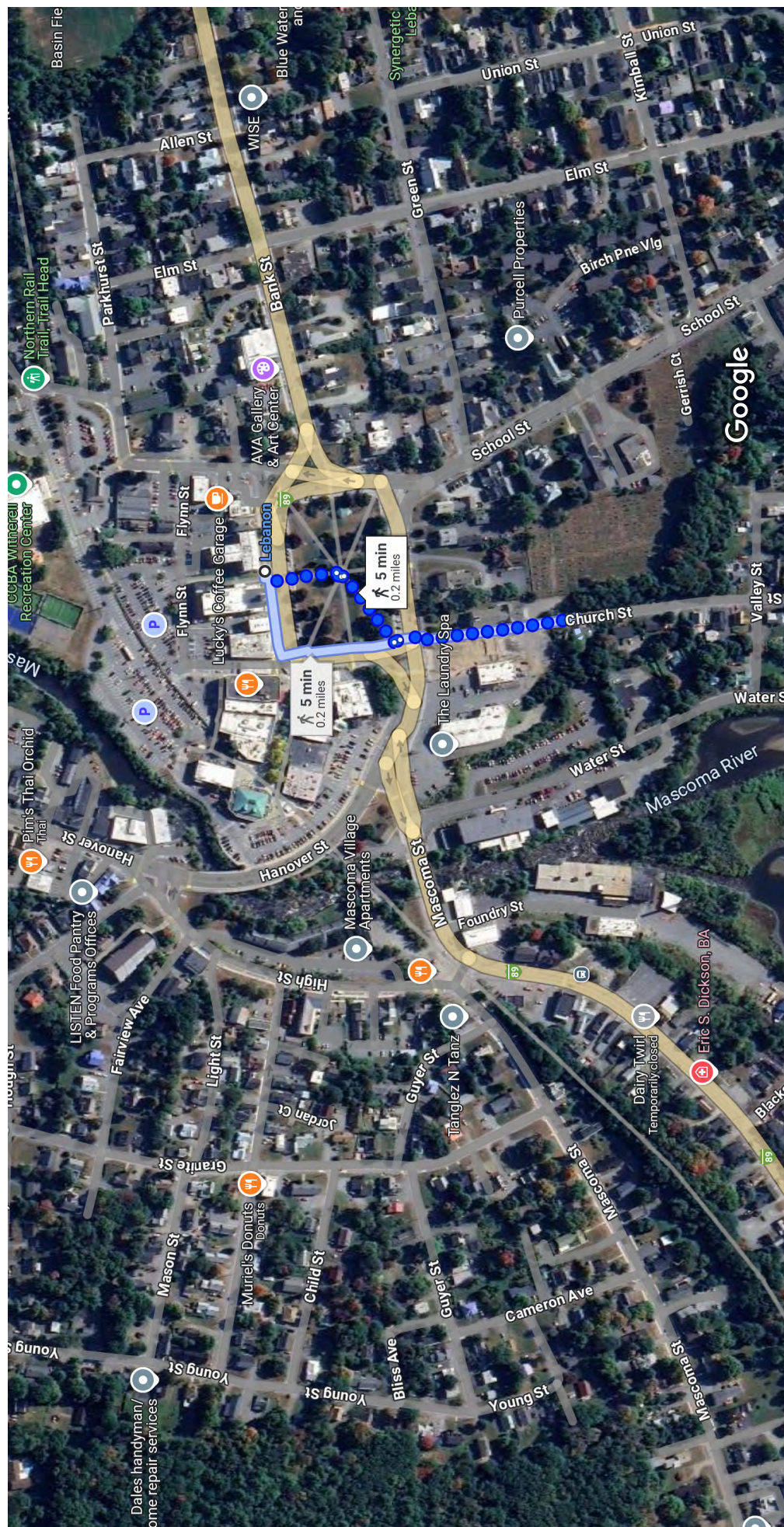
The city of Lebanon may request an update on the application by emailing [nhpr@growthpartners.llc](mailto:nhpr@growthpartners.llc).

Sincerely,

Laura Wargo, MSW  
Director  
(603) 361-0647

**[nhpr@growthpartners.llc](mailto:nhpr@growthpartners.llc)**  
603.369.3679  
**[NHPRR.com](http://NHPRR.com)**





Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 200 ft

via Church St

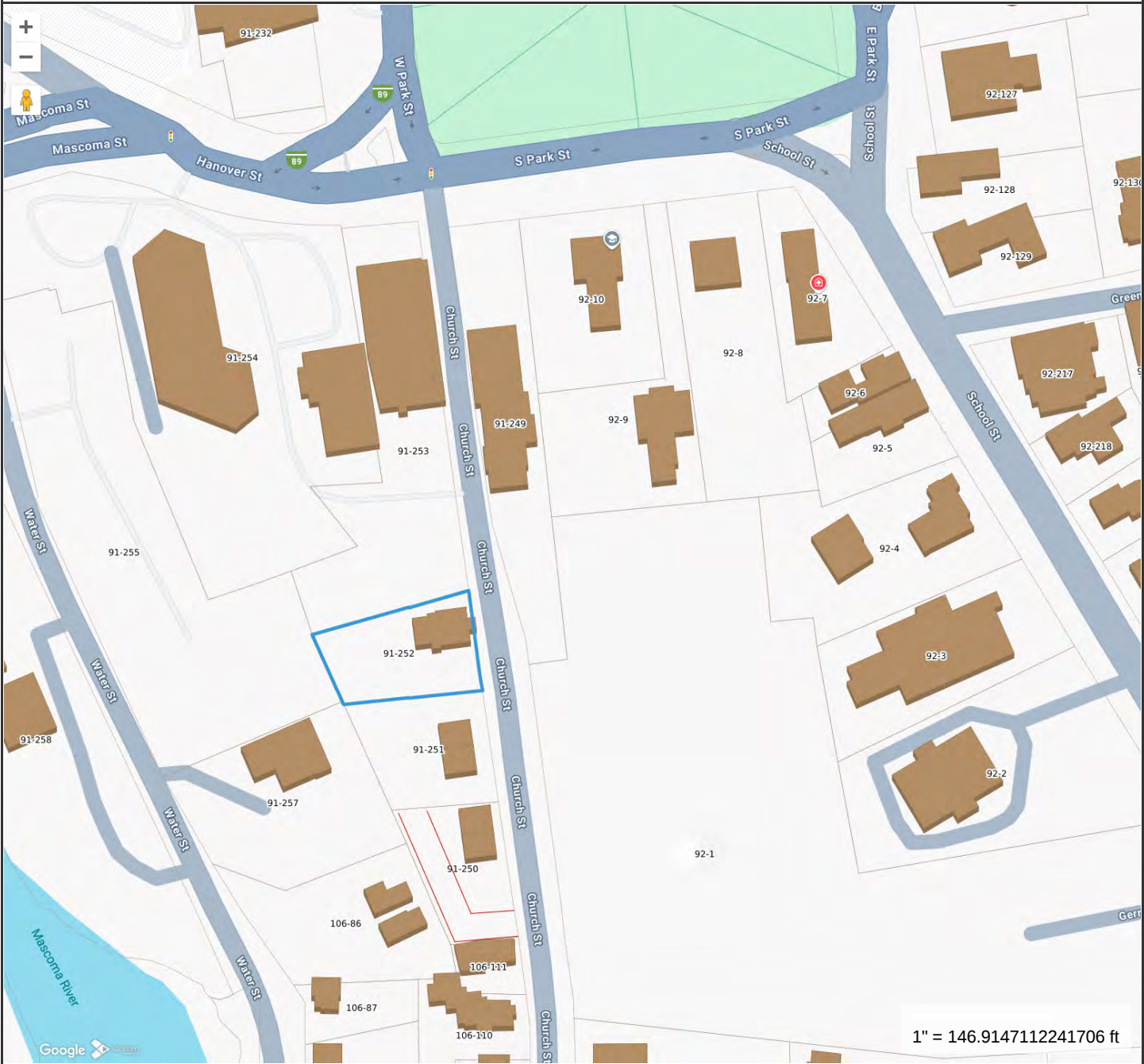
5 min  
0.2 mile

via N Park St and Church St

5 min  
0.2 mile



14 Church Street/Headrest



Property Information

Property ID 91-252  
Location 14 CHURCH ST  
Owner HEADREST, INC



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 01/30/2025  
Data updated 11/18/2018

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



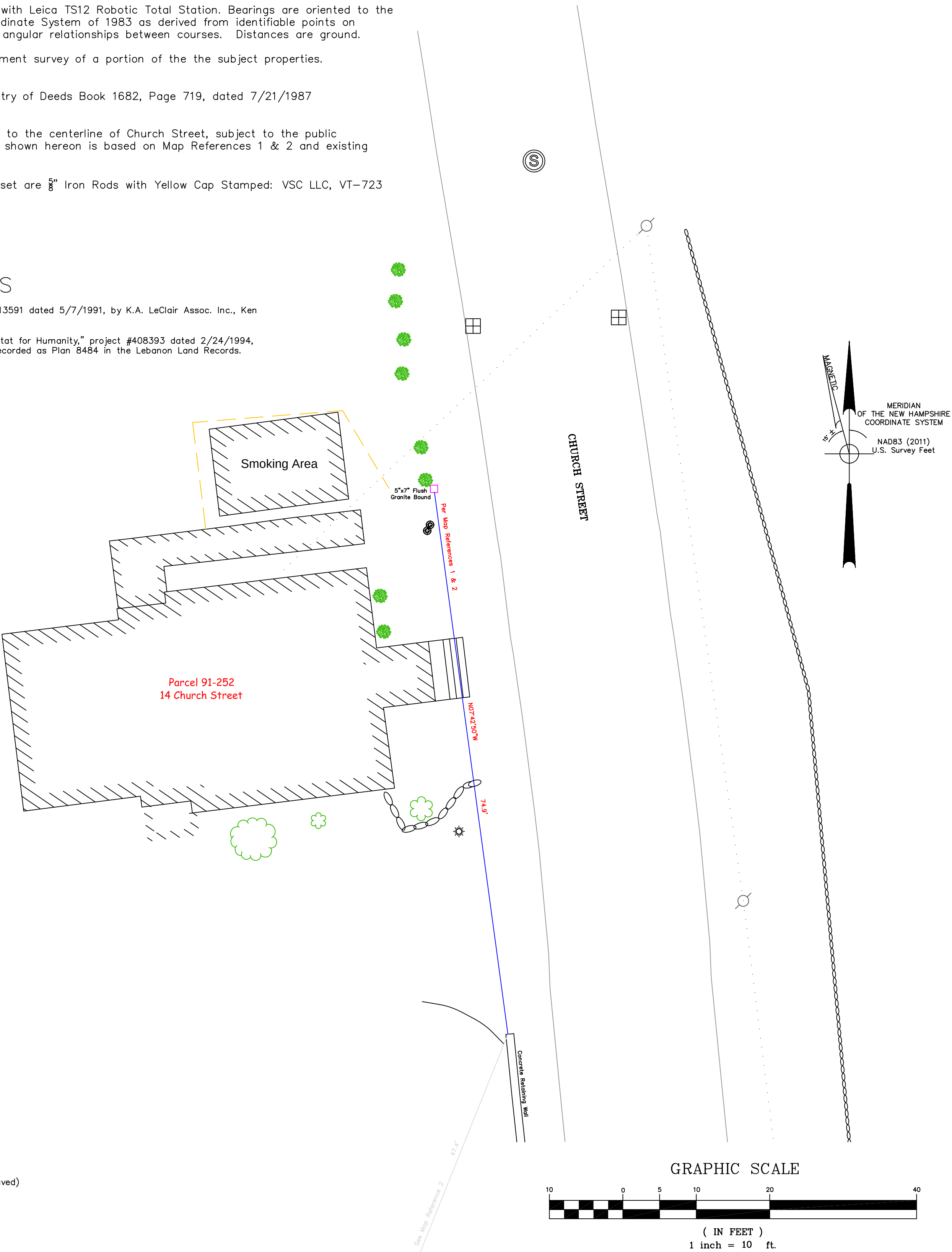
NOTES

1. Method of Survey: Random traverse with Leica TS12 Robotic Total Station. Bearings are oriented to the meridian of the New Hampshire Coordinate System of 1983 as derived from identifiable points on orthophoto and serve only to define angular relationships between courses. Distances are ground.
2. This plat depicts a boundary retracement survey of a portion of the the subject properties.

Current Owners: Headrest  
Current Deed: Grafton County Registry of Deeds Book 1682, Page 719, dated 7/21/1987  
Tax Map Parcel:91-252
3. Title to these properties may extend to the centerline of Church Street, subject to the public right-of-way. The right-of-way as shown hereon is based on Map References 1 & 2 and existing monumentation.
4. Unless otherwise noted, monuments set are 5/8" Iron Rods with Yellow Cap Stamped: VSC LLC, VT-723 NH-966.

MAP REFERENCES

1. "Technical Site Plan Headrest Inc.," project #13591 dated 5/7/1991, by K.A. LeClair Assoc. Inc., Ken LeClair, LS 769, unrecorded.
2. "Condominium Site Plan for Upper Valley Habitat for Humanity," project #408393 dated 2/24/1994, T&M Associates,Timothy Rockwood, LS 618, recorded as Plan 8484 in the Lebanon Land Records.



LEGEND

- MONUMENT FOUND
- STONE BOUND
- MONUMENT SET (See Note)
- PICKET FENCE
- ⊞

CATCH BASIN
- ⊞

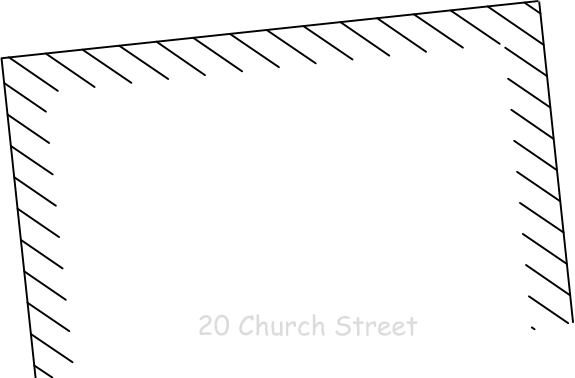
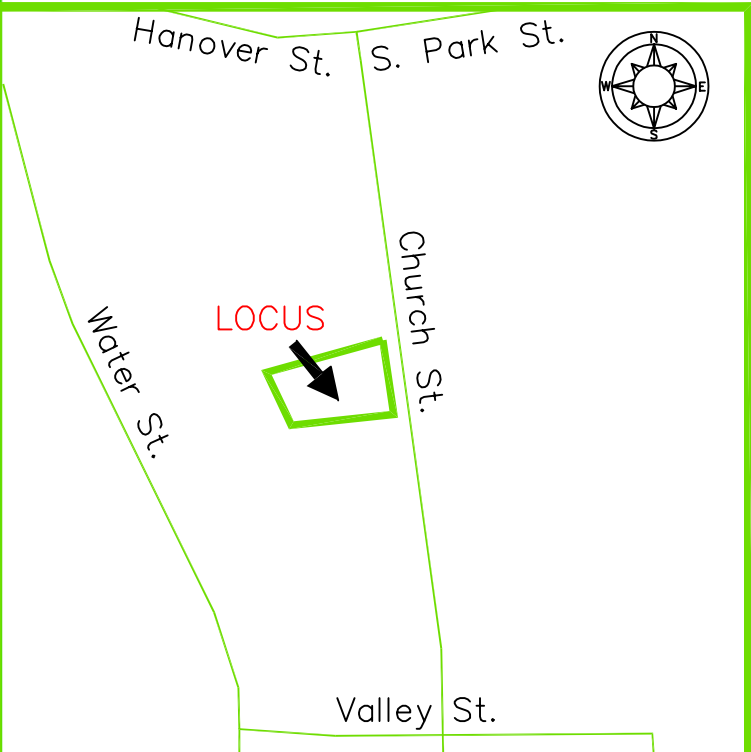
SEWER MANHOLE
- ⊞

WATER GATE
- ⊞

LAMP POST
- ⊞

UTILITY POLE
- UTILITY LINE
- TRAVELED WAY (Paved/Unpaved)
- BOUNDARY LINE (Subject)
- OTHER BOUNDARIES

Location Map



BOUNDARY RETRACEMENT SURVEY

Land of

HEADREST

LEBANON

GRAFTON COUNTY, NEW HAMPSHIRE

Scale: 1"=10'

STATE OF NEW HAMPSHIRE

LAND SURVEYOR

No. 966

RAYMOND H. PAGE

SIGNATURE

DATE: July 15, 2020

HOLT GILMOUR SURVEY ASSOCIATES LLC

Woodstock, VT

www.vtsurveyor.com

HOLT GILMOUR SURVEY

(802) 457-4649



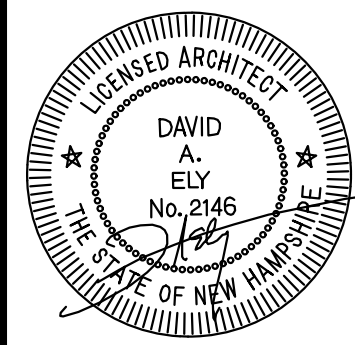
ADDITION AND RENOVATIONS FOR

# HEADREST

HEADREST

14 CHURCH ST, LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN  
8-31-21: WINDOW 118



Windy Hill  
Associates

Architecture  
NEW BOSTON, NH  
603-487-3252

PLANS

DRAWN BY: DAE

DATE: 1-21-20

CONSTRUCTION  
DOCUMENTS

© 2020  
WINDY HILL ASSOCIATES  
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A0-0

LIST OF DOCUMENTS

|      |                                                |
|------|------------------------------------------------|
| A0-0 | TITLE PAGE                                     |
| A1-1 | BASEMENT PLAN - FIRST FLOOR PLAN               |
| A1-2 | SECOND FLOOR PLAN - ROOF PLAN                  |
| A2-1 | EXTERIOR ELEVATIONS                            |
| A2-2 | EXTERIOR ELEVATIONS                            |
| A3-1 | BUILDING SECTION                               |
| A3-2 | BUILDING SECTION                               |
| A3-3 | BUILDING SECTION                               |
| A4-1 | DETAILS                                        |
| A5-1 | SCHEDULES                                      |
| S1-1 | STRUCTURAL FOUNDATION PLAN FIRST FLOOR FRAMING |
| S1-2 | STRUCTURAL SECOND FLOOR FRAMING, ROOF FRAMING  |
| CI-1 | SITE PLAN                                      |

THESE DRAWINGS AND THIS DESIGN ARE ONE OF A KIND  
AND SHALL BE USED FOR THE SPECIFIED ADDRESS AND CLIENT ONLY  
THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY THE ARCHITECT  
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REFERENCE IN CONNECTION WITH THE OWNER'S USE AND OCCUPANCY OF THE PROJECT.  
THE ARCHITECT'S DRAWINGS, SPECIFICATION OR OTHER DOCUMENTS SHALL NOT BE USED  
ON OTHER PROJECTS.



ABBREVIATIONS

|        |                          |        |                  |        |                |
|--------|--------------------------|--------|------------------|--------|----------------|
| ADJ.   | ADJUSTABLE               | G.W.B. | GYP&UM WALL      | RND    | ROUND          |
| AFF.   | ABOVE FINISH FLOOR       |        | BOARD            | R.O.   | ROUGH OPENING  |
| ALUM.  | ALUMINUM                 | HORIZ  | HORIZONTAL       | S.D.L. | SIMULATED      |
| @      | AT                       | INSUL  | INSULATION       |        | DIVIDED LITE   |
| BD     | BOARD                    | INT    | INTERIOR         | S.L.   | SIDE LITE      |
| B.I.   | BUILT-IN                 | L.V.L. | LAMINATED        | SQ     | SQUARE         |
| C.L.   | CENTER LINE              |        | VENEER LUMBER    | T4G    | TONGUE AND     |
| CONC   | CONCRETE                 | MAX    | MAXIMUM          |        | GROOVE         |
| CONST  | CONSTRUCTION             | MFGFR  | MANUFACTURER     | T.J.I. | TRUSS JOIST    |
| DEG    | DEGREE                   | MIN    | MINIMUM          |        | INSTITUTE      |
| DIA    | DIAMETER                 | O.C.   | ON CENTER        | T.T.W. | TO THE WEATHER |
| EQ     | EQUAL                    | P.D.   | FULL-DOWN        | TYP    | TYPICAL        |
| E.S.   | EACH SIDE                | PERF   | PERFORATED       | VERT   | VERTICAL       |
| EXT    | EXTERIOR                 | PL     | PLATE            | W/     | WITH           |
| FDN    | FOUNDATION               | P.S.I. | POUNDS PER       | W.I.   | WALK-IN        |
| FIN    | FINISH                   |        | SQUARE INCH      |        |                |
| FT     | FOOT                     | P.T.   | PRESSURE TREATED |        |                |
| GALV   | GALVANIZED               | PTD    | PAINTED          |        |                |
| G.B.   | GLASS BLOCK              | RE.    | REFERENCE        |        |                |
| G.F.I. | GROUND FAULT INTERRUPTER | REQ'D  | REQUIRED         |        |                |

|                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| PARTIAL CODE REVIEW                                                                                                                                                                                                                                                                             |  | 1015.8 WINDOW OPENINGS IN GROUP R-3 WHERE THE TOP OF THE SILL IS LOCATED LESS THAN 36" ABOVE THE FINISHED FLOOR AND MORE THAN 12" ABOVE THE FINISHED GRADE SHALL COMPLY WITH ONE OF THE FOLLOWING:                                                                                                                                                                                 |  |
| SECTIONS NOT REFERENCED ARE ALSO SUBJECT TO COMPLIANCE.                                                                                                                                                                                                                                         |  | 4. OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDOW OPENING CONTROL DEVICES THAT COMPLY WITH SECTION 1015.8.1. WINDOW OPENING CONTROL DEVICES SHALL COMPLY WITH ASTM F 2090. THE DEVICE, AFTER OPERATION TO RELEASE THE WINDOW OPENING CONTROL DEVICE ALLOWING THE WINDOW TO FULLY OPEN, SHALL NOT REDUCE THE MINIMUM NET CLEAR OPENING AREA TO LESS THAN REQUIRED BY SECTION 1030.2 |  |
| 102.2 SEPARATION WALLS BETWEEN SLEEPING UNITS AND OTHER OCCUPANCIES TO BE CONSTRUCTED AS FIRE PARTITIONS IAW 108                                                                                                                                                                                |  | 1015.3 GUARD SHALL BE NOT LESS THAN 42" ABOVE NOSINGS.                                                                                                                                                                                                                                                                                                                             |  |
| 102.3 HORIZONTAL SEPARATION FLOORS SEPARATING DWELLING UNITS AND OTHER OCCUPANCIES SHALL BE CONSTRUCTED AS HORIZONTAL ASSEMBLIES IAW SECTION 111.                                                                                                                                               |  | 1015.10 CORRIDORS                                                                                                                                                                                                                                                                                                                                                                  |  |
| 102.5 AUTOMATIC SPRINKLER SYSTEM IAW SECTION 903.2.8                                                                                                                                                                                                                                            |  | TABLE 102.10 CORRIDOR FIRE-RESISTANCE RATING, OCCUPANCY R                                                                                                                                                                                                                                                                                                                          |  |
| 102.6 FIRE ALARM SYSTEM AND SMOKE ALARMS REQUIRED FOR R-3 IAW 907.12.11                                                                                                                                                                                                                         |  | OCCUPANT LOAD GREATER THAN 10 5 HOUR                                                                                                                                                                                                                                                                                                                                               |  |
| TYPE OF CONSTRUCTION:                                                                                                                                                                                                                                                                           |  | TABLE 102.2 MINIMUM CORRIDOR WIDTH WITH OCCUPANT LOAD LESS THAN 50 - 36"                                                                                                                                                                                                                                                                                                           |  |
| TABLE 601 TYPE V B, SPRINKLERED                                                                                                                                                                                                                                                                 |  | 1023 INTERIOR EXIT STAIRWAYS AND RAMPS                                                                                                                                                                                                                                                                                                                                             |  |
| FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS BASED ON USE - 0 HOURS FOR ALL.                                                                                                                                                                                                       |  | 1023.3 TERMINATION, INTERIOR EXIT STAIRWAYS SHALL TERMINATE AT AN EXIT DISCHARGE OR PUBLIC WAY.                                                                                                                                                                                                                                                                                    |  |
| 101 FIRE BARRIERS                                                                                                                                                                                                                                                                               |  | 1030.18 SLEEPING ROOMS BELOW THE FOURTH STORY ABOVE GRADE PLANE SHALL HAVE AT LEAST ONE EXTERIOR EMERGENCY ESCAPE AND RESCUE OPENING.                                                                                                                                                                                                                                              |  |
| 101.5 CONTINUITY, FIRE BARRIERS SHALL EXTEND FROM THE TOP OF THE FLOOR/CEILING ASSEMBLY BELOW TO THE UNDERSIDE OF THE ROOF SHEATHING, SUCH FIRE BARRIERS SHALL BE CONTINUOUS THROUGH CONCEALED SPACE.                                                                                           |  | 1030.2 MINIMUM SIZE 5/16 SQ FT. MINIMUM NET CLEAR HEIGHT SHALL BE 24". MINIMUM NET CLEAR OPENING WIDTH 20".                                                                                                                                                                                                                                                                        |  |
| 108 FIRE PARTITIONS                                                                                                                                                                                                                                                                             |  | 1030.3 MAXIMUM HEIGHT FROM FLOOR 44"                                                                                                                                                                                                                                                                                                                                               |  |
| 102.3 FIRE RESISTANCE RATING FOR DWELLING AND SLEEPING UNIT SEPARATIONS IN BUILDINGS OF TYPE VB CONSTRUCTION SHALL HAVE FIRE-RESISTANCE RATINGS OF NOT LESS THAN 1/2 HOUR IN BUILDINGS EQUIPPED WITH SPRINKLERS.                                                                                |  | 11 ACCESSIBILITY                                                                                                                                                                                                                                                                                                                                                                   |  |
| 113 HORIZONTAL ASSEMBLIES                                                                                                                                                                                                                                                                       |  | 1105.1.1 AT LEAST ONE OF THE REQUIRED ACCESSIBLE PUBLIC ENTRANCES IN GROUPS A, E, I-1, I-2, I-3, R-1 AND R-2 SHALL BE EQUIPPED WITH AUTOMATIC DOORS IN COMPLIANCE WITH ICC A117.1. (NOT AT THE SEPARATIONS OF DWELLING UNITS AND SLEEPING UNITS AS REQUIRED BY SECTION 420.3                                                                                                       |  |
| 112.3 EXCEPTION 2 TYPE VB CONSTRUCTION: HORIZONTAL ASSEMBLIES AT THE SEPARATIONS OF DWELLING UNITS AND SLEEPING UNITS AS REQUIRED BY SECTION 420.3                                                                                                                                              |  | 1107.2 DESIGN, SLEEPING UNITS THAT ARE REQUIRED TO BE ACCESSIBLE UNITS, TYPE A AND TYPE B UNITS SHALL COMPLY WITH THE APPLICABLE PORTIONS OF CHAPTER 10 OF ICC A117.1.                                                                                                                                                                                                             |  |
| 113 SHAFT ENCLOSURES                                                                                                                                                                                                                                                                            |  | 1107.6.3 GROUP R-3 OCCUPANCIES WHERE THERE ARE FOUR OR MORE SLEEPING UNITS IN A SINGLE STRUCTURE, EVERY DWELLING UNIT AND SLEEPING UNIT SHALL BE A TYPE B UNIT.                                                                                                                                                                                                                    |  |
| 113.4 SHAFT ENCLOSURES SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1 HOUR WHERE CONNECTING LESS THAN FOUR STORIES.                                                                                                                                                                     |  | 16 STRUCTURAL DESIGN                                                                                                                                                                                                                                                                                                                                                               |  |
| 115 CONTINUITY, SHAFT ENCLOSURES SHALL BE CONSTRUCTED AS FIRE BARRIERS IN ACCORDANCE WITH SECTION 101 OR HORIZONTAL ASSEMBLIES IN ACCORDANCE WITH SECTION 111, OR BOTH AND SHALL HAVE CONTINUITY IN ACCORDANCE WITH SECTION 101.5 OR SECTION 111.2.2 FOR HORIZONTAL ASSEMBLIES, AS APPLICABLE.  |  | TABLE 16.071 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS UNIFORM LIVE LOAD                                                                                                                                                                                                                                                                                                            |  |
| INTERIOR FINISHES: TABLE 903.11 R-3 USE INTERIOR WALL AND CEILING FINISH REQUIREMENTS, SPRINKLERED                                                                                                                                                                                              |  | RESIDENTIAL: PRIVATE ROOMS AND CORRIDORS SERVING THEM: 40*                                                                                                                                                                                                                                                                                                                         |  |
| INTERIOR EXIT STAIRS CLASS C                                                                                                                                                                                                                                                                    |  | PUBLIC ROOMS AND CORRIDORS SERVING THEM: 100*                                                                                                                                                                                                                                                                                                                                      |  |
| CORRIDORS AND ENCLOSURES FOR EXIT ACCESS STAIRWAYS CLASS C ROOMS AND ENCLOSED SPACES CLASS C                                                                                                                                                                                                    |  | OFFICE FILE ROOMS: 100*                                                                                                                                                                                                                                                                                                                                                            |  |
| INTERIOR FLOOR FINISH                                                                                                                                                                                                                                                                           |  | STAIRS AND EXITS: 100*                                                                                                                                                                                                                                                                                                                                                             |  |
| 804.1 INTERIOR FLOOR FINISH AND FLOOR COVERING MATERIALS SHALL COMPLY WITH SECTIONS 804.2 THROUGH 804.4.2                                                                                                                                                                                       |  | NPPA 101 2015                                                                                                                                                                                                                                                                                                                                                                      |  |
| EXCEPTION, FLOOR FINISHES AND COVERINGS OF A TRADITIONAL TYPE, SUCH AS WOOD, VINYL, LINOLEUM OR TERRAZZO AND RESILIENT FLOOR COVERING MATERIALS THAT ARE NOT COMPOSED OF FIBERS, DECORATIVE MATERIALS AND TRIM                                                                                  |  | 6.1.8.12 LODGING OR ROOMING HOUSE. A BUILDING THAT PROVIDES SLEEPING ACCOMMODATIONS FOR A TOTAL OF 16 OR FEWER PEOPLE ON A TRANSIENT OR PERMANENT BASIS, WITHOUT PERSONAL CARE SERVICES, WITH OR WITHOUT MEALS, BUT WITHOUT SEPARATE COOKING FACILITIES FOR INDIVIDUAL OCCUPANTS.                                                                                                  |  |
| 806.3 EXCEPTION 2: IN GROUP R-2 DORMITORIES, WITHIN SLEEPING UNITS, AND DWELLING UNITS, THE PERMISSIBLE POINT OF CURTAINS, DRAPERIES, FABRIC HANGINGS AND SIMILAR DECORATIVE MATERIALS SUSPENDED FROM WALLS OR CEILING SHALL NOT EXCEED 50% OF THE WALL AREA WHERE THE BUILDING IS SPRINKLERED. |  | 26.13.2.1 IN BUILDINGS THAT ARE PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 9.7, LODGING OR ROOMING HOUSES SHALL BE PERMITTED TO HAVE THEIR SOLE MEANS OF EGRESS PASS THROUGH A NONRESIDENTIAL OCCUPANCY IN THE SAME BUILDING, PROVIDED THAT BOTH OF THE FOLLOWING CRITERIA ARE MET:                                                                     |  |
| 10 MEANS OF EGRESS                                                                                                                                                                                                                                                                              |  | 1. THE LODGING OR ROOMING HOUSE SHALL COMPLY WITH CHAP. 26.                                                                                                                                                                                                                                                                                                                        |  |
| TABLE 1004.2 OCCUPANT LOAD:                                                                                                                                                                                                                                                                     |  | 2. THE SOLE MEANS OF EGRESS FROM THE LODGING OR ROOMING HOUSE SHALL NOT PASS THROUGH A HIGH HAZARD CONTENTS AREA.                                                                                                                                                                                                                                                                  |  |
| BUSINESS AREAS 100 GROSS                                                                                                                                                                                                                                                                        |  | 26.2.1.11 PRIMARY MEANS OF ESCAPE, EVERY SLEEPING ROOM AND LIVING AREA SHALL HAVE ACCESS TO A PRIMARY MEANS OF ESCAPE COMPLYING WITH CHAPTER 24 AND LOCATED TO PROVIDE SAFE PATH OF TRAVEL TO THE OUTSIDE.                                                                                                                                                                         |  |
| 367 50 SQ FT = 3.7                                                                                                                                                                                                                                                                              |  | 26.2.1.2 IN ADDITION TO THE PRIMARY ROUTE, EACH SLEEPING ROOM AND LIVING AREA SHALL HAVE A SECOND MEANS OF ESCAPE IN ACCORDANCE WITH 24.2.2, UNLESS THE SLEEPING ROOM OR LIVING AREA HAS A DOOR LEADING DIRECTLY OUTSIDE THE BUILDING WITH ACCESS TO THE FINISHED GROUND LEVEL OR TO A STAIRWAY THAT MEETS THE REQUIREMENTS FOR EXTERIOR STAIRS IN 26.2.1.1.2.                     |  |
| KITCHEN AREAS 100 GROSS                                                                                                                                                                                                                                                                         |  | 26.2.1.3 TWO PRIMARY MEANS OF ESCAPE, IN OTHER THAN EXISTING BUILDINGS AND THOSE PROTECTED THROUGHOUT BY AN APPROVED, SUPERVISED AUTOMATIC SPRINKLER SYSTEM IAW WITH 26.3.6, EVERY STORY MORE THAN 2,000 SQ FT OR WITH TRAVEL DISTANCE TO THE PRIMARY MEANS OF ESCAPE MORE THAN 75 FT SHALL BE PROVIDED WITH TWO PRIMARY MEANS OF ESCAPE REMOTELY LOCATED TO EACH OTHER.           |  |
| DORMS 50 GROSS                                                                                                                                                                                                                                                                                  |  | 26.2.2.1 INTERIOR STAIRWAYS, OTHER THAN THOSE IAW WITH 26.2.2.2 OR 26.2.2.3 SHALL COMPLY WITH 122.5.3 AND SHALL BE ENCLOSED BY FIRE BARRIERS HAVING A MINIMUM 1/2 HOUR FIRE RESISTANCE RATING, WITH ALL OPENINGS PROTECTED WITH SMOKE-ACTUATED AUTOMATIC CLOSING OR SELF-CLOSING DOORS HAVING A FIRE RESISTANCE COMPARABLE TO THAT REQUIRED FOR THE ENCLOSURE.                     |  |
| TOTAL OCCUPANT LOAD                                                                                                                                                                                                                                                                             |  | 26.2.3.1 DOOR LOCKING ARRANGEMENTS, NO DOOR IN ANY MEANS OF ESCAPE SHALL BE LOCKED AGAINST EGRESS WHEN THE BUILDING IS OCCUPIED.                                                                                                                                                                                                                                                   |  |
| 1006 NUMBER OF EXIST AND EXIT ACCESS DOORWAYS                                                                                                                                                                                                                                                   |  | 26.3.3.2 INTERIOR WALL AND CEILING FINISH MATERIALS COMPLYING WITH SECTION 102 SHALL BE CLASS A, CLASS B, OR CLASS C.                                                                                                                                                                                                                                                              |  |
| 1006.2.1.2 EXITS REQUIRED:                                                                                                                                                                                                                                                                      |  | 26.3.4.1.1 LODGING AND ROOMING HOUSES EXCEPT THOSE MEETING 26.3.4.1.2 SHALL BE PROVIDED WITH A FIRE ALARM SYSTEM IAW SECTION 9.6.                                                                                                                                                                                                                                                  |  |
| EXCEPTION 1: IN GROUP R-2 AND R-3 OCCUPANCIES ONE MEANS OF EGRESS IS PERMITTED WITH A MAX OCCUPANT LOAD OF 20 WHERE THE DWELLING UNIT IS SPRINKLERED.                                                                                                                                           |  | 26.3.4.1.2 A FIRE ALARM SYSTEM IAW SECTION 9.6 SHALL NOT BE REQUIRED IN EXISTING LODGING AND ROOMING HOUSES THAT HAVE AN EXISTING SMOKE DETECTION SYSTEM MEETING OR EXCEEDING 26.3.4.5.1.                                                                                                                                                                                          |  |
| 1006.3 MINIMUM NUMBER OF EXITS OR ACCESS TO EXITS PER STORY                                                                                                                                                                                                                                     |  | 26.3.4.5 SMOKE ALARMS, OTHER THAN EXISTING SMOKE ALARMS MEETING THE REQUIREMENTS OF 26.3.4.5.3 SHALL BE INSTALLED IAW 9.6.2.10 IN EVERY SLEEPING ROOM.                                                                                                                                                                                                                             |  |
| 1006.3.2 SINGLE EXITS: A SINGLE EXIT OR ACCESS TO A SINGLE EXIT SHALL BE PERMITTED FROM ANY STORY OR OCCUPIED ROOF WHERE ONE OF THE FOLLOWING CONDITIONS EXISTS:                                                                                                                                |  | 26.3.5.1 SEPARATION OF SLEEPING ROOMS, ALL SLEEPING ROOMS SHALL BE SEPARATED FROM ESCAPE ROUTE CORRIDORS BY SMOKE PARTITIONS IAW SECTION 8.4.                                                                                                                                                                                                                                      |  |
| 4. GROUP R-3 AND R-4 OCCUPANCIES SHALL BE PERMITTED TO HAVE ONE EXIT OR ACCESS TO A SINGLE EXIT.                                                                                                                                                                                                |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1010.1.3.4 BOLT LOCKS, MANUALLY OPERATED FLUSH BOLTS OR SURFACE BOLTS ARE NOT PERMITTED.                                                                                                                                                                                                        |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| EXCEPTION 1: ON DOORS NOT REQUIRED FOR EGRESS IN INDIVIDUAL DWELLING UNITS OR SLEEPING UNITS.                                                                                                                                                                                                   |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1011 STAIRWAYS                                                                                                                                                                                                                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1012 WIDTH, REQUIRED WIDTH SHALL NOT BE LESS THAN 44"                                                                                                                                                                                                                                           |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| EXCEPTION 1: STAIRWAYS SERVING AN OCCUPANT LOAD OF LESS THAN 50 SHALL HAVE A WIDTH OF NOT LESS THAN 36".                                                                                                                                                                                        |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1013 HEADROOM SHALL BE NOT LESS THAN 80"                                                                                                                                                                                                                                                        |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1015.2 RISER HEIGHT SHALL BE 1" MAX. TREAD DEPTH SHALL BE 11" MIN.                                                                                                                                                                                                                              |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| EXCEPTION 3: IN R-3 OCCUPANCIES THE MAXIMUM RISER HEIGHT SHALL BE 1 3/4" MIN TREAD DEPTH 10"                                                                                                                                                                                                    |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1011.1 HANDRAILS ON EACH SIDE SHALL COMPLY WITH SECTION 1014.                                                                                                                                                                                                                                   |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1011.3 GUARDS SHALL BE PROVIDED ALONG STAIRWAYS AND LANDINGS WHERE REQUIRED BY SECTION 1015.                                                                                                                                                                                                    |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1015 GUARDS                                                                                                                                                                                                                                                                                     |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |
| 1015.2 GUARDS SHALL BE LOCATED ALONG OPEN-SIDED STAIRS THAT ARE LOCATED MORE THAN 30" ABOVE FLOOR OR GRADE.                                                                                                                                                                                     |  |                                                                                                                                                                                                                                                                                                                                                                                    |  |

SPECIFICATIONS

GENERAL CONDITIONS

1. THE CONTRACTOR SHALL INVESTIGATE EXISTING CONDITIONS PRIOR TO STARTING CONSTRUCTION. THE CONTRACTOR SHALL COMPARE ALL GRADES, LINES, LEVELS AND DIMENSIONS SHOWN ON THE DRAWINGS WITH ACTUAL SITE CONDITIONS, AND SHALL PROMPTLY REPORT ANY INCONSISTENCIES TO THE ARCHITECT PRIOR TO STARTING WORK.

2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOBSITE SAFETY.

3. ALL WORK SHALL BE PERFORMED IN A WORKMAN LIKE MANNER. DEFECTIVE MATERIALS SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE.

4. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE CONTRACTOR'S BEST SKILL AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR AND HAVE CONTROL OVER CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES, AND FOR COORDINATING ALL WORK.

5. ALL CONSTRUCTION SHALL COMPLY WITH THE INTERNATIONAL BUILDING CODE AND ALL LOCAL ZONING AND BUILDING ORDINANCES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF:

a. EXCAVATIONS

b. ALL MATERIALS AND EQUIPMENT STORED AT THE SITE

c. EXISTING UTILITIES

d. EXISTING LANDSCAPING AND PLANT MATERIALS TO REMAIN

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TEMPORARY FACILITIES INCLUDING:

a. TEMPORARY ELECTRICITY

b. TELEPHONE, FAX, COPIER, AND E-MAIL, IF REQUIRED

c. TEMPORARY HEAT

d. PORTABLE TOILET

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING SITE ACCESS INCLUDING SNOW REMOVAL.

9. THE CONTRACTOR SHALL MAKE HIS BEST EFFORT TO MINIMIZE CONSTRUCTION WASTE BY PROCURING MATERIALS OF APPROPRIATE QUANTITY AND DIMENSIONS FOR THE PROJECT.

10. THE CONTRACTOR SHALL PROVIDE BINS FOR WOOD, METAL, PLASTIC, AND CARDBOARD RECYCLABLES, AND DELIVER THEM TO THE APPROPRIATE RECYCLERS. UNRECYCLABLE WASTE SHALL BE KEPT TO A MINIMUM, AND DISPOSED OF IN A SEPARATE BIN. ALTERNATELY, THE CONTRACTOR SHALL DELIVER WASTE TO A RECYCLING FACILITY FOR SEPARATION AND RECYCLING. MINIMUM RECYCLED TO BE 75% OF ALL WASTE.

11. SUBSTITUTIONS OF MATERIALS OR PRODUCTS LISTED ON THE DRAWINGS OR IN THE SPECIFICATIONS SHALL NOT BE MADE WITHOUT WRITTEN AUTHORIZATION FROM THE ARCHITECT OR OWNER.

12. ANY ADDITION, DELETION OR REVISION IN THE DRAWINGS OR SCOPE OF WORK SHALL BE BY WRITTEN CHANGE ORDER ONLY. ANY APPROVAL FROM THE BUILDING OFFICIAL FOR A CHANGE IN THE WORK SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.

13. THE SITE SHALL BE MAINTAINED IN A NEAT AN ORDERLY CONDITION AT ALL TIMES. THE FINISHED PROJECT SHALL BE PROFESSIONALLY CLEANED AFTER COMPLETION OF THE PUNCH LIST.

SITE

1. SCHEDULE DIG-SAFE TO MARK ALL UNDERGROUND UTILITIES PRIOR TO STARTING ANY SITE WORK.

2. REMOVE MINIMUM LANDSCAPE PLANTS AS REQUIRED OR AS SHOWN ON SITE PLAN. PROTECT TREES AND OTHER PLANTS TO REMAIN, INCLUDING STEMS FROM SCARRING AND ROOT SYSTEMS FROM COMPACTION DUE TO HEAVY EQUIPMENT.

3. PROVIDE ALL EXCAVATION AND BACKFILL TO COMPLETE THE WORK AND MEET THE GRADES AS SHOWN ON THE DRAWINGS, EXCESS CUT (IF ANY) SHALL REMAIN ON SITE AT LOCATION DETERMINED BY OWNER GRADE AND STOCK-PILE EXCAVATION MATERIALS FOR RE-USE ON SITE.

12. REPORT TO ARCHITECT ANY ADVERSE SOIL CONDITIONS OR THE PRESENCE OF SUBSURFACE WATER IN ANY EXCAVATIONS.

13. SUB-SURFACE FILL SHALL BE SANDY GRAVELLY MIX MAX 4" DIA STONES AS APPROPRIATE, FREE OF EXPANSIVE CLAY, ROOTS, ORGANIC AND TOXIC MATERIALS. USE ALL STOCKPILED AND OTHER MATERIAL AVAILABLE ON SITE BEFORE IMPORTING.

14. STRUCTURAL FILL SHALL BE 3/4" - 1/2" CRUSHED STONE WITH NO FINES.

15. TOPSOIL SHALL BE MINIMUM 6" LOAM RAKED TO FINISH GRADE. USE ALL STOCKPILED MATERIAL BEFORE IMPORTING.

16. PLANT AND SEED AS SHOWN ON PLANS OR AS DIRECTED BY OWNER.

17. PROVIDE 4" DIA PERFORATED PVC FOUNDATION DRAIN IN CRUSHED STONE BED WRAPPED WITH FILTER FABRIC AROUND ENTIRE FOUNDATION, RUN PIPE DOWN-HILL TO STORM SEWER OR DAYLIGHT OUTFALL.

CONCRETE

1. FOOTINGS TO BE 3,000 PSI MAX SLUMP 4" CONCRETE ON UNDISTURBED ACCEPTABLE BASE OR 3/4" - 1 1/2" GRADED COMPACTED CRUSHED STONE. DIMENSIONS AS SHOWN ON PLANS.

2. FOUNDATION WALLS TO BE 3,000 PSI MAX SLUMP 4" CONCRETE W/ 2 #4 BARS TOP AND BOTTOM MIN 2" EMBEDMENT, OR AS SHOWN ON DRAWINGS. VIBRATE OVER ROD WHILE INSTALLING TO PREVENT HONEYCOMB. PROVIDE BEAM POCKETS AND STOPS AS SHOWN ON PLANS. PROVIDE BEEVEES AS REQUIRED FOR CONDUIT, WATER LINES AND SEPTIC CONNECTIONS. FOUNDATION WATERPROOFING AND INSULATION: SEE THERMAL AND MOISTURE SECTION.

3. FLOOR SLABS ON GRADE TO BE 3,000 PSI MAX SLUMP 5" CONCRETE W/ 6 #6-10x10 W/UF, OR FIBERGLASS, PROPORTIONS PER MANUFACTURER, STEEL TROUCEL FINISH, PROVIDE CONTROL JOINTS @ 12' O.C. MAX AND AROUND ALL COLUMNS.

4. PIERS SHALL BE 3,000 PSI MAX 5" SLUMP CONCRETE, 10" DIA AT TOP, MAX EXPOSURE ABOVE FINISH GRADE 2". BASE SHALL BE MIN 4" BELOW FINISHED GRADE, AND MIN 2 SQ FT BEARING, EITHER BIG FOOT OR SITE FORMED, OR AS SPECIFIED ON PLANS.

5. PROVIDE MIN 4'-0" COVER TO BOTTOM OF ALL FOOTINGS AND PIERS.

UNIT MASONRY

METALS

ROUGH CARPENTRY

1. ALL DIMENSIONS ON PLANS ARE GIVEN TO THE OUTSIDE FACE OF EXTERIOR STUDS OR TO CENTER OF INTERIOR STUDS.

2. ALL WOOD IN CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESSURE TREATED.

3. SHEATHING AND DECKING SHALL BE APA RATED CD-X PLTWOOD OR APA RATED OSB APPROPRIATE FOR SPAN AND EXPOSURE AS INDICATED ON THE GRADE STAMP, OR AS INDICATED ON PLANS.

4. ALL JOISTS SHALL BE 2" OFF OR 2" HEM-FIR WITH GRADE STAMP, OR AS INDICATED ON PLANS, SOLID OR CROSS BRIDGING SHALL BE INSTALLED AT MID-SPAN, MAX 8' OC, FOR 2"x12 OR DEEPER JOISTS.

5. ALL STUDS SHALL BE STD GRADE OR BETTER 2"x6 FOR EXTERIOR WALLS, 2"x4 FOR INTERIOR PARTITIONS, OR AS INDICATED ON DRAWINGS. ALL WARPED, TWISTED, BOWED OR OTHERWISE INFERIOR STUDS SHALL NOT BE USED OR SHALL BE

REPLACED TO ENSURE PLUM, STRAIGHT AND TRUE WALLS.

6. STAIR STRINGERS SHALL BE CUT FROM 2"x12" MINIMUM 2" OFF OR 2" HEM-FIR. THERE SHALL BE MINIMUM 3 STRINGERS PER RUN FOR STAIRS LESS THAN 4' WIDE AND 4 STRINGERS PER RUN FOR STAIRS 4'-5' IN WIDTH.

7. ALIGN BOTTOM OF ALL WINDOW AND DOOR HEADERS UNLESS OTHERWISE NOTED ON PLANS.

FINISH CARPENTRY

1. PAINT GRADE INTERIOR TRIM AND MOLDINGS TO BE POPLAR UNLESS OTHERWISE NOTED.

2. ALL JOINTS TO BE TIGHT AND TRUE AND SECURELY FASTENED. CORNERS SHALL BE NEATLY MITERED, BUTTED OR COPE-CUT WITH NAILS SET AND SURFACES FREE OF TOOL MARKS.

3. ALL WORK SHALL BE MACHINE AND/OR HAND SANDED AND FREE OF PLANER, SANDER OR OTHER MACHINE MARKS. ALL SHARP EDGES AND SPLINTERS SHALL BE REMOVED AND ALL SURFACES COMPLETELY PREPARED FOR FINISH.

4. ALL DOORS SHALL BE ACCURATELY FIT WITH NOT MORE THAN 1/8" CLEARANCE AT TOP RAIL AND STILES. BOTTOM CLEARANCE TO BE ADJUSTED FOR FINISH FLOOR COVERING. ALL DOORS SHALL OPERATE FREELY BUT NOT LOOSELY WITHOUT STICKING OR BINDING OR HINGE BOUND CONDITION.

5. EXTERIOR SIDING SHALL BE FIBER CEMENT, PATTERN AS INDICATED ON DRAWINGS. FOLLOW ALL MANUFACTURER'S INSTALLATION INSTRUCTIONS.

6. EXTERIOR TRIM SHALL BE CELLULAR PVC SUCH AS AZEK OR EQUAL OR AS SPECIFIED ON DRAWINGS, NAILED PER MANUFACTURER'S INSTRUCTIONS.

7. ALL CLOSETS SHALL BE EQUIPPED WITH WOOD RODS AND SHELVES ON METAL BRACKETS AS APPROPRIATE FOR CLOSET USE, OR AS INDICATED ON DRAWINGS. ADJUSTABLE SHELVES TO BE SUPPORTED ON BRASS SHELF CLIPS WITH RUBBER CUSHIONS.

FINISHES

FLOOR FINISHES

1. CARPET TO BE LEVEL LOOP MODERATE TRAFFIC COMMERCIAL GRADE WITH TACKLESS MOUNTING WITH CUSHION. CUSHION TO BE PRIME URETHANE.

2. SUBMITTALS: PROVIDE PRODUCT DATA SHEET INCLUDING COLOR AND SAMPLE.

3. ALTERNATE FLOORING AS SELECTED BY OWNER.

4. SUBMITTALS: PROVIDE PRODUCT DATA SHEET INCLUDING COLOR AND SAMPLE.

THERMAL AND MOISTURE INSULATION

1. PROVIDE THERMAL ENVELOPE TO ENERGY STAR STANDARD AS MINIMUM REQUIREMENT.

2. INSULATION SHALL BE AS CALLED FOR ON THE DRAWINGS.

a. DENSE-PACK CELLULOSE INSULATION SHALL BE AT DENSITY OF 3.5 LBS PER CU FT.

b. DENSE-PACK FIBERGLASS INSULATION SHALL BE AT DENSITY OF 2.1 LBS PER CU FT.

c. SPRAY FOAM INSULATION SHALL BE CLOSED CELL URETHANE WITH LOW GLOBAL WARMING POTENTIAL, LAPOLLA FOAM LOK 2000 4G OR APPROVED EQUAL.

d. RIGID INSULATION SHALL BE AS CALLED FOR ON PLANS. EXPOSED EXTERIOR INSULATION ABOVE GRADE SHALL BE COVERED WITH EPOXY CEMENT PATCH COAT.

3. BUILDING AS A WHOLE SHALL BE TESTED WITH A BLOWER DOOR AND AIR LEAKS SEALED TO MAXIMUM INFILTRATION RATE OF 3 AIR CHANGES PER HOUR @ 50 PA.

4. HOUSE-WRAP TO BE CONTINUOUS SPUN OLEFIN MEMBRANE WITH COMBATIBLE AFFE OVER JOINTS.

5. EXPOSED EXTERIOR INSULATION ABOVE GRADE SHALL BE COVERED WITH EPOXY CEMENT PATCH COAT.

SIDING

1. PROVIDE VINYL SIDING TO MATCH EXISTING FOR COLOR AND SHAPE.

2. PROVIDE TRIM, J-MOULDING, AND ACCESSORIES AS REQUIRED.

3. PRODUCTS: CERTAINTED MONOGRAM OR APPROVED EQUAL.

4. SUBMITTALS: PROVIDE SHOP DRAWINGS SHOWING PRODUCTS, TRIM, INSTALLATION METHOD AND COLOR.

WINDOWS AND DOORS

WINDOWS

1. PROVIDE FIBERGLASS FRAME SUSPENDED FILM WINDOWS PER SCHEDULE.

2. PRODUCTS: ALPEN ZENITH SERIES ZR6/625 OR APPROVED EQUAL.

3. MAXIMUM U VALUE .15.

4. FRAME AND GRILLE COLOR WHITE INSIDE AND OUTSIDE

5. INTERIOR AND EXTERIOR GRILLES

6. HARDWARE COLOR BLACK

DOORS

1. PROVIDE EXTERIOR AND INTERIOR DOORS

2. EXTERIOR DOOR TO BE THERMATRUE CLASSIC CRAFT AMERICAN STYLE CCG210-SDL

21. COLOR REDWOOD

22. LOW-E CLEAR GLASS

23. LEVER OPERATOR W/ DEADBOLT

24. INSWING

25. ADA SILL

3. INTERIOR DOORS TO BE 4 PANEL WOOD OR MOLDED PAINTED

31. CLOSERS TO BE HINGE SPRINGS.

32. LEVER LATCHES

FURNISHINGS

KITCHEN CABINETS

1. EXISTING KITCHEN CABINETS CONFORMING THE THE PLANS AND EXISTING CONDITIONS.

2. CONTRACTOR TO FIELD MEASURE.

3. CABINETS TO BE PAINTED HARDWOOD PLYWOOD, PARTIAL OVERLAY.

4. DOORS TO BE STYLE AND RAIL WITH FLAT PANEL

5. DRAWERS TO BE FLAT PANEL

6. HINGES TO BE CONCEALED EUROPEAN SOFT-CLOSE

7. DRAWER GUIDES TO BE CONCEALED UNDERMOUNT FULL EXTENSION SOFT-CLOSE.

8. FULLS TO BE 4" CENTER ARCH MATTE BLACK

9. COUNTERTOP TO BE SOLID SURFACE ACRYLIC BASE COLOR AS SELECTED BY OWNER FROM STANDARD LINES.

10. SUBMITTAL: PROVIDE SHOP DRAWINGS INCLUDING CABINETS, HARDWARE AND COUNTERTOP.

MECHANICAL

1. MECHANICAL SYSTEMS TO BE DESIGN/BUILD MEANING THE MECHANICAL CONTRACTOR WILL PROVIDE A MECHANICAL DESIGN AND ANY PROFESSIONAL SEAL AS MAY BE REQUIRED BY THE AHJ.

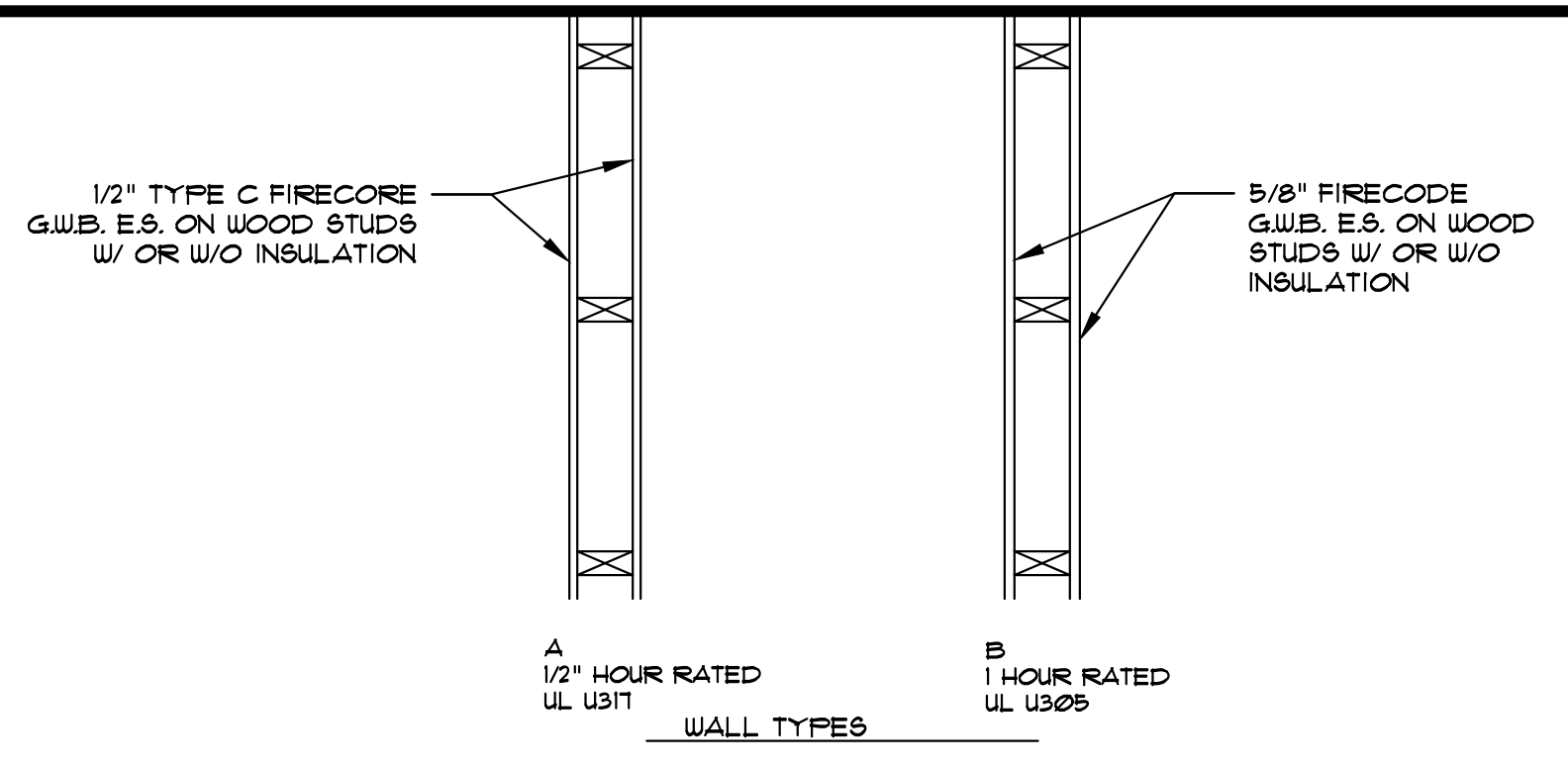
2. SUBMITTALS: PROVIDE SHOP DRAWINGS OF MECHANICAL DESIGN FOR ARCHITECT AND OWNER'S APPROVAL PRIOR TO ORDERING EQUIPMENT OR STARTING ANY WORK.

3. MECHANICAL EQUIPMENT TO BE DESIGNED USING MANUAL HEAT LOSS/HEAT GAIN FORMULAE USING ACTUAL DESIGN INSULATION VALUES FOR WALLS, CEILINGS, ROOFS, WINDOWS AND DOORS. DO NOT OVERSIZE EQUIPMENT BASED ON CODE OR LOWER R-VALUE ASSUMPTIONS.

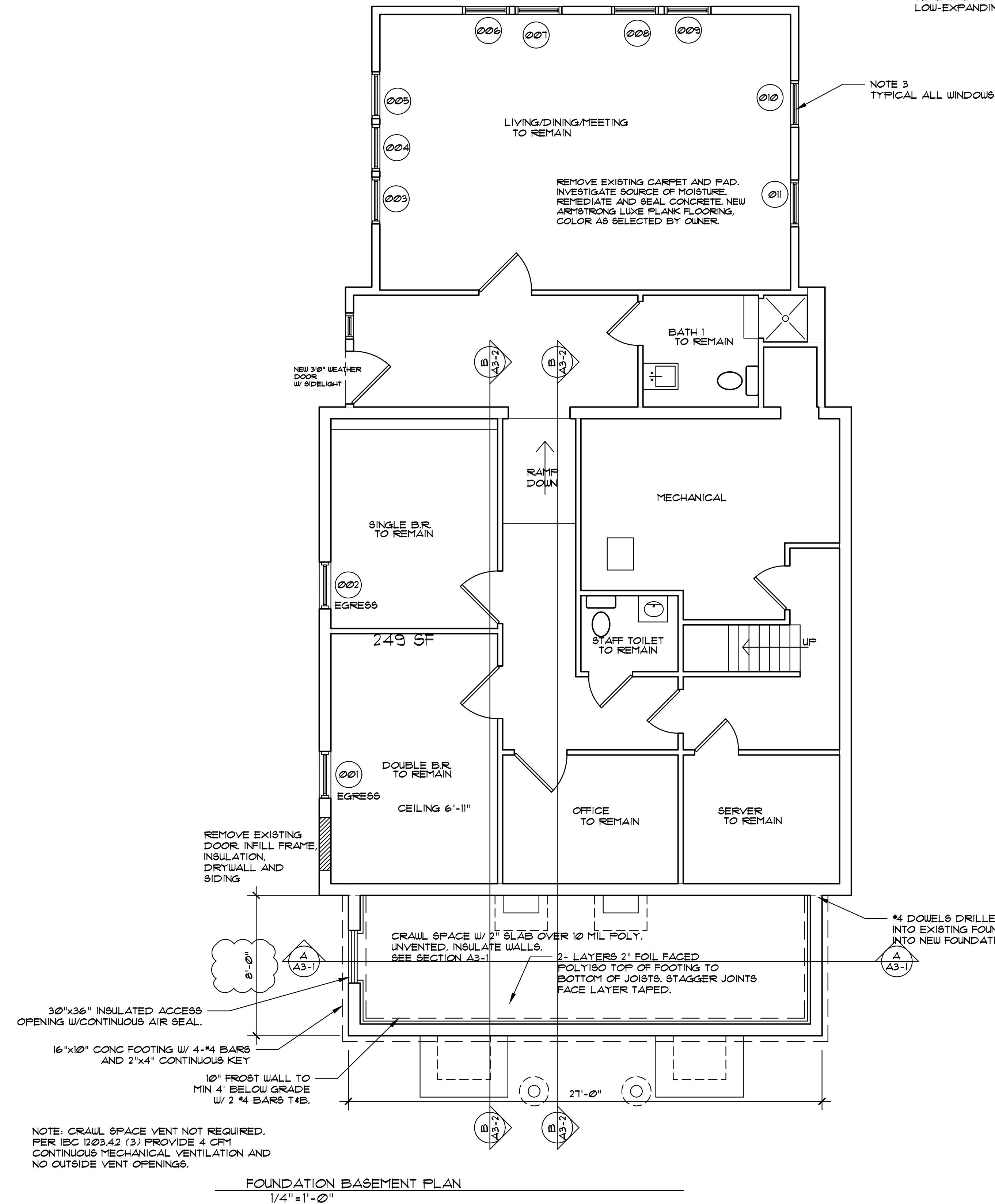
4. ALL HOT WATER PIPES TO BE INSULATED TO R-4.

5. ALL DUCT WORK SHALL BE COMPLETELY SEALED WITH DUCT MASTIC, DUCT TAPE IS NOT ACCEPTABLE. ALL DUCTS SHALL BE

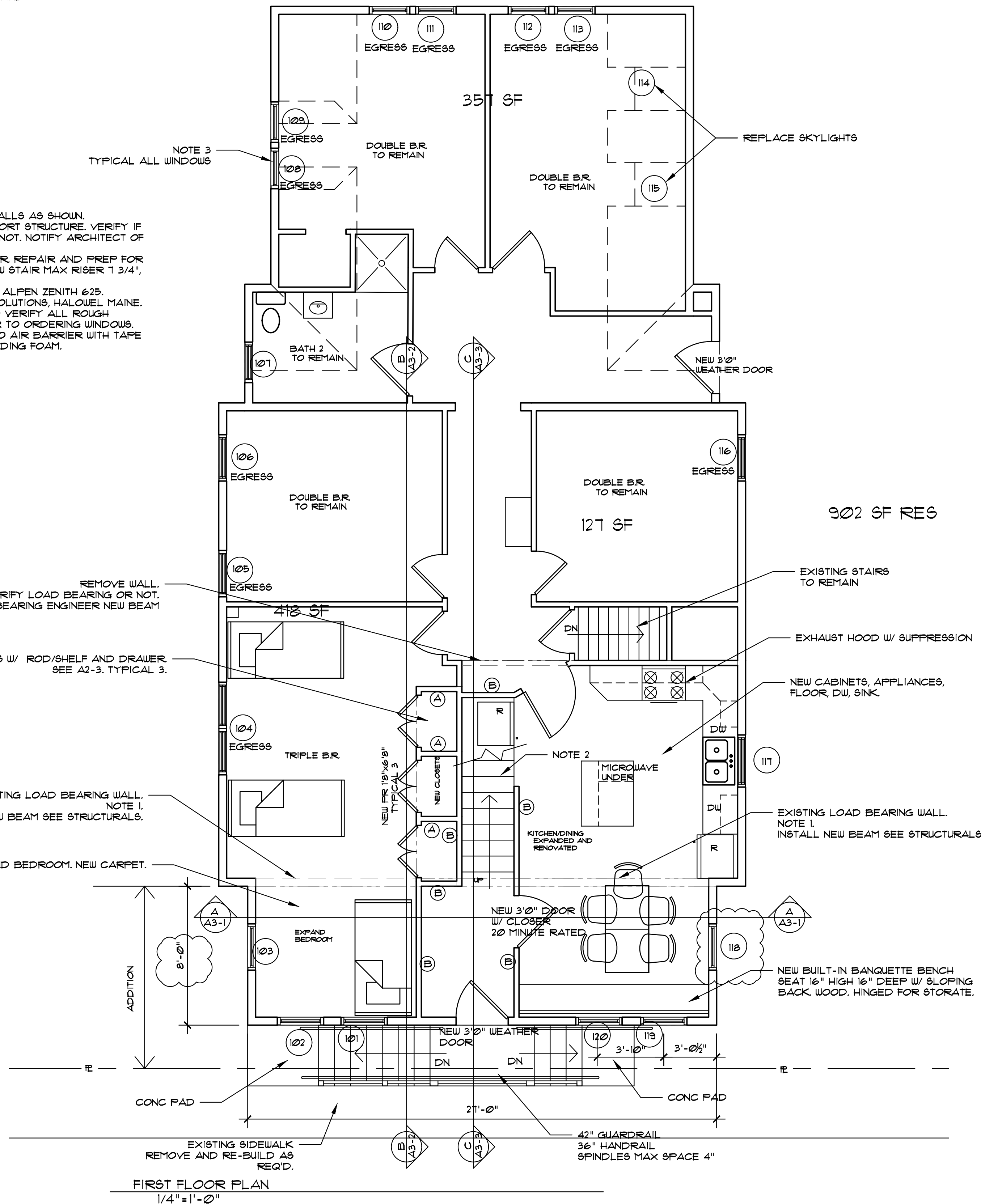




- NOTES:
- NEW WINDOWS TO BE ALPEN ZENITH 625. PINNACLE WINDOW SOLUTIONS, HALOWEL MAINE.
  - CONTRACTOR TO VERIFY ALL ROUGH OPENINGS PRIOR TO ORDERING WINDOWS.
  - SEAL WINDOWS TO AIR BARRIER WITH TAPE AND LOW-EXPANDING FOAM.



- NOTES:
- REMOVE EXISTING WALLS AS SHOWN. TEMPORARILY SUPPORT STRUCTURE. VERIFY IF LOAD-BEARING OR NOT. NOTIFY ARCHITECT OF THOSE THAT ARE.
  - DEMO EXISTING STAIR. REPAIR AND PREP FOR NEW CONDITIONS. NEW STAIR MAX RISER 7 3/4", TREAD 10".
  - NEW WINDOWS TO BE ALPEN ZENITH 625. PINNACLE WINDOW SOLUTIONS, HALOWEL MAINE.
  - CONTRACTOR TO VERIFY ALL ROUGH OPENINGS PRIOR TO ORDERING WINDOWS.
  - SEAL WINDOWS TO AIR BARRIER WITH TAPE AND LOW-EXPANDING FOAM.



# HEADREST

14 CHURCH ST., LEBANON, NH

REVISIONS:

|          |                |
|----------|----------------|
| 5-5-21:  | INCREASE       |
| 5-5-21:  | ADDITION WIDTH |
| 5-5-21:  | ADD SITE PLAN  |
| 8-31-21: | WINDOW 118     |

DAVID A. ELY  
No. 2146  
THE STATE OF NEW HAMPSHIRE

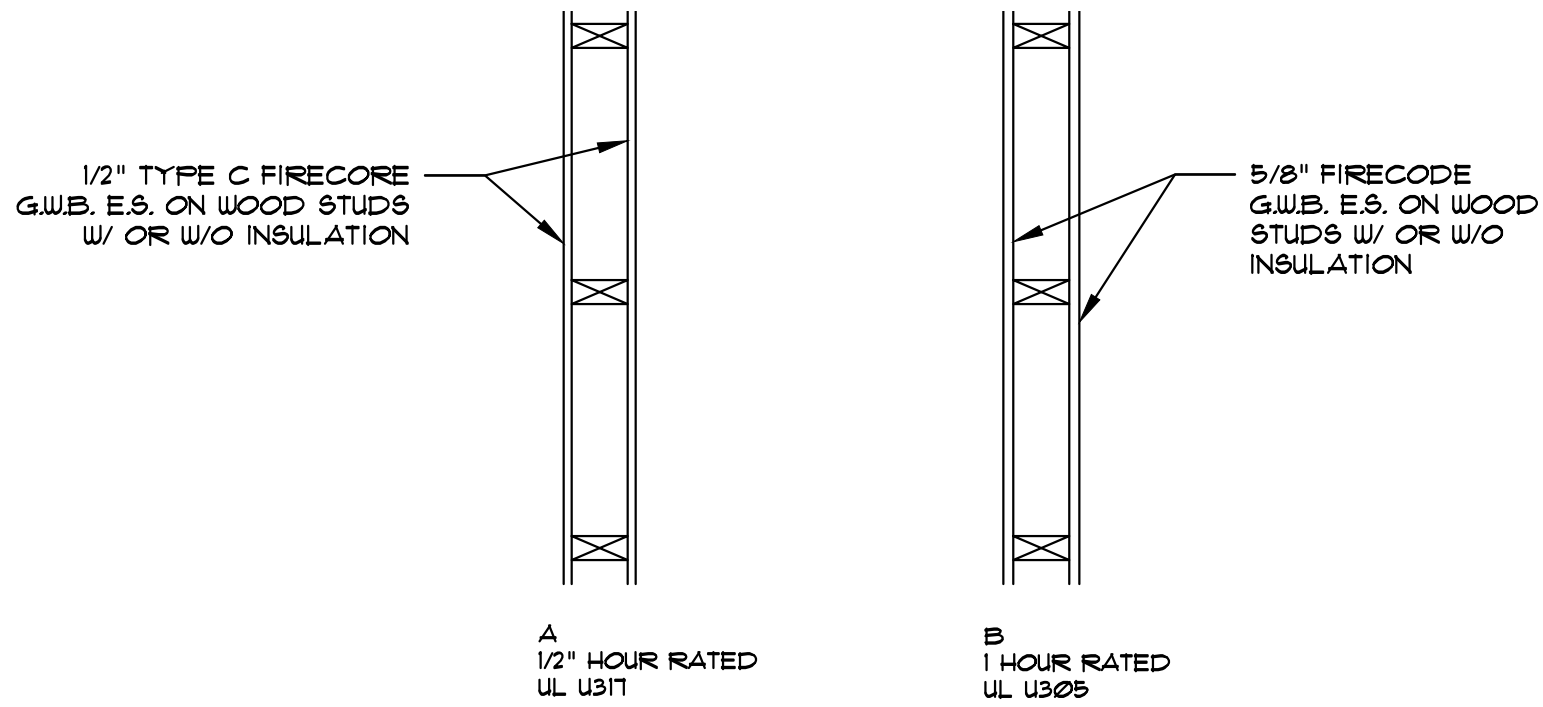
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Architecture  
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PLANS  
DRAWN BY: DAE  
DATE: 7-27-20  
CONSTRUCTION DOCUMENTS

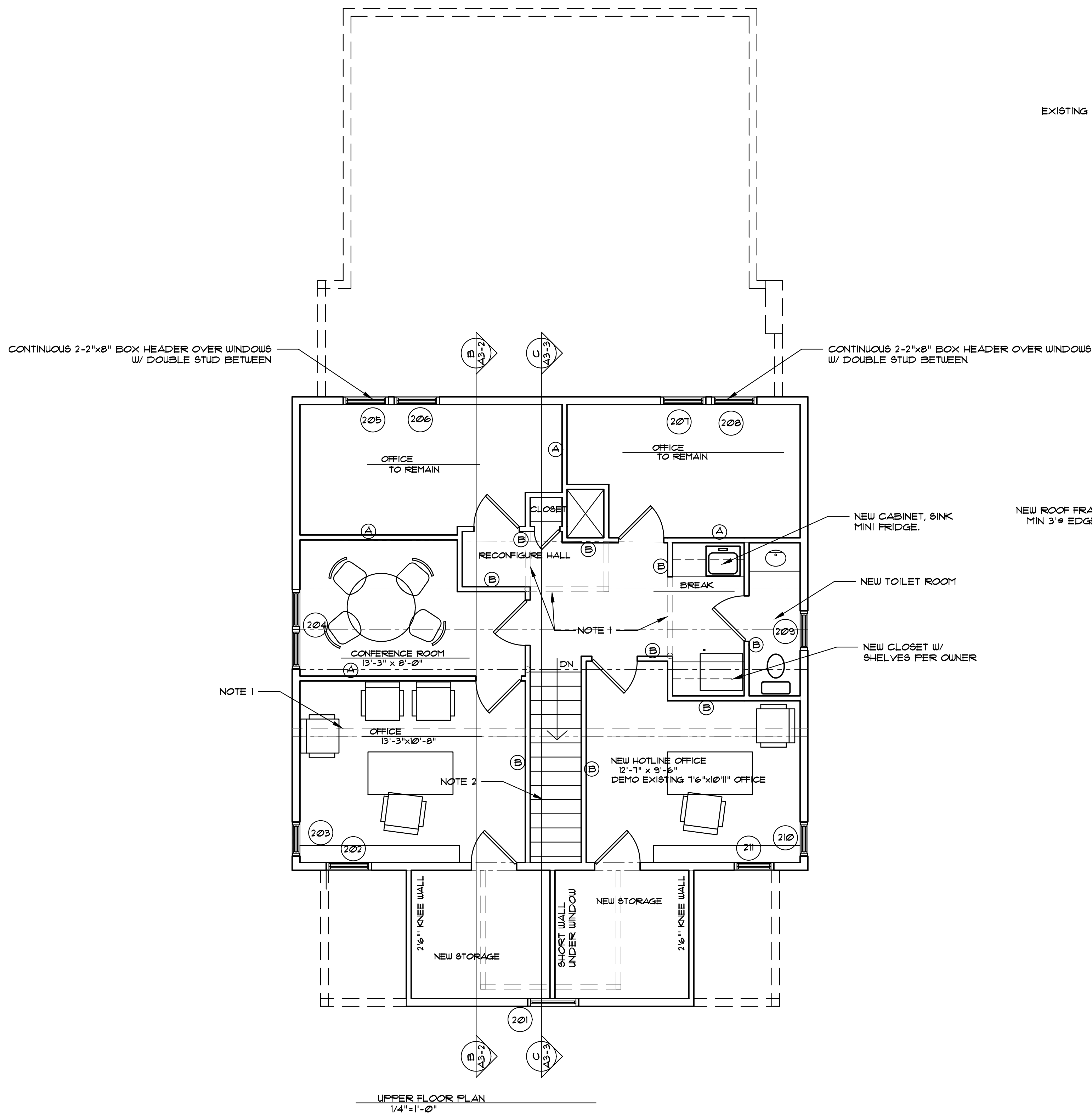
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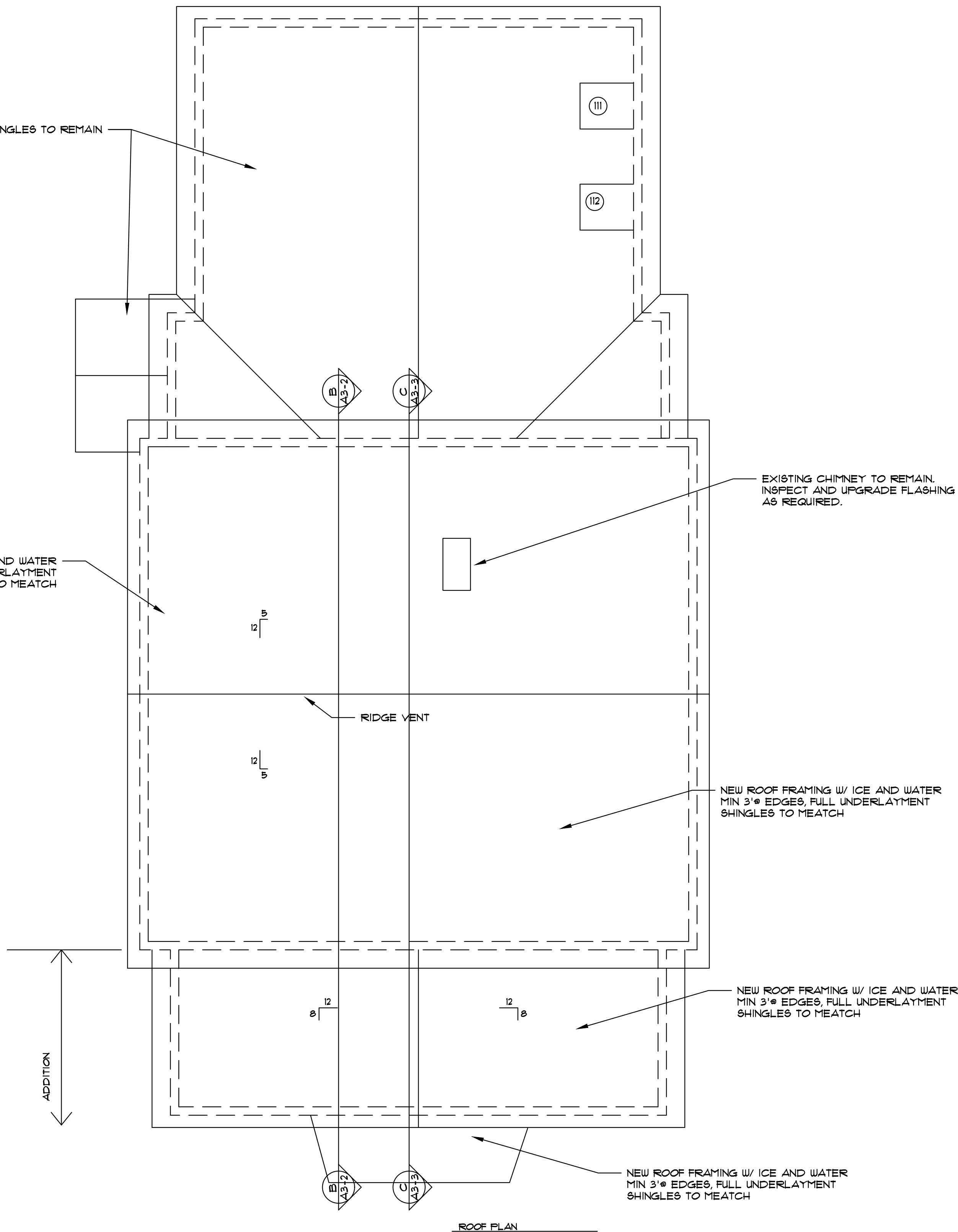




- NOTES:
1. REMOVE EXISTING WALLS AS SHOWN. TEMPORARILY SUPPORT STRUCTURE. VERIFY IF LOAD-BEARING OR NOT. NOTIFY ARCHITECT OF THOSE THAT ARE.
  2. DEMO EXISTING STAIR, REPAIR AND PREP FOR NEW CONDITIONS. NEW STAIR MAX RISER 1 3/4", TREAD 10".
  3. NEW WINDOWS TO BE ALPEN ZENITH 625. PINNACLE WINDOW SOLUTIONS, HALOWEL, MAINE.
  - 3.1. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS PRIOR TO ORDERING WINDOWS.
  - 3.2. SEAL WINDOWS TO AIR BARRIER WITH TAPE AND LOW-EXPANDING FOAM.
  - 4.



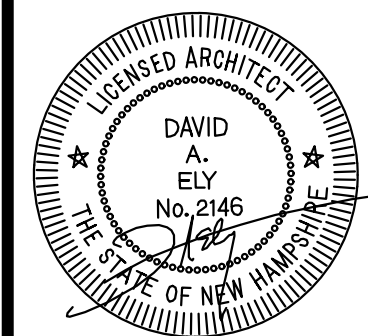
EXISTING ROOF AND SHINGLES TO REMAIN



# HEADREST

14 CHURCH ST., LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN



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PLANS

DRAWN BY: DAE

DATE: 1-21-20

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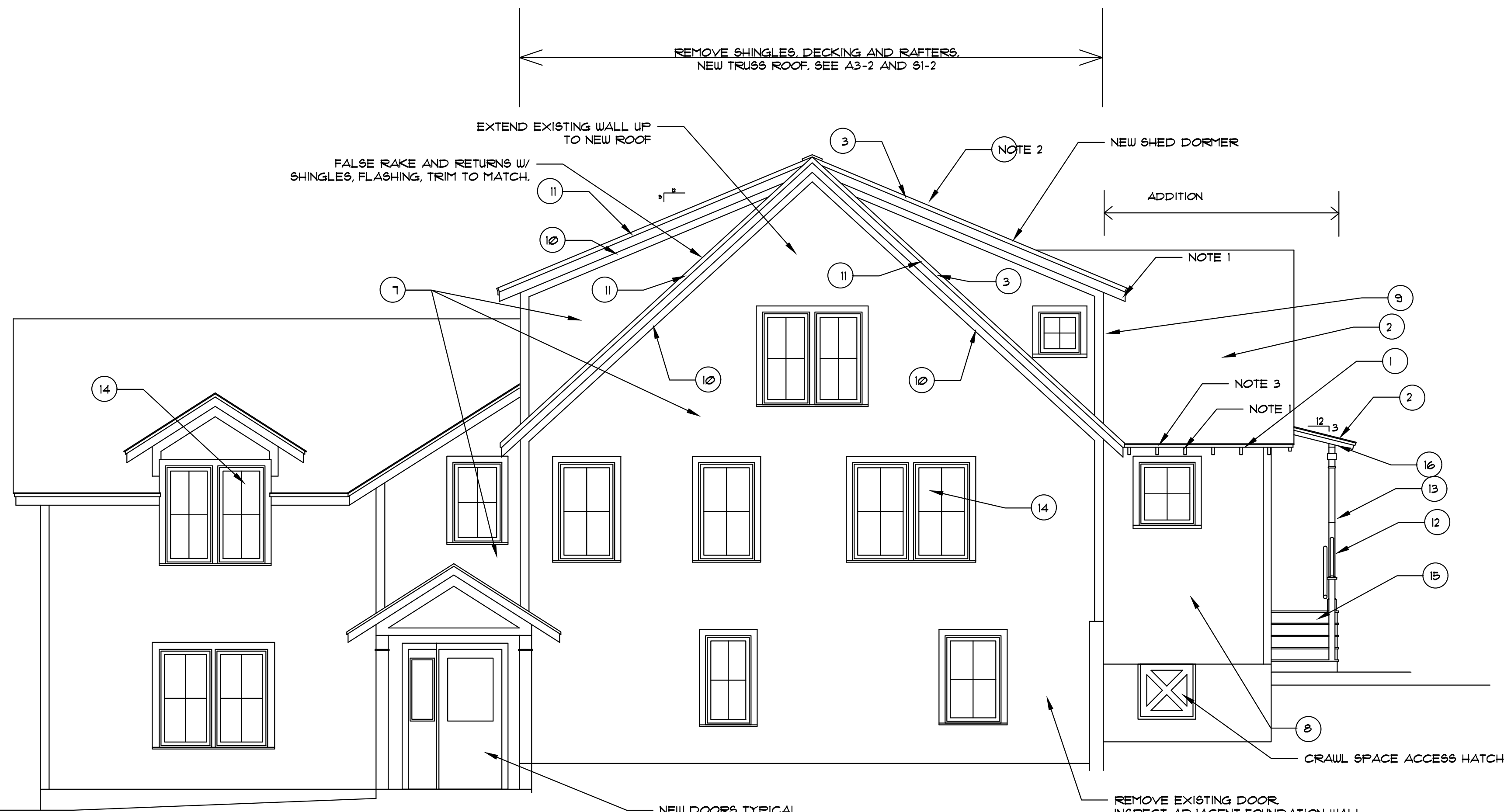




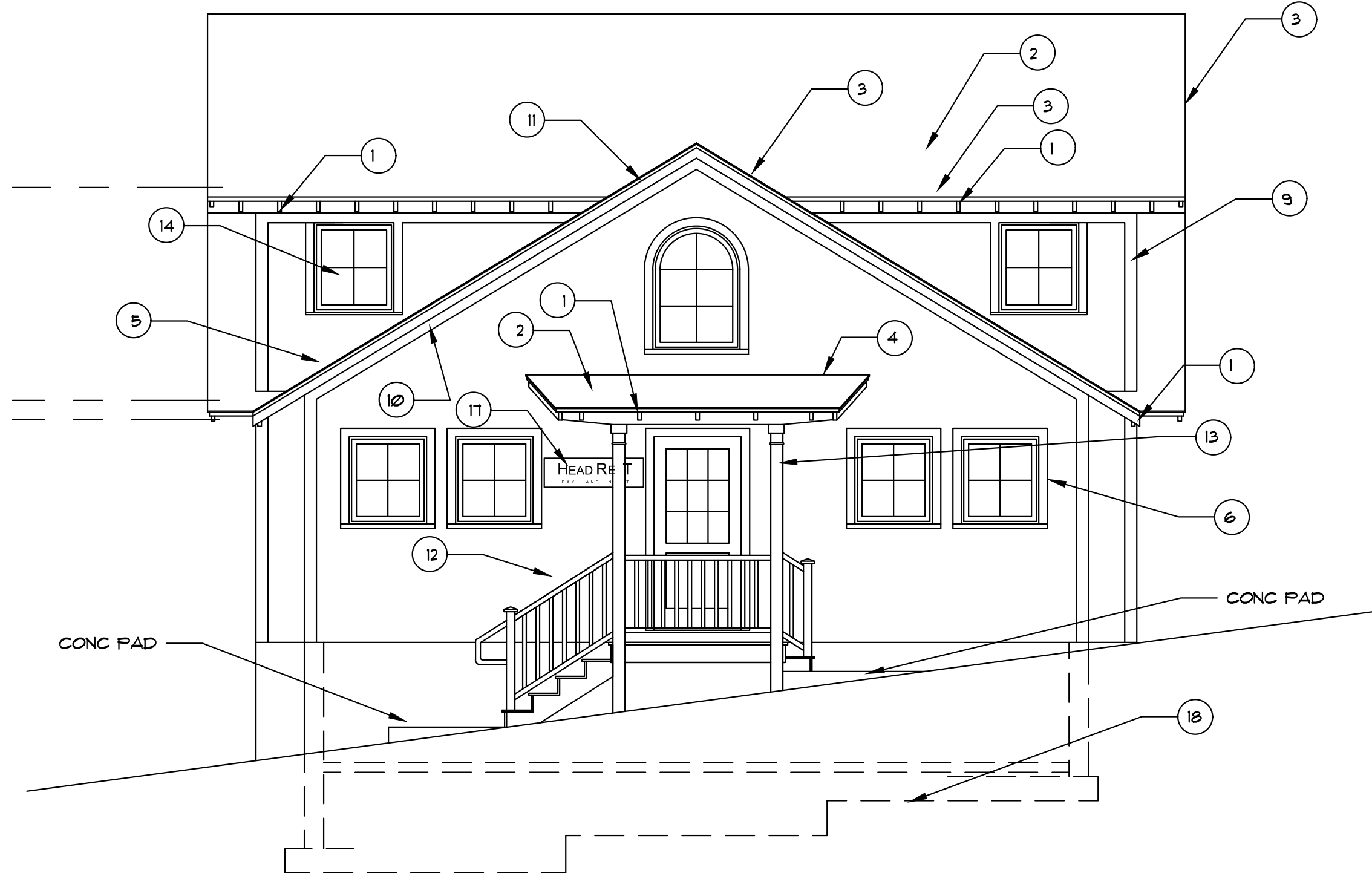
SOUTH ELEVATION  
EXISTING CONDITIONS



EAST ELEVATION  
EXISTING CONDITIONS



SOUTH ELEVATION  
1/4" = 1'-0"

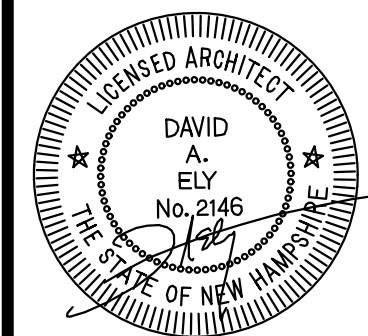


- NOTES:
- 2"x6" EXPOSED RAFTER TAILS TO MATCH, PAINTED. SEE SECTIONS
  - 250 LB ARCHITECTURAL SHINGLES. COLOR AS SELECTED BY OWNER. CERTAINTED LANDMARK PRO OR APPROVED EQUAL
  - ALUMINUM DRIFF EDGE, WHITE
  - ALUMINUM FLASHING, BLACK
  - ALUMINUM STEP FLASHING WITH KICK-OUT, BLACK
  - 1"x4" CPVC HEAD AND JAMBS. CPVC HISTORIC SILL
  - EXISTING VINYL CLAPBOARD SIDING TO REMAIN.
  - NEW VINYL CLAPBOARD SIDING TO MATCH.
  - 5 1/4" VINYL CORNER BOARDS
  - 4" VINYL FRIEZE
  - 1"x2" CPVC SHADOW BOARD
  - 42" HIGH GUARDRAIL, 36" HIGH HANDRAIL. SPINDLES W/ MAX 4" SPACE.
  - 4"x6" DOUG FIR POST W/ CAP, NECK AND BASE TRIM. PAINTED.
  - NEW WINDOWS TYPICAL
  - NEW STAIR W/ TREX DECKING AND FT FRAMING.
  - BEAM CASED IN CPVC
  - EXISTING SIGN NEW LOCATION
  - STEP FOOTING AS REQ'D TO MAINTAIN 4'-0" MINIMUM COVER TO FINISH GRADE.

# HEADREST

14 CHURCH ST, LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN



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## ELEVATIONS

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A2-1





WEST ELEVATION  
EXISTING CONDITIONS



NORTH ELEVATION  
EXISTING CONDITIONS



WEST ELEVATION  
1/4"=1'-0"



NEW CONC PAD AND WALKWAY AT  
RAMP LANDING

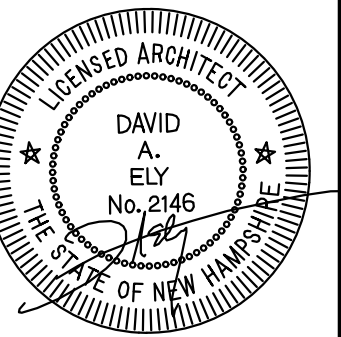
NORTH ELEVATION  
1/4"=1'-0"

NOTE: SIDING AND TRIM SIMILAR TO NOTES  
ON A2-1

# HEADREST

14 CHURCH ST., LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN  
8-31-21: WINDOW 118



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## ELEVATIONS

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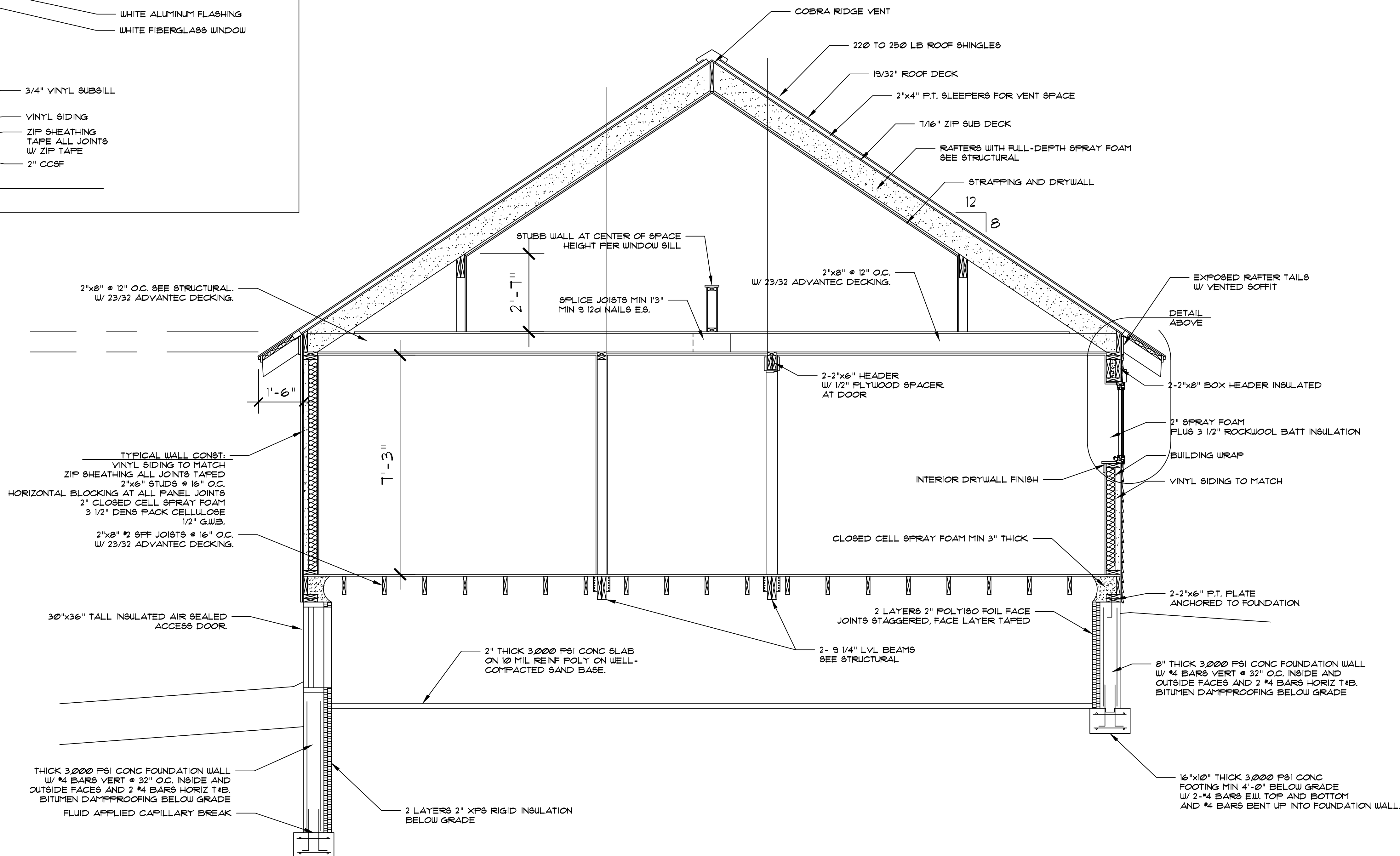
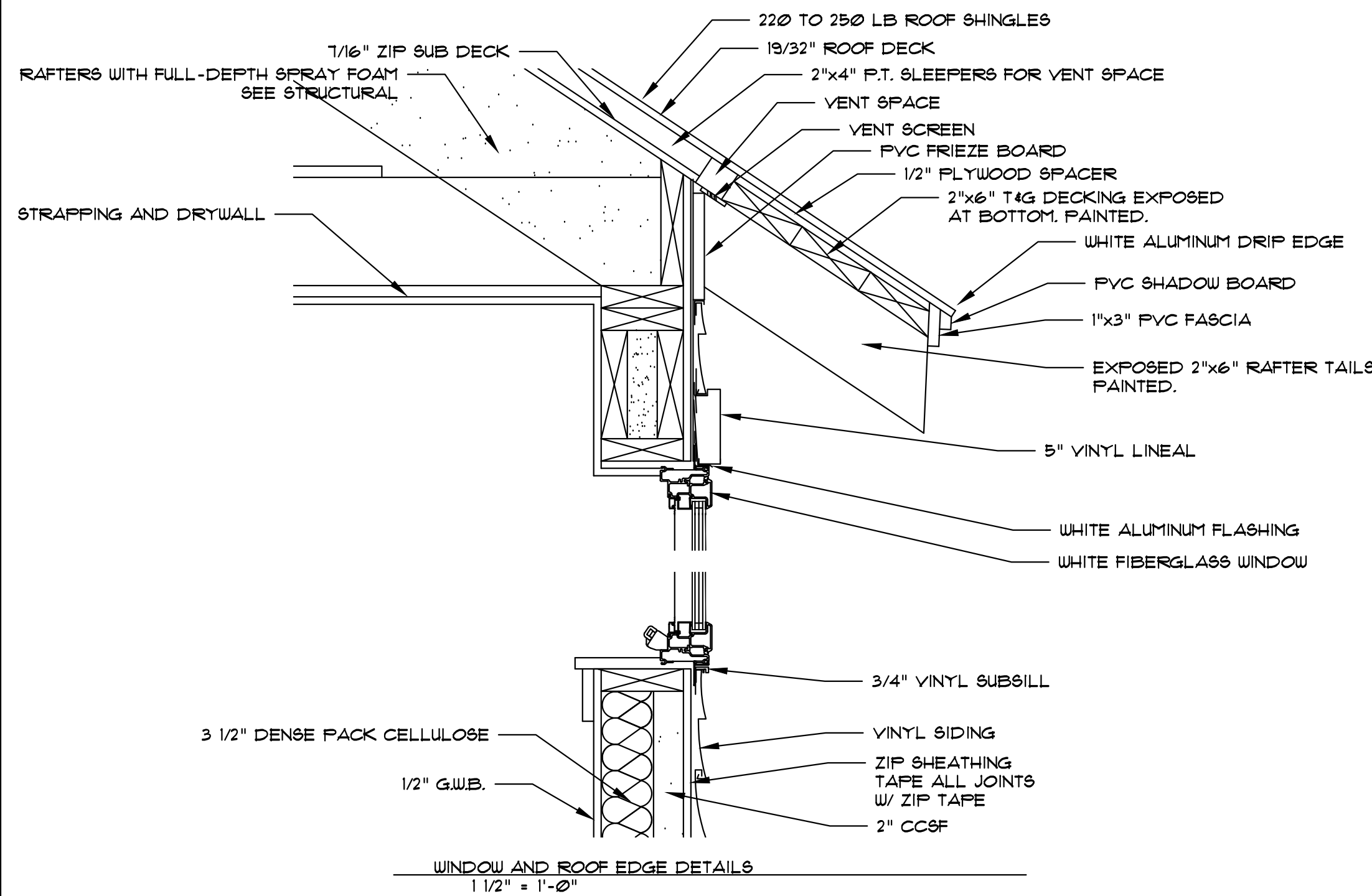
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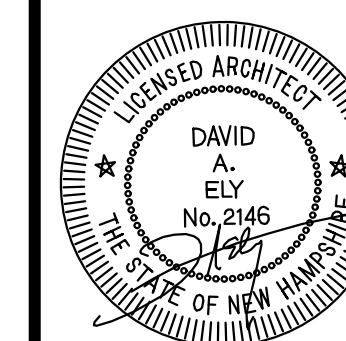


A SECTION  
1/2" = 1'-0"

# HEADREST

14 CHURCH ST, LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN



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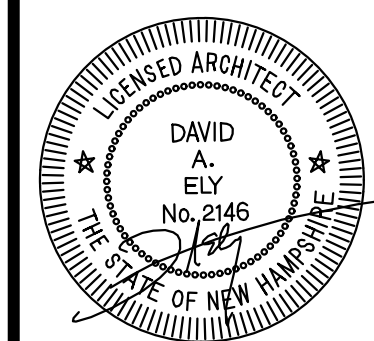
A3-1



# HEADREST

14 CHURCH ST., LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN



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SECTION

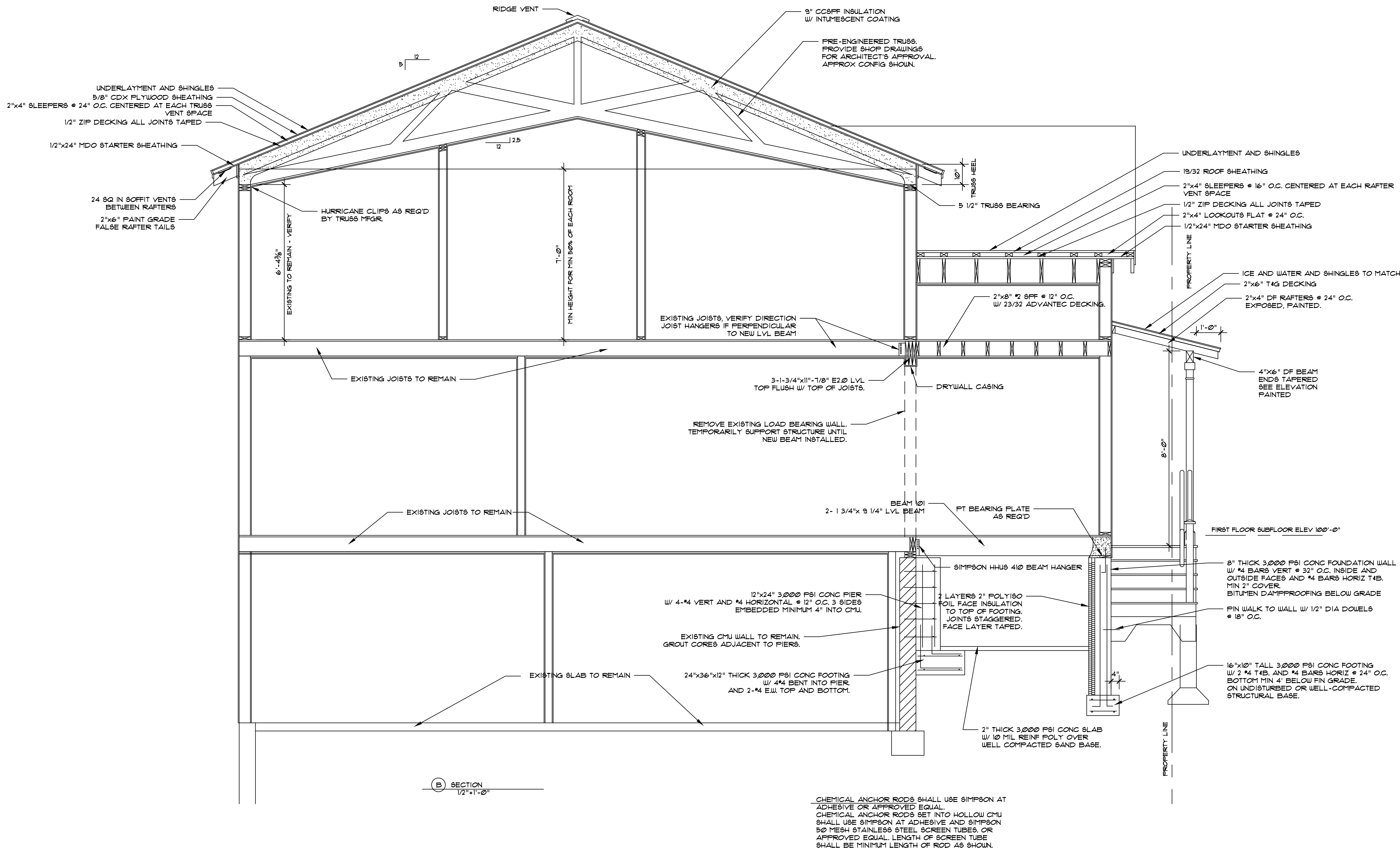
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## 14 CHURCH ST, LEBANON, NH

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A.  
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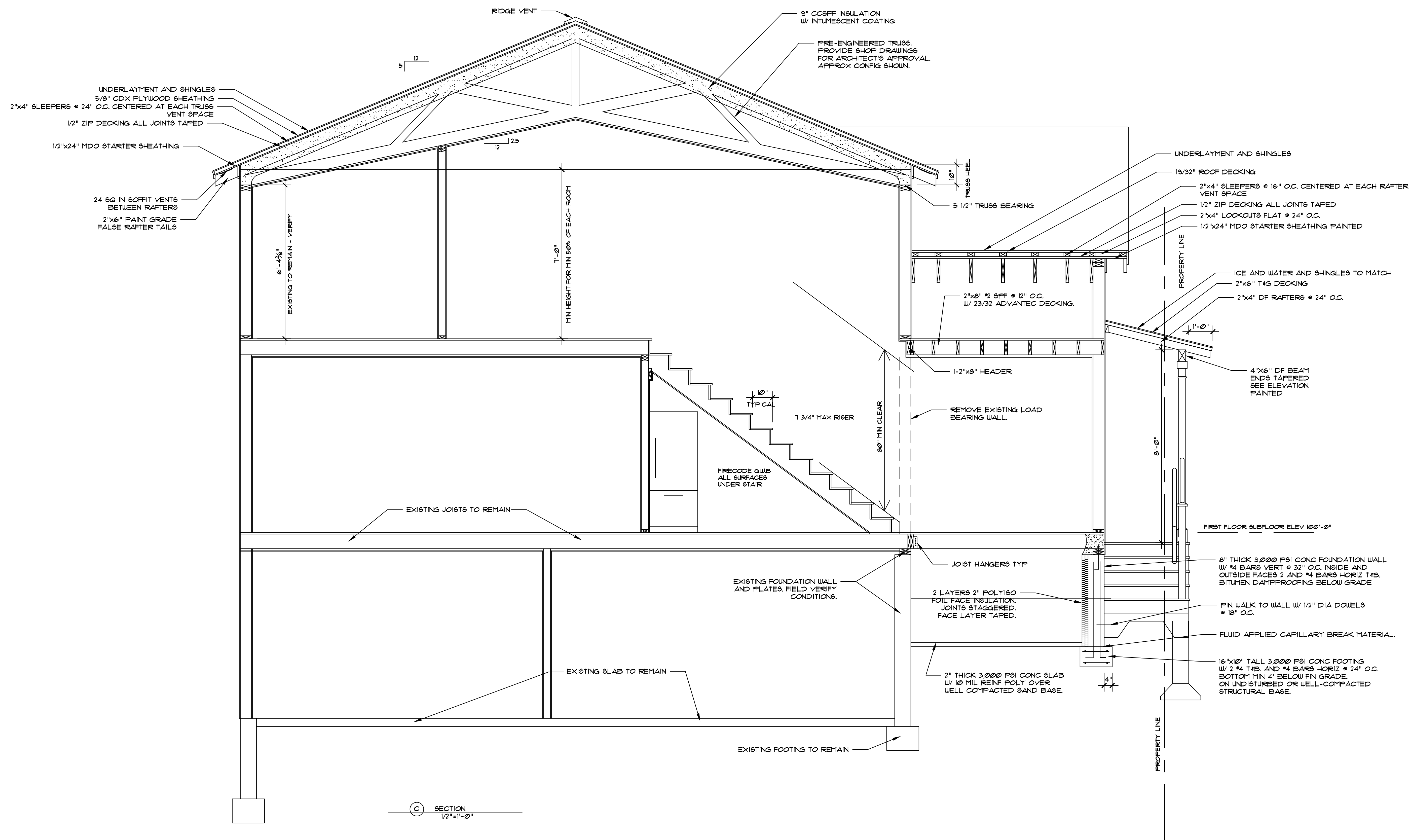
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Architecture.

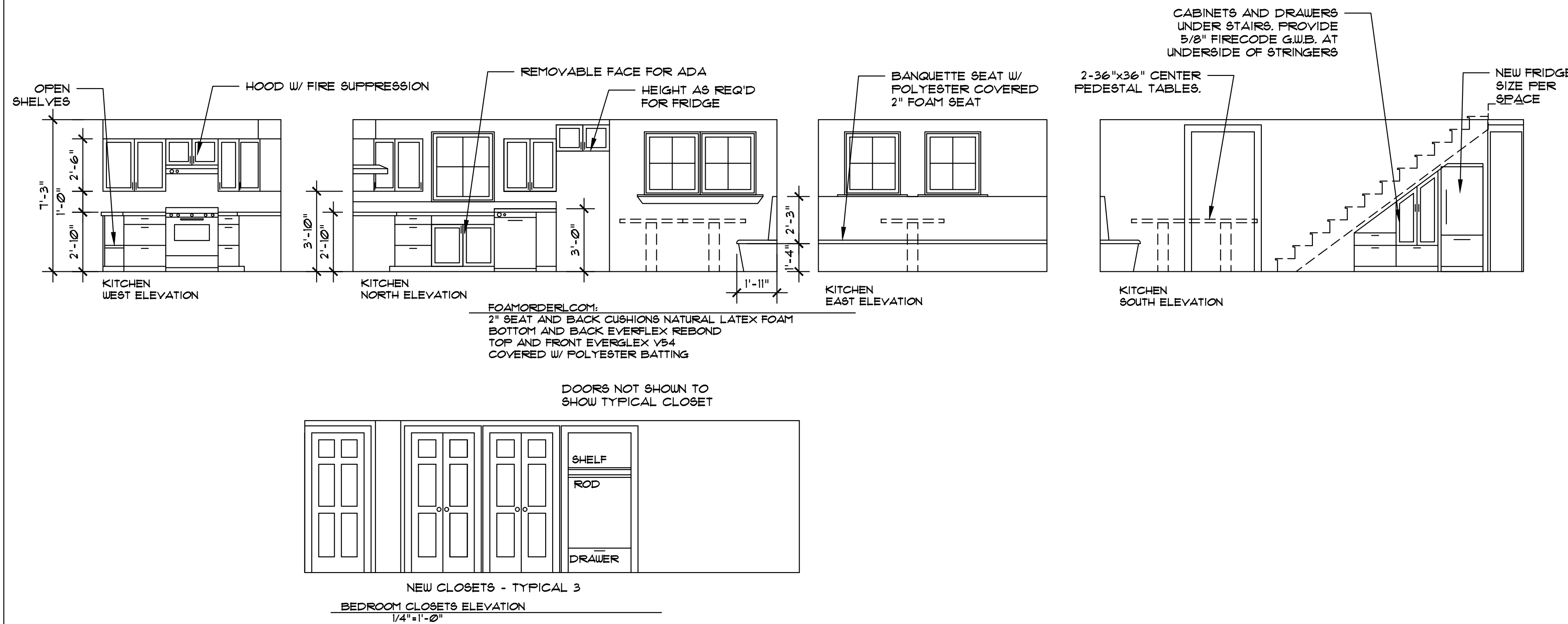
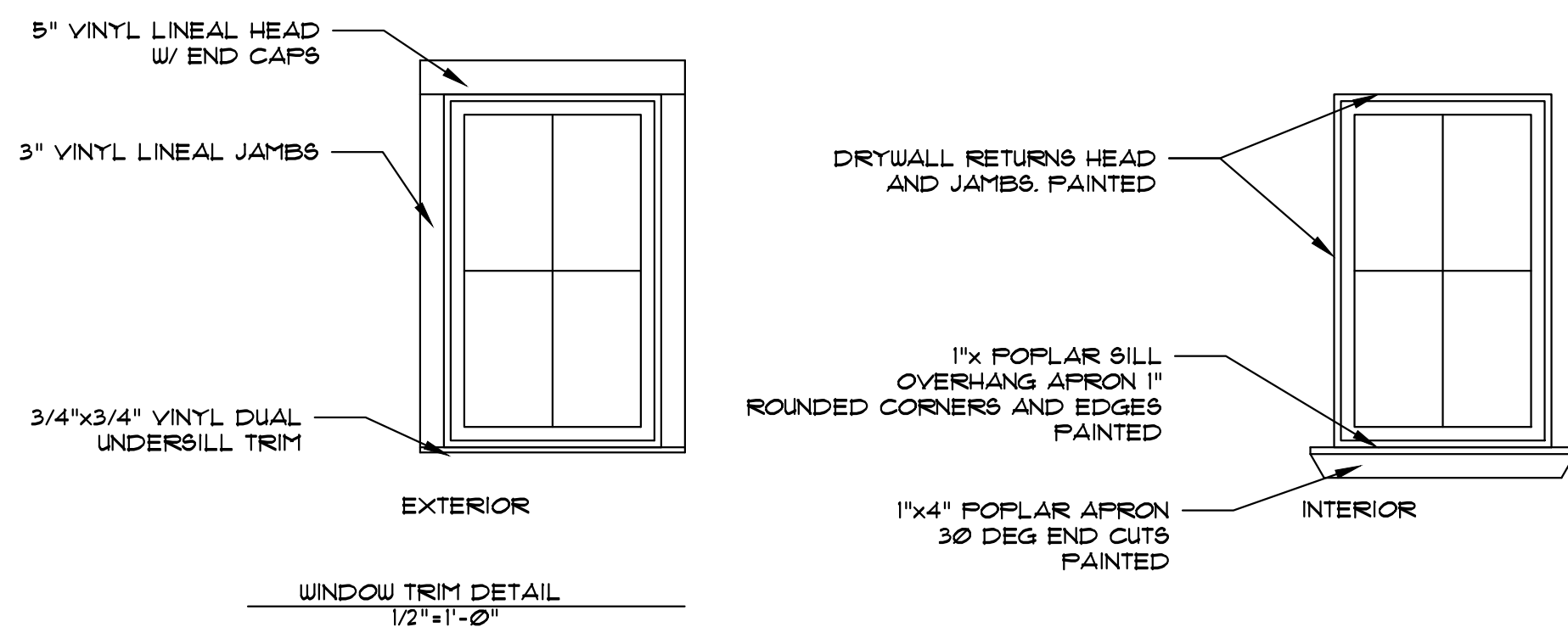
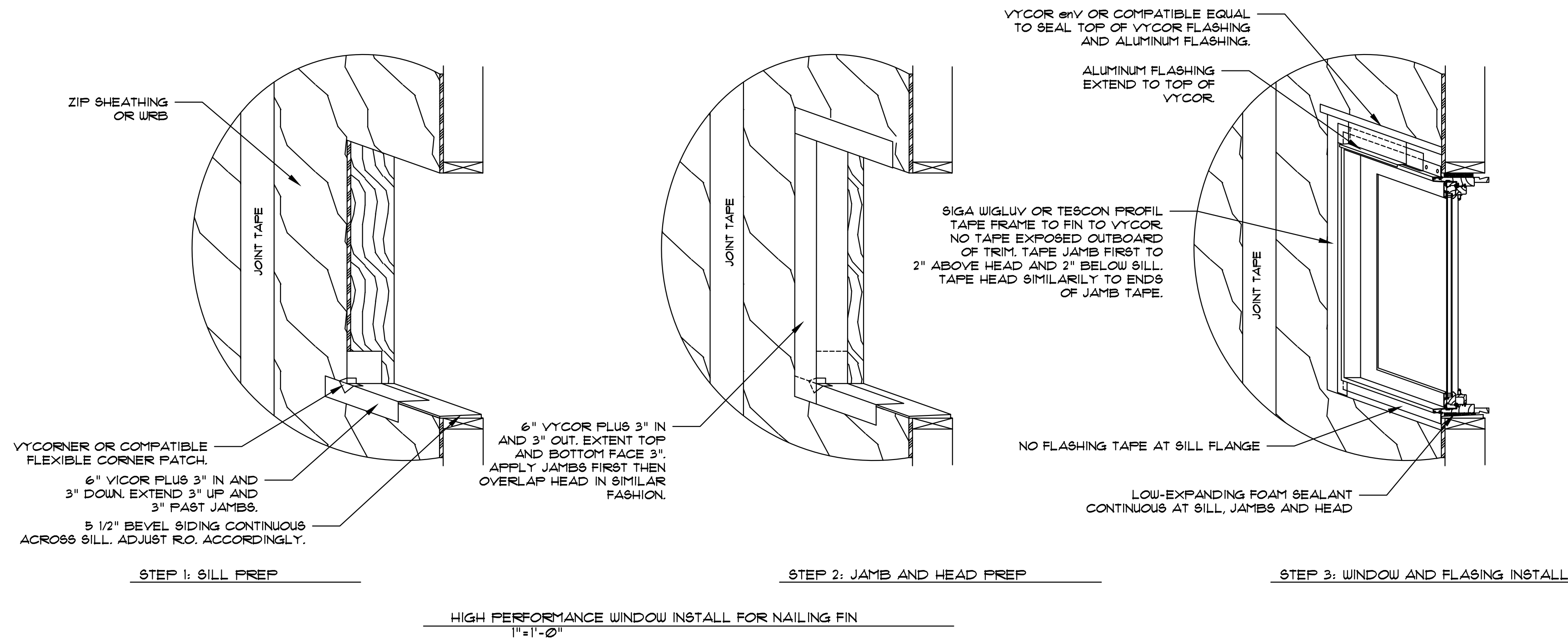
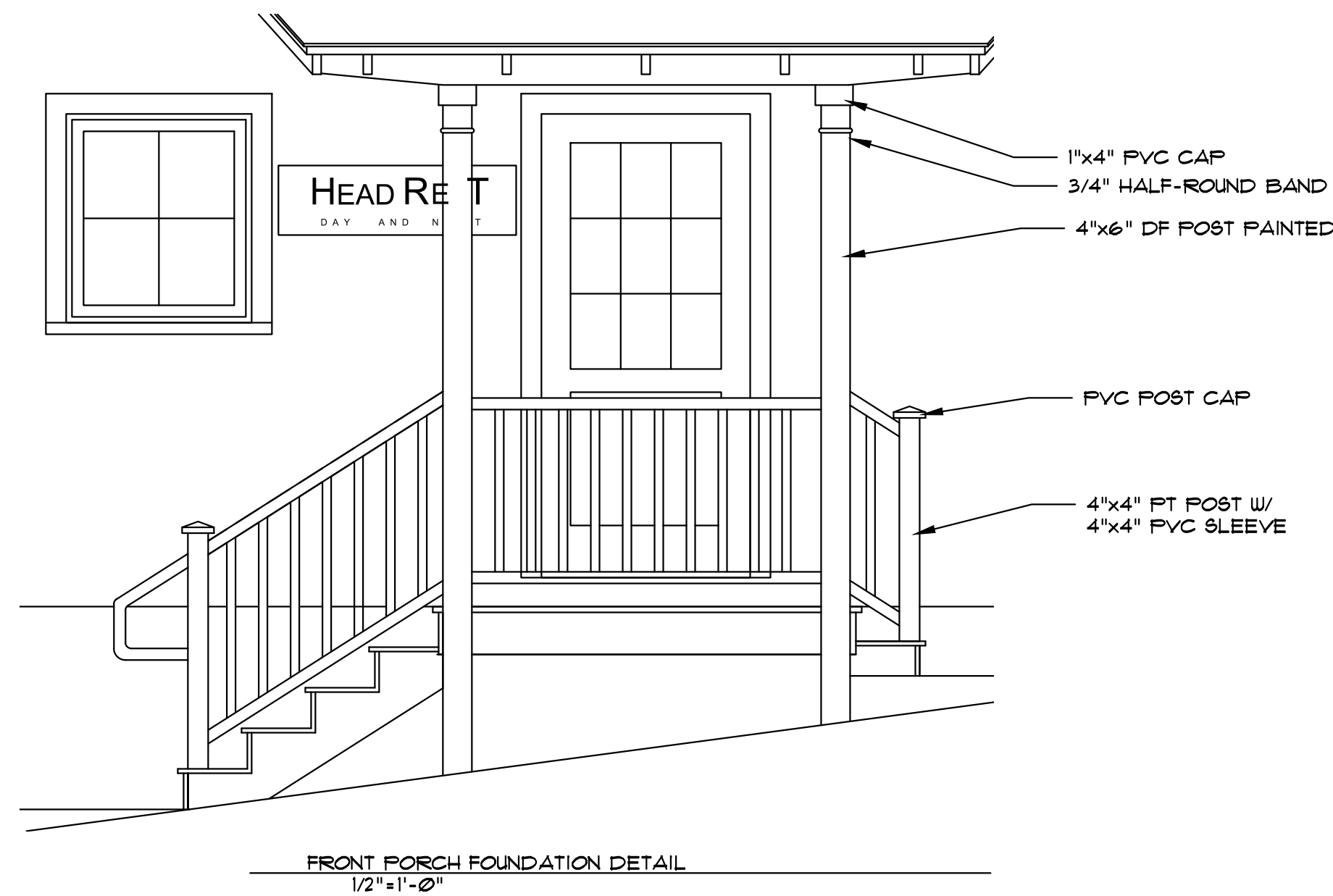
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Page 38 of 211







14 CHURCH ST., LEBANON, NH

REVISIONS:  
5-5-21: INCREASE ADDITION WIDTH  
5-5-21: ADD SITE PLAN

DAVID A. ELY  
No. 2146  
STATE OF NEW HAMPSHIRE

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DETAILS  
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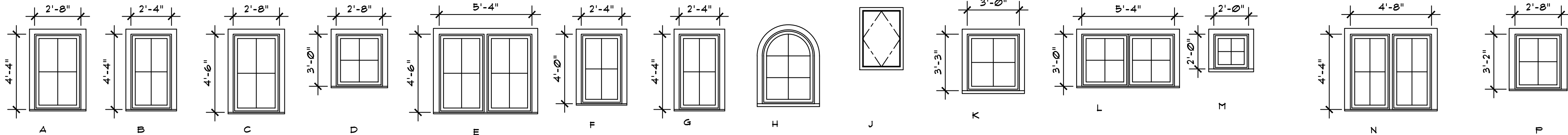
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A4-1



| WINDOW SCHEDULE |      |                |                 |                   |         |            |                                    |
|-----------------|------|----------------|-----------------|-------------------|---------|------------|------------------------------------|
| NUMBER          | TYPE | APPROX SIZE    | OPERATION       | MANUFACTURER/TYPE | LIMITER | GLAZING    | REMARKS                            |
| 001             | A    | 32"x52" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 | EGRESS                             |
| 002             | B    | 28"x52" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 | EGRESS                             |
| 003             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 004             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 005             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 006             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 007             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 008             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 009             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 010             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 011             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
|                 |      |                |                 |                   |         |            |                                    |
| 101             | D    | 32"x36"        | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 102             | D    | 32"x36"        | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 103             | D    | 32"x36"        | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 104             | E    | 64"x54" VERIFY | DOUBLE CASEMENT | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 105             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 106             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 107             | F    | 28"x48" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 108             | G    | 28"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 109             | G    | 28"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 110             | G    | 28"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 111             | G    | 28"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 112             | G    | 28"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 113             | G    | 28"x54" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 | EGRESS                             |
| 114             | J    | 26"x39"        | ROOF WINDOW     | FAKRO FTP-V US    |         |            | INSECT SCREEN, INSULATED ROOF CURB |
| 115             | J    | 26"x39"        | ROOF WINDOW     | FAKRO FTP-V US    |         |            | INSECT SCREEN, INSULATED ROOF CURB |
| 116             | C    | 32"x54" VERIFY | CASEMENT        | ALFEN 625         |         | BALANCED-6 | EGRESS                             |
| 117             | K    | 36"x39" VERIFY | AWNING          | ALFEN 625         |         | BALANCED-6 |                                    |
| 118             | D    | 32"x36"        | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 119             | D    | 32"x36"        | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
| 120             | D    | 32"x36"        | CASEMENT        | ALFEN 625         |         | BALANCED-6 |                                    |
|                 |      |                |                 |                   |         |            |                                    |
| 201             | H    | 36"x50"        | FIXED ARCH TOP  | ALFEN 625         |         | BALANCED-6 |                                    |
| 202             | D    | 32"x36"        | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 203             | M    | 24"x24"        | AWNING          | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 204             | N    | 56"x52" VERIFY | DOUBLE CASEMENT | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 205             | F    | 32"x30" VERIFY | AWNING          | ALFEN 625         |         | BALANCED-6 | VERIFY DOUBLE STUD BETWEEN 205-206 |
| 206             | F    | 32"x30" VERIFY | AWNING          | ALFEN 625         |         | BALANCED-6 |                                    |
| 207             | F    | 32"x30" VERIFY | AWNING          | ALFEN 625         |         | BALANCED-6 | VERIFY DOUBLE STUD BETWEEN 207-208 |
| 208             | F    | 32"x30" VERIFY | AWNING          | ALFEN 625         |         | BALANCED-6 |                                    |
| 209             | G    | 28"x52" VERIFY | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 210             | M    | 24"x24"        | AWNING          | ALFEN 625         | LIMITER | BALANCED-6 |                                    |
| 211             | D    | 32"x36"        | CASEMENT        | ALFEN 625         | LIMITER | BALANCED-6 |                                    |

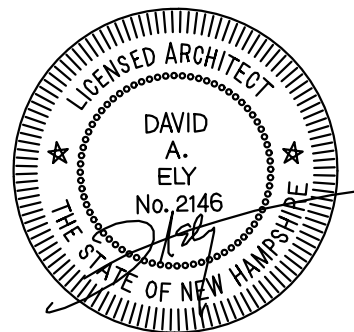
- NOTES:
- FIELD VERIFY ALL REPLACEMENT WINDOW SIZES PRIOR TO ORDERING WINDOWS
  - FIELD VERIFY ALL REPLACEMENT WINDOW JAMB DEPTHS PRIOR TO ORDERING WINDOWS.
  - ALFEN WINDOWS AVAILABLE FROM:
    - Pinnacle Window Solutions
    - 201-588-6550
    - HALLOWELL, MAINE
    - CHRIS BAILEY
  - FAKRO ROOF WINDOWS AVAILABLE FROM:
    - OLIVER KLEIN
    - 415 SUPPLY
    - OLIVER@FOURSEVENFIVE.COM
    - 918-518-2825
  - ALL WINDOWS TO HAVE WHITE INTERIOR AND EXTERIOR
  - S/DL W/Ø SPACER, COLONIAL WIDTH 7/8"
  - LIMITER SHALL COMPLY WITH ASTM F 2030 TO PROVIDE SAFETY AND ALLOW EMERGENCY EGRESS
  - ADJUST ROOF WINDOW ROUGH OPENINGS AS REQ'D FOR STANDARD SIZE UNITS.



# HEADREST

14 CHURCH ST., LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN  
8-31-21: WINDOW 118



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## SCHEDULES

DRAWN BY: DAE

DATE: 1-21-20

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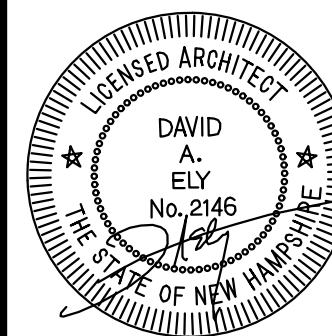
A5-1



# HEADREST

14 CHURCH ST, LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN



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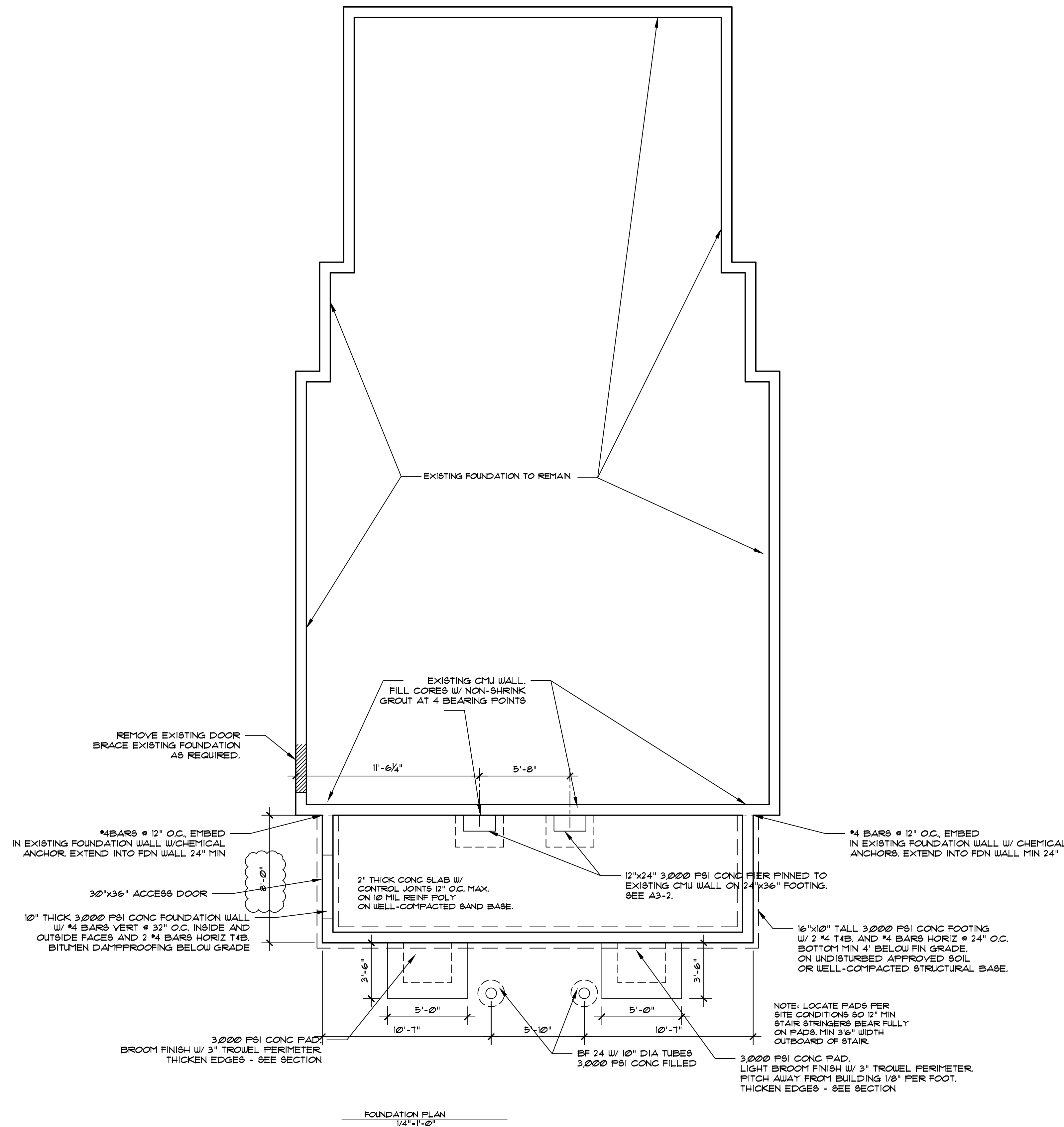
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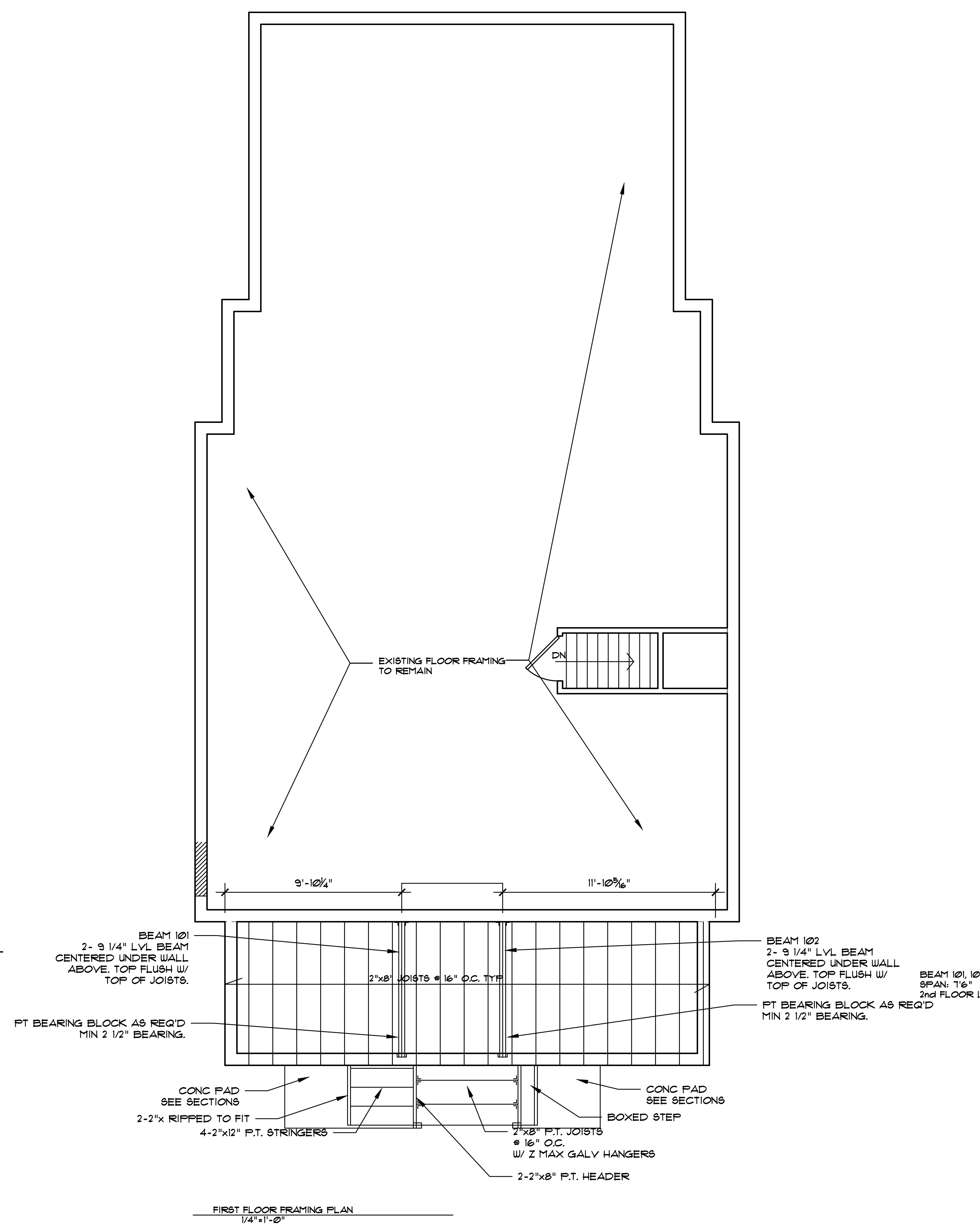
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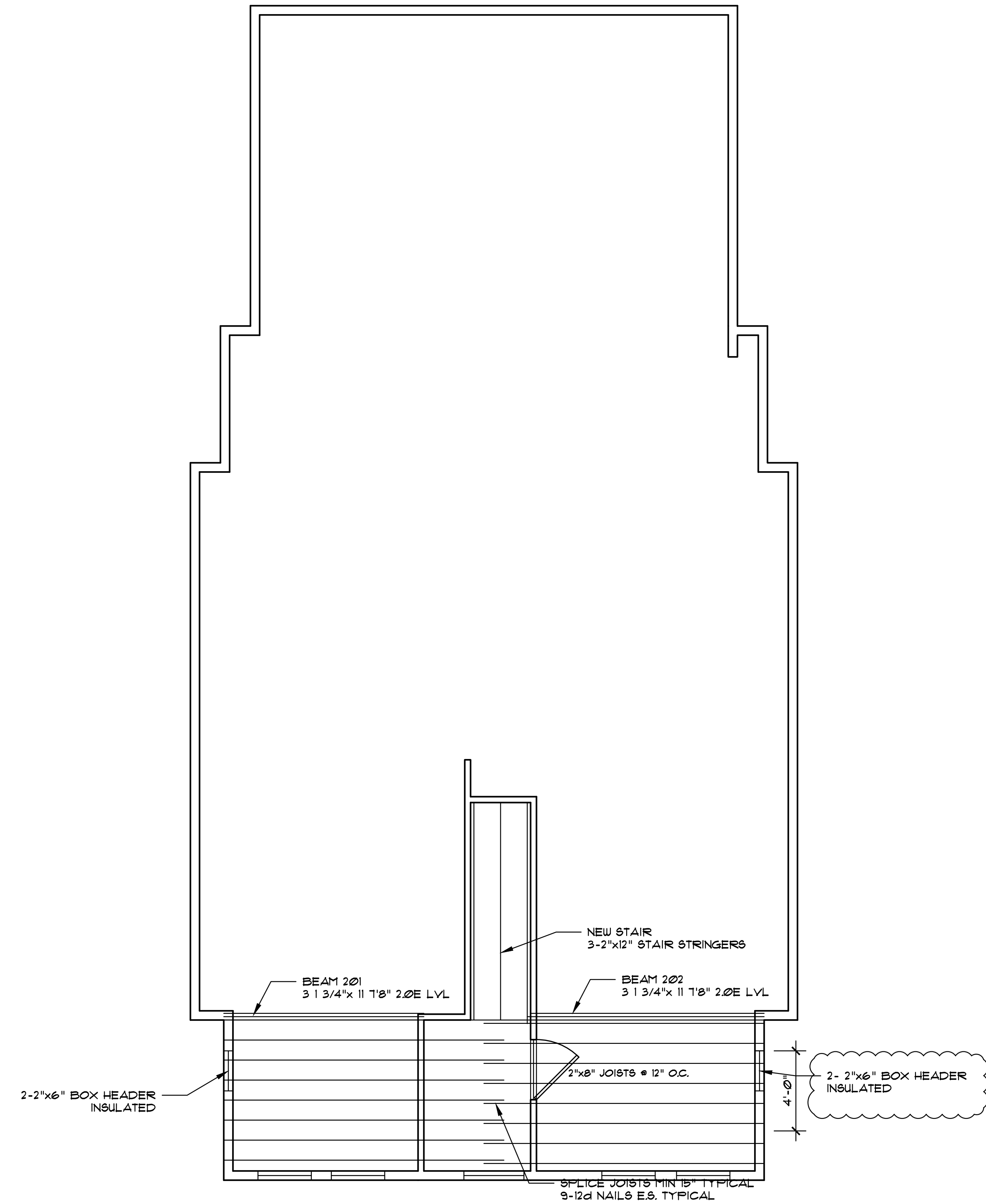
S1-1



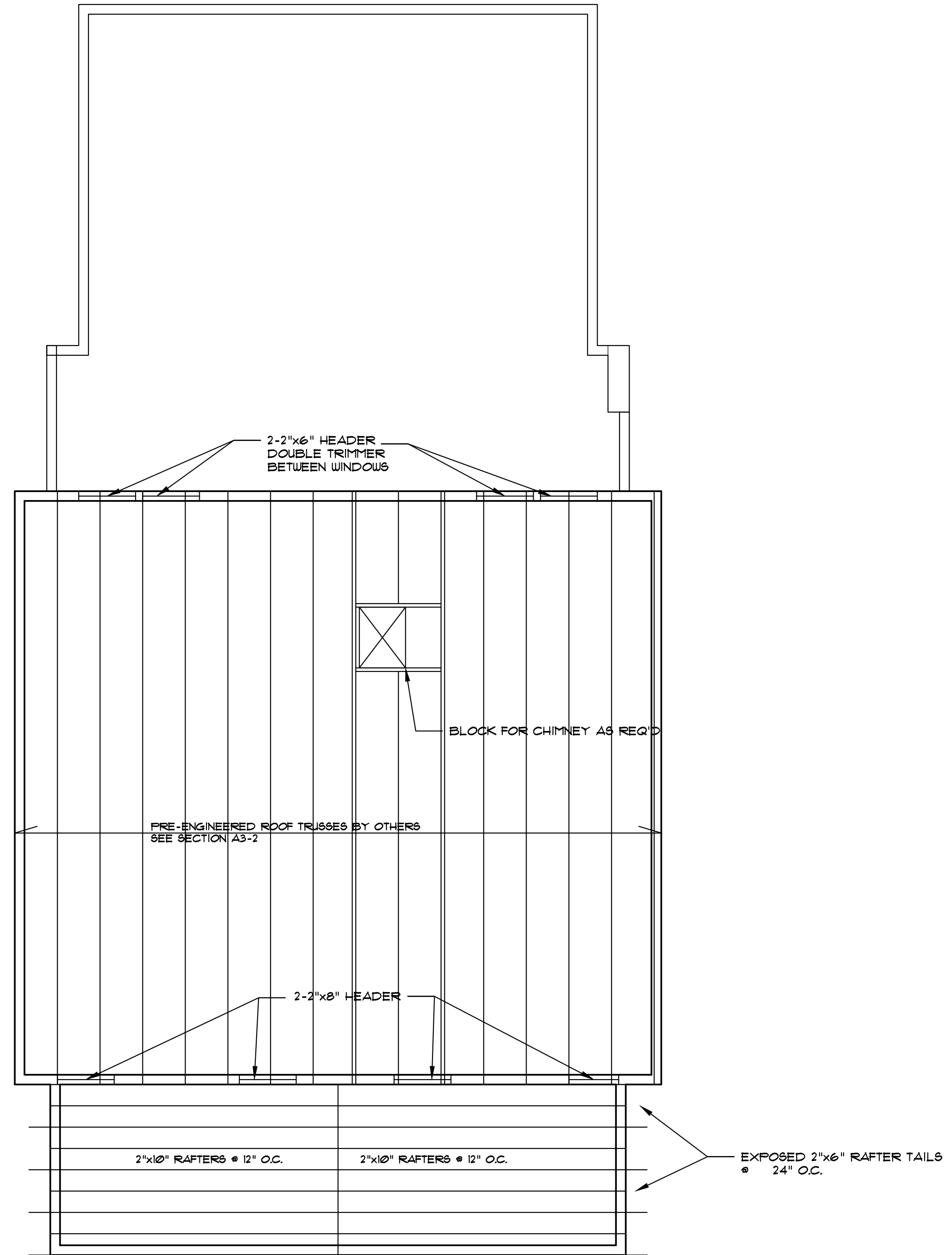
CHEMICAL ANCHOR RODS SHALL USE SIMPSON AT ADHESIVE OR APPROVED EQUAL. CHEMICAL ANCHOR RODS SET INTO HOLLOW CMU SHALL USE SIMPSON AT ADHESIVE AND SIMPSON 50 MESH STAINLESS STEEL SCREEN TUBES. OR APPROVED EQUAL. LENGTH OF SCREEN TUBE SHALL BE MINIMUM LENGTH OF ROD AS SHOWN.







SECOND FLOOR FRAMING PLAN  
1/4" = 1'-0"

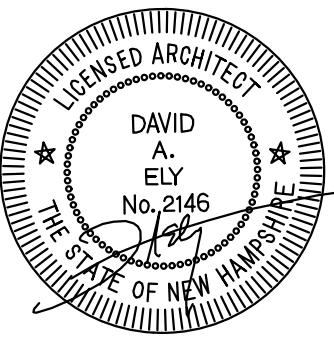


ROOF FRAMING PLAN  
1/4" = 1'-0"

# HEADREST

14 CHURCH ST, LEBANON, NH

REVISIONS:  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN  
8-31-21: WINDOW 118



Windy Hill  
Associates

Architecture  
NEW BOSTON, NH  
603-487-5252

STRUCTURAL

DRAWN BY: DAE

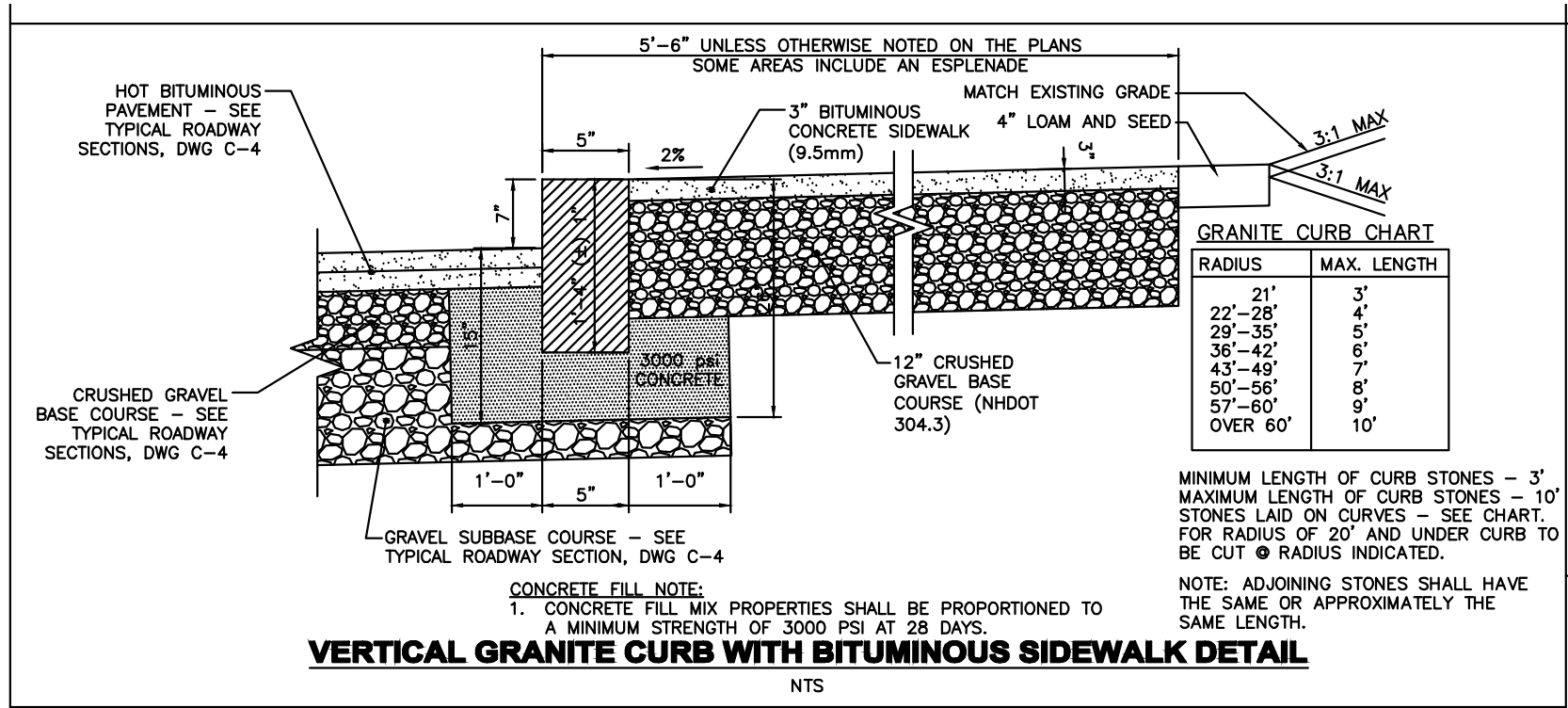
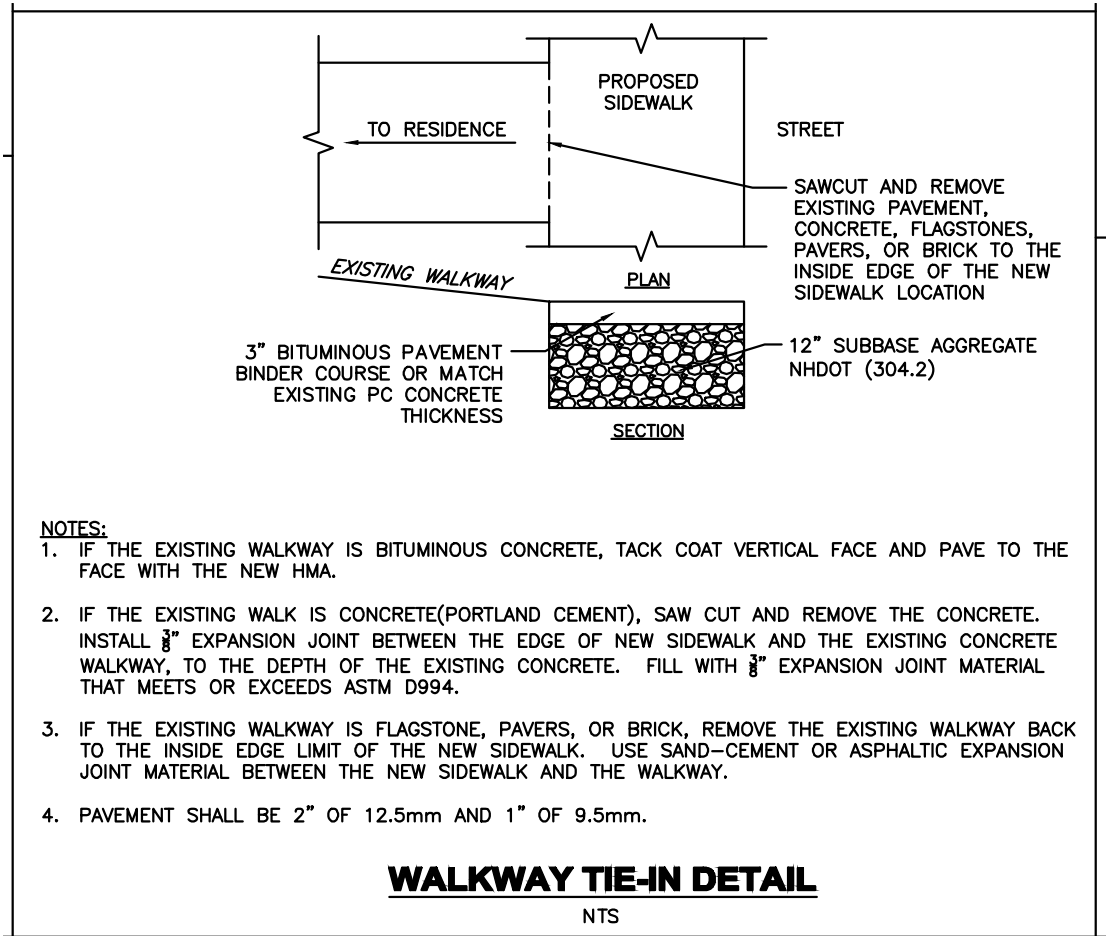
DATE: 1-21-20

CONSTRUCTION  
DOCUMENTS

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WINDY HILL ASSOCIATES  
ALL RIGHTS RESERVED

S1-2

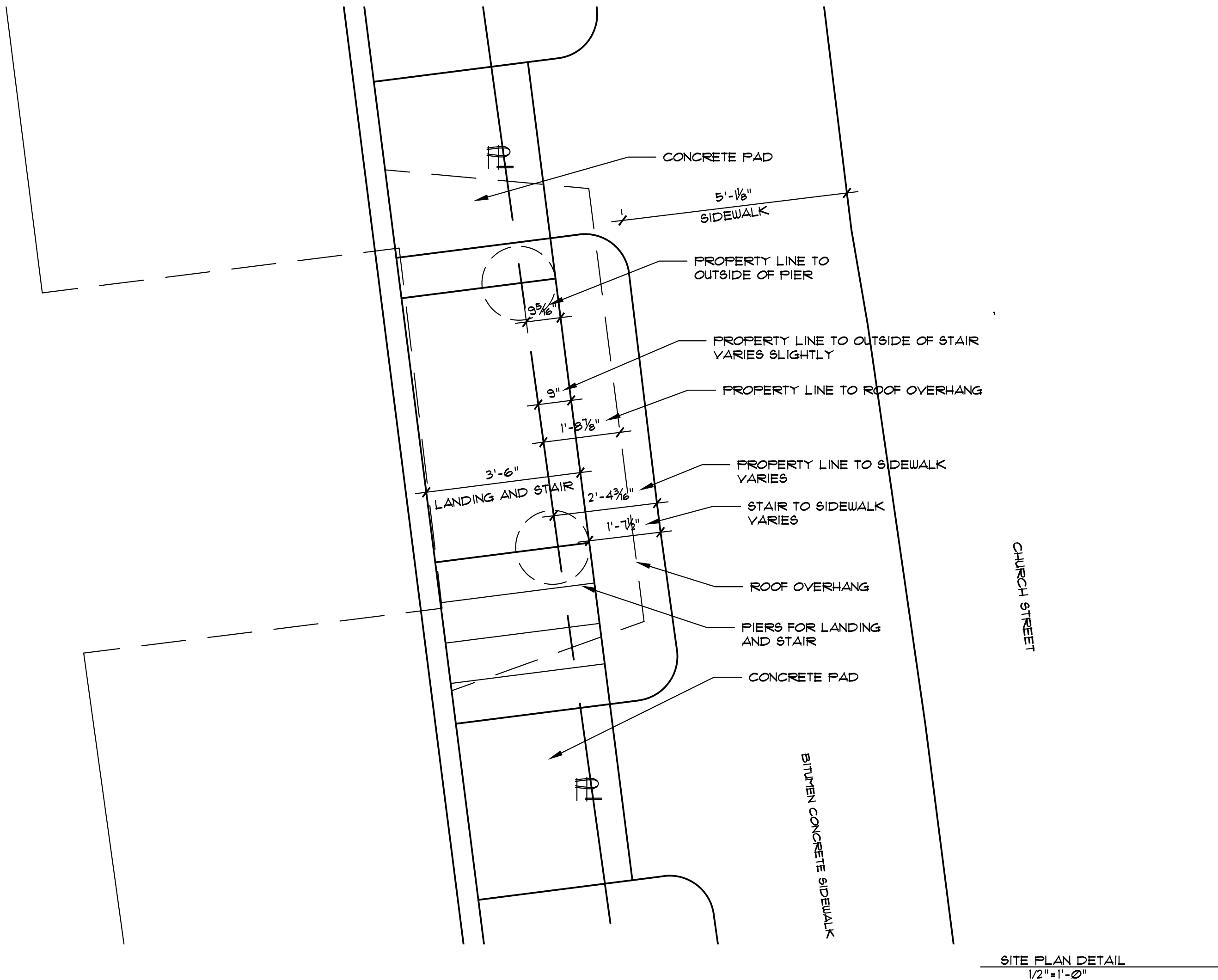




REFERENCE: WRIGHT PIERCE DETAILS FOR CITY OF LEBANON  
COMBINED SEWER SEPARATION. UNDATED

- NOTES:**
- CONTRACTOR TO LOCATE EXISTING UTILITIES PRIOR TO EXCAVATION.
  - EXISTING LANDSCAPE MATERIALS TO BE PROTECTED OR RELOCATED PER OWNER'S INSTRUCTIONS.
  - SHORE UP FOUNDATION AND RETAINING WALLS AS REQUIRED DURING CONSTRUCTION TO PREVENT DAMAGE OR COLLAPSE.
  - CONTRACTOR TO PROVIDE "AS-BUILT" FOUNDATION PLAN SHOWING PROPERTY LINE.
  - CONSTRUCTION MANAGER TO COORDINATE ALL SITE WORK WITH CITY OF LEBANON DPW, FIRE DEPARTMENT AND POLICE DEPARTMENT FOR PERMITS, LICENSES, AND TRAFFIC CONTROL.

REFERENCE: PRELIMINARY BOUNDARY  
RETRACEMENT SURVEY BY HOLT GILMOUR SURVEY  
DATED JULY 19, 2020.



# HEADREST

14 CHURCH ST., LEBANON, NH

**REVISIONS:**  
5-5-21: INCREASE  
ADDITION WIDTH  
5-5-21: ADD SITE PLAN

**Windy Hill  
Associates**

Architecture  
NEW BOSTON, NH  
603-487-5252

**SITE PLAN**  
DRAWN BY: DAE  
DATE: 7-31-20

CONSTRUCTION  
DOCUMENTS

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C1-1





## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT SPECIAL EXCEPTION Execucuite, LLC 75 Bank Street

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**To:** Zoning Board of Adjustment

**Prepared By:** Nathan Reichert, *Director of Planning & Development and Zoning Administrator*  
& Tiffany Adams, *Zoning Executive Assistant*

**Date:** April 7, 2025 – Regular Meeting

**Application Number:** ZB2025-08-SE

---

#### HEARING NOTICE:

Execucuite, LLC, 75 Bank St (Tax Map 92, Lot 78), zoned RO: The applicant requests a Special Exception from Article III, Section 311.2, pursuant to Section 801.3 of the Zoning Ordinance to allow a portion of the basement level to be used as an indoor gymnastics recreation facility. ZB2025-08-SE

#### SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming mixed-use building constructed in 1927, per the City Assessor's records, and is conforming to the RO zoning district, Class 1 lot minimum size requirement of 10,000 sq ft with +/- 301,435 sq ft and is not within any overlay district.

Previous ZBA action since 1995 includes:

1. 2013 Special Exception to convert school to 40 dwelling units
2. 2014 Special Exception to convert existing space into office space
3. 2014 Variance for personal services (gym/fitness club) use
4. 2014 Special Exception to convert existing space into 2 additional dwelling units
5. 2014 Special Exception to convert existing space to private education facility space
6. 2014 Special Exception to convert existing space into 1 additional dwelling unit
7. 2014 Special Exception to convert 2 dwelling units to office use
8. 2014 Special Exception for additional sign area
9. 2022 Special Exception to convert the gymnasium and private education facility to a theatre/concert hall

#### PROPOSAL:

The applicant is seeking a Special Exception from the terms of Article III, Section 311.2 #14 to convert 2,979 sq. ft. in the lower basement area previously approved for a 2,979 sq. ft. private education facility use (Spark Community Center, #5 above) to a 2,600 sq. ft. indoor gymnastics recreation facility. The portion of the building to be converted is identified as L04 on the attached sheet A1-1.

#### ZONING ORDINANCE REQUIREMENTS:

**801.3 SPECIAL EXCEPTION:** 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:

1. That the special exception is specifically authorized by a provision of this Ordinance.

2. That all special conditions required of the special exception have been met.
3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
4. That the character of the area shall not be adversely affected.
5. That no hazard or nuisance will be created.
6. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
7. That granting the special exception will not result in undue municipal expense.
8. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.
9. That the general welfare of the City will be protected.

**STAFF COMMENTS:**

This action began with a public complaint made to the Deputy Fire Chief from a resident concerning a new business tenant of the building – a gymnastics use that did not obtain required permits and approvals. Since that time staff has been working with the Applicant and the Business Owners to posthumously permit the gymnastics use at this location.

As this is a change of use of the property the entire site plan and use plan are subject to the Zoning Board's authority and jurisdiction for this application.

Items of concern in need of clarification:

1. Parking plan adherence to previous Planning Board approvals and striping requirements.
  - a. The current parking plan and the previously approved parking plan do not appear to mesh. There are minor variances that are manifest between the two plans. Specific areas that might require more discussion include:
    - i. The operation and signage of the handicap accessible spaces along the left side of the building.
    - ii. Traffic flow around the building appears to be reversed from the approved plans.
    - iii. The "Slant" of the parking spaces on the right side of the building are inversed on the parking plan from the original approval.
    - iv. An area of the rear left parking area is occupied by an unpermitted shed along with what appears to be the storage of construction related materials in the area formerly occupied by the recently moved trailer.
2. Lot line adjustments. A lot line adjustment with this property and with 77 Bank Street appears to have been recorded in error. While a proposed plat has been recorded, it was recorded out of order and never endorsed / approved by the Planning Board Chair. As such, the Applicant's plot plan is incorrect and will need to be corrected by applying for a reapproval of the Boundary Line Adjustment plat (the approval for which has now expired), and then appropriately signed by the Planning Board Chair and recorded.
3. The interior use plan identifies an "Office" space as unoccupied. Confirmation that that area is in fact unoccupied should be made. Additionally, the use as an additional commercial or office use tenant has never been permitted with the City. Given the strict zoning use codes for this area, any

change of use is likely to trigger Zoning Board approvals. Staff is unaware of what tenants, or what kind of uses, are currently occupying the 2 offices adjacent to the proposed indoor recreation facility space.

- a. The Zoning Board should establish that the use plan as submitted reflects all the current uses in the building including use codes and the number of apartments as a finding of fact for the approval. Staff recommends that the Zoning Board consider conducting a site visit to determine the nature of the current uses within the building.
  - b. The Zoning Board may wish to add a condition making it exceedingly clear that any physical changes to the building and any use changes or alteration of the dwelling units requires Zoning / Planning and Building review and a determination from the Zoning Administrator as to whether additional Zoning Board action is required.
4. The attached Zoning Board Notice of Decision, dated May 5, 2014, findings of fact #7 states "...The temporary manufactured building in the side yard will be removed from the site."
  - a. The manufactured building was moved mid-week last week after sitting on the site for nearly ten years in violation of the Zoning Board and Planning Board's previous approvals. Final Certificates of Occupancy for any of the approved uses at this location have never been granted by the Building Official due to this ongoing violation. The Board may wish to add a condition to the approval that a Certificate of Occupancy shall be approved by the Building Official for all uses within the location within a certain timeframe.
5. Unpermitted shed. There is an unpermitted shed in the rear of the property. Its use, origin and presence are unknown to staff and it is not depicted on the provided site plan.
  - a. The Board may seek to understand the nature of the shed, its intended use and, if it is to be moved, establish a date certain for its permitting and or removal.
6. Construction materials, equipment and other items are currently stored in the parking area where the mobile home was formally stored. As evidenced in the provided pictures the presence of the materials constitutes the creation of a nuisance. Specifically, the refrigerator units with doors intact that are stored in the open is a direct violation of State Health Code. Criteria 5 of the Board's special exception criteria states "That no hazard or nuisance will be created." The Board may seek further information about the Applicant's intent in storing these materials and should consider imposing a deadline for the removal of the materials from the site. Staff further recommends that the Board include a condition of approval prohibiting the use of the site as a construction yard and prohibiting any exterior storage of equipment and materials.
7. The City has no record of the Rugby Club that appears in a Google search for the address being a registered use within for the facility. The Board may seek further information concerning the nature of this use at the site.

The Planning and Development Department has no record of a Building Permit for the three large LP tanks that are depicted on the site plan submitted by the Applicant. Additionally, if the main heat plant for the facility has been converted from oil to LP the City has no record of this work being completed. As such the Zoning Board should explore this topic with the applicant and seek clarity. The installation of a large LP tank farm may require Planning, Zoning, Building and Fire permits to be completed. Consequently, if required permits have not been completed, a condition of approval should be imposed that requires applicable permits to be obtained.



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT SPECIAL EXCEPTION Draft Motion Execusuite LLC 75 Bank Street

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#### **DRAFT MOTION for:**

**Agenda Item: 3.C**

**Case: ZB2025-08-SE**

**Request for Special Exception per Sections §801.3**

Motion made by: \_\_\_\_\_

On April 7th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 5 Bank St (Tax Map 92, Lot 78), zoned RO: The applicant requests a Special Exception from Article III, Section 311.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a portion of the basement level to be used as an indoor gymnastics recreation facility.

#### **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 improved with a dimensionally non-conforming building that was constructed in 1927 and was previously the Lebanon Jr. Highschool. The current owner purchased the property in 2013 and has since converted it to 43 dwelling units, a gym/fitness club, a private education facility, and office space.
2. The applicant proposes to convert a portion of the previous private education facility space into an indoor gymnastics facility – Treehouse Gymnastics.
3. In order to grant a Special Exception, the applicant must demonstrate that their proposal meets the general Special Exception criteria, set forth in Section 801.3. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning and Development Department on March 10, 2025.
4. **There are no known existing zoning violations on the property.**

***Items to address: Confirm all Uses are accounted, Unpermitted Shed, Outdoor storage of construction materials and equipment, Rudy Club Determination, LP Tanks and Boiler, Lot Line Adjustment, Parking Plan.***

5. \_\_\_\_\_  
\_\_\_\_\_

6. \_\_\_\_\_  
\_\_\_\_\_

## II. CONCLUSIONS OF LAW

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

1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
2. There **are no / are** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.

\_\_\_\_\_

3. The character of the area **will not / will** be adversely affected.

\_\_\_\_\_

4. **No / A** hazard or nuisance will be created.

\_\_\_\_\_

5. The capacity of existing or planned community facilities and services (including streets and highways) **will not / will** be adversely impacted.

\_\_\_\_\_

6. The granting of the Special Exception **will not / will** result in undue municipal expense.

\_\_\_\_\_

7. The proposed Special Exception **will / will not** be developed in a manner compatible with the spirit and intent of the ordinance.

\_\_\_\_\_

8. The general welfare of the City **will / will not** be protected.

\_\_\_\_\_

## III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 7th day of April, 2025 hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section 801.3 of the Zoning Ordinance to allow a portion of the basement level to be used as an indoor gymnastics recreation facility.

1. The applicant shall obtain a Planning Board, Building and Fire Permits for all uses and construction.

2. Any future Change of Use of this facility shall be permitted by amendment of this Special Exception by the Zoning Board.
3. A change of commercial occupancy requires a Change of Occupancy permit approved by the Zoning Official and possibly the Planning Board, Minor Site Plan Committee and / Zoning Board of Review, depending upon the use and a certificate of occupancy to be issued by the Building Official prior to Occupancy pursuant to the Zoning, Planning, Fire Code and Building Codes in force at the time of the change.
4. ***Confirm all Uses are accounted, Unpermitted Shed, Outdoor storage of construction materials and equipment, Rudy Club Determination, LP Tanks and Boiler, Lot Line Adjustment, Parking Plan.***

5. \_\_\_\_\_  
\_\_\_\_\_

6. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

**CITY OF LEBANON  
ZONING BOARD OF APPEALS  
APPLICATION**

|                            |                                     |                          |                                |
|----------------------------|-------------------------------------|--------------------------|--------------------------------|
| SPECIAL EXCEPTION          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | BUILDING CODE BOARD OF APPEALS |
| WETLANDS SPECIAL EXCEPTION | <input type="checkbox"/>            | <input type="checkbox"/> | APPEAL OF AN ADMIN DECISION    |
| VARIANCE                   | <input type="checkbox"/>            | <input type="checkbox"/> | REHEARING REQUEST              |
| EQUITABLE WAIVER           | <input type="checkbox"/>            | <input type="checkbox"/> |                                |

**PROPERTY OWNER (APPLICANT):**

NAME: EXCUSITE LLC TEL#: [REDACTED]  
MAILING ADDRESS: 77 BANK STREET LEBANON NH 03746  
E-MAIL ADDRESS: [REDACTED]

**CO-APPLICANT, AGENT, OR LESSEE:**

NAME: ANNIE ARINGTON, TREEHOUSE GYM TEL#: [REDACTED]  
MAILING ADDRESS: 75 BANK STREET LEBANON [REDACTED]  
E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 92 LOT#: 78 PLOT #: \_\_\_\_\_ ZONE: R2  
STREET ADDRESS: 75 BANK STREET

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

**REQUEST DESCRIPTION:**

Convert Existing Community Center Space To Indoor Recreation Area

**USE TYPE:**

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: Indoor Recreation

**SIGNATURE BLOCK:**

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 4/16/2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: [Signature] DATE: 10 MAR 2025

**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.

Owner Signature: [Signature] DATE: 10 MAR 2025



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

I (we) hereby request a Special Exception as provided for in Article(s) III, Section(s) 309, 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.)

CONVERT FORMER SPARK COMMUNITY CENTER SPACE TO INDOOR RECREATION  
FACILITY, "TRUSSHOUSE GYMNASIUM"

**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:

IT IS AUTHORIZED UNDER 309.2

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

ALL SPECIAL CONDITIONS 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:

NO VIOLATIONS EXIST.

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:

THIS CHANGE DOES NOT ADVERSELY AFFECT THE AREA.

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

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:

NO ADVERSE IMPACT.

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

NO UNDOUB EXPENSE WILL BE INCURRED.

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

THIS USE IS COMPATIBLE WITH THE HISTORICAL AND FUTURE USES.

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

THE GENERAL WELFARE 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.



**ARCHITECTS + PLANNERS**  
PO Box 275, White River Junction, VT 05791  
(802) 275-5110 [info@johndunham.com](mailto:info@johndunham.com)

## EXECUTIVE

**75 Bank Street  
Apartments**

Issued For  
ISSUED FOR REVIEW

NOT FOR  
CONSTRUCTION

Issue Date: March 31, 2022

[illegible]ARCHITECTURAL  
SITE PLAN

Nesil R & Adrienne M, Fulton  
73 Bank Street  
Lebanon NH 03766  
Property ID: 92-106

PFC Bank LLC  
32 Main Street  
West Lebanon NH 03784

Allison L. Sandborn  
68 Bank Street

Patricia Morse Trustee

Model 2

Karen E. Paul-Chen

Robert E. Lucy-McCallan



**BANK STREET**

SHAW STREET

## A0.2

# EXECUSUITE LLC

*Bringing new life to our historic downtowns*

## **Treehouse Gymnastics, 75 Bank Street, Narrative**

Zoning Board of Adjustment,  
City of Lebanon  
51 North Park Street  
Lebanon, New Hampshire 03766  
Execusuite, LLC  
77 Bank Street  
Lebanon, New Hampshire 03766  
RE: 75 Bank Street Special Exception Application for Change of Use

Dear Commissioners:

We respectfully submit the enclosed application and plans for a Special Exception for the proposed Treehouse Gymnastics center at 75 Bank Street. This new small business will bring needed children's recreational opportunities to downtown Lebanon in line with the Lebanon Downtown Vision Study.

The 75 Bank Street Building is an existing 3-story masonry structure, formerly occupied as the Lebanon Junior High School. In 2014, the former school was converted to 43 residential apartments, a fitness center, two offices and the Spark Community Center (located in the school's woodworking shop). Subsequently, Spark Community Center has vacated, and Treehouse Gymnastics has signed a lease to operate within this space. There is no change to the facade of the building or the grounds.

Opening the Treehouse Gymnastics Center at 75 Bank Street promotes Lebanon's purpose of mixed use, high-density redevelopment in the downtown area. This change of use will allow for a new business to thrive, without diminishing the characteristics of the property and neighborhood.

*1. The special exception will not be contrary to the public interest;*

- The opening of a new small business, providing recreational activities for children, promotes and protects the public interest.

*2. The spirit of the ordinance is observed;*

- We are not expanding beyond the existing building footprint and providing adequate parking. 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 and preserving its historic character.

*3. Substantial justice is done;*

- We are providing adequate parking and not increasing the footprint of the building.

*4. The values of surrounding properties are not diminished;*

- Two of the surrounding buildings (one to the west, a duplex and one to the east, an office with approval for eight apartments), are also owned by Execusuite’s sister companies
- The number of occupants will not be appreciably greater; there is no increase in the building footprint and adequate parking and landscaping are provided.

*5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

*(a) In this section "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:*

*(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and*

*(ii) The proposed use is a reasonable one.*

- The purpose of the ordinance is to control density and maintain the residential character of the neighborhood; no change is proposed within the existing building envelope that will adversely affect that intent.
- Not allowing the change of use would result in a vacant commercial space and the closing of a new small business.

### **Special Exception**

In an RO district, the change of use from a community center to an indoor recreation facility requires a special exception. For the reasons as stated above, the special exception should be allowed.

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.



Generator

Main entrance

Electrical Room

Office

Desk

Reus

Reus

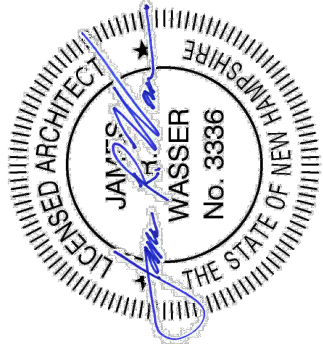
Reus

Long transposition

Emergency Exit



STUDIO  
NEXUS  
ARCHITECTS + PLANNERS  
PO Box 275, White River Junction, VT 05001  
802 275 5110 | studionexusarch.com



Execusuite, LLC  
75 Bank Street

Issued For:  
SITE PLAN REVIEW

Issued For: SITE PLAN REVIEW  
Issued Date: MARCH 21, 2025

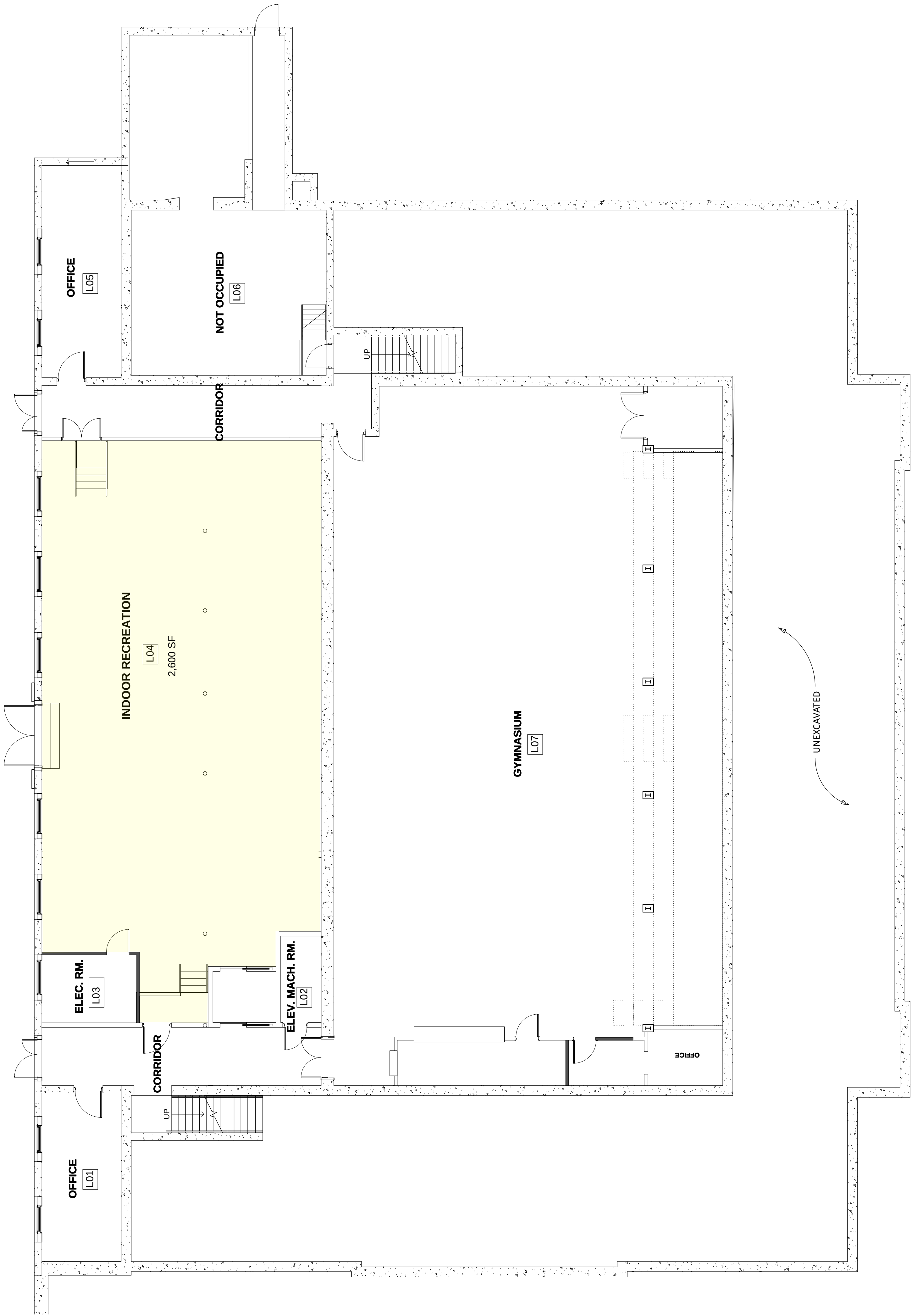
| Revisions |      |
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LOWER BASEMENT  
FLOOR PLAN

Project No.:

Drawn By: Checked By:

A1-1

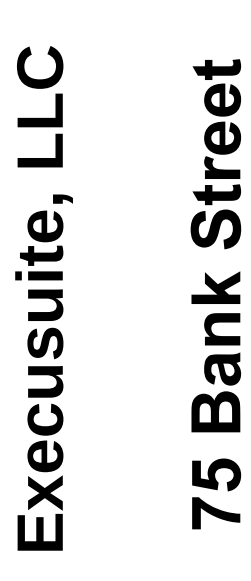


1 FLOOR PLAN WITH ADDITIONAL LOWER BASEMENT LEVEL CHANGES  
1/8" = 1'-0"





**ARCHITECTS + PLANNERS**  
PO Box 275, White River Junction, VT 05001  
802 275 5110 | [studionexusarch.com](http://studionexusarch.com)



Issued For:  
SITE PLAN REVIEW

[illegible]

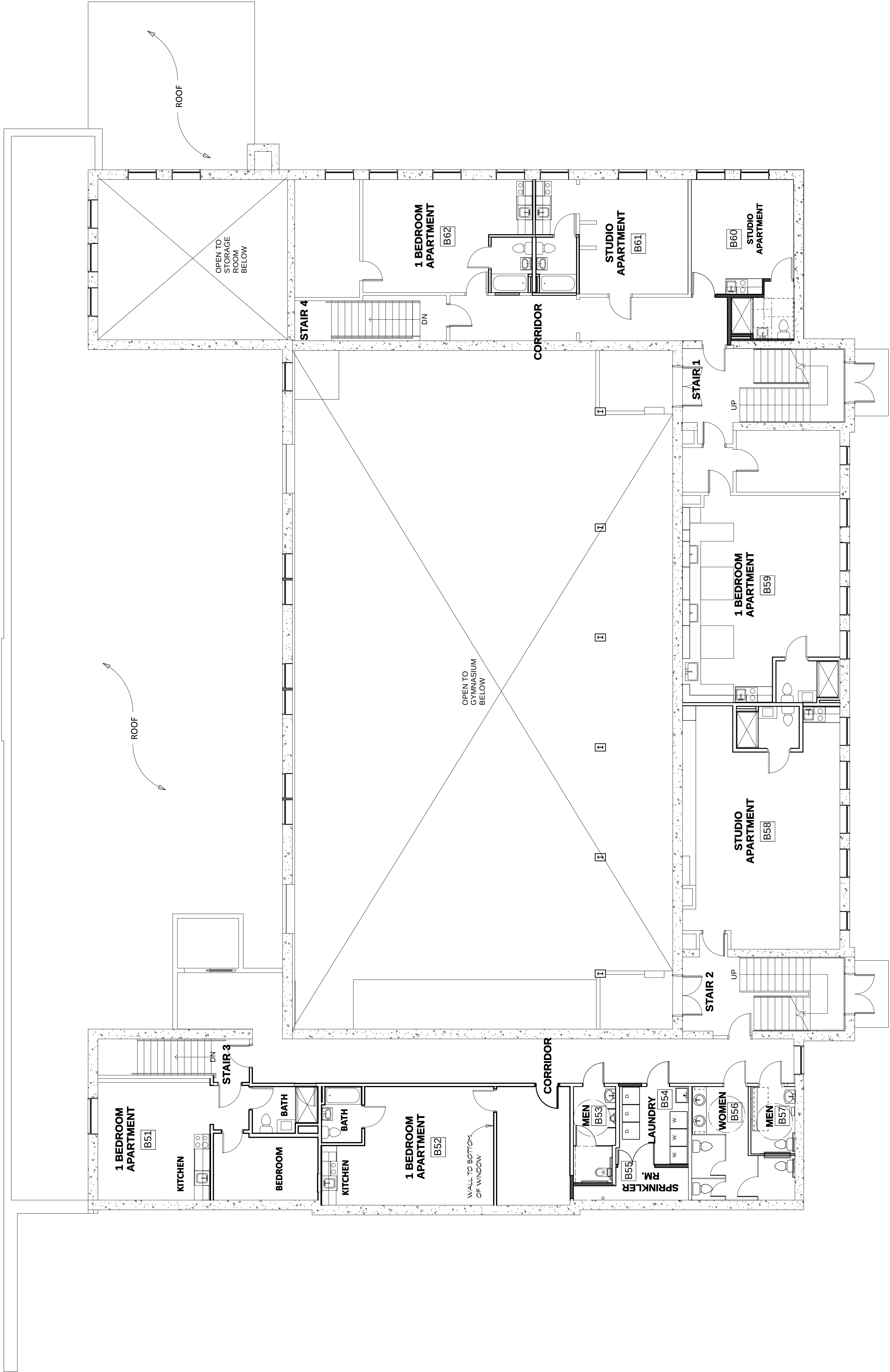
# UPPER BASEMENT FLOOR PLAN

Project No.:

Drawn By: \_\_\_\_\_  
Checked By: \_\_\_\_\_

# A1-2

Copyright Studio Nexus Architects + Planners, LLC



## FLOOR PLAN WITH ADDITIONAL UPPER BASEMENT LEVEL CHANGES

1/8" = 1'-0"



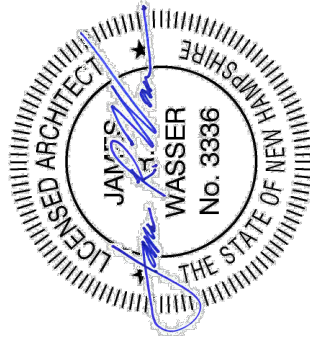






# STUDIO NEXUS

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



Execusuite, LLC  
75 Bank Street

Issued For:  
SITE PLAN REVIEW

Issued For: SITE PLAN REVIEW  
Issue Date: MARCH 21, 2025

| Revisions |             | Date |
|-----------|-------------|------|
| No.       | Description |      |
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|           |             |      |
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|           |             |      |

## SECOND FLOOR PLAN

Project No.: 1310  
Drawn By: WDN | Checked By: JRW

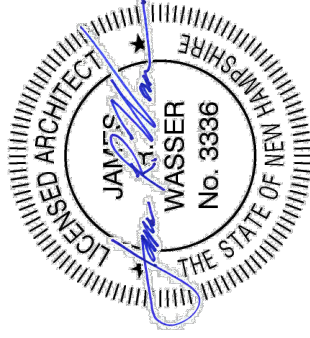
A1-4





# STUDIO NEXUS

ARCHITECTS + PLANNERS  
PO Box 275, White River Junction, VT 05001  
802 275 5110 | studio@nexusarch.com



Execusuite, LLC

75 Bank Street

Issued For:  
SITE PLAN REVIEW

JIM WASSER'S ELECTRONIC OR DIGITAL SEAL OR SIGNATURE IS EFFECTIVE ONLY AS TO THAT VERSION OF THIS DOCUMENT AS ORIGINALLY PUBLISHED BY STUDIO NEXUS ARCHITECTS + PLANNERS. ANY SUBSEQUENT MODIFICATION OR UNAUTHORIZED USE OF SUCH DOCUMENT TO VERIFY THE VALIDITY OR APPLICABILITY OF THE SEAL OR SIGNATURE, CONTACT JIM WASSER.

Issue Date: March 21, 2024

| Revisions |             |      |
|-----------|-------------|------|
| No.       | Description | Date |
|           |             |      |
|           |             |      |
|           |             |      |

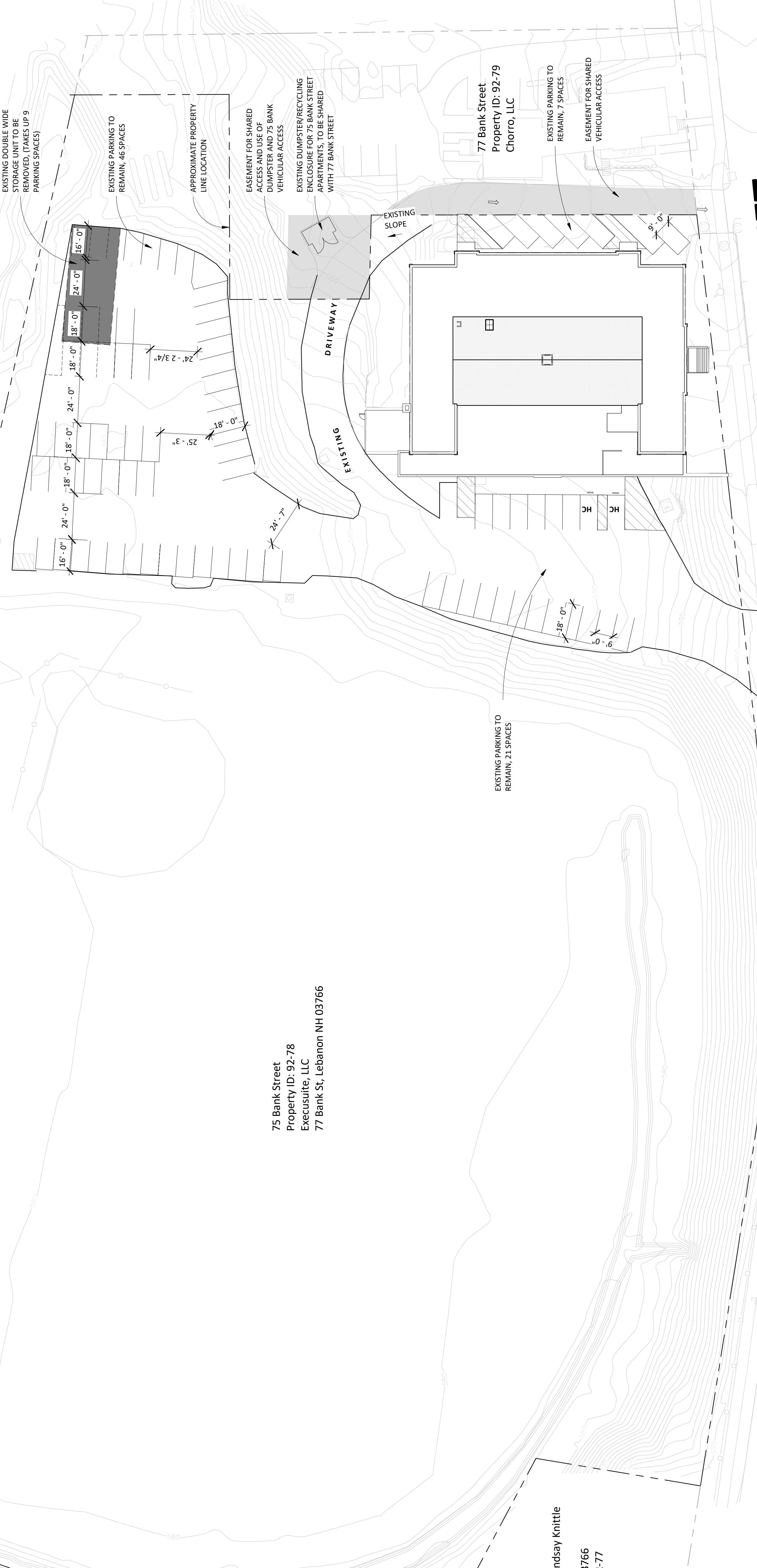
## ARCHITECTURAL SITE PLAN

Project No.: 2234

A0.2

COPYRIGHT 2024, STUDIO NEXUS ARCHITECTS + PLANNERS, LLC

| REQUIRED PARKING PER CODE                                  |                                                 |                |
|------------------------------------------------------------|-------------------------------------------------|----------------|
| 75 BANK ST<br>APARTMENTS<br>- 3 UNITS: 30<br>- 1 BED RM: 4 | 39 (1 SPACE PER UNIT)<br>6 (1.5 SPACE PER UNIT) |                |
| MEMBERSHIP CLUB<br>- GYMNASIUM: 4,729 SF                   | 16 (1 SPACE PER 300 SF)                         |                |
| 2 OFFICES<br>- 2 OFFICES: 530 SF                           | 2 (1 SPACE PER 250 SF)                          |                |
| TREEHOUSE GYMNASIUMS<br>- OTHER COMMERCIAL: 2,600 SF       | 4 (1 SPACE PER 600 SF)                          |                |
| TOTAL REQUIRED                                             | 67                                              | PARKING SPACES |
| TOTAL PROVIDED                                             | 83                                              | PARKING SPACES |



Neil R. & Adele M. Fulton  
78 Bank Street  
Lebanon NH 03766  
Property ID: 92-106

PFC Bank LLC  
32 Main Street  
West Lebanon NH 03784  
Property ID: 92-107

Alison L. Sanborn  
68 Bank Street  
Lebanon NH 03784  
Property ID: 92-108

Patricia Morse Trustee  
64 Bank Street  
Lebanon NH 03784  
Property ID: 92-109

PTC Rental LLC  
PO Box 632  
Newport NH 03773  
Property ID: 92-110

Makoti Enterprises LLC  
507 Oak Street  
Newport NH 03773  
Property ID: 92-111

Karen & Raul Cervantes  
PO Box 293  
Lebanon NH 03766  
Property ID: 92-112

Robert & Lucy McLellan  
50 Bank Street  
Lebanon NH 03766  
Property ID: 92-113

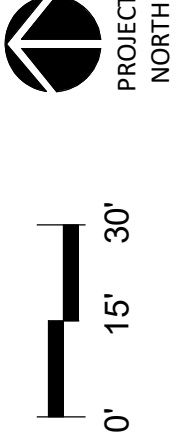
Mathew and Lindsay Knittle  
43 Bank Street  
Lebanon NH 03766  
Property ID: 92-77

Robin & Teresa Carpenter  
41 Bank Street  
Lebanon NH 03766  
Property ID: 92-76

Dustin CP & CW Trustees  
5 Allen Street  
Lebanon NH 03766  
Property ID: 92-45

O'Brothers, LLC  
77 Bank Street  
Lebanon NH 03766  
Property ID: 92-44

Robert A. Cooper  
37 Parkhurst Street #1  
Lebanon NH 03766  
Property ID: 92-42







Page 62 of 211



75 Bank Street 2





# 75 Bank Street 3



























## **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:**

**Request for: EXECUSUITE, LLC.** - A request for a Special Exception from the terms of Article III, Section 309.2 #3 to allow a Private Education Facility conversion pursuant to Section 601 of the Zoning Ordinance. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family residential, office, and personal service uses. The property is located at 75 Bank Street (former Lebanon Junior High), Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-13

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

Signed: David Brooks  
David Brooks, Senior Planner/Interim Zoning Administrator

Date of Zoning Board Approval/Issuance of Zoning Permit: May 5, 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 May 5, 2014, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Attorney Nicholas Burke, representing **Execusuite, LLC**, and Lisa Green and John Fenley of Spark Community Center, seeking a Special Exception from the terms of Article III, Section 309.2 #3 to allow a Private Education Facility conversion pursuant to Section 601 of the Zoning Ordinance. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family residential, office, and personal service uses. The property is located at 75 Bank Street (former Lebanon Junior High), Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-13

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

1. The property, formerly the Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the previous and current owners of the property obtained a Special Exception to convert the building into 40 units of multi-family housing.
2. On March 3, 2014, the current owner obtained a Special Exception to convert 3,213 sqft. on the lower level of the building to Office use pursuant to Section 601 of the Zoning Ordinance.
3. On March 21, 2014, the current owner obtained a Special Exception for 2 additional dwelling units and a Variance to utilize the former gymnasium for personal service use (gym and exercise studio(s)).
4. The Residential-Two zoning district was amended by the voters on March 13, 2013 to allow the conversion of buildings *other than residences* to multi-family dwelling, office, private educational facility, library, museum, theater, concert hall, and movie theater by special exception.
5. The Applicant proposes to convert 2,979 square feet of the lower level area (previously-approved for office use) for use as a Private Education Facility, shown as rooms L03, L04 and L06 on the floor plan sheet A7-5. The remaining 234 square feet previously approved for Office use will continue to be used as office.
6. There are no plans to change the existing footprint of the building or the exterior of the building.
7. There are no accessory buildings slated for conversion. The temporary manufactured building in the side yard will be removed from the site.



8. Required parking for the Office and Private Education Facility would be 11 spaces; a reduction of 2 spaces from the previous approval for office use only. The site plan has been updated to depict 85 parking spaces within the existing paved area on the property, which exceeds the requirement for all approved and proposed uses. No new spaces are proposed within the required front yard on the property.
9. The applicant testified that impermeable coverage, including unpaved parking areas and driveways, will not exceed 65 percent of the ~7.4 acre lot.
10. Site Plan Review approval by the Planning Board for the conversion would be required, if approved.
12. Cheryl Jones and Patrick Green spoke in favor of the project.
13. Robin Carpenter, an abutter, had questions and concerns about characteristics of the project.
14. The operation will involve approximately twenty clients in addition to staff and volunteers.

As a result of the above findings of fact, documentation, testimony and inspections, the Board concludes:

- A. That the special exception **is** specifically authorized by a provision of this ordinance.
- B. That all special conditions required of the special exception **have** been met.
- C. That there **are no** existing violations of this ordinance on the property that the granting of this special exception would not remedy.
- 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.

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of **Execusuite, LLC** for a Special Exception to allow the

conversion of a portion of the building as a Private Education Facility, as referenced above and attaches the following condition:

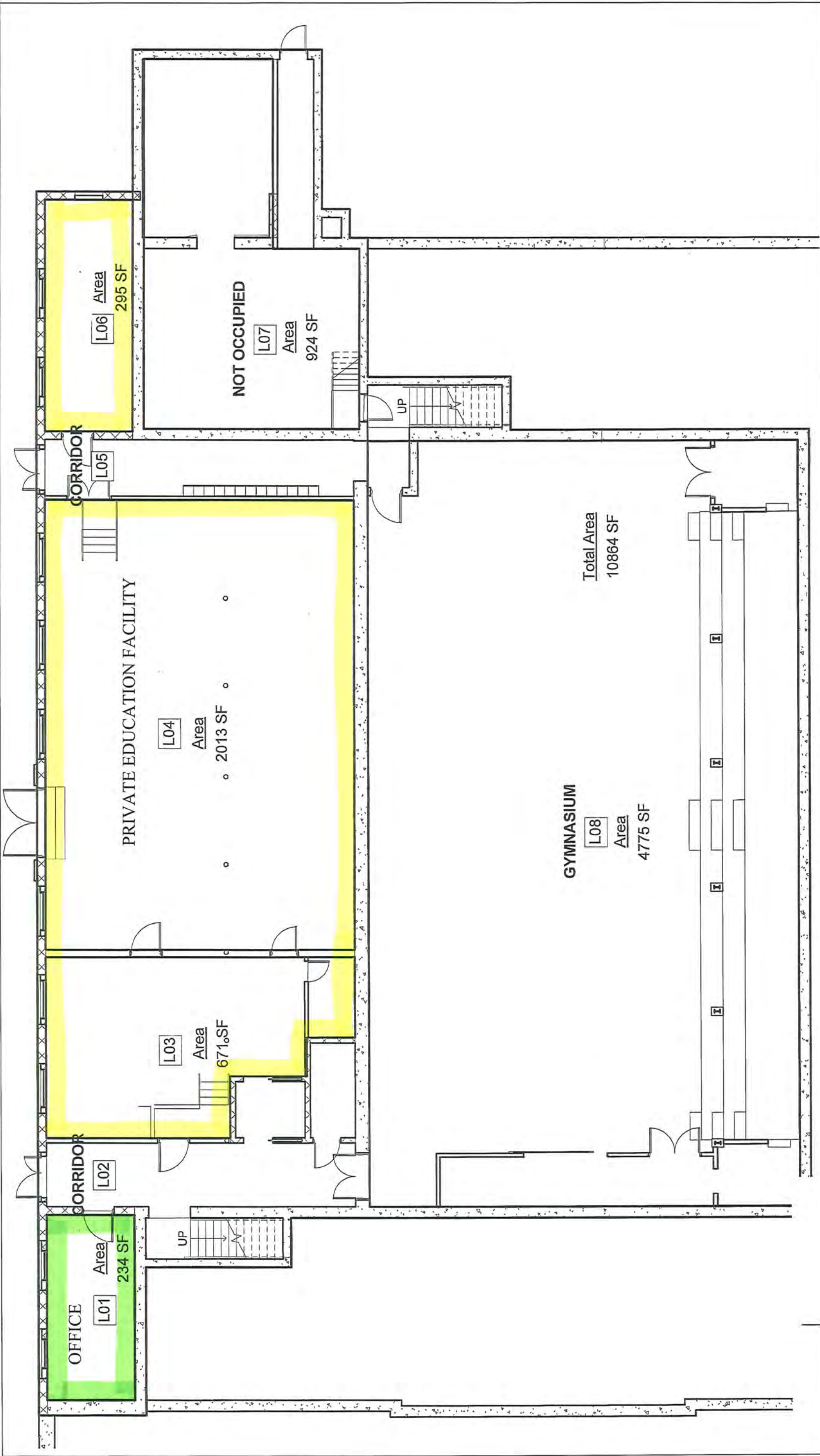
1. This approval supersedes previous approvals for rooms L03, L04 and L06.

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 May 5, 2014.





11/27/2013 8:43:45 PM

|                     |                   |
|---------------------|-------------------|
| Lower Basement      |                   |
| Project number      | 1310              |
| Date                | NOVEMBER 27, 2013 |
| Drawn by            | Author            |
| Checked by          | Checker           |
| Scale 3/32" = 1'-0" |                   |

75 BANK STREET APARTMENTS

Tel. 802-275-5110  
www.studionexusarch.com

ARCHITECTS + PLANNERS, LLC

46 South Main St., Suite 200  
P.O. Box 275  
White River Junction, VT  
05001-0275

NEKUS

STUDIO

ARCHITECTS + PLANNERS, LLC

46 South Main St., Suite 200  
P.O. Box 275  
White River Junction, VT  
05001-0275





(12)

**CITY OF LEBANON - PLANNING OFFICE**  
51 North Park Street - Lebanon, NH - 03766

**NOTICE OF ACTION**  
**LEBANON PLANNING BOARD**

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Ken Morley moved that the Lebanon Planning Board finds the application of **EXECUSUITE, LLC** for a Site Plan Amendment #PB2014-13-SPA, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Larry LeClair. The vote on the motion was unanimous in favor.

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Earl Jette moved that the Lebanon Planning Board **approve** the application of **EXECUSUITE, LLC** for a Site Plan Amendment to convert a portion of the former Junior High School building into Office and Private Educational Use, located at 75 Bank Street, Tax Map 92, Lot 78, Lebanon, NH, in the Residential Two (R-2) zone, #PB2014-13-SPA, as shown on plans titled "Lower Basement" (Sheet A7-5) and "Architectural Site Plan" (Sheet A0-2), prepared by Studio Nexus Architects + Planners, LLC, dated November 27, 2013 and March 7, 2014, respectively, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

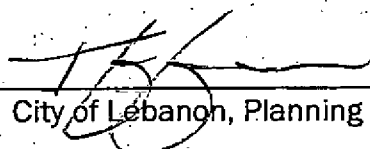
1. The applicant shall comply with all applicable conditions for required exterior site improvements as set forth in the Site Plan Review approval dated September 9, 2013 for the subject property.
2. The applicant shall provide a digital Site Plan drawing (Cad .dwg format using NH State Plane Coordinate system) prior to the issuance of a Certificate of Occupancy.
3. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

Lebanon Planning Board Notice of Action  
EXECUSUITE, LLC  
Site Plan Amendment

---

The Lebanon Planning Board approve the waivers as requested for the application of Execusuite, LLC, #PB2014-013-SPA (Sections 5.1.E(6), 5.1.E(7), 5.1.E(8), 5.1.E(10), 5.1.E(12), 5.1.E(13), 5.1.E(14), 5.1.E(15), 5.1.E(16), 5.1.E(18), 5.1.E(19), 5.1.E(20), 5.1.E(22), 5.1.G(1), 5.1.G(2), and 5.1.G(3))

The motion was seconded by Ken Morley. The vote on the motion was unanimous in favor.

SIGNED:   
City of Lebanon, Planning Board Chair

SIGNED , AGENT

DATED 12-22-2014

DATED: 6/9/14



CITY OF LEBANON - PLANNING OFFICE  
51 North Park Street - Lebanon, NH - 03766

**NOTICE OF ACTION  
LEBANON PLANNING BOARD**

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Ken Morley moved that the Lebanon Planning Board finds the application of **EXECUSUITE, LLC** for a Site Plan Amendment #PB2014-08-SPA, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Larry LeClair. The vote on the motion was unanimous in favor.

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Earl Jette moved that the Lebanon Planning Board **approve** the application of **EXECUSUITE, LLC** for a Site Plan Amendment to create 2 additional dwelling units and to convert the former gymnasium to personal service use (gym and exercise studio(s)) in the former Junior High School building located at 75 Bank Street, Tax Map 92, Lot 78, Lebanon, NH, in the Residential Two (R-2) zone, #PB2014-08-SPA, as shown on plans titled "Lower Basement" (Sheet A7-5) and "Modifications to Basement South Wing" (Sheet ASK-009), prepared by Studio Nexus Architects + Planners, LLC, dated November 27, 2013 and March 6, 2014, respectively, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

1. The applicant shall comply with all applicable conditions for required exterior site improvements as set forth in the Site Plan Review approval dated September 9, 2013 for the subject property.
2. The applicant shall provide a digital Site Plan drawing (Cad .dwg format using NH State Plane Coordinate system) prior to the issuance of a Certificate of Occupancy.
3. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.



Lebanon Planning Board Notice of Action  
EXECUSUITE, LLC  
Site Plan Amendment

---

The Lebanon Planning Board approve the waivers as requested for the application of Execusuite, LLC, #PB2014-08-SPA (Sections 5.1.E(6), 5.1.E(7), 5.1.E(8), 5.1.E(10), 5.1.E(12), 5.1.E(13), 5.1.E(14), 5.1.E(15), 5.1.E(16), 5.1.E(18), 5.1.E(19), 5.1.E(20), 5.1.E(22), 5.1.G(1), 5.1.G(2), and 5.1.G(3))

The motion was seconded by Ken Morley. The vote on the motion was unanimous in favor.

SIGNED: \_\_\_\_\_

City of Lebanon Planning Board Chair

SIGNED \_\_\_\_\_

DATED \_\_\_\_\_

DATED: \_\_\_\_\_

# CITY OF LEBANON APPLICATION FOR

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |        |              |         |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------|--------------|---------|------------------------|
| <b>PROPERTY OWNER (APPLICANT):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                               |        |              |         |                        |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Execusuite, LLC                                               | TEL.#: | 603-359-4701 |         |                        |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 31 Elm Street, Lebanon, NH 03766                              |        |              |         |                        |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | mike@ledgeworks.com                                           |        |              |         |                        |
| <b>CO-APPLICANT, AGENT, OR LESSEE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |        |              |         |                        |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | C. Nicholas Burke                                             | TEL.#: | 603-448-9650 |         |                        |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766 |        |              |         |                        |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | nick@burkehotchkiss.com                                       |        |              |         |                        |
| <b>PROJECT LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                               |        |              |         |                        |
| TAX MAP #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 92                                                            | LOT#:  | 78           | PLOT #: | ZONE: R2               |
| STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |        |              |         |                        |
| IS THIS PROPERTY LOCATED IN THE: <b>WETLANDS</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>HISTORIC DISTRICT</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                 |                                                               |        |              |         |                        |
| <b>FLOOD PLAIN</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |        |              |         |                        |
| <b>SCOPE OF PROJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                               |        |              |         |                        |
| Addition of two residential units and conversion of former Junior High gymnasium to private recreation facility                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |        |              |         |                        |
| <b>TYPE OF OCCUPANCY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                               |        |              |         |                        |
| EXISTING <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL<br>PROPOSED <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL |                                                               |        |              |         |                        |
| IF USE IS <b>COMMERCIAL</b> OR <b>INDUSTRIAL</b> , PLEASE NOTE <b>SPECIFIC USE</b> : Multi-family residential, office and recreation facility                                                                                                                                                                                                                                                                                                                                                     |                                                               |        |              |         |                        |
| <b>SIGNATURE BLOCK:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                               |        |              |         |                        |
| <b>FOR PLANNING BOARD APPLICATIONS ONLY:</b> 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 <u>April 14</u> , 20 <u>14</u> , unless I personally request, in writing, that the Board delay its determination of completeness to a later date.                           |                                                               |        |              |         |                        |
| PROPERTY OWNER: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |        |              |         | DATE: <u>3/10/2014</u> |
| <b>NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW:</b> 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: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |        |              |         | DATE: <u>3/10/2014</u> |

| DATE RECEIVED | FILE # (MAP/LOT) | APPLICATION # | FEE - \$ AMOUNT | DATE PAID | VOUCHER # |
|---------------|------------------|---------------|-----------------|-----------|-----------|
| 3/10/14       | 92-78            | 2014-08-SPA   | 361.20          | 3/10/14   | 14840     |

(Last Revised 10/09/09)

# CITY OF LEBANON APPLICATION FOR

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

|                                    |                                  |                     |
|------------------------------------|----------------------------------|---------------------|
| <b>PROPERTY OWNER (APPLICANT):</b> |                                  |                     |
| NAME:                              | Execusuite, LLC                  | TEL.#: 603-359-4701 |
| MAILING ADDRESS:                   | 31 Elm Street, Lebanon, NH 03766 |                     |
| E-MAIL ADDRESS:                    | mike@ledgeworks.com              |                     |

|                                        |                                                               |                     |
|----------------------------------------|---------------------------------------------------------------|---------------------|
| <b>CO-APPLICANT, AGENT, OR LESSEE:</b> |                                                               |                     |
| NAME:                                  | C. Nicholas Burke                                             | TEL.#: 603-448-9650 |
| MAILING ADDRESS:                       | Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766 |                     |
| E-MAIL ADDRESS:                        | nick@burkehotchkiss.com                                       |                     |

|                                                                                                                                                                                                                   |    |       |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------|----|
| <b>PROJECT LOCATION:</b>                                                                                                                                                                                          |    |       |    |
| TAX MAP #:                                                                                                                                                                                                        | 92 | LOT#: | 78 |
| PLOT #:                                                                                                                                                                                                           |    | ZONE: | R2 |
| STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH                                                                                                                                                            |    |       |    |
| IS THIS PROPERTY LOCATED IN THE: <b>WETLANDS</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>HISTORIC DISTRICT</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |    |       |    |
| <b>FLOOD PLAIN</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                            |    |       |    |

|                                                                  |  |
|------------------------------------------------------------------|--|
| <b>SCOPE OF PROJECT:</b>                                         |  |
| Conversion of former junior high school wood shop to office use. |  |
|                                                                  |  |

|                                                                                                                         |                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TYPE OF OCCUPANCY:</b>                                                                                               |                                                                                                                                                                                                                                             |
| EXISTING                                                                                                                | <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL            |
| PROPOSED                                                                                                                | <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL |
| IF USE IS <b>COMMERCIAL</b> OR <b>INDUSTRIAL</b> , PLEASE NOTE <b>SPECIFIC</b> USE: multi-family residential and office |                                                                                                                                                                                                                                             |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <b>SIGNATURE BLOCK:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |
| <b>FOR PLANNING BOARD APPLICATIONS ONLY:</b> 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 <u>April 14</u> , 20 <u>14</u> , unless I personally request, in writing, that the Board delay its determination of completeness to a later date.     |                        |
| PROPERTY OWNER:                                                                                                                                                                                                                                                                                                                                                                                                                                                             | DATE: <u>3/10/2014</u> |
| <b>NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW:</b> 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: <u>3/10/2014</u> |

| DATE RECEIVED | FILE # (MAP/LOT) | APPLICATION # | FEE - \$ AMOUNT | DATE PAID | VOUCHER # |
|---------------|------------------|---------------|-----------------|-----------|-----------|
| 3/10/14       | 92-78            | 2014-07-SPA   | \$361.20        | 3/10/14   | 14039     |

Withdrawn 4/11/14





## **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:**

**Request for: EXECUSUITE, LLC:** A request for a Special Exception from the terms of Article III, Section 309.2, #2 to allow an office conversion per Section 601 of the Zoning Ordinance. The property contains a former public school building, and was previously granted a zoning permit to convert a portion of the building into multi-family housing. Applicant is proposing to add office space, totaling 3,213 sq. ft., in the lower basement area (the former wood shop). The property is located at 75 Bank St., Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-04

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

Signed: \_\_\_\_\_  
David Brooks, Senior Planner/Interim Zoning Administrator

Date of Zoning Board Approval/Issuance of Zoning Permit: March 3, 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.









CITY OF LEBANON - PLANNING OFFICE  
51 North Park Street - Lebanon, NH - 03766

**NOTICE OF ACTION  
LEBANON PLANNING BOARD**

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Ken Morley moved that the Lebanon Planning Board finds the application of **EXECUSUITE, LLC** for a Site Plan Amendment #PB2014-13-SPA, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Larry LeClair. The vote on the motion was unanimous in favor.

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Earl Jette moved that the Lebanon Planning Board **approve** the application of **EXECUSUITE, LLC** for a Site Plan Amendment to convert a portion of the former Junior High School building into Office and Private Educational Use, located at 75 Bank Street, Tax Map 92, Lot 78, Lebanon, NH, in the Residential Two (R-2) zone, #PB2014-13-SPA, as shown on plans titled "Lower Basement" (Sheet A7-5) and "Architectural Site Plan" (Sheet A0-2), prepared by Studio Nexus Architects + Planners, LLC, dated November 27, 2013 and March 7, 2014, respectively, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

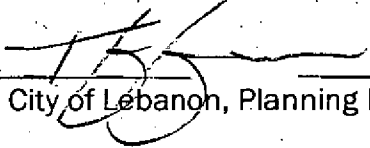
1. The applicant shall comply with all applicable conditions for required exterior site improvements as set forth in the Site Plan Review approval dated September 9, 2013 for the subject property.
2. The applicant shall provide a digital Site Plan drawing (Cad .dwg format using NH State Plane Coordinate system) prior to the issuance of a Certificate of Occupancy.
3. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

Lebanon Planning Board Notice of Action  
EXECUSUITE, LLC  
Site Plan Amendment

---

The Lebanon Planning Board approve the waivers as requested for the application of Execusuite, LLC, #PB2014-013-SPA (Sections 5.1.E(6), 5.1.E(7), 5.1.E(8), 5.1.E(10), 5.1.E(12), 5.1.E(13), 5.1.E(14), 5.1.E(15), 5.1.E(16), 5.1.E(18), 5.1.E(19), 5.1.E(20), 5.1.E(22), 5.1.G(1), 5.1.G(2), and 5.1.G(3))

The motion was seconded by Ken Morley. The vote on the motion was unanimous in favor.

SIGNED:   
City of Lebanon, Planning Board Chair

DATED: 6/9/14



## CITY OF LEBANON ~ PLANNING OFFICE

### PLANNING BOARD – DEVELOPMENT REVIEW

Staff Memorandum – May 2, 2014

#### **APPLICATION INFORMATION**

**Property Owner(s):**

Execusuite, LLC

**Applicant(s):**

same as above

**Application Type:**

Site Plan Amendment

**Application ID#:**

#PB2014-13-SPA

**Map(s) / Lot(s) #:**

92-78

**Property Location(s):**

75 Bank St.,  
Lebanon, NH

**Property Size (Ac./Sqft.):**

+/-7.4 Ac.

**Zoning District(s):**

Residential Two (R-2)

**Overlay District(s):**

Wetlands Conservation:..... Yes  
Flood Plain: ..... N/A  
Steep Slopes:..... N/A  
Airport Protection: ..... N/A  
Historic District: ..... N/A  
Landfill Reclamation: ..... N/A  
Riverbank Protection: ..... N/A  
DES Shoreland Protection:..... N/A

#### **DRAWINGS AND OTHER SUBMISSIONS**

- ▶ "Project Description and Statement in Support of Application for Site Plan Approval of Conversion of Former Lebanon Junior High School Wood Shop to Private Educational and Office Use", prepared by Nicholas Burke, Esq. on behalf of Execusuite, LLC, received April 14, 2014.
- ▶ Plans titled:
  - "Lower Basement" (Sheet A7-5) prepared by Studio Nexus Architects + Planners, LLC, dated November 27, 2013;
  - "Architectural Site Plan" (Sheet A0-2), prepared by Studio Nexus Architects + Planners, LLC, dated March 7, 2014;
  - "Existing Conditions Plan for Lebanon School District - Bank Street School", prepared by Pathways Consulting, LLC, dated February 11, 2008.
  - "Area Plan, 75 Bank Street", prepared by Dan Winny Architect, dated August 12, 2013.
- ▶ Letter to David Brooks from Nicholas Burke, Esq. on behalf of Execusuite, LLC, dated April 28, 2014. (waiver requests)

#### **COMPLETENESS REVIEW**

On March 3, 2014, the Zoning Board of Adjustment approved a Special Exception for the conversion of a portion of the former Junior High School building to Office use in accordance with Section 601 of the Ordinance. The applicant was subsequently approached by a prospective tenant seeking to place a Private Educational facility in the office space. The applicant now has an application pending before the ZBA seeking a Special Exception for the conversion of a portion of the Office to a Private Educational facility. The ZBA is expected to hold the public hearing on May 5th.

If the ZBA approves the pending application on May 5th, then the Planning Office recommends that the Site Plan application is complete enough for the Planning Board to accept jurisdiction and to commence review.

However, if the ZBA denies the application or fails to make any decision prior to the Planning Board's meeting on May 12th, then the Planning Office recommends that the application is not complete enough for the Planning Board to accept jurisdiction and to commence review.

#### **APPLICATION OVERVIEW**

The subject property is a +/-7.4-acre parcel owned by the applicant, which includes the former Lebanon Junior High Building and associated



improvements. In September 2013, the Planning Board approved the conversion of the building to 40 residential units. Renovation work on the residential units is already underway.

At this time, the applicant is proposing to convert part of the lower basement area of the former school building to Office and Private Educational use. The proposal involves a total of 3,213 square feet in the former woodshop area, which faces the west side parking area, where a modular trailer will be removed. As depicted by the applicant, 2,979 square feet would be converted for use by the Spark Community Center as a Private Educational facility. An additional 234 square feet on the same floor would be used for a separate office use.

The applicant is not proposing any additional exterior alterations to the existing building.

### **STAFF COMMENTS**

#### **SITE PLAN REGULATIONS:**

##### **5.1 Drawings and Other Submittal**

The applicant has provided materials in accordance with Section 7 of the Site Plan Review Regulations. Additional information about the project is already in the property file from the Board's previous review last summer. Please see the applicant's Project Description and Support Statement dated April 14, 2014 for a brief discussion of the project and the applicant's letter dated April 28th requesting waivers of certain submission requirements.

##### **6.1 General Requirements**

The applicant is proposing to convert a total of 3,213 square feet in the former woodshop area of the Junior High School for office and private educational uses. No significant changes are proposed to the exterior of the building. As such, the changes will not require any new grading or clearing and only minor upgrades to access locations for handicapped accessibility.

##### **6.2 Landscaping Standards**

The applicant is not proposing any new landscaping on the property, which already has some perimeter landscaping and landscaping along the front façade. As part of its approval of the original residential conversion, the Planning Board required the applicant to work with the Planning Office "to provide shade trees on the western edge of the upper and lower parking lots, for the purpose of providing partial shade of existing paved areas." This condition will continue to apply to the property.

##### **6.3 Utilities & Fire Protection**

The subject property is already connected to the City's water and sewer systems. The applicant will need to provide additional calculations for sewer and water flows associated with the office and private educational uses, which may trigger a need for additional City Council or City Manager approval pursuant to Chapter 181 of the City Code prior to the issuance of a Building Permit for the conversion.

The building is already served by a sprinkler system and a hydrant is located in front of the building for fire protection.

##### **6.4 Fees and Assessments in Effect at time of Connection**

The conversion of new non-residential space will be subject to the City's Impact Fee Ordinance and fee schedule adopted by the Board on July 22, 2013.

##### **6.5 Coordination of Roads, Parking, Loading, Recreation, and Safety**

As discussed during the original site plan review, the applicant proposes to alter the traffic circulation on the property such that vehicles enter on the west side of the building and exit the parking area on the east side. Additional parking will be provided where the modular trailer will be removed. Once again, the applicant will be required to work with the Building Inspector to verify the grades within the handicap parking spaces and an accessible route into the building.

Since the original review, the applicant has altered the mix of studio and one-bedroom apartments in the building. As currently proposed, the 38 studios and 2 one-bedroom apartments require a total of 41

parking spaces. The conversion of 3,213 square feet to office and private educational space will trigger the need for 11 additional spaces. The Planning Office notes that the applicant has a concurrent application pending before the Planning Board for the creation of two additional dwelling units and to use the former gymnasium for personal service uses, including a private gym and exercise studio(s) (#PB2014-08-SPA). If approved, these uses would require 22 additional spaces and bring the total to 74 spaces.

As a condition of approval for the initial residential conversion, the Board required the applicant to "work with the Planning Office and the City Engineer to efficiently delineate parking spaces within the existing paved areas to ensure adequate parking for apartment tenants and for future users of the playing fields." The applicant has provided a parking plan depicting a total of 85 spaces on the property to support all approved and proposed uses.

The applicant is not proposing any new exterior lighting as part of the office conversion. The Board did include a condition during the residential review requiring the applicant to "work closely with planning staff and the Lebanon Police Department to ensure adequate lighting for parking spaces 22-54 for security purposes, to the satisfaction of both the Planning Office and the Police Department." This condition will continue to apply to the property.

#### **ZONING ORDINANCE:**

As mentioned above, the applicant has already obtained Special Exception approval from the ZBA for the office conversion and is seeking a Special Exception for the Private Educational facility. The proposal complies with all other zoning and dimensional requirements.

#### **WAIVER REQUESTS**

Due to the scale of the project and based on information submitted for previous Planning Board reviews on the property, the applicant has requested numerous waivers from typical submission requirements as outlined in a letter dated April 28, 2014.

#### **STAFF RECOMMENDATIONS**

If the Planning Board moves to approve this application, then based on the information reviewed by City staff, the Planning Office recommends that the Planning Board approve the application with the following conditions:

1. The applicant shall comply with all applicable conditions for required exterior site improvements as set forth in the Site Plan Review approval dated September 9, 2013 for the subject property.
2. The applicant shall provide a digital Site Plan drawing (Cad .dwg format using NH State Plane Coordinate system) prior to the issuance of a Certificate of Occupancy.
3. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.



PROJECT DESCRIPTION AND STATEMENT IN SUPPORT OF  
APPLICATION FOR SITE PLAN APPROVAL  
OF CONVERSION OF FORMER LEBANON JUNIOR HIGH  
SCHOOL WOOD SHOP TO PRIVATE EDUCATIONAL AND OFFICE USE

APPLICANT: Execusuite, LLC

By Decision dated March 3, 2014, the Lebanon Zoning Board of Adjustment granted a special exception to Execusuite, LLC for conversion of the wood shop in the former Lebanon Junior High School located at 75 Bank Street, Lebanon, New Hampshire to office use. At the time of filing of this Application, Execusuite, LLC has filed an Application for Special Exception with the Lebanon Zoning Board of Adjustment seeking a special exception to change a portion of the former wood shop space to Private Educational Facility use. A hearing on this Application for Special Exception is set for May 5, 2014. Such conversions will not increase the burden on any City services nor create any negative impacts on pedestrian or vehicular safety in the community. There are no proposed changes to the exterior of the building on the property, other than the removal of the temporary modular unit currently located in the parking lot (previously approved), and there are no proposed changes to the natural cover and landscaping of the property as a result of this conversion.

**Section 6.2 - Landscaping Standards.** As set forth above, there are no proposed changes to the landscaping on the property, with all changes being made to the interior of the Lebanon Junior High School building. Parking shall be accommodated using the existing parking lots, as shown on the Parking Plan submitted herewith.

**Section 6.3 - Utilities and Fire Protection.** The property is served by the City of Lebanon municipal water and sewerage system and currently has a sprinkler system installed in the building.



**Section 6.5 - Coordination of Roads, Parking, Loading, Recreation and Safety.** No changes are proposed to the existing entrance and egress points at the property, which have served the Lebanon School District for many years. There is more than adequate on-site parking, as shown on the Parking Plan submitted herewith, and there are no proposed changes to outdoor lighting at the property.

**Section 6.6 - Off-Site Improvements.** The Applicants do not envision any off-site improvements necessary in connection with the proposed conversion to residential use.

Based upon the foregoing, the Applicant respectfully request that the Application for Site Plan Approval be granted.

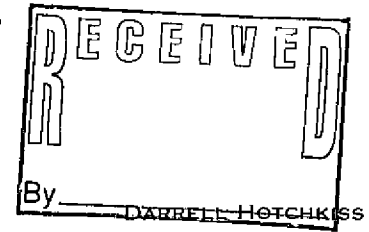
**BURKE & HOTCHKISS, PLLC**

3 CAMPBELL STREET  
LEBANON, NEW HAMPSHIRE 03766

TELEPHONE (603) 448-9650

FACSIMILE (603) 448-9651

ADMITTED TO PRACTICE IN  
NEW HAMPSHIRE AND VERMONT



DARRELL@BURKEHOTCHKISS.COM

(603) 448-4444

C. NICHOLAS BURKE  
NICK@BURKEHOTCHKISS.COM

(603) 448-9652

April 28, 2014

Mr. David Brooks, Senior Planner  
City of Lebanon Planning Department  
51 North Park Street  
Lebanon, NH 03766

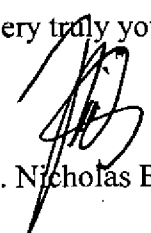
Re: Application of Execusuite, LLC for Site Plan Review in connection with  
conversion of former Junior High School wood shop to private educational  
facility and office use

Dear David:

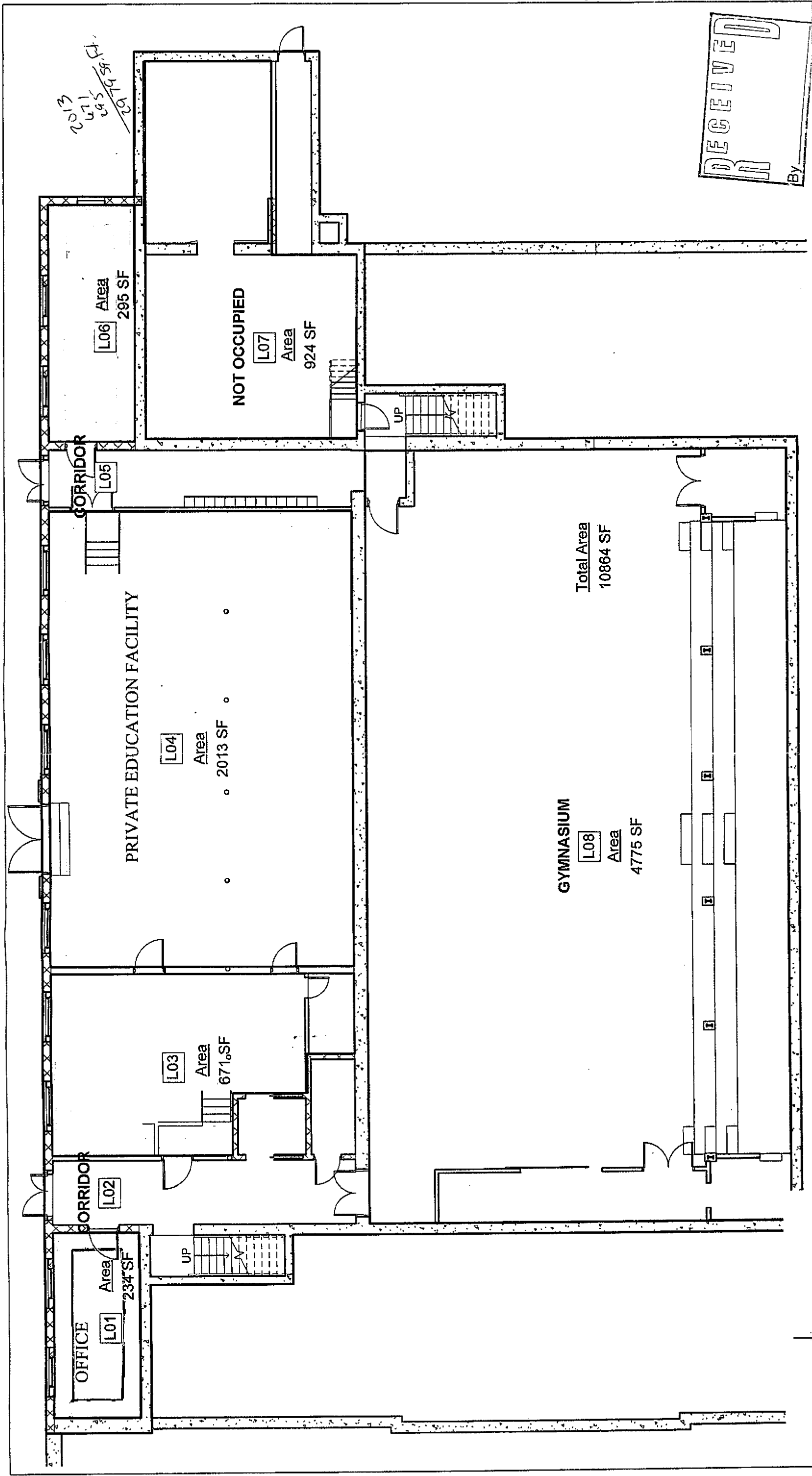
As we discussed, in connection with the above-referenced application for site plan review scheduled to be heard by the planning board on May 12, 2014, we have requested a number of waivers of certain plan requirements. These waivers are being requested by virtue of all work being done in connection with this current application being interior work, rather than any work to change the shape or size of existing structures or with respect to changes to the grounds or exterior of the property. We are specifically requesting waivers of sections: 5.1.E(6), 5.1.E(7), 5.1.E(8), 5.1.E(10), 5.1.E(12), 5.1.E(13), 5.1.E(14), 5.1.E(15), 5.1.E(16), 5.1.E(18), 5.1.E(19), 5.1.E(20) and 5.1.E(22). In addition, we are requesting a waiver of 5.1.G(1, 2 and 3).

In making these requests for waivers, I expressly recognize that this property and the approvals will be subject to all conditions set forth in the original site plan review issued by the planning board which affect this property.

Very truly yours,

  
C. Nicholas Burke

CNB/kac  
c: Michael A. Davidson



Lower Basement

A7-5

|                |                   |
|----------------|-------------------|
| Project number | 1310              |
| Date           | NOVEMBER 27, 2013 |
| Drawn by       | Author            |
| Checked by     | Checker           |

Scale 3/32" = 1'-0"

75 BANK STREET APARTMENTS

Tel. 802-275-5110  
www.studiohexusarch.com

STUDIO

ARCHITECTS + PLANNERS, LLC

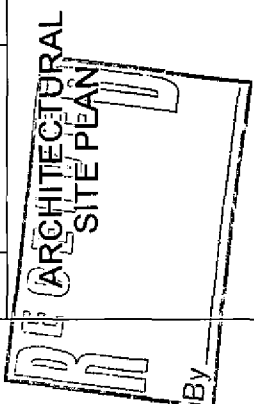
46 South Main St., Suite 200  
P.O. Box 275  
White River Junction, VT  
05001-0275

NEKUS



PROJECT NORTH

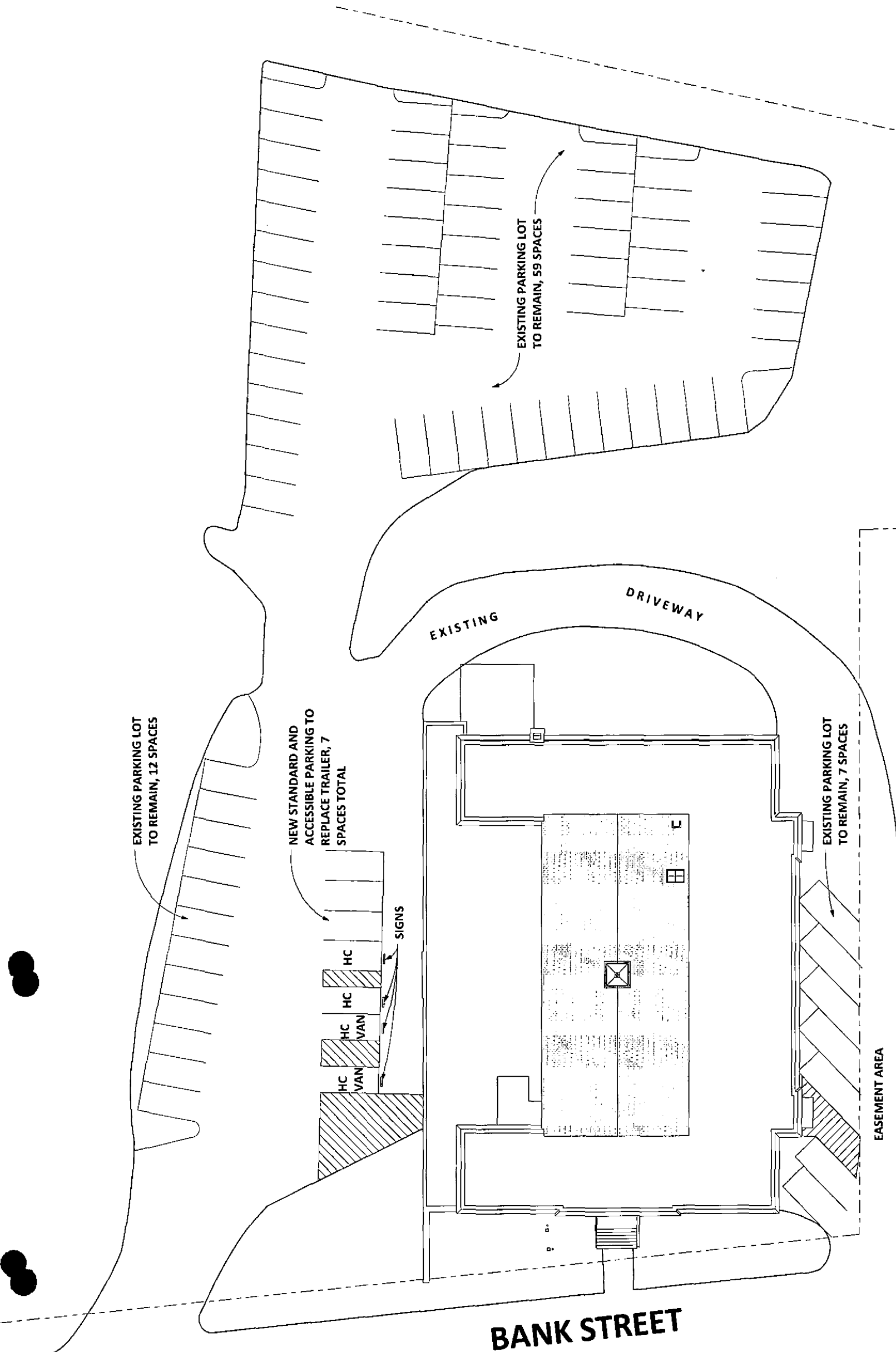
Project No.: 1310  
Drawn By: WDN Checked By: JRW



| CONSTRUCTION |                |
|--------------|----------------|
| Issued For:  | APRIL 11, 2014 |
| Issue Date:  |                |
| No.          |                |
| Revisions    |                |
| Description  |                |
| Date         |                |

75 BANK STREET  
APARTMENTS

| PARKING TABULATION         |                            |           |            |             | REVISED APRIL 11, 2014 |  |
|----------------------------|----------------------------|-----------|------------|-------------|------------------------|--|
| ZONING<br>REQUIREMENT      | 38 STUDIO APTS             | 38 SPACES | +1 UNIT    | 39 SPACES   |                        |  |
|                            | 2 1 BEDRM APTS<br>RESERVED | 3 SPACES  | +1 UNIT    | 4.5 SPACES  |                        |  |
|                            | PRIVATE EDUCATION FACILITY | 26 SPACES | OFFICE/GYM | 19 SPACES   |                        |  |
|                            | TOTAL REQUIRED             | 67 SPACES |            | 10 SPACES   |                        |  |
| EXISTING SPACES TO REMAIN  | TOTAL REQUIRED             | 67 SPACES |            | 72.5 SPACES |                        |  |
| ADDITIONAL SPACES PROPOSED |                            | 7 SPACES  |            | 78 SPACES   |                        |  |
| TOTAL PARKING SPACES       |                            | 85 SPACES |            | 7 SPACES    |                        |  |
|                            |                            |           |            | 85 SPACES   |                        |  |



EXISTING PARKING LOT  
TO REMAIN, 12 SPACES

NEW STANDARD AND  
ACCESSIBLE PARKING TO  
REPLACE TRAILER, 7  
SPACES TOTAL

SIGNS

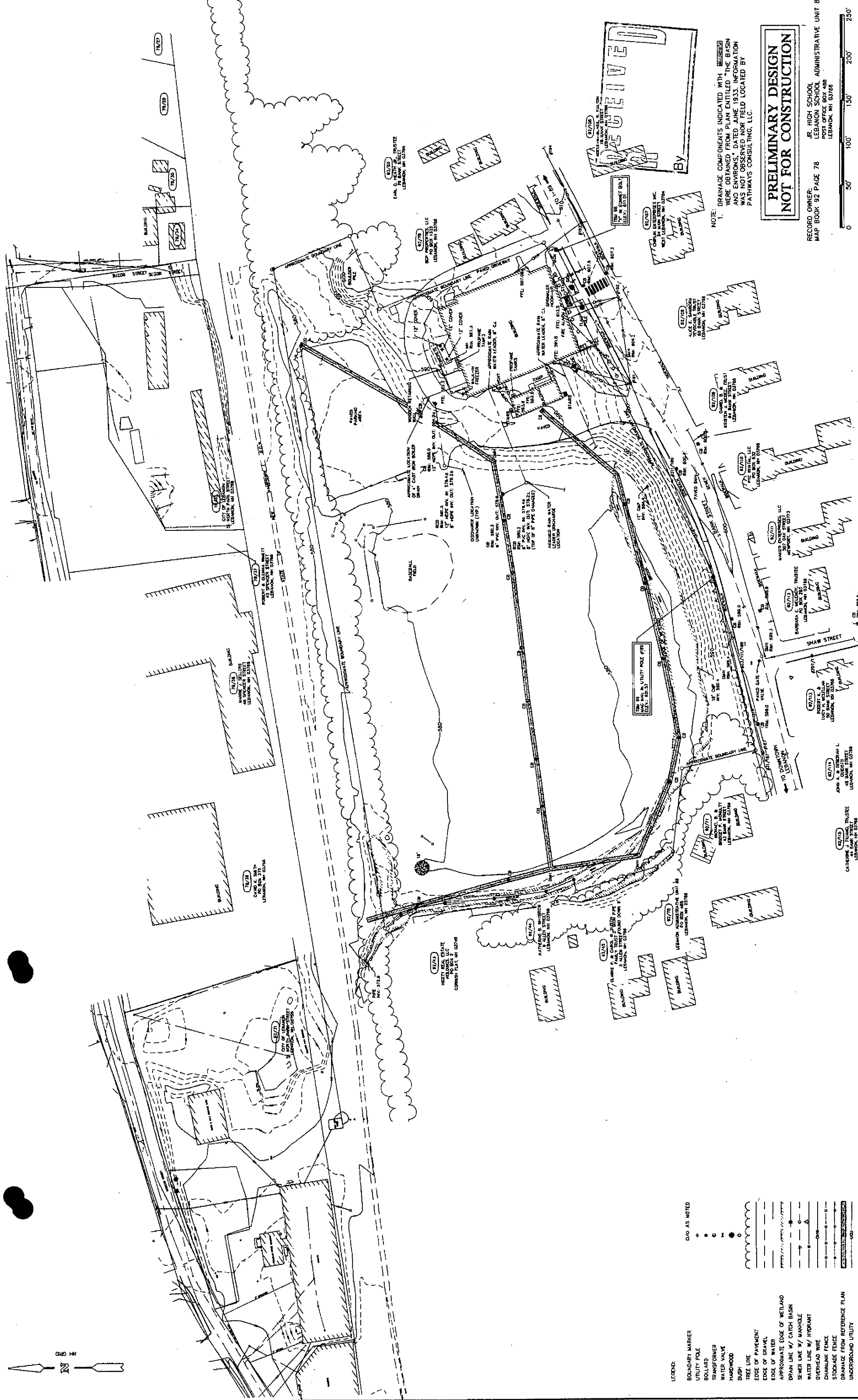
EXISTING DRIVEWAY

EXISTING PARKING LOT  
TO REMAIN, 7 SPACES

EASEMENT AREA

BANK STREET

1 ARCHITECTURAL SITE PLAN  
1/16" = 1'-0"



- LEGEND:
- BOUNDARY MARKER
  - UTILITY POLE
  - BOLLARD
  - TRANSFORMER
  - WATER VALVE
  - HARDWOOD
  - BUSH
  - TREE LINE
  - EDGE OF PAVEMENT
  - EDGE OF GRAVEL
  - EDGE OF WATER
  - APPROXIMATE EDGE OF WETLAND
  - DRAIN LINE W/ CATCH BASIN
  - SEWER LINE W/ MANHOLE
  - WATER LINE W/ HYDRANT
  - OVERHEAD WIRE
  - CHAINLINK FENCE
  - STOCKADE FENCE
  - DRAINAGE FROM REFERENCE PLAN
  - UNDERGROUND UTILITY
- D/O AS NOTED

NOTE: DRAINAGE COMPONENTS INDICATED WITH THESE SYMBOLS WERE OBTAINED FROM PLAN ENTITLED "THE BASIN AND ENVIRONMENT" DATED JUNE 1933. INFORMATION WAS NOT OBSERVED NOR FIELD LOCATED BY PATHWAYS CONSULTING, LLC.

**PRELIMINARY DESIGN  
NOT FOR CONSTRUCTION**

RECORD OWNER: R. HIGH SCHOOL  
LEBANON SCHOOL ADMINISTRATIVE UNIT 8  
MAP BOOK 92 PAGE 78  
DESIGNED BY: MPM/SAH  
DRAWN BY: SAH  
CHECKED BY: SAH  
LEBANON, NH 03766



PATHWAYS CONSULTING, LLC  
3 SCHOOLHOUSE LANE, P.O. BOX 600  
ETNA, NEW HAMPSHIRE 03750

EXISTING CONDITIONS PLAN FOR  
**LEBANON SCHOOL DISTRICT - BANK STREET SCHOOL**

SCALE: 1" = 50'  
DESIGNED BY: MPM/SAH  
DRAWN BY: SAH  
CHECKED BY: SAH

2

|                                                        |                   |
|--------------------------------------------------------|-------------------|
| LOT AREA:                                              | 323,215 SF        |
| ALLOWED BUILDING<br>COVERAGE AT 25%<br>(CLASS 1 LOT):  | 80,804 SF         |
| EXISTING BUILDING<br>COVERAGE:<br>(NO CHANGE PROPOSED) | 16,992 SF<br>(5%) |

Page 95 of 211

5/12 PB Certs (4/29)

**CITY OF LEBANON  
APPLICATION FOR**

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                               |                                     |                                     |                                                  |                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------|
| <b>PROPERTY OWNER (APPLICANT):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                               |                                     |                                     |                                                  |                                                                                    |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Execusuite, LLC                                               | TEL.#:                              | 603-359-4701                        |                                                  |                                                                                    |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 31 Elm Street, Lebanon, NH 03766                              |                                     |                                     |                                                  |                                                                                    |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                             | mike@ledgeworks.com                                           |                                     |                                     |                                                  |                                                                                    |
| <b>CO-APPLICANT, AGENT, OR LESSEE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                               |                                     |                                     |                                                  |                                                                                    |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | C. Nicholas Burke                                             | TEL.#:                              | 603-448-9650                        |                                                  |                                                                                    |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766 |                                     |                                     |                                                  |                                                                                    |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                             | nick@burkehotchkiss.com                                       |                                     |                                     |                                                  |                                                                                    |
| <b>PROJECT LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                               |                                     |                                     |                                                  |                                                                                    |
| TAX MAP #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 92                                                            | LOT#:                               | 78                                  | PLOT #:                                          | ZONE: R2                                                                           |
| STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                               |                                     |                                     |                                                  |                                                                                    |
| IS THIS PROPERTY LOCATED IN THE: <b>WETLANDS</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>HISTORIC DISTRICT</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                           |                                                               |                                     |                                     |                                                  |                                                                                    |
| <b>FLOOD PLAIN</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                      |                                                               |                                     |                                     |                                                  |                                                                                    |
| <b>SCOPE OF PROJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                               |                                     |                                     |                                                  |                                                                                    |
| Conversion of former Junior High School wood shop to Private Educational Facility and Office use.                                                                                                                                                                                                                                                                                                                                                                           |                                                               |                                     |                                     |                                                  |                                                                                    |
| <b>TYPE OF OCCUPANCY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |                                     |                                     |                                                  |                                                                                    |
| EXISTING                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> VACANT                               | <input type="checkbox"/> ONE FAMILY | <input type="checkbox"/> TWO FAMILY | <input checked="" type="checkbox"/> MULTI-FAMILY | <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL            |
| PROPOSED                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> VACANT                               | <input type="checkbox"/> ONE FAMILY | <input type="checkbox"/> TWO FAMILY | <input checked="" type="checkbox"/> MULTI-FAMILY | <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL |
| IF USE IS <b>COMMERCIAL</b> OR <b>INDUSTRIAL</b> , PLEASE NOTE <b>SPECIFIC</b> USE: Private Educational Facility and Office                                                                                                                                                                                                                                                                                                                                                 |                                                               |                                     |                                     |                                                  |                                                                                    |
| <b>SIGNATURE BLOCK:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                               |                                     |                                     |                                                  |                                                                                    |
| <b>FOR PLANNING BOARD APPLICATIONS ONLY:</b> 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 <u>May 12</u> , 20 <u>14</u> , unless I personally request, in writing, that the Board delay its determination of completeness to a later date.       |                                                               |                                     |                                     |                                                  |                                                                                    |
| PROPERTY OWNER: <u><i>C. Nicholas Burke</i></u> AGENT                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                               |                                     |                                     |                                                  | DATE: <u>4/14/2014</u>                                                             |
| <b>NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW:</b> 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: <u><i>C. Nicholas Burke</i></u> AGENT                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                               |                                     |                                     |                                                  | DATE: <u>4/14/2014</u>                                                             |
| DATE RECEIVED                                                                                                                                                                                                                                                                                                                                                                                                                                                               | FILE # (MAP/LOT)                                              | APPLICATION #                       | FEE - \$ AMOUNT                     | DATE PAID                                        | VOUCHER #                                                                          |
| 4-14-14                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 92-78                                                         | 2014-13-SPA                         | \$361.20                            | 4/14/14                                          | 14357                                                                              |

(Last Revised 10/09/09)





## **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:**

**Request for: EXECUSUITE, LLC.** - A request for a Special Exception from the terms of Article III, Section 309.2 #3 to allow a Private Education Facility conversion pursuant to Section 601 of the Zoning Ordinance. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family residential, office, and personal service uses. The property is located at 75 Bank Street (former Lebanon Junior High), Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-13

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

Signed: David Brooks  
David Brooks, Senior Planner/Interim Zoning Administrator

Date of Zoning Board Approval/Issuance of Zoning Permit: May 5, 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 May 5, 2014, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Attorney Nicholas Burke, representing **Execusuite, LLC**, and Lisa Green and John Fenley of Spark Community Center, seeking a Special Exception from the terms of Article III, Section 309.2 #3 to allow a Private Education Facility conversion pursuant to Section 601 of the Zoning Ordinance. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family residential, office, and personal service uses. The property is located at 75 Bank Street (former Lebanon Junior High), Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-13

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

1. The property, formerly the Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the previous and current owners of the property obtained a Special Exception to convert the building into 40 units of multi-family housing.
2. On March 3, 2014, the current owner obtained a Special Exception to convert 3,213 sqft. on the lower level of the building to Office use pursuant to Section 601 of the Zoning Ordinance.
3. On March 21, 2014, the current owner obtained a Special Exception for 2 additional dwelling units and a Variance to utilize the former gymnasium for personal service use (gym and exercise studio(s)).
4. The Residential-Two zoning district was amended by the voters on March 13, 2013 to allow the conversion of buildings *other than residences* to multi-family dwelling, office, private educational facility, library, museum, theater, concert hall, and movie theater by special exception.
5. The Applicant proposes to convert 2,979 square feet of the lower level area (previously-approved for office use) for use as a Private Education Facility, shown as rooms L03, L04 and L06 on the floor plan sheet A7-5. The remaining 234 square feet previously approved for Office use will continue to be used as office.
6. There are no plans to change the existing footprint of the building or the exterior of the building.
7. There are no accessory buildings slated for conversion. The temporary manufactured building in the side yard will be removed from the site.

8. Required parking for the Office and Private Education Facility would be 11 spaces; a reduction of 2 spaces from the previous approval for office use only. The site plan has been updated to depict 85 parking spaces within the existing paved area on the property, which exceeds the requirement for all approved and proposed uses. No new spaces are proposed within the required front yard on the property.
9. The applicant testified that impermeable coverage, including unpaved parking areas and driveways, will not exceed 65 percent of the ~7.4 acre lot.
10. Site Plan Review approval by the Planning Board for the conversion would be required, if approved.
12. Cheryl Jones and Patrick Green spoke in favor of the project.
13. Robin Carpenter, an abutter, had questions and concerns about characteristics of the project.
14. The operation will involve approximately twenty clients in addition to staff and volunteers.

As a result of the above findings of fact, documentation, testimony and inspections, the Board concludes:

- A. That the special exception **is** specifically authorized by a provision of this ordinance.
- B. That all special conditions required of the special exception **have** been met.
- C. That there **are no** existing violations of this ordinance on the property that the granting of this special exception would not remedy.
- 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.

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of **Execusuite, LLC** for a Special Exception to allow the

conversion of a portion of the building as a Private Education Facility, as referenced above and attaches the following condition:

1. This approval supersedes previous approvals for rooms L03, L04 and L06.

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 May 5, 2014.



AGENDA  
ZONING BOARD OF ADJUSTMENT  
MAY 5, 2014

AGENDA ITEM 3A  
PUBLIC HEARINGS:

**EXECUSUITE, LLC**

---

# MEMO

## Codes Department City of Lebanon, NH

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**To:** Zoning Board of Adjustment  
**From:** David Brooks, *Senior Planner / Interim Zoning Administrator*  
**Subject:** **EXECUSUITE, LLC** - Request for Special Exception - Map 92, Lot 78  
**Date:** April 28, 2014

---

**EXECUSUITE, LLC:** A request for a Special Exception from the terms of Article III, Section 309.2 #3, to convert previously-approved office space to a Private Education Facility totaling 2,979 sqft. pursuant to Section 601 of the Zoning Ordinance. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family housing and office. The property is located at 75 Bank St., Tax Map 92, Lot 78, Lebanon, NH, in the R-2 zone ZBVAR2014-13

### **BACKGROUND:**

The 7.42-acre property, formerly the Lebanon Junior High School, has been the subject of numerous applications in recent months as part of its overall redevelopment.

On August 5, 2013, the applicant obtained a Special Exception to convert the building into 40 units of multi-family housing. On March 3, 2014, a Special Exception was granted for the conversion of 3,213 sqft. in the former wood shop to office use. On April 21, 2014, the applicant obtained a Special Exception for 2 additional dwelling units and a Variance to allow personal service uses (gym and exercise studio(s)) in the former gymnasium.

### **PROPOSAL:**

The applicant is seeking a Special Exception from the terms of Article III, Section 309.2 #3 to convert 2,979 square feet in the lower basement area (previously-approved for office use) for use as a Private Education Facility. The portions of the building to be converted are identified as L03, L04 and L06 on Sheet A7-5.

Following the Zoning Board's approval in March of a Special Exception for 3,213 sqft of office space in the lower basement area, the applicant was approached by a prospective tenant, the Spark Community Center. Spark is a recently-formed organization seeking to create a facility for continuing education and support for adults with special needs.

An area of 234 sqft., identified as L01 on the lower basement floor plan, would remain for office use, as previously approved.

### **ORDINANCE:**

The R-2 zoning district was amended by the voters on March 13, 2013 to allow the conversion of buildings *other than residences* to multi-family dwelling, office, private education facility, library, museum, theater, concert hall, and movie theater. Such conversions are allowed by Special Exception pursuant to Section 801.3, the standards for obtaining a Special Exception, and are also subject to Section 601 "Conversions of Older Residences and Other Buildings".

The applicant has submitted documentation and testimony addressing the Special Exception

standards of Section 801.3 of the Ordinance in an application packet dated April 4, 2014.

Special Exception (§801.3) standards include:

- A. That the Special Exception is specifically authorized by a provision of this Ordinance
- B. That all special conditions required of the special exception have been met.
- C. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
- 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.

The current request is also subject to the additional standards for specific uses found in Section 601: Conversions of Older Residences and Other Buildings:

601.1 Architecture. Remodeling for conversions must not alter the exterior of the structure in a manner not compatible with the architectural character of the building and the neighborhood.

There are no plans to alter the exterior appearance of the structure.

601.2 Parking & Access. Adequate off-street parking shall be provided on the lot. Such parking shall not be in the front yard and shall be screened from abutting properties.

The parking requirement for a Private Education Facility is 1 space per 300 square feet of gross floor area or 10 spaces for the current proposal. The remaining 234 sqft. office would require 1 additional parking space. (As previously-approved, the office use in the lower basement would have required a total of 13 spaces.) The applicant has provided a parking plan (Sheet A0-2) depicting a total of 85 parking spaces on the property to support the approved and proposed uses. All parking is shown to occur within the pre-existing paved areas of the property and no new spaces are depicted within the required front yard.

601.3 Coverage. Impermeable coverage, including unpaved parking areas and driveways, will not exceed 65 percent of the +/-7.4 acre lot.

The site is already developed and no new building area or paving are proposed as part of this project.

601.4 Density. Conversions to multi-family must comply with the zoning district's requirement for "Additional Area Per Dwelling Unit After Two."

The multi-family portion of the building was previously approved.

601.5 Additions to Existing Buildings. No additions are proposed.

601.6 Accessory Buildings. There are no accessory buildings slated for conversion. The temporary manufactured building in the side yard will be removed from the site.

601.7 Mixed Use. A building being converted may have both residential and office uses.

The applicant has already received Zoning Board approval for the conversion of portions of the existing building to residential and office use. If approved, a Private Education Facility is also a use allowed by Special Exception pursuant to this section of the zoning ordinance.

601.8 Replacement of Destroyed Structures. Not applicable.

601.9 Site Plan Review. All such conversions or remodeling projects shall be required to obtain Site Plan Review by the Planning Board.

If approved, the proposed conversion to Private Education Facility and Office is subject to Site Plan Review approval by the Lebanon Planning Board.

The Zoning Ordinance defines the term "Private Post Secondary Education Facility" as "[a]ny building or group of buildings the use of which meets state requirements for primary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency." (The Ordinance does not specifically define the term "Private Education Facility" as listed in the R-2 district.) The Board may want or need additional details about the proposed use and how conforms to the definition in order to determine the applicability of the Special Exception criteria.

Cc: Execusuite, LLC  
C. Nicholas Burke, Esq.



|                           |                                     |                          |                                  |
|---------------------------|-------------------------------------|--------------------------|----------------------------------|
| <b>SPECIAL EXCEPTION</b>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>MOTION FOR REHEARING</b>      |
| <b>VARIANCE</b>           | <input type="checkbox"/>            | <input type="checkbox"/> | <b>APPEAL OF ADMIN. DECISION</b> |
| <b>WETLANDS/RIVERBANK</b> | <input type="checkbox"/>            | <input type="checkbox"/> | <b>OTHER ( )</b>                 |

## Page 105 of 211

**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) 601, of the Lebanon Zoning Ordinance.

**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:

Private education facility is allowed as a special exception in the R2 Zoning District.

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

Proposal to convert formerly approved office to private educational facility. There will be no alterations to the exterior of the building. There is adequate parking on-site to accommodate the private educational facility and impermeable coverage, parking and driveway does not cover more than 65 percent of the lot.

- 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 the ordinance on the property.

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

There will be no impact on the character of the neighborhood. There are no changes to the exterior of the building and there are many offices in other nearby and adjacent buildings.

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

No hazard or nuisance will be created.

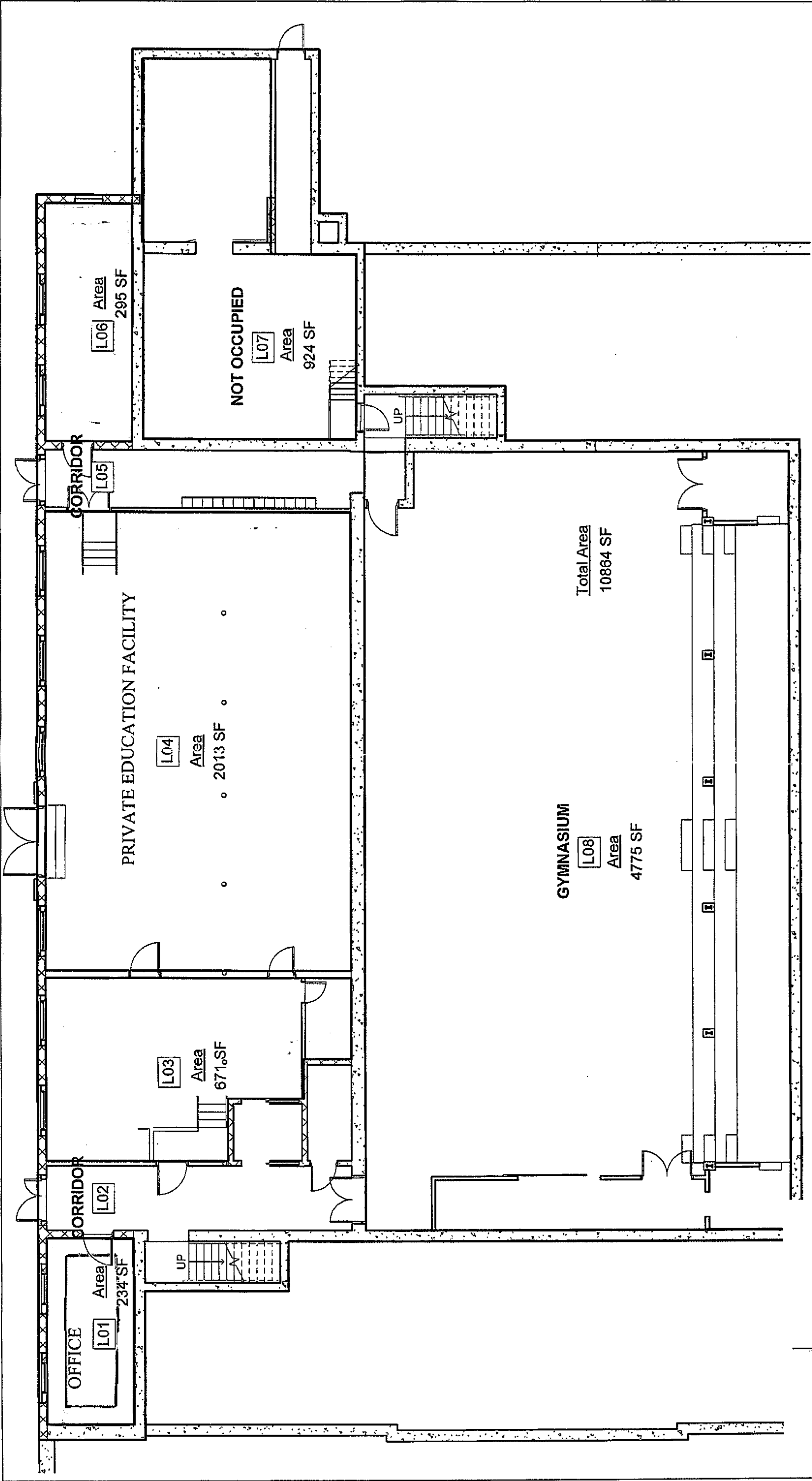
CITY OF LEBANON, NEW HAMPSHIRE  
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION  
Page 2

- F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:  
There will be no adverse impact on existing or planned community facilities and services (including streets and highways).
- G. That granting the special exception will not result in undue municipal expense:  
The granting of the requested special exception will not result in any additional expense to the City.
- H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:  
Private educational facility use is allowed as a Special Exception in the R2 zone. The property is the former Junior High School and is unique. A Special Exception to permit a private educational facility will allow productive use of space in the building which is difficult to use for other permitted uses and is consistent with the former use of the property.
- I. That the general welfare of the City will be protected:  
The conversion of the previously approved office to a private education facility will have no negative impact on the general welfare of the City, but will, in fact, be an asset which benefits the entire 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.



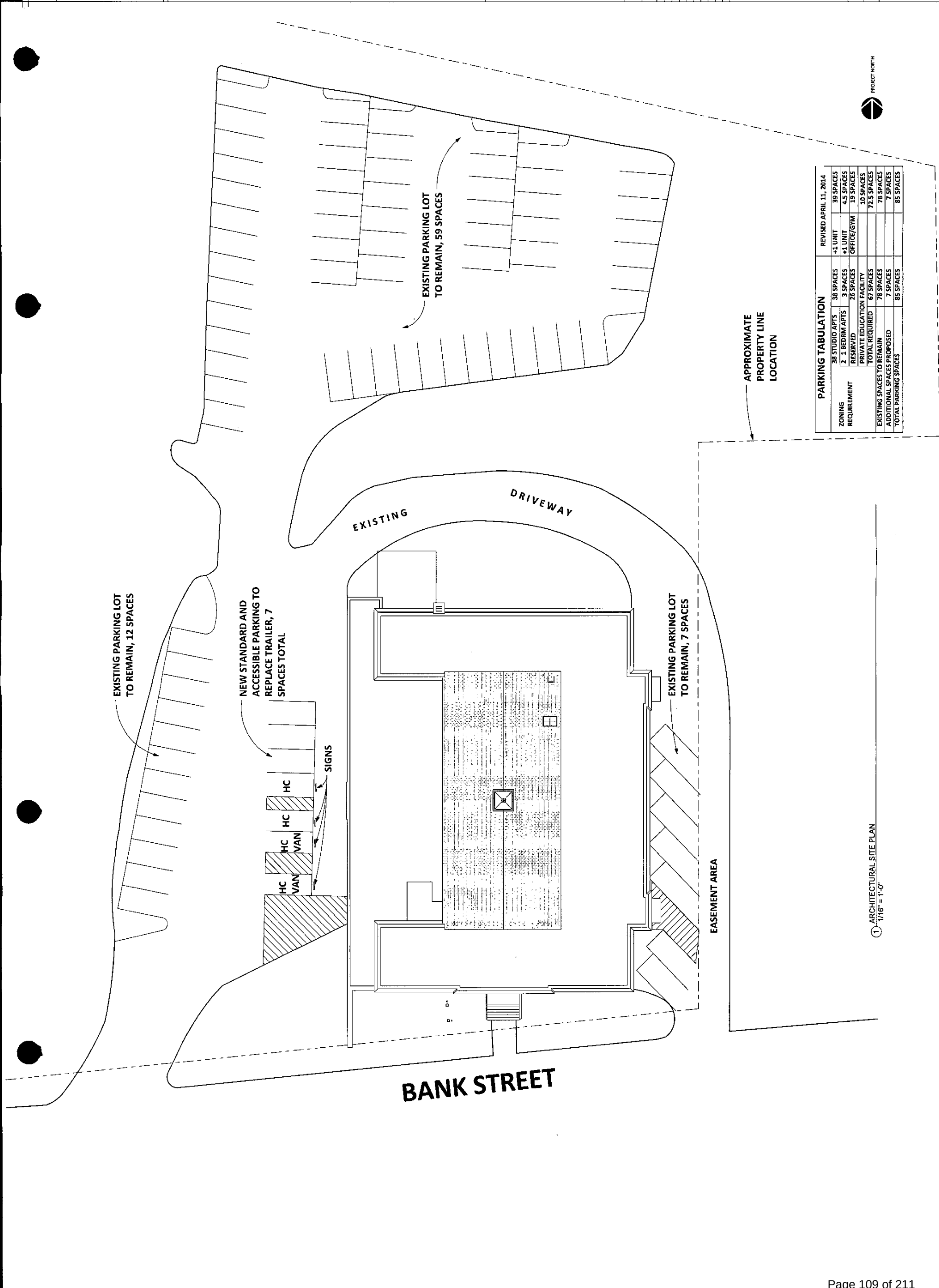
11/27/2013 8:43:45 PM

|                              |  |                           |  |                |  |
|------------------------------|--|---------------------------|--|----------------|--|
| STUDIO                       |  | 75 BANK STREET APARTMENTS |  | Lower Basement |  |
| ARCHITECTS + PLANNERS, LLC   |  | Project number 1310       |  | A7-5           |  |
| 46 South Main St., Suite 200 |  | Date NOVEMBER 27, 2013    |  | Author         |  |
| P.O. Box 275                 |  | Drawn by                  |  | Checked by     |  |
| White River Junction, VT     |  | Scale 3/32" = 1'-0"       |  |                |  |
| 05001-0275                   |  |                           |  |                |  |

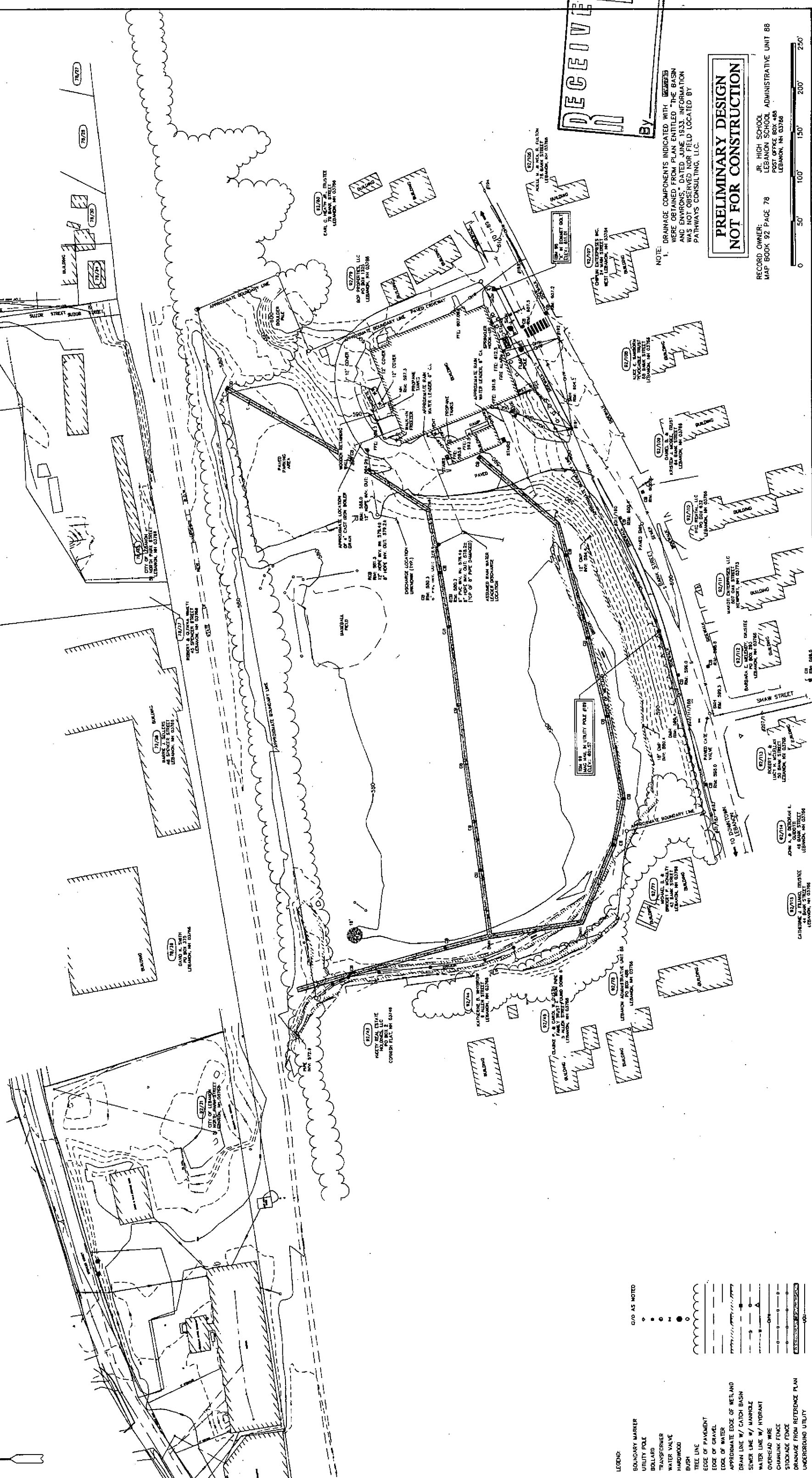
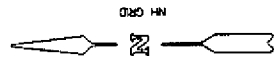
Tel. 802-275-5110  
www.studionexusarch.com

STUDIO  
ARCHITECTS + PLANNERS, LLC  
NEKUS





| PARKING TABULATION         |                |           |                            | REVISED APRIL 11, 2014 |                            |           |                            |
|----------------------------|----------------|-----------|----------------------------|------------------------|----------------------------|-----------|----------------------------|
| ZONING REQUIREMENT         | 38 STUDIO APTS | 38 SPACES | +1 UNIT                    | 39 SPACES              | 38 STUDIO APTS             | 38 SPACES | +1 UNIT                    |
|                            | 2 1 BEDRM APTS | 3 SPACES  | OFFICE/GYM                 | 4.5 SPACES             | 2 1 BEDRM APTS             | 3 SPACES  | OFFICE/GYM                 |
|                            | RESERVED       | 26 SPACES | PRIVATE EDUCATION FACILITY | 19 SPACES              | RESERVED                   | 26 SPACES | PRIVATE EDUCATION FACILITY |
|                            | TOTAL REQUIRED | 67 SPACES |                            | 72.5 SPACES            | TOTAL REQUIRED             | 67 SPACES |                            |
| EXISTING SPACES TO REMAIN  |                | 78 SPACES |                            | 78 SPACES              | EXISTING SPACES TO REMAIN  |           | 78 SPACES                  |
| ADDITIONAL SPACES PROPOSED |                | 7 SPACES  |                            | 7 SPACES               | ADDITIONAL SPACES PROPOSED |           | 7 SPACES                   |
| TOTAL PARKING SPACES       |                | 85 SPACES |                            | 85 SPACES              | TOTAL PARKING SPACES       |           | 85 SPACES                  |



LEGEND:

|                              |   |
|------------------------------|---|
| BOUNDARY MARKER              | ○ |
| UTILITY POLE                 | ● |
| BOLLARD                      | ● |
| TRANSFORMER                  | ● |
| WATER VALVE                  | ● |
| HARDWOOD                     | ● |
| BUSH                         | ● |
| TREE LINE                    | — |
| EDGE OF PAVEMENT             | — |
| EDGE OF GRAVEL               | — |
| EDGE OF WATER                | — |
| APPROXIMATE EDGE OF WETLAND  | — |
| DRAIN LINE W/ CATCH BASIN    | — |
| SEWER LINE W/ MANHOLE        | — |
| WATER LINE W/ HYDRANT        | — |
| OVERHEAD WIRE                | — |
| CHUNKLINK FENCE              | — |
| STOCKADE FENCE               | — |
| DRAINAGE FROM REFERENCE PLAN | — |
| UNDERGROUND UTILITY          | — |

○/● AS NOTED

RECEIVED

NOTE: DRAINAGE COMPONENTS INDICATED WITH THESE SYMBOLS WERE OBTAINED FROM PLAN ENTITLED "THE BASIN AND ENVIRONS" DATED JUNE 1933. INFORMATION WAS NOT OBSERVED NOR FIELD LOCATED BY PATHWAYS CONSULTING, LLC.

**PRELIMINARY DESIGN  
NOT FOR CONSTRUCTION**

RECORD OWNER:  
JR. HIGH SCHOOL  
LEBANON SCHOOL ADMINISTRATIVE UNIT BB  
MAP BOOK 92 PAGE 78  
POST OFFICE BOX 488  
LEBANON, NH 03786



PATHWAYS CONSULTING, LLC  
3 SCHOOLHOUSE LANE, P.O. BOX 600  
ETNA, NEW HAMPSHIRE 03750  
(603) 643-3511

EXISTING CONDITIONS PLAN FOR  
**LEBANON SCHOOL DISTRICT - BANK STREET SCHOOL**  
LEBANON, NEW HAMPSHIRE

|             |          |
|-------------|----------|
| DATE        | 02/11/08 |
| BY          | SAH      |
| CHECKED BY  | SAH      |
| DESIGNED BY | MPM/SAH  |
| APPROVED    |          |

2  
SHEET 2 OF 13



## Lebanon Jr. High - looking north

**Print Date:** 04/29/2014  
**Image Date:** 04/06/2012  
**Level:** Neighborhood

**CITY OF LEBANON  
ZONING BOARD OF ADJUSTMENT APPLICATION**

|                                                              |                          |                                  |
|--------------------------------------------------------------|--------------------------|----------------------------------|
| <b>SPECIAL EXCEPTION</b> <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>MOTION FOR REHEARING</b>      |
| <b>VARIANCE</b> <input type="checkbox"/>                     | <input type="checkbox"/> | <b>APPEAL OF ADMIN. DECISION</b> |
| <b>WETLANDS/RIVERBANK</b> <input type="checkbox"/>           | <input type="checkbox"/> | <b>OTHER ( )</b>                 |

**PROPERTY OWNER (APPLICANT):**

NAME: Execusuite, LLC TEL.#: 603-359-4701  
MAILING ADDRESS: 31 Elm Street, Lebanon, NH 03766

**CO-APPLICANT, AGENT, OR LESSEE:**

NAME: Spark! Community Center, Inc. TEL.#: 603-359-7116  
MAILING ADDRESS: 31 Guyer Street, Lebanon, NH 03766

**PROJECT LOCATION:**

TAX MAP #: 92 LOT#: 78 PLOT #: ZONE: R2

STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, New Hampshire

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

**SCOPE OF PROJECT:**

Convert previously approved office to private education facility.

**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: Convert office to private education facility

**SIGNATURE BLOCK:**

PROPERTY OWNER

DATE: 4/4/14

**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: 4/4/14

RECEIVED \_\_\_\_\_ FILE # \_\_\_\_\_ FEE\$ \_\_\_\_\_ DATE PD. \_\_\_\_\_ VOUCHER# \_\_\_\_\_

(9/17/04)





CITY OF LEBANON - PLANNING OFFICE  
51 North Park Street - Lebanon, NH - 03766

**NOTICE OF ACTION  
LEBANON PLANNING BOARD**

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Ken Morley moved that the Lebanon Planning Board finds the application of **EXECUSUITE, LLC** for a Site Plan Amendment #PB2014-08-SPA, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Larry LeClair. The vote on the motion was unanimous in favor.

Notice is hereby given that on **May 12, 2014** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Earl Jette moved that the Lebanon Planning Board **approve** the application of **EXECUSUITE, LLC** for a Site Plan Amendment to create 2 additional dwelling units and to convert the former gymnasium to personal service use (gym and exercise studio(s)) in the former Junior High School building located at 75 Bank Street, Tax Map 92, Lot 78, Lebanon, NH, in the Residential Two (R-2) zone, #PB2014-08-SPA, as shown on plans titled "Lower Basement" (Sheet A7-5) and "Modifications to Basement South Wing" (Sheet ASK-009), prepared by Studio Nexus Architects + Planners, LLC, dated November 27, 2013 and March 6, 2014, respectively, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

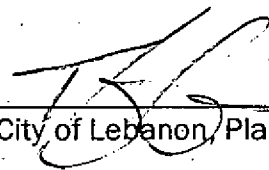
1. The applicant shall comply with all applicable conditions for required exterior site improvements as set forth in the Site Plan Review approval dated September 9, 2013 for the subject property.
2. The applicant shall provide a digital Site Plan drawing (Cad .dwg format using NH State Plane Coordinate system) prior to the issuance of a Certificate of Occupancy.
3. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

Lebanon Planning Board Notice of Action  
EXECUSUITE, LLC  
Site Plan Amendment

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The Lebanon Planning Board approve the waivers as requested for the application of Execusuite, LLC, #PB2014-08-SPA (Sections 5.1.E(6), 5.1.E(7), 5.1.E(8), 5.1.E(10), 5.1.E(12), 5.1.E(13), 5.1.E(14), 5.1.E(15), 5.1.E(16), 5.1.E(18), 5.1.E(19), 5.1.E(20), 5.1.E(22), 5.1.G(1), 5.1.G(2), and 5.1.G(3))

The motion was seconded by Ken Morley. The vote on the motion was unanimous in favor.

SIGNED:   
City of Lebanon, Planning Board Chair

DATED: 6/9/14

AGENDA  
PLANNING BOARD  
APRIL 14, 2014

AGENDA ITEM 5E  
PUBLIC HEARING  
NEW BUSINESS:

**EXECUSUITE, LLC**  
**(2 ADDITIONAL DWELLINGS)**

+  
Gym



## CITY OF LEBANON ~ PLANNING OFFICE

### PLANNING BOARD – DEVELOPMENT REVIEW

Staff Memorandum – April 1, 2014

#### **APPLICATION INFORMATION**

**Property Owner(s):**

Execusuite, LLC

**Applicant(s):**

same as above

**Application Type:**

Site Plan Amendment

**Application ID#:**

#PB2014-08-SPA

**Map(s) / Lot(s) #:**

92-78

**Property Location(s):**

75 Bank St.,  
Lebanon, NH

**Property Size (Ac./Sqft.):**

+/-7.4 Ac.

**Zoning District(s):**

Residential Two (R-2)

**Overlay District(s):**

Wetlands Conservation:..... Yes  
Flood Plain:..... N/A  
Steep Slopes:..... N/A  
Airport Protection:..... N/A  
Historic District:..... N/A  
Landfill Reclamation:..... N/A  
Riverbank Protection:..... N/A  
DES Shoreland Protection:..... N/A

#### **DRAWINGS AND OTHER SUBMISSIONS**

- ▶ "Project Description and Statement in Support of Application for Site Plan Approval to Add Two Residential Units and a Recreational Facility to the Former Lebanon Junior High School", prepared by Nicholas Burke, Esq. on behalf of Execusuite, LLC, received March 10, 2014.
- ▶ Plans titled:
  - "Lower Basement" (Sheet A7-5) prepared by Studio Nexus Architects + Planners, LLC, dated November 27, 2013;
  - "Modifications to Basement South Wing" (Sheet ASK-009), prepared by Studio Nexus Architects + Planners, LLC, dated March 6, 2014;
  - "Architectural Site Plan" (Sheet A0-2), prepared by Studio Nexus Architects + Planners, LLC, dated March 7, 2014;
  - "Existing Conditions Plan for Lebanon School District - Bank Street School", prepared by Pathways Consulting, LLC, dated February 11, 2008.

#### **COMPLETENESS REVIEW**

The applicant has two separate applications pending before the Zoning Board of Adjustment. One seeks a Special Exception for the creation of two additional residential units in the former Junior High and the other seeks a Variance to convert the former gymnasium area to a personal services use (gym and exercise studio(s)). The Zoning Board is expected to open the public hearings for both applications on April 7th.

If the ZBA approves both pending applications on April 7th, then the Planning Office recommends that the Site Plan application is complete enough to accept jurisdiction and to commence review.

However, if the ZBA denies the applications or fails to make any decisions prior to the Planning Board's meeting on April 14th, then the Planning Office recommends that the application is not complete enough to accept jurisdiction and to commence review.

#### **APPLICATION OVERVIEW**

The subject property is a +/-7.4-acre parcel owned by the applicant, which includes the former Lebanon Junior High Building and associated improvements. In September 2013, the Planning Board approved the conversion of the building to 40 residential units. Renovation work on the initial residential units is already underway.



At this time, the applicant is proposing to convert part of the upper basement area of the former school building into two additional residential units, including one studio apartment and one 1-bedroom apartment. This would bring the total number of residential units in the building to 42 (39 studios and 3 one-bedrooms).

The applicant also proposes to utilize the former gymnasium space for personal service uses, including a private gym and exercise studio(s). The gymnasium area totals 4,775 square feet on the lower basement level.

[NOTE: A concurrent application is pending before the Planning Board for the conversion of a portion of the building to office uses (#PB2014-07-SPA).]

The applicant is not proposing any additional exterior alterations to the existing building.

### **STAFF COMMENTS**

#### **SITE PLAN REGULATIONS:**

##### **5.1 Drawings and Other Submittal**

The applicant has provided materials in accordance with Section 7 of the Site Plan Review Regulations. Additional information about the parcel is already in the property file from previous Site Plan reviews. Please see the applicant's Project Description and Support Statement dated March 10, 2014 for a brief discussion of the project.

##### **6.1 General Requirements**

The applicant is proposing to convert the 4,775 square foot gymnasium area of the former Junior High School for personal service use(s) and to create two additional residential units on the lower level of the building. No significant changes are proposed to the exterior of the building. As such, the changes will not require any new grading or clearing and only minor upgrades to access locations for handicapped accessibility.

##### **6.2 Landscaping Standards**

The applicant is not proposing any new landscaping on the property, which already has some landscaping around the perimeter and along the front façade. As part of its approval of the original residential conversion, the Planning Board required the applicant to work with the Planning Office "to provide shade trees on the western edge of the upper and lower parking lots, for the purpose of providing partial shade of existing paved areas." This condition will continue to apply to the property.

##### **6.3 Utilities & Fire Protection**

The subject property is already connected to the City's water and sewer systems. The applicant will need to provide additional calculations for sewer and water flows associated with the additional dwelling units and the personal service use(s), which may trigger a need for additional City Council or City Manager approval pursuant to Chapter 181 of the City Code prior to the issuance of a Building Permit for the conversions.

The building is already served by a sprinkler system and a hydrant is located in front of the building for fire protection.

The applicant is reminded that Accessibility and Energy Code requirements must still be verified by its architect for the proposed changes in use in accordance with RSA 155-A and RSA 155-D. In addition, plans and/or information for any structural or electrical improvements may be required for issuance of any necessary Building Permits in connection with the proposed uses.

##### **6.4 Fees and Assessments in Effect at time of Connection**

The creation of new residential units and non-residential space will be subject to the City's Impact Fee Ordinance and fee schedule adopted by the Board on July 22, 2013.

##### **6.5 Coordination of Roads, Parking, Loading, Recreation, and Safety**

As discussed during the original site plan review, the applicant proposes to alter the traffic circulation on the property such that vehicles enter on the west side of the building and exit the parking area on the east side. Additional parking will be provided where the modular trailer will be removed. Once again, the applicant will be required to work with the Building Inspector to verify the grades within the handicap parking spaces and an accessible route into the building.

Since the original review, the applicant has altered the mix of studio and one-bedroom apartments in the building. As currently proposed, the 38 studios and 2 one-bedroom apartments require a total of 41 parking spaces. The parking requirement for the additional dwelling units will be 3 units (1 space per studio apartment and 1.5 spaces per 1-bedroom apartment; rounded up). The parking requirement for personal service uses is 19 spaces based on one space per 250 square feet of gross floor area. [The concurrent application for the conversion of 3,213 square feet to office space will trigger the need for 13 additional spaces.] The total requirement for all approved and proposed uses would be 76 spaces.

As a condition of approval for the initial residential conversion, the Board required the applicant to "work with the Planning Office and the City Engineer to efficiently delineate parking spaces within the existing paved areas to ensure adequate parking for apartment tenants and for future users of the playing fields." The applicant has provided a parking plan depicting a total of 85 spaces on the property to support all approved and proposed uses.

The applicant is not proposing any new exterior lighting as part of the office conversion. The Board did include a condition during the residential review requiring the applicant to "work closely with planning staff and the Lebanon Police Department to ensure adequate lighting for parking spaces 22-54 for security purposes, to the satisfaction of both the Planning Office and the Police Department." This condition will continue to apply to the property.

#### **ZONING ORDINANCE:**

As mentioned above, the applicant has two separate applications pending before the Zoning Board of Adjustment, which must be approved before the Planning Board can deem the Site Plan application complete. The proposal complies with all other zoning and dimensional requirements.

#### **STAFF RECOMMENDATIONS**

If the Planning Board moves to approve this application, then based on the information reviewed by City staff, the Planning Office recommends that the Planning Board approve the application with the following conditions:

1. The applicant shall comply with all applicable conditions for required exterior site improvements as set forth in the Site Plan Review approval dated September 9, 2013 for the subject property.
2. The applicant shall provide a digital Site Plan drawing (Cad .dwg format using NH State Plane Coordinate system) prior to the issuance of a Certificate of Occupancy.
3. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

# CITY OF LEBANON APPLICATION FOR

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |                        |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------|--------------|
| <b>PROPERTY OWNER (APPLICANT):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                               |                        |              |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Execusuite, LLC                                               | TEL.#:                 | 603-359-4701 |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 31 Elm Street, Lebanon, NH 03766                              |                        |              |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | mike@ledgeworks.com                                           |                        |              |
| <b>CO-APPLICANT, AGENT, OR LESSEE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |                        |              |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | C. Nicholas Burke                                             | TEL.#:                 | 603-448-9650 |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766 |                        |              |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | nick@burkehotchkiss.com                                       |                        |              |
| <b>PROJECT LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                               |                        |              |
| TAX MAP #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 92                                                            | LOT#:                  | 78           |
| PLOT #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                               | ZONE:                  | R2           |
| STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |                        |              |
| IS THIS PROPERTY LOCATED IN THE: <b>WETLANDS</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>HISTORIC DISTRICT</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                 |                                                               |                        |              |
| <b>FLOOD PLAIN</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |                        |              |
| <b>SCOPE OF PROJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                               |                        |              |
| Addition of two residential units and conversion of former Junior High gymnasium to private recreation facility                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |                        |              |
| <b>TYPE OF OCCUPANCY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                               |                        |              |
| EXISTING <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL<br>PROPOSED <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL |                                                               |                        |              |
| IF USE IS <b>COMMERCIAL</b> OR <b>INDUSTRIAL</b> , PLEASE NOTE <b>SPECIFIC USE</b> : Multi-family residential, office and recreation facility                                                                                                                                                                                                                                                                                                                                                     |                                                               |                        |              |
| <b>SIGNATURE BLOCK:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                               |                        |              |
| <b>FOR PLANNING BOARD APPLICATIONS ONLY:</b> 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 <u>April 14</u> , 20 <u>14</u> , unless I personally request, in writing, that the Board delay its determination of completeness to a later date.                           |                                                               |                        |              |
| PROPERTY OWNER: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               | DATE: <u>3/10/2014</u> |              |
| <b>NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW:</b> 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: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               | DATE: <u>3/10/2014</u> |              |

| DATE RECEIVED | FILE # (MAP/LOT) | APPLICATION # | FEE - \$ AMOUNT | DATE PAID | VOUCHER # |
|---------------|------------------|---------------|-----------------|-----------|-----------|
| 3/10/14       | 92-78            | 2014-05-SPA   | 361.20          | 3/10/14   | 14040     |

(Last Revised 10/09/09)

PROJECT DESCRIPTION AND STATEMENT IN SUPPORT OF  
APPLICATION FOR SITE PLAN APPROVAL  
TO ADD TWO RESIDENTIAL UNITS AND A RECREATION FACILITY  
TO THE FORMER LEBANON JUNIOR HIGH SCHOOL

APPLICANT: Execusuite, LLC

Applications are pending before the Lebanon Zoning Board of Adjustment requesting a special exception to allow the addition of two residential units and a variance for conversion of the former gymnasium to personal services (gym and exercise studio) use in the former Lebanon Junior High School located at 75 Bank Street, Lebanon, New Hampshire. A hearing on these applications is expected to take place on April 7, 2014. Such conversions will not increase the burden on any City services nor create any negative impacts on pedestrian or vehicular safety in the community. There are no proposed changes to the exterior of the building on the property, other than the removal of the temporary modular unit currently located in the parking lot, and there are no proposed changes to the natural cover and landscaping of the property as a result of this conversion.

**Section 6.2 - Landscaping Standards.** As set forth above, there are no proposed changes to the landscaping on the property, with all changes being made to the interior of the Lebanon Junior High School building. Parking shall be accommodated using the existing parking lots, as shown on the Parking Plan submitted herewith.

**Section 6.3 - Utilities and Fire Protection.** The property is served by the City of Lebanon municipal water and sewerage system and currently has a sprinkler system installed in the building.

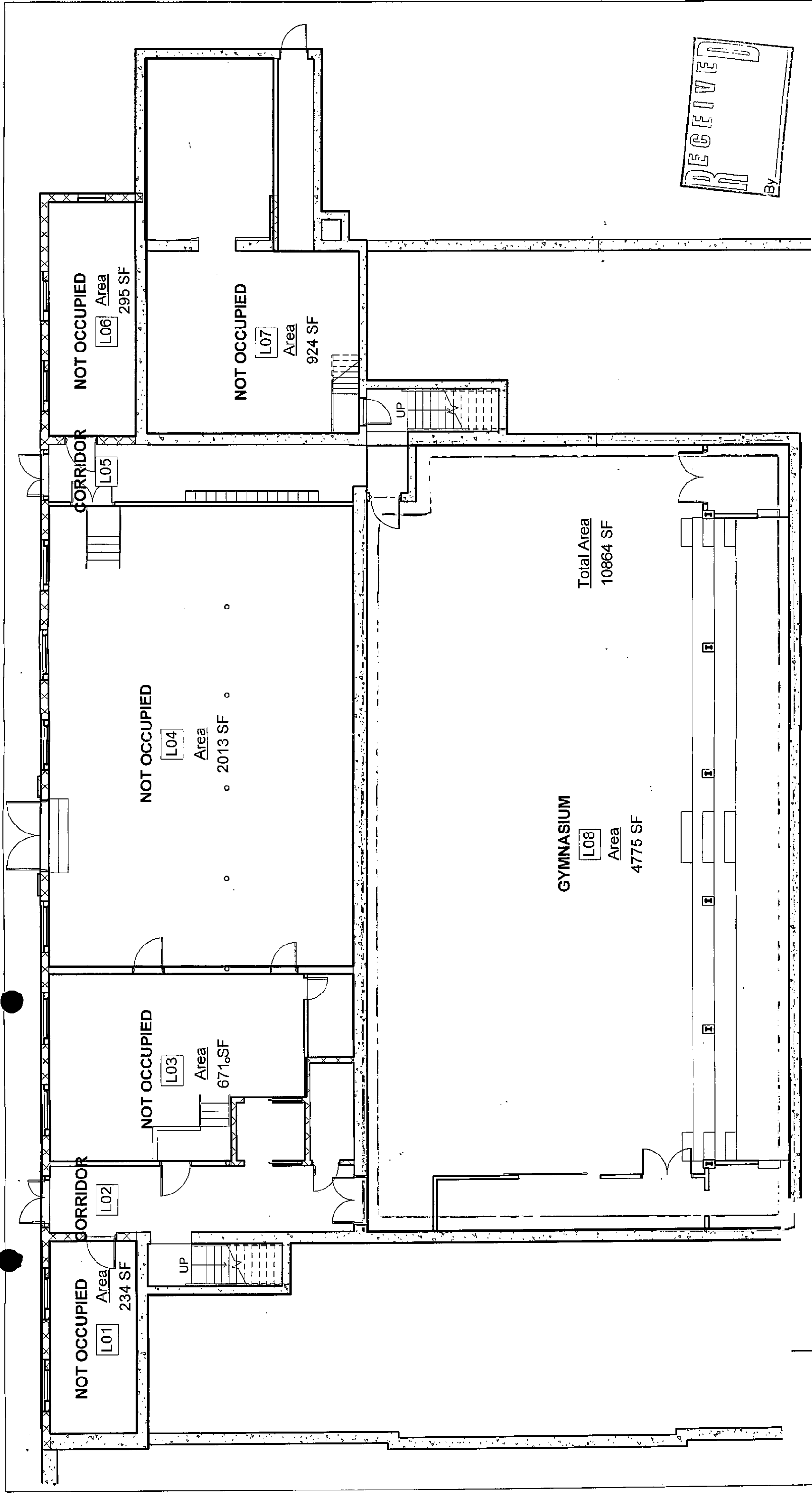
**Section 6.5 - Coordination of Roads, Parking, Loading, Recreation and Safety.** No changes are proposed to the existing entrance and egress points at the property, which have



served the Lebanon School District for many years. There is more than adequate on-site parking, as shown on the Parking Plan submitted herewith, and there are no proposed changes to outdoor lighting at the property.

**Section 6.6 - Off-Site Improvements.** The Applicants do not envision any off-site improvements necessary in connection with the proposed conversion to residential use.

Based upon the foregoing, the Applicant respectfully request that the Application for Site Plan Approval be granted.



|                                                                                                                                |                           |  |                     |                   |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------|--|---------------------|-------------------|
| STUDIO<br>ARCHITECTS + PLANNERS, LLC<br>46 South Main St., Suite 200<br>P.O. Box 275<br>White River Junction, VT<br>05001-0275 | 75 BANK STREET APARTMENTS |  | Lower Basement      |                   |
|                                                                                                                                | 062014-08-SPA             |  | Project number      | 1310              |
|                                                                                                                                |                           |  | Date                | NOVEMBER 27, 2013 |
|                                                                                                                                |                           |  | Drawn by            | Author            |
|                                                                                                                                |                           |  | Checked by          | Checker           |
|                                                                                                                                |                           |  | A7-5                |                   |
|                                                                                                                                |                           |  | Scale 3/32" = 1'-0" |                   |

STUDIO

Tel. 802-275-5110  
www.studionexusarch.com

ARCHITECTS + PLANNERS, LLC

46 South Main St., Suite 200  
P.O. Box 275  
White River Junction, VT  
05001-0275

75 BANK STREET  
APARTMENTS

MODIFICATIONS  
TO BASEMENT  
SOUTH WING

Project number1310

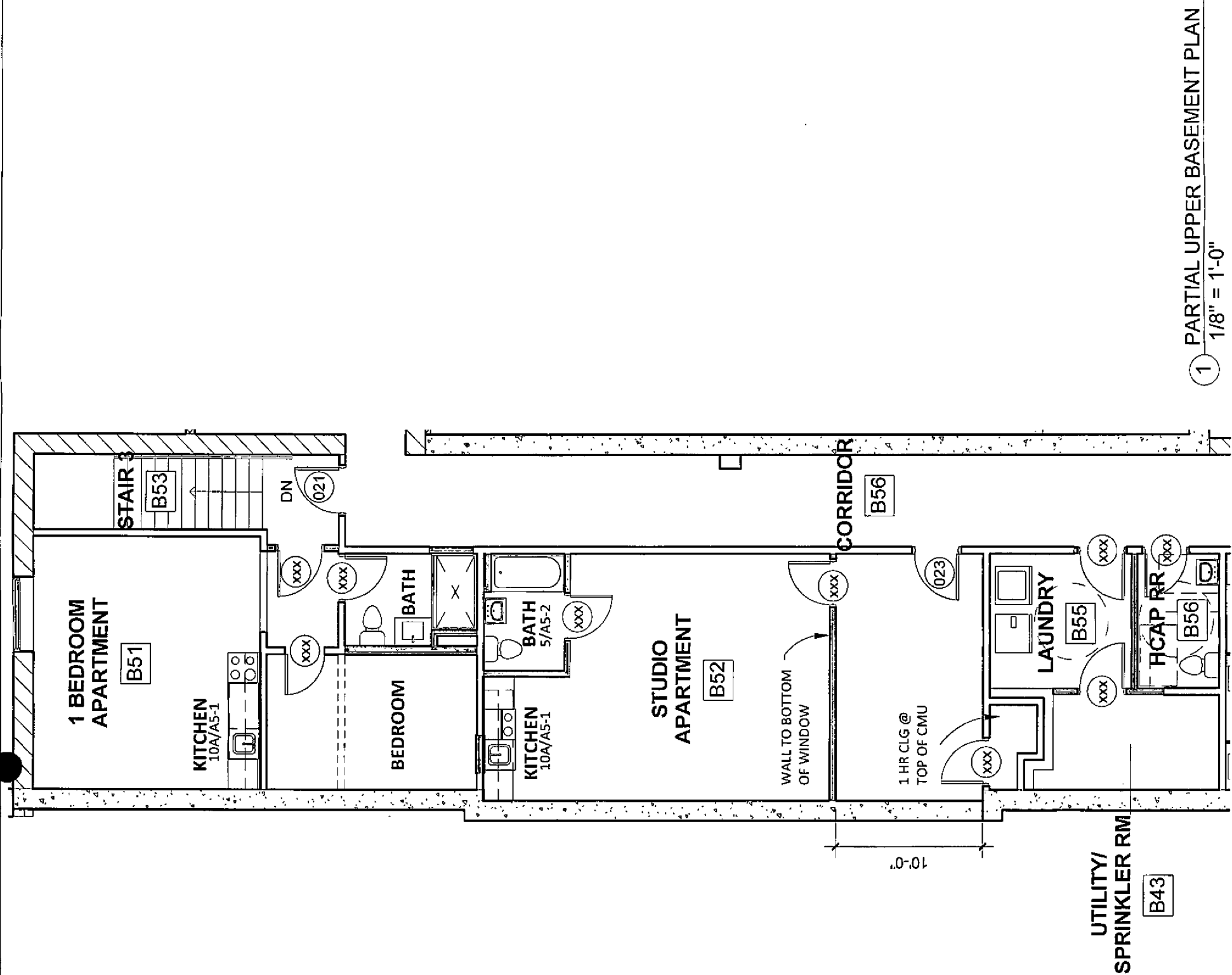
DateMARCH 06, 2014

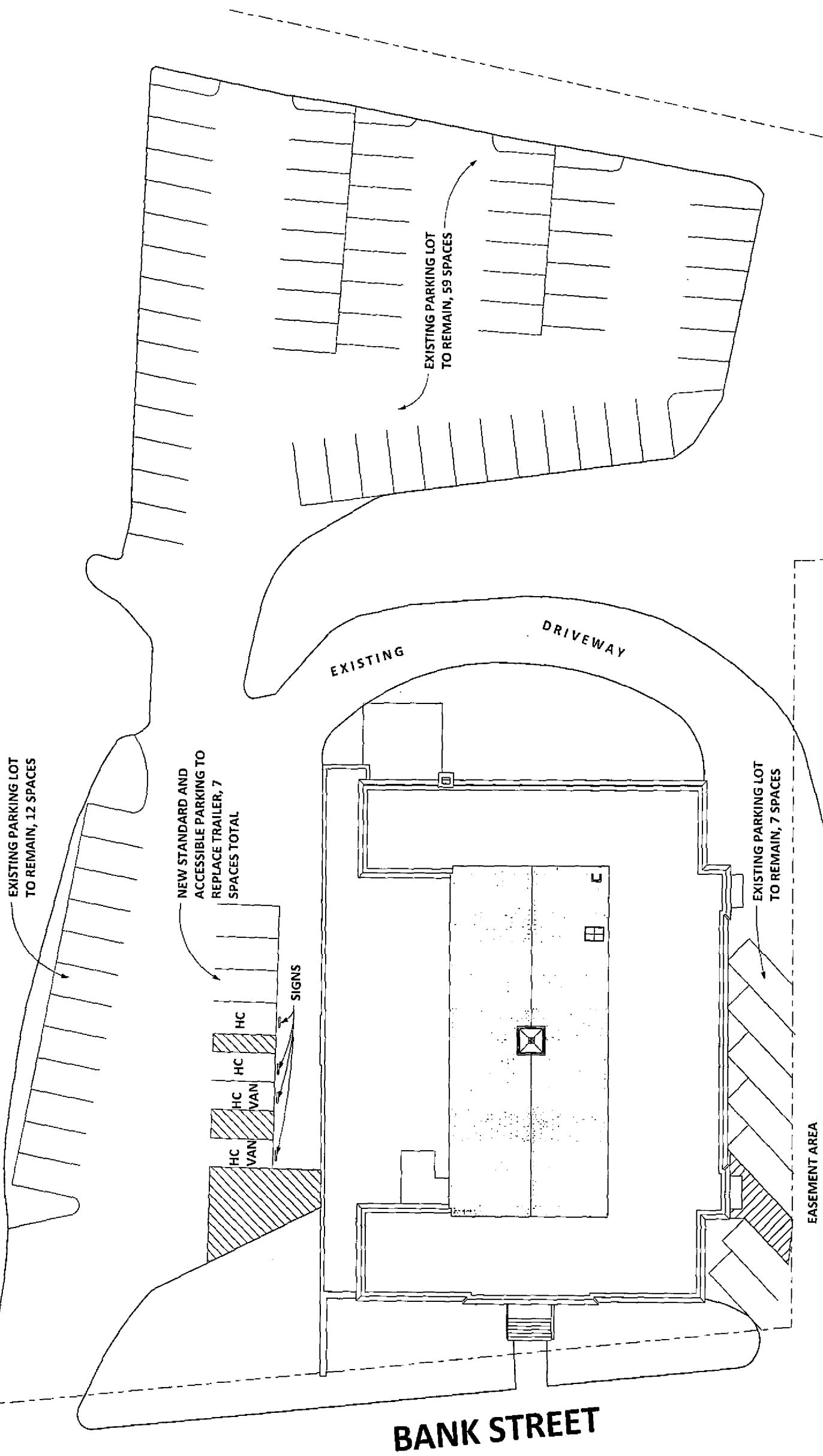
Drawn byWDN

Checked byJRW

ASK-009

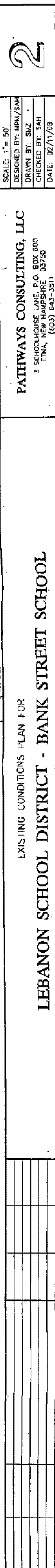
Scale 1/8" = 1'-0"





| PARKING TABULATION         |                | REVISED MARCH 7, 2014 |             |
|----------------------------|----------------|-----------------------|-------------|
| ZONING<br>REQUIREMENT      | 38 STUDIO APTS | 38 SPACES             | +1 UNIT     |
|                            | 2 1-BEDRM APTS | 3 SPACES              | +1 UNIT     |
|                            | RESERVED       | 26 SPACES             | OFFICE/GYM  |
|                            | TOTAL REQUIRED | 67 SPACES             | 74.5 SPACES |
| EXISTING SPACES TO REMAIN  |                | 78 SPACES             | 78 SPACES   |
| ADDITIONAL SPACES PROPOSED |                | 7 SPACES              | 7 SPACES    |
| TOTAL PARKING SPACES       |                | 85 SPACES             | 85 SPACES   |





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

(Last Revised 10/09/09)



## **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:**

**Request for: EXECUSUITE, LLC:** A request for a Variance from the terms of Article III, Section 309.2 to convert the former Lebanon Junior High School gymnasium area totaling 4,775 sq. ft. to a personal services use (gym and exercise studio(s)). The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family housing and office. The property is located at 75 Bank St., Tax Map 92, Lot 78, Lebanon, NH, in the R-2 zone ZBVAR2014-08

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

Signed: David Brooks  
David Brooks, Senior Planner/Interim Zoning Administrator

Date of Zoning Board Approval/Issuance of Zoning Permit: April 21, 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 April 7, 2014, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Michael Davidson and Attorney Nicholas Burke representing **Execusuite, LLC**, seeking a Variance from the terms of Article III, Section 309.2 of the Zoning Ordinance to convert the former Lebanon Junior High School gymnasium area, totaling 4,775 square feet, to personal service use (gym and exercise studio(s)). The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family housing and office uses. The property is located at 75 Bank Street, Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBVAR2014-08.

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

1. The property, formerly the Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the previous and current owners of the property obtained a Special Exception to convert the building into 40 units of multi-family housing. That project is underway.
2. On March 3, 2014, the current owner obtained a Special Exception to convert 3,213 square feet on the lower level of the building to office use, pursuant to Section 601 of the Zoning Ordinance.
3. The Applicant seeks a Variance from Section 309.2 to allow the creation of personal service uses (gym and exercise studio(s)) within the former gymnasium area, which totals 4,775 square feet on the lower basement level. Section 309.2 does not allow personal services as either a permitted or Special Exception use within the R-2 district.
4. The applicant testified that the personal services uses would be available for use by residents of the building and members of the general public.
5. Required parking for personal service uses is 1 space per 250 square feet of gross floor area, or 19 spaces as proposed. The site plan has been updated to depict 85 parking spaces within the existing paved area on the property, which exceeds the requirement for all approved and proposed uses.
6. No additions or changes to the exterior of the building are proposed.
7. Site Plan Review approval by the Planning Board for the conversion would be required, if approved.

As a result of the above findings of fact, documentation, testimony and inspections, the Board concludes for the Variance to change the use from a former public school gymnasium to personal services uses:



1. The variance **will not** be contrary to the public interest;
2. The spirit of the ordinance **is** observed;
3. Substantial justice **is** done;
4. The values of surrounding properties **are not** diminished; and,
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
  - (a) In this section "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
    - (I) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and,
    - (II) The proposed use is a reasonable one.

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of **Execusuite, LLC**, for a Variance from Article III, Section 309.2 to convert a former public school gymnasium to personal services uses, as referenced above.

A variance 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 variance; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a variance 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 April 21, 2014.

AGENDA  
ZONING BOARD OF ADJUSTMENT  
APRIL 7, 2014

AGENDA ITEM 4A  
PUBLIC HEARINGS

# **EXECUSUITE, LLC: (GYMNASIUM AREA)**

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# MEMO

## Codes Department City of Lebanon, NH

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**To:** Zoning Board of Adjustment  
**From:** David Brooks, *Senior Planner / Interim Zoning Administrator*  
**Subject:** EXECUSUITE, LLC - Request for Variance - Map 92, Lot 78  
**Date:** March 18, 2014

---

**EXECUSUITE, LLC:** A request for a Variance from the terms of Article III, Section 309.2 to convert the former Lebanon Junior High School gymnasium area totaling 4,775 sqft. to a personal services use (gym and exercise studio(s)). The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family housing and office. The property is located at 75 Bank St., Tax Map 92, Lot 78, Lebanon, NH, in the R-2 zone ZBVAR2014-08

### **BACKGROUND:**

The property, formerly the Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the applicant obtained a Special Exception to convert the building into 40 units of multi-family housing. A Building Permit was issued in February to allow interior demolition and to begin framing for the 40 residential units.

On March 3, 2014, the applicant obtained a Special Exception for the conversion of 3,213 sqft. in the lower basement area (the former wood shop) to office use. A copy of the most recent Zoning Board approval is attached.

### **PROPOSAL:**

The applicant is seeking a Variance from the terms of Article III, Section 309.2 to convert the gymnasium area of the former Lebanon Junior High School to personal services use, including a gym and exercise studio(s). The gymnasium area totals 4,775 sqft. on the lower basement level. The applicant proposes that personal service use(s) will be available for use by residents of the building and members of the general public.

### **ORDINANCE:**

The Zoning Ordinance defines "personal service" as "a business providing services of a personal nature such as barber, hairdresser, health spa beauty parlor, shoe repair, arts and crafts and self-improvement training, or photographic studio, except laundry and dry cleaning establishments."

Article III, Section 309.2 does not allow personal services as either a permitted or Special Exception use within the R-2 district. The applicant is seeking a Variance to allow the conversion of the former gymnasium area for personal service uses. The applicant has submitted documentation and testimony addressing the Variance standards. Please see the application materials dated March 17, 2014.

Variance standards include:

**The variance will not be contrary to the public interest?** According to the *Board of*

*Adjustment in NH, 2012 Edition*, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

**Will the spirit of the ordinance be observed?** According to the *Board of Adjustment in NH, 2012 Edition*, in deciding whether or not a variance will violate the spirit and intent of the ordinance, the Board must determine the legal purpose the ordinance serves and the reason it was enacted. The effect of the variance should be evaluated in light of the goals of the Ordinance, which might begin or end with a review of the master plan upon which the ordinance is based.

**Is substantial justice done?** According to the *Board of Adjustment in NH, 2012 Edition*, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.

**Are values of surrounding properties diminished?** According to the *Board of Adjustment in NH, 2012 Edition*, if there is conflicting evidence (dueling experts) then it is the Board's job to sift through such testimony and other evidence to make a finding as to whether there will be a decrease in property values. Board members may also draw upon their own knowledge of the area in reaching a decision on this standard. It is the applicant's burden to convince the Board that it is more likely than not that the project will not decrease values.

**Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?** According to the *Board of Adjustment in NH, 2012 Edition*, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.

Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.

Lastly, is the proposed use a reasonable one? All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

The parking requirement for personal service uses is one space per 250 sqft. of gross floor area. For the gymnasium space, the parking requirement would be 19 spaces. The previous approvals granted by the Zoning Board for 40 dwelling units and 3,213 sqft. of office space require 54 parking spaces combined. A concurrent application is pending before the Zoning Board for a Special Exception to create 2 additional dwelling units in the building, which would require 2.5 additional spaces. The applicant has provided a parking plan (Sheet A0-2) depicting a total of 85 parking spaces on the property to support the approved and proposed uses. All proposed parking is shown to occur within the pre-existing paved areas of the property.

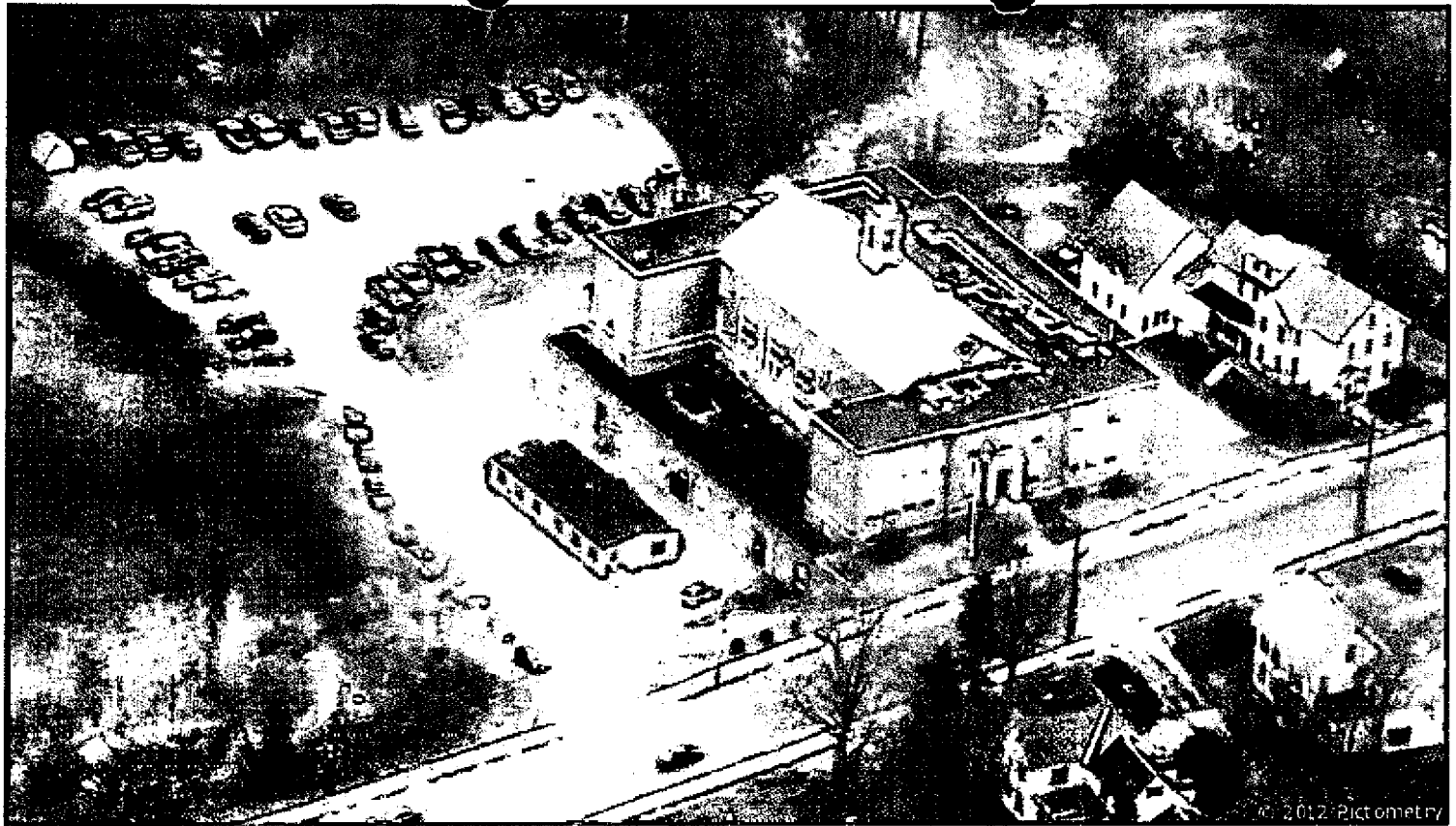


During the Planning Board's Site Plan Review of the original 40 dwelling units, the Board included a condition of approval requiring that "[t]he applicant shall work with the Planning Office and the City Engineer to efficiently delineate parking spaces within the existing paved areas to ensure adequate parking for apartment tenants and for future users of the playing fields."

If approved, the proposed conversion to personal use(s) is also subject to Site Plan Review approval by the Lebanon Planning Board.

Cc: Execusuite, LLC  
C. Nicholas Burke, Esq.





## Jr. High

Print Date: 03/19/2014  
Image Date: 04/06/2012  
Level: Neighborhood

**NOTICE OF DECISION  
ZONING BOARD OF ADJUSTMENT**

On March 3, 2014, at a duly noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Michael Davidson and Attorney Nicholas Burke, representing EXECUSUITE, LLC, seeking a Special Exception from the terms of Article III, Section 309.2, #2 to allow an office conversion per Section 601 of the Zoning Ordinance. The property contains a former public school building, and was previously granted a zoning permit to convert a portion of the building into multi-family housing. Applicant is proposing to add office space, totaling 3,213 sq. ft., in the lower basement area (the former wood shop). The property is located at 75 Bank St., Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-04

1. The property, former Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the previous and current owner of the property obtained a Special Exception to convert the building into 40 units of multi-family housing. That project is proceeding.
2. The Applicant is seeking a Special Exception under Section 601 to allow some of the space in the lower (basement) level, specifically the area of the former school wood shop, to be converted into office space. Proposed office areas labeled: L01 consisting of 234 sq. ft., L03 - 671 sq. ft., L04 - 2,013 sq. ft., and L06 - 295 sq. ft., for a total of 3,213 sq. ft. of proposed office space in the lower level.
3. The Ordinance allows, by Special Exception, the conversion of an existing building into office use (or a portion thereof) in this Residential-two zoning district pursuant to Section 601 of the Ordinance.
4. Required parking for this office space of 3,213 sq. ft. is 13 parking spaces. The project now consists of 40 studio apartments, and with the addition of office use requires a minimum of 53 parking spaces. The site plan has been updated to reflect these changes. Due to continued use of the outdoor playing fields, total spaces proposed are 61.
5. No additions or changes to the exterior of the building are proposed at this time.
6. Site Plan Review approval by the Planning Board is required by Section 601.9 of the Ordinance.
7. Robin Carpenter asked several questions about past and current plans with the building, but did not express any objections to the proposal.

As a result of the above findings of fact, documentation, testimony and inspections, the Board concludes:

- A. That the special exception is specifically authorized by a provision of this ordinance.
- B. That all special conditions required of the special exception **have** been met.

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

Now therefore, be it resolved the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of EXECUSUITE, LLC for a special exception 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 voted to GRANT this application on March 3, 2014.



# CITY OF LEBANON APPLICATION FOR

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               |                        |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------|--------------|
| <b>PROPERTY OWNER (APPLICANT):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                               |                        |              |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Execusuite, LLC                                               | TEL.#:                 | 603-359-4701 |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 31 Elm Street, Lebanon, NH 03766                              |                        |              |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | mike@ledgeworks.com                                           |                        |              |
| <b>CO-APPLICANT, AGENT, OR LESSEE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |                        |              |
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | C. Nicholas Burke                                             | TEL.#:                 | 603-448-9650 |
| MAILING ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766 |                        |              |
| E-MAIL ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | nick@burkehotchkiss.com                                       |                        |              |
| <b>PROJECT LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                               |                        |              |
| TAX MAP #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 92                                                            | LOT #:                 | 78           |
| PLOT #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                               | ZONE:                  | R2           |
| STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |                        |              |
| IS THIS PROPERTY LOCATED IN THE: <b>WETLANDS</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>HISTORIC DISTRICT</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                 |                                                               |                        |              |
| <b>FLOOD PLAIN</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |                        |              |
| <b>SCOPE OF PROJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                               |                        |              |
| Conversion of former Junior High gymnasium to personal services use (gym and exercise studio(s))                                                                                                                                                                                                                                                                                                                                                                                                  |                                                               |                        |              |
| <b>TYPE OF OCCUPANCY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                               |                        |              |
| EXISTING <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL<br>PROPOSED <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL |                                                               |                        |              |
| IF USE IS <b>COMMERCIAL</b> OR <b>INDUSTRIAL</b> , PLEASE NOTE <b>SPECIFIC USE</b> : Multi-family residential, office and recreation facility                                                                                                                                                                                                                                                                                                                                                     |                                                               |                        |              |
| <b>SIGNATURE BLOCK:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                               |                        |              |
| <b>FOR PLANNING BOARD APPLICATIONS ONLY:</b> 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 <u>April 7</u> , 20 <u>14</u> , unless I personally request, in writing, that the Board delay its determination of completeness to a later date.                            |                                                               |                        |              |
| PROPERTY OWNER: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               | DATE: <u>3/17/2014</u> |              |
| <b>NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW:</b> 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: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                               | DATE: <u>3/17/2014</u> |              |

| DATE RECEIVED | FILE # (MAP/LOT) | APPLICATION # | FEE - \$ AMOUNT | DATE PAID | VOUCHER # |
|---------------|------------------|---------------|-----------------|-----------|-----------|
| 3/17/14       | 92-78            | ZBVar2014-08  | \$260.00        | 3/17/14   | 14055     |

(Last Revised 10/09/09)

# SUPPORT STATEMENT FOR A VARIANCE

Amended as to comply with amended State statute and intent statement\*

## CITY OF LEBANON, NEW HAMPSHIRE

**Variance Standards: RSA 674:33 Effective Jan. 1, 2010**

**One** cover application with an abutters list, required filing fee and ten copies of the site plan (if larger than 8 ½ in. x 11in.) must accompany this support statement.

I (we) hereby request a variance from the terms of Article(s) III  
Section(s) 309.2 of the Lebanon Zoning Ordinance.

**In order to grant a Variance, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:**

### 801.2 Variances.

A. To authorize, upon appeal in specific case, variances from the terms of this ordinance, no variance shall be granted unless each of the following conditions are met:

1. That the variance, if authorized, will not be contrary to the public interest;

The space to be used for personal services (exercise studio(s)) is located in the former Junior High School gymnasium and will provide valuable services to building residents and members of the general public.

2. That the variance will observe the spirit of the Ordinance.

This property is unique. Use of the former Junior High School gymnasium will in no way negatively impact the neighborhood or residents and will allow productive use of this property.

3. That by the granting of the variance, substantial justice will be done;

Granting of the variance will allow use of this large open space within the former Junior High School building which is otherwise unsuited for permitted uses or uses allowed by special exception.

4. That the variance, if authorized, will not diminish the values of surrounding properties

The variance will have no impact on the values of surrounding properties. and;

5. That denial of the variance would result in unnecessary hardship.

(a) In this section "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property

This is a unique property in the neighborhood which requires a variance in order to allow reasonable use to be made of the former gymnasium space.; and

(ii) The proposed use is a reasonable one.

The former gymnasium space is well-suited for exercise studio use, which is consistent with the use formerly made of this space.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformity with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

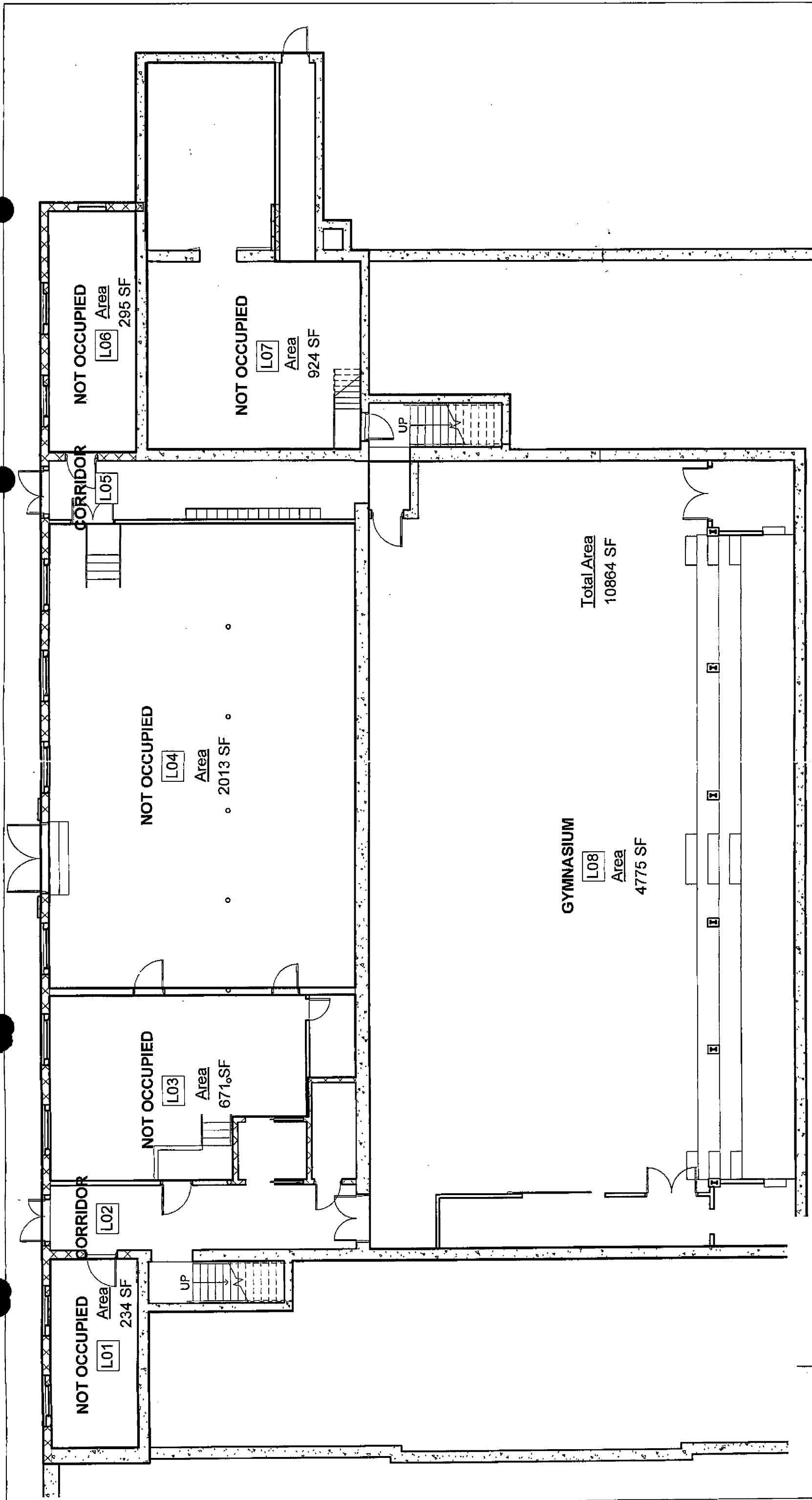
Due to the size and configuration of the former Junior High School gymnasium, it is not suited for any permitted use or use allowed by special exception.

A variance 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 variance; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a variance must be completed.

***\*This form was amended as to comply with an amended statute and intent statement (below) contained in Senate Bill #147.***

Statement of Intent:

"The intent of [this statutory change] is to eliminate the separate 'unnecessary hardship' standard for 'area' variances, as established by the New Hampshire supreme court in the case of *Boccia v. City of Portsmouth*, 155 N.H. 84 (2004), and to provide that the unnecessary hardship standard shall be deemed satisfied, in both use and area variance cases, if the applicant meets the standards established in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), as those standards have been interpreted by subsequent decisions of the supreme court. If the applicant fails to meet those standards, an unnecessary hardship shall be deemed to exist only if the applicant meets the standards prevailing prior to the *Simplex* decision, as exemplified by cases such as *Governor's Island Club, v. Town of Gilford*, 124 N.H. 126 (1983)."



## Lower Basement

|                |                   |
|----------------|-------------------|
| Project number | 1310              |
| Date           | NOVEMBER 27, 2013 |
| Drawn by       | Author            |
| Checked by     | Checker           |

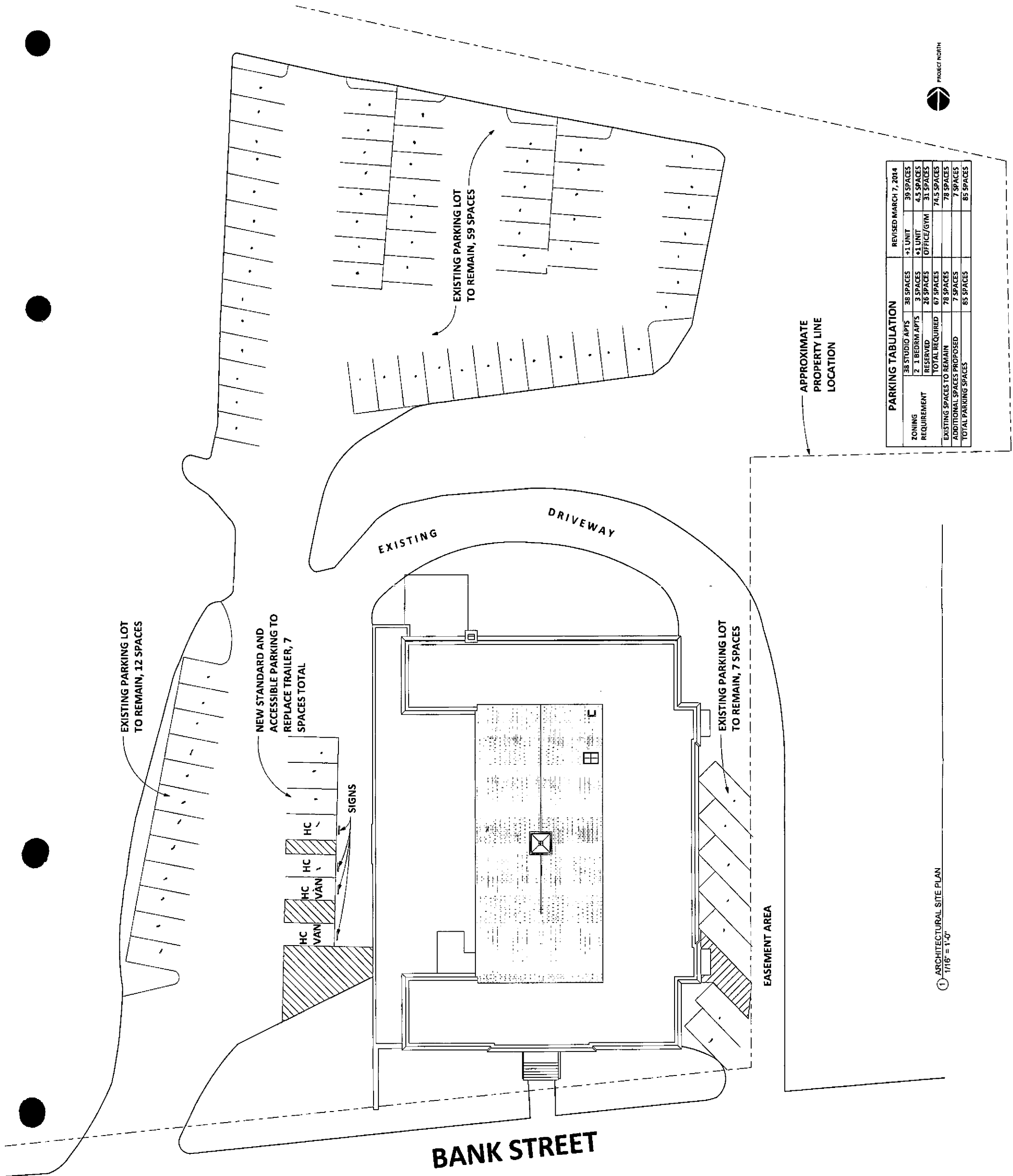
# 75 BANK STREET APARTMENTS

Tel. 802-275-5110  
www.studionexusarch.com

ARCHITECTS • PLANNERS, LLC

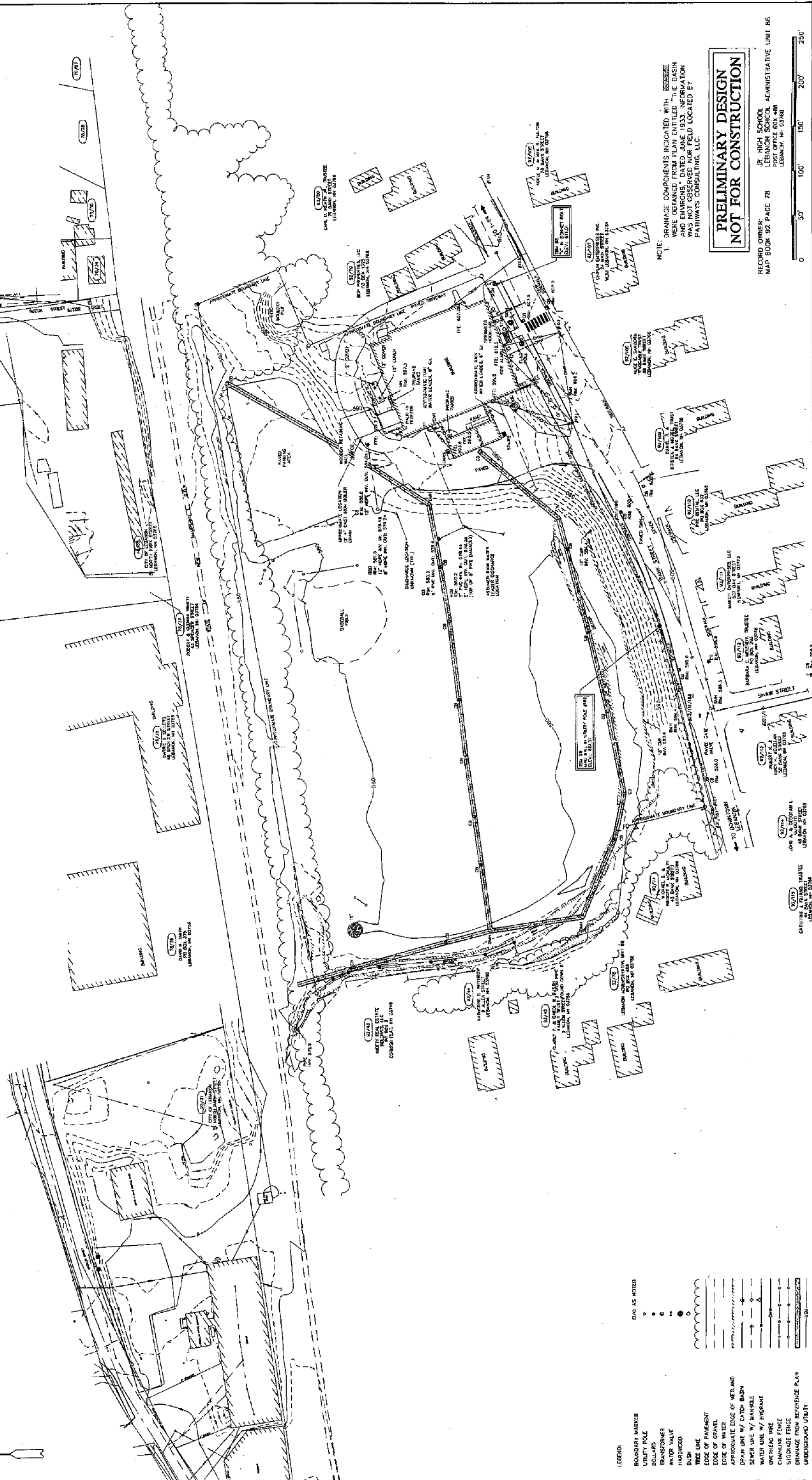
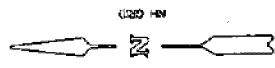
**NEXUS**

146 South Main St., Suite 200  
P.O. Box 275  
White River Junction, VT  
05001-0275



| PARKING TABULATION         |                |           |            | REVISED MARCH 7, 2014 |         |            |  |
|----------------------------|----------------|-----------|------------|-----------------------|---------|------------|--|
| ZONING REQUIREMENT         | 38 STUDIO APTS | 38 SPACES | +1 UNIT    | 39 SPACES             | +1 UNIT | 39 SPACES  |  |
|                            | 2 1 BEDRM APTS | 3 SPACES  | +1 UNIT    | 4.5 SPACES            | +1 UNIT | 4.5 SPACES |  |
|                            | RESERVED       | 26 SPACES | OFFICE/GYM | 31 SPACES             |         |            |  |
|                            | TOTAL REQUIRED | 67 SPACES |            | 74.5 SPACES           |         |            |  |
| EXISTING SPACES TO REMAIN  |                | 78 SPACES |            | 78 SPACES             |         |            |  |
| ADDITIONAL SPACES PROPOSED |                | 7 SPACES  |            | 7 SPACES              |         |            |  |
| TOTAL PARKING SPACES       |                | 85 SPACES |            | 85 SPACES             |         |            |  |





- LEGEND:
- BOUNDARY MARKER
  - UTILITY POLE
  - BOLLARD
  - TRANSFORMER
  - WATER VALVE
  - HARDWOOD
  - TREE LINE
  - EDGE OF PAVEMENT
  - EDGE OF GRAVEL
  - APPROXIMATE EDGE OF WETLAND
  - DRAIN LINE W/ CATCH BASIN
  - SEWER LINE W/ MANHOLE
  - WATER LINE W/ HYDRANT
  - OVERHEAD WIRE
  - CHAINLINK FENCE
  - STOCKADE FENCE
  - DRAINAGE FROM REFERENCE PLAN
  - UNDERGROUND UTILITY

NOTE: DRAINAGE COMPONENTS INDICATED WITH THESE SYMBOLS WERE OBTAINED FROM PLAN ENTITLED "THE BASIN AND ENVIRONS" DATED JUNE 1933. INFORMATION WAS NOT OBSERVED NOR FIELD LOCATED BY PATHWAYS CONSULTING, LLC.

**PRELIMINARY DESIGN  
NOT FOR CONSTRUCTION**

RECORD OWNER:  
JR. HIGH SCHOOL  
LEBANON SCHOOL ADMINISTRATIVE UNIT 88  
MAP BOOK 92 PAGE 78  
POST OFFICE BOX 480  
LEBANON, NH 03768



EXISTING CONDITIONS PLAN FOR  
**LEBANON SCHOOL DISTRICT - BANK STREET SCHOOL**  
LEBANON, NEW HAMPSHIRE

**PATHWAYS CONSULTING, LLC**  
3 SOULGHOUSE LANE, P.O. BOX 600  
LEBANON, NEW HAMPSHIRE 03755  
(603) 643-3511

DESIGNED BY: MPM/SAH  
DRAWN BY: SMZ  
CHECKED BY: SAH  
DATE: 02/11/08

SCALE: 1" = 50'  
2

# CITY OF LEBANON APPLICATION FOR

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                     |                 |           |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|-----------------|-----------|------------------------|
| <b>PROPERTY OWNER (APPLICANT):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  |                     |                 |           |                        |
| NAME: Execusuite, LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  | TEL.#: 603-359-4701 |                 |           |                        |
| MAILING ADDRESS: 31 Elm Street, Lebanon, NH 03766                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                     |                 |           |                        |
| E-MAIL ADDRESS: mike@ledgeworks.com                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                     |                 |           |                        |
| <b>CO-APPLICANT, AGENT, OR LESSEE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                     |                 |           |                        |
| NAME: C. Nicholas Burke                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  | TEL.#: 603-448-9650 |                 |           |                        |
| MAILING ADDRESS: Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766                                                                                                                                                                                                                                                                                                                                                                                              |                  |                     |                 |           |                        |
| E-MAIL ADDRESS: nick@burkehotchkiss.com                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                     |                 |           |                        |
| <b>PROJECT LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                     |                 |           |                        |
| TAX MAP #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 92               | LOT#:               | 78              | PLOT #:   | ZONE: R2               |
| STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                     |                 |           |                        |
| IS THIS PROPERTY LOCATED IN THE: <b>WETLANDS</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>HISTORIC DISTRICT</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                           |                  |                     |                 |           |                        |
| <b>FLOOD PLAIN</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                      |                  |                     |                 |           |                        |
| <b>SCOPE OF PROJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                     |                 |           |                        |
| Conversion of former Junior High gymnasium to personal services use (gym and exercise studio(s))                                                                                                                                                                                                                                                                                                                                                                            |                  |                     |                 |           |                        |
| <b>TYPE OF OCCUPANCY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |                     |                 |           |                        |
| EXISTING <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL                                                                                                                                                                                                                                   |                  |                     |                 |           |                        |
| PROPOSED <input type="checkbox"/> VACANT <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL                                                                                                                                                                                                                        |                  |                     |                 |           |                        |
| IF USE IS <b>COMMERCIAL</b> OR <b>INDUSTRIAL</b> , PLEASE NOTE <b>SPECIFIC</b> USE: Multi-family residential, office and recreation facility                                                                                                                                                                                                                                                                                                                                |                  |                     |                 |           |                        |
| <b>SIGNATURE BLOCK:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                     |                 |           |                        |
| <b>FOR PLANNING BOARD APPLICATIONS ONLY:</b> 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 <u>April 7</u> , 20 <u>14</u> , unless I personally request, in writing, that the Board delay its determination of completeness to a later date.      |                  |                     |                 |           |                        |
| PROPERTY OWNER: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                     |                 |           | DATE: <u>3/17/2014</u> |
| <b>NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW:</b> 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: <u>C. Nicholas Burke, AGENT</u>                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                     |                 |           | DATE: <u>3/17/2014</u> |
| DATE RECEIVED                                                                                                                                                                                                                                                                                                                                                                                                                                                               | FILE # (MAP/LOT) | APPLICATION #       | FEE - \$ AMOUNT | DATE PAID | VOUCHER #              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                     |                 |           |                        |

(Last Revised 10/09/09)

## CERTIFIED NOTIFICATION LIST

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

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

|                                                                                                                                          |                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MAP &amp; LOT NUMBER:</b> <u>92-78</u><br>PROPERTY OWNER: Execusuite, LLC<br>75 Bank St<br>31 Elm Street<br>Lebanon, NH<br>03766      | <b>MAP &amp; LOT NUMBER:</b> <u>92-78</u><br>APPLICANT: Execusuite, LLC<br>75 Bank St<br>31 Elm Street<br>Lebanon, NH 03766                                                    |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-76</u><br>ABUTTER/OTHER: 41 Bank St<br>POTTER, GERALDINE V<br>40 Bank St, A-1<br>Lebanon, NH<br>03766 | <b>MAP &amp; LOT NUMBER:</b> <u>92-45</u><br>ABUTTER/OTHER: 5 Allen St<br>DUSTIN, C P & C W TRUSTEES<br>CLARKE & DUSTIN REV FAM TRST<br>5 Allen Street<br>Lebanon, NH<br>03766 |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-44</u><br>ABUTTER/OTHER: 9 Allen St<br>WASSER, JAMES R<br>9 Allen St<br>Lebanon, NH<br>03766          | <b>MAP &amp; LOT NUMBER:</b> <u>92-43</u><br>ABUTTER/OTHER: 37 Parkhurst St<br>HIGETY REAL EST HOLDINGS LLC<br>PO Box 2<br>Cornish Flat, NH<br>03746                           |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-79</u><br>ABUTTER/OTHER: 77 Bank St<br>BGP PROP LLC<br>PO Box 1325<br>Lebanon, NH<br>03766            | <b>MAP &amp; LOT NUMBER:</b> <u>          </u><br>ABUTTER/OTHER: State of New Hampshire<br>Rail Trail                                                                          |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-110</u><br>ABUTTER/OTHER: 60 Bank St<br>PTC RENTAL, LLC<br>PO Box 632<br>Lebanon, NH<br>03766         | <b>MAP &amp; LOT NUMBER:</b> <u>92-80</u><br>ABUTTER/OTHER: 79 Bank St<br>HEATH JR, EARL D TTEE<br>INTERVIVOS REVOCABLE TRUST<br>79 Bank St<br>Lebanon, NH, 03766              |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-111</u><br>ABUTTER/OTHER: 56 Bank St<br>MAKOTI ENTERPRISES, LLC<br>507 Oak St<br>Newport, NH<br>03773 | <b>MAP &amp; LOT NUMBER:</b> <u>92-106</u><br>ABUTTER/OTHER: 78 Bank St<br>FULTON, ADELE M & NEIL R<br>78 Bank St<br>Lebanon, NH<br>03766                                      |

## CERTIFIED NOTIFICATION LIST

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

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

|                                                                                                                                                      |                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MAP &amp; LOT NUMBER:</b> <u>92-78 ✓</u><br>PROPERTY OWNER: Execusuite, LLC<br>75 Bank St                      31 Elm Street<br>Lebanon, NH 03766 | <b>MAP &amp; LOT NUMBER:</b> <u>92-78</u><br>APPLICANT: Execusuite, LLC<br>75 Bank St                      31 Elm Street<br>Lebanon, NH 03766                   |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-113 ✓</u><br>ABUTTER/OTHER: 50 Bank St<br>MCLELLAN, ROBERT K & LUCY H<br>50 Bank St<br>Lebanon, NH<br>03766       | <b>MAP &amp; LOT NUMBER:</b> <u>92-108 ✓</u><br>ABUTTER/OTHER: 68 Bank St<br>SANBORN, ALLISON L<br>68 Bank St<br>Lebanon, NH<br>03766                           |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-114 ✓</u><br>ABUTTER/OTHER: 48 Bank St<br>GUIDOTTI, JOHN A & DEBORAH L<br>48 Bank St<br>Lebanon, NH<br>03766      | <b>MAP &amp; LOT NUMBER:</b> <u>92-109 ✓</u><br>ABUTTER/OTHER: 64 Bank St<br>MCGEE, D & K REV TRST<br>MCGEE, D B & K J TTEES<br>64 Bank St<br>Lebanon, NH 03766 |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-77 ✓</u><br>ABUTTER/OTHER: 43 Bank St<br>KNITTLE, MATTHEW J & LINDSAY T<br>43 Bank St<br>Lebanon, NH<br>03766     | <b>MAP &amp; LOT NUMBER:</b> <u>92-112 ✓</u><br>ABUTTER/OTHER: 54 Bank St<br>CERVANTES, KAREN & RAUL<br>PO Box 293<br>Lebanon, NH<br>03766                      |
| <b>MAP &amp; LOT NUMBER:</b> <u>92-107 ✓</u><br>ABUTTER/OTHER: 72 Bank St<br>CHIPLIN ENTERPRISES INC<br>30 Main St<br>West Lebanon, NH<br>03784      | <b>MAP &amp; LOT NUMBER:</b> _____<br>ABUTTER/OTHER:                                                                                                            |
| <b>MAP &amp; LOT NUMBER:</b> _____<br>ABUTTER/OTHER:                                                                                                 | <b>MAP &amp; LOT NUMBER:</b> _____<br>ABUTTER/OTHER:                                                                                                            |

## Property Map



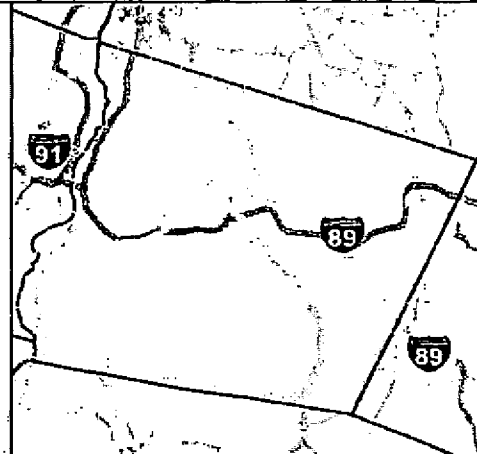
## Property Information

Property ID 92-78  
Location 75 BANK ST  
Owner LEBANON SCHOOL DISTRICT



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

This data set/map is for planning purposes only and should not be used for larger scale analysis. The City of Lebanon shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.







# LEBANON, NEW HAMPSHIRE

100

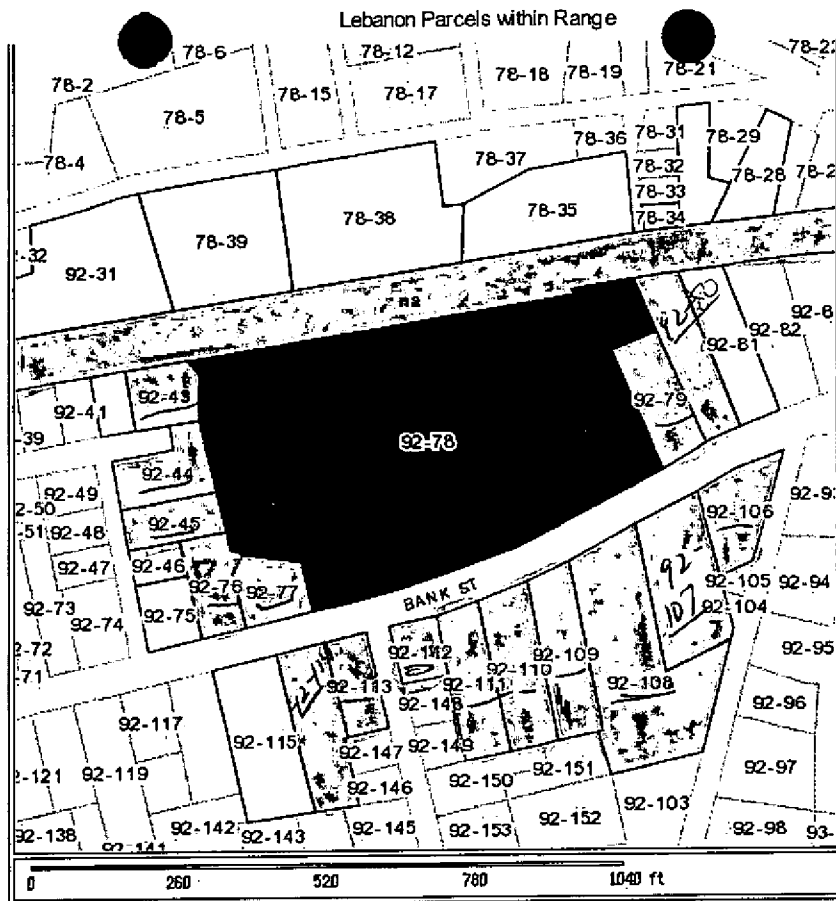
Feet

Refresh With New Distance

Print Mailing Labels at 100 Feet

| Count | Parcel # | Owner                                                   | Address              | City         | State | Zip   |
|-------|----------|---------------------------------------------------------|----------------------|--------------|-------|-------|
| 1     | 78-28    | LEDUC, ANGIE MARIE                                      | 68 SPENCER ST        | LEBANON      | NH    | 03766 |
| 2     | 78-30    | COLE, MARK T                                            | 64 SPENCER STREET    | LEBANON      | NH    | 03766 |
| 3     | 78-34    | RYAN JR, LEWIS E & HEATHER J                            | 7 SUZOR COURT        | LEBANON      | NH    | 03766 |
| 4     | 78-35    | CITY OF LEBANON                                         | 51 NORTH PARK STREET | LEBANON      | NH    | 03766 |
| 5     | 78-38    | SELLERS, J BARRIE                                       | 48 SPENCER STREET    | LEBANON      | NH    | 03766 |
| 6     | 78-39    | SMITH, DAVID C DBA DANIELS MOVING & STORAGE             | PO BOX 375           | LEBANON      | NH    | 03766 |
| 7     | 92-106   | FULTON, ADELE M & NEIL R                                | 78 BANK STREET       | LEBANON      | NH    | 03766 |
| 8     | 92-107   | CHIPLIN ENTERPRISES INC                                 | 30 MAIN STREET       | WEST LEBANON | NH    | 03784 |
| 9     | 92-108   | SANBORN, ALLISON L                                      | 68 BANK STREET       | LEBANON      | NH    | 03766 |
| 10    | 92-109   | MCGEE, D B & K J TIEES MCGEE, D & K REV TRST            | 64 BANK STREET       | LEBANON      | NH    | 03766 |
| 11    | 92-110   | PTC RENTAL, LLC                                         | PO BOX 632           | LEBANON      | NH    | 03766 |
| 12    | 92-111   | MAKOTI ENTERPRISES, LLC                                 | 507 OAK STREET       | NEWPORT      | NH    | 03773 |
| 13    | 92-112   | CERVANTES, KAREN & RAUL                                 | PO BOX 293           | LEBANON      | NH    | 03766 |
| 14    | 92-113   | MCLELLAN, ROBERT K & LUCY H                             | 50 BANK STREET       | LEBANON      | NH    | 03766 |
| 15    | 92-114   | GUIDOTTI, DEBORAH L                                     | 48 BANK STREET       | LEBANON      | NH    | 03766 |
| 16    | 92-115   | FILIANO, CATHERINE J TTEE FILIANO, CATHERINE J REV TRST | 44 BANK ST           | LEBANON      | NH    | 03766 |
| 17    | 92-31    | CITY OF LEBANON                                         | 51 NORTH PARK STREET | LEBANON      | NH    | 03766 |
| 18    | 92-42    | CENTRO STORICO LLC                                      | 7 SARGENT STREET     | HANOVER      | NH    | 03755 |
| 19    | 92-43    | HIGETY REAL EST HOLDINGS LLC                            | PO BOX 2             | CORNISH FLAT | NH    | 03746 |
| 20    | 92-44    | WASSER, JAMES R                                         | 9 ALLEN ST           | LEBANON      | NH    | 03766 |
| 21    | 92-45    | DUSTIN, C P & C W TRUSTEES CLARKE & DUSTIN REV FAM TRST | 5 ALLEN STREET       | LEBANON      | NH    | 03766 |
| 22    | 92-46    | FELSMAN, J KIRK & IRENE C                               | 2935 FRIENDSHIP RD   | DURHAM       | NC    | 27705 |
| 23    | 92-75    | 37 BANK STREET ASSOCIATES LLC                           | 37 BANK STREET       | LEBANON      | NH    | 03766 |
| 24    | 92-76    | CARPENTER, ROBIN L & TERESA M                           | 28 THOMPSON RD       | HANOVER      | NH    | 03755 |
| 25    | 92-77    | KNITTLE, MATTHEW J & LINDSAY T                          | 43 BANK ST           | LEBANON      | NH    | 03766 |
| 26    | 92-78    | EXECUSUITE LLC % DAVIDSON, MICHAEL                      | 31 ELM STREET        | LEBANON      | NH    | 03766 |
| 27    | 92-78    | EXECUSUITE LLC % DAVIDSON, MICHAEL                      | 31 ELM STREET        | LEBANON      | NH    | 03766 |
| 28    | 92-79    | BGP PROP LLC                                            | PO BOX 1325          | LEBANON      | NH    | 03766 |
| 29    | 92-80    | HEATH JR, EARL D TTEE INTERVIVOS REVOCABLE TRUST        | 79 BANK STREET       | LEBANON      | NH    | 03766 |
| 30    | 92-81    | TALBERT JR, BEVERLY & DONALD H                          | 81 BANK STREET       | LEBANON      | NH    | 03766 |

State of NH Fair Trail



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## 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:

**Request for: EXECUSUITE, LLC:** A request for a Special Exception from the terms of Article III, Section 309.2 #1 for the creation of 2 additional dwelling units pursuant to Section 601 of the Zoning Ordinance over and above the 40 units previously-approved within the former Lebanon Junior High School building. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family housing and office. The property is located at 75 Bank St., Tax Map 92, Lot 78, Lebanon, NH, in the R-2 zone ZBVAR2014-09

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

Signed: David Brooks  
David Brooks, Senior Planner/Interim Zoning Administrator

Date of Zoning Board Approval/Issuance of Zoning Permit: April 21, 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 April 7, 2014, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Michael Davidson and Attorney Nicholas Burke, representing **Execusuite, LLC**, seeking a Special Exception from the terms of Article III, Section 309.2, #1 to allow the creation of 2 additional dwelling units pursuant to Section 601 of the Zoning Ordinance. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into 40 multi-family units and Office. The property is located at 75 Bank Street (former Lebanon Junior High), Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-09

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

1. The property, formerly the Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the previous and current owners of the property obtained a Special Exception to convert the building into 40 units of multi-family housing. That project is underway.
2. On March 3, 2014, the current owner obtained a Special Exception to convert 3,213 square feet on the lower level of the building to office use, pursuant to Section 601 of the Zoning Ordinance.
3. The Residential-Two zoning district was amended by the voters on March 13, 2013 to allow the conversion of buildings *other than residences* to multi-family dwelling, office, private educational facility, library, museum, theater, concert hall, and movie theater by special exception.
4. The Applicant proposes to create 2 additional dwelling units, one studio apartment and one 1-bedroom apartment, within the "upper basement" area of the building, which would bring the total number of dwelling units to 42.
6. The multi-family use of the site (for a total of 42 dwelling units) conforms to the allowed density in the R-2 zoning district, which is 2 dwelling units per 10,000 square feet of lot area, plus additional lot area of 3,000 square feet for each dwelling unit over two.
7. There are no plans to change the existing footprint of the building or the exterior of the building.
8. There are no accessory buildings slated for conversion. The temporary manufactured building in the side yard will be removed from the site.
9. Required parking for two additional residential units would be 3 spaces as proposed. The site plan has been updated to depict 85 parking spaces within the existing paved area on the property, which exceeds the requirement for

all approved and proposed uses. No new spaces are proposed within the required front yard on the property.

10. The applicant testified that impermeable coverage, including unpaved parking areas and driveways, will not exceed 65 percent of the ~7.4-acre lot.
11. Site Plan Review approval by the Planning Board for the conversion would be required, if approved.

As a result of the above findings of fact, documentation, testimony and inspections, the Board concludes:

- A. That the special exception **is** specifically authorized by a provision of this ordinance.
- B. That all special conditions required of the special exception **have** been met.
- C. That there **are no** existing violations of this ordinance on the property that the granting of this special exception would not remedy.
- 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.

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of **Execusuite, LLC** for a Special Exception to allow the creation of 2 additional dwelling units in a multi-family residence, 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 April 21, 2014.

AGENDA  
ZONING BOARD OF ADJUSTMENT  
APRIL 7, 2014

AGENDA ITEM 4B  
PUBLIC HEARINGS

**EXECUSUITE, LLC:  
(ADDITIONAL 2  
DWELLINGS)**

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# MEMO

## Codes Department City of Lebanon, NH

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**To:** Zoning Board of Adjustment  
**From:** David Brooks, *Senior Planner / Interim Zoning Administrator*  
**Subject:** EXECUSUITE, LLC - Request for Special Exception - Map 92, Lot 78  
**Date:** March 19, 2014

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**EXECUSUITE, LLC:** A request for a Special Exception from the terms of Article III, Section 309.2 #1, to allow the creation of 2 additional dwelling units pursuant to Section 601 of the Zoning Ordinance over and above the 40 units previously approved within the former Lebanon Junior High School building. The property contains a former public school building and was previously granted zoning permits to convert portions of the building into multi-family housing and office. The property is located at 75 Bank St., Tax Map 92, Lot 78, Lebanon, NH, in the R-2 zone ZBVAR2014-08

### **BACKGROUND:**

The 7.42-acre property, formerly the Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the applicant obtained a Special Exception to convert the building into 40 units of multi-family housing. A Building Permit was issued in February to allow interior demolition and to begin framing for the 40 residential units.

On March 3, 2014, the applicant obtained a Special Exception for the conversion of 3,213 sqft. in the lower basement area (the former wood shop) to office use. A copy of the most recent Zoning Board approval is attached.

### **PROPOSAL:**

The applicant is seeking a Special Exception from the terms of Article III, Section 309.2 #1 to create 2 additional dwelling units pursuant to Section 601 of the Zoning Ordinance, which would bring the total number of dwelling units in the building to 42. The new proposal includes one 1-bedroom apartment and one studio apartment. As depicted on the enclosed floor plans, the units are proposed in the 'Upper Basement' area on the side of the building closest to Bank Street. A parking plan has been provided depicting 85 spaces within the existing paved areas of the property.

### **ORDINANCE:**

The R-2 zoning district was amended by the voters on March 13, 2013 to allow the conversion of buildings *other than residences* to multi-family dwelling, office, private educational facility, library, museum, theater, concert hall, and movie theater. Such conversions are only allowed by Special Exception pursuant to Section 801.3, the standards for obtaining a Special Exception, and Section 601 "Conversions of Older Residences and Other Buildings".

The applicant has submitted documentation and testimony addressing the Special Exception standards of Section 801.3 of the Ordinance in an application packet dated March 17, 2014.

Special Exception (§801.3) standards include:

- A. That the Special Exception is specifically authorized by a provision of this Ordinance
- B. That all special conditions required of the special exception have been met.
- C. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
- 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.

The current request is also subject to the additional standards for specific uses found in Section 601: Conversions of Older Residences and Other Buildings:

601.1 Architecture. Remodeling for conversions must not alter the exterior of the structure in a manner not compatible with the architectural character of the building and the neighborhood.

There are no plans to alter the appearance of the exterior of the structure.

601.2 Parking & Access. Adequate off-street parking shall be provided on the lot. Such parking shall not be in the front yard and shall be screened from abutting properties.

The parking requirement for multi-family dwellings is: 1 space per studio apartment and 1.5 spaces per 1-bedroom (and larger) apartments. The current proposal triggers a requirement for 2.5 additional spaces and would bring the total parking requirement for the residential components of the building to 44 spaces. The applicant has provided a parking plan (Sheet A0-2) depicting a total of 85 parking spaces on the property to support the approved uses. All proposed parking is shown to occur within the pre-existing paved areas of the property and no new spaces are depicted within the required front yard.

601.3 Coverage. Impermeable coverage, including unpaved parking areas and driveways will not exceed 65 percent of the +/-7.4 acre lot.

601.4 Density. Conversions to multi-family must comply with the zoning district's requirement for "Additional Area Per Dwelling Unit After Two."

Allowed density in the R-2 zoning district is calculated at: two dwelling units per 10,000 sq. ft. of lot area plus additional lot area of 3,000 sq. ft. for each dwelling unit over two. The proposed total of 42 units would require 2.98 acres, whereas the existing parcel exceeds 7.4 acres in size.

601.5 Additions to Existing Buildings. No additions are proposed.

601.6 Accessory Buildings. There are no accessory buildings slated for conversion. The temporary manufactured building in the side yard will be removed from the site.

601.7 Mixed Use. A building being converted may have both residential and office uses.

The applicant has already received Zoning Board approval for the conversion of a portion of the existing building to office use. A concurrent application is pending before the Zoning Board for a Variance to also create personal service uses within the former gymnasium in the building.

601.8 Replacement of Destroyed Structures. Not applicable.

601.9 Site Plan Review. All such conversions or remodeling projects shall be required to obtain Site Plan Review by the Planning Board.

If approved, the proposed conversion to multi-family is also subject to Site Plan Review approval by the Lebanon Planning Board.

Cc: Execusuite, LLC  
C. Nicholas Burke, Esq.







## Jr. High

**Print Date:** 03/19/2014  
**Image Date:** 04/06/2012  
**Level:** Neighborhood

## **NOTICE OF DECISION ZONING BOARD OF ADJUSTMENT**

On March 3, 2014, at a duly noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Michael Davidson and Attorney Nicholas Burke, representing EXECUSUITE, LLC, seeking a Special Exception from the terms of Article III, Section 309.2, #2 to allow an office conversion per Section 601 of the Zoning Ordinance. The property contains a former public school building, and was previously granted a zoning permit to convert a portion of the building into multi-family housing. Applicant is proposing to add office space, totaling 3,213 sq. ft., in the lower basement area (the former wood shop). The property is located at 75 Bank St., Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-04

1. The property, former Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the previous and current owner of the property obtained a Special Exception to convert the building into 40 units of multi-family housing. That project is proceeding.
2. The Applicant is seeking a Special Exception under Section 601 to allow some of the space in the lower (basement) level, specifically the area of the former school wood shop, to be converted into office space. Proposed office areas labeled: L01 consisting of 234 sq. ft., L03 - 671 sq. ft., L04 - 2,013 sq. ft., and L06 - 295 sq. ft., for a total of 3,213 sq. ft. of proposed office space in the lower level.
3. The Ordinance allows, by Special Exception, the conversion of an existing building into office use (or a portion thereof) in this Residential-two zoning district pursuant to Section 601 of the Ordinance.
4. Required parking for this office space of 3,213 sq. ft. is 13 parking spaces. The project now consists of 40 studio apartments, and with the addition of office use requires a minimum of 53 parking spaces. The site plan has been updated to reflect these changes. Due to continued use of the outdoor playing fields, total spaces proposed are 61.
5. No additions or changes to the exterior of the building are proposed at this time.
6. Site Plan Review approval by the Planning Board is required by Section 601.9 of the Ordinance.
7. Robin Carpenter asked several questions about past and current plans with the building, but did not express any objections to the proposal.

As a result of the above findings of fact, documentation, testimony and inspections, the Board concludes:

- A. That the special exception is specifically authorized by a provision of this ordinance.
- B. That all special conditions required of the special exception **have** been met.

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

Now therefore, be it resolved the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of EXECUSUITE, LLC for a special exception 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 voted to GRANT this application on March 3, 2014.

# CITY OF LEBANON APPLICATION FOR

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

## PROPERTY OWNER (APPLICANT):

NAME: Execusuite, LLC TEL #: 603-359-4701  
 MAILING ADDRESS: 31 Elm Street, Lebanon, NH 03766  
 E-MAIL ADDRESS:

## CO-APPLICANT, AGENT, OR LESSEE:

NAME: C. Nicholas Burke TEL #: 603-448-9650  
 MAILING ADDRESS: 3 Campbell Street, Lebanon, NH 03766  
 E-MAIL ADDRESS: nick@burkehotchkiss.com

## PROJECT LOCATION:

TAX MAP #: 92 LOT #: 78 PLOT #: ZONE: R2  
 STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH  
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO  
**FLOOD PLAIN** ☐ YES ☒ NO

## SCOPE OF PROJECT:

Addition of 2 residential units to former Lebanon Junior High School.

## 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**: Multi-family residential and 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 April 7, 2014, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: C. Nicholas Burke, AGENT DATE: 3/17/2014

**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: C. Nicholas Burke, AGENT DATE: 3/17/2014

| DATE RECEIVED | FILE # (MAP/LOT) | APPLICATION # | FEE - \$ AMOUNT | DATE PAID | VOUCHER # |
|---------------|------------------|---------------|-----------------|-----------|-----------|
| 3/17/14       | 92-78            | 2BSE 2014-09  | 260.60          | 3/17/14   | 14056     |

(Last Revised 10/09/09)



**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) 601, of the Lebanon Zoning Ordinance.

**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:

Multi-family residential use is allowed by Special Exception in the R-2 District Pursuant to  
Section 309.2 and Section 601 of the ordinance.

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

Proposal is to add 2 additional residential units to the 40 residential units already approved. There will  
be alteration of the exterior of the building. There is adequate parking on-site to accommodate the two  
units (and pending conversion of gym) and impermeable coverage does not cover more 65% of lot

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 the ordinance on the property.

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

There will be no impact on the character of the neighborhood. There are no changes to the exterior of the  
building and there are many multi-family properties in the neighborhood.

E. That no hazard or nuisance will be created:

No hazard or nuisance will be created.

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

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

There will be no adverse impact on existing or planned community facilities and services (including streets and highways).

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

The granting of the requested special exception will not result in any additional expense to the City.

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

Multi-family residential use is allowed as a Special Exception in the R2 zone. The property is the former Junior High School and is unique. A Special Exception to two additional units will allow productive use of space in the building which is hard to use for other permitted purposes.

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

The addition of two residential units will have no negative impact on the general welfare of the City, and will allow productive use of the property consistent with the character of the neighborhood

**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.

**STUDIO**  
ARCHITECTS + PLANNERS, LLC  
46 South Main St., Suite 200  
P.O. Box 275  
White River Junction, VT  
05001-0275

Tel. 802-275-5110  
www.studionexusarch.com  
**NEKUS**

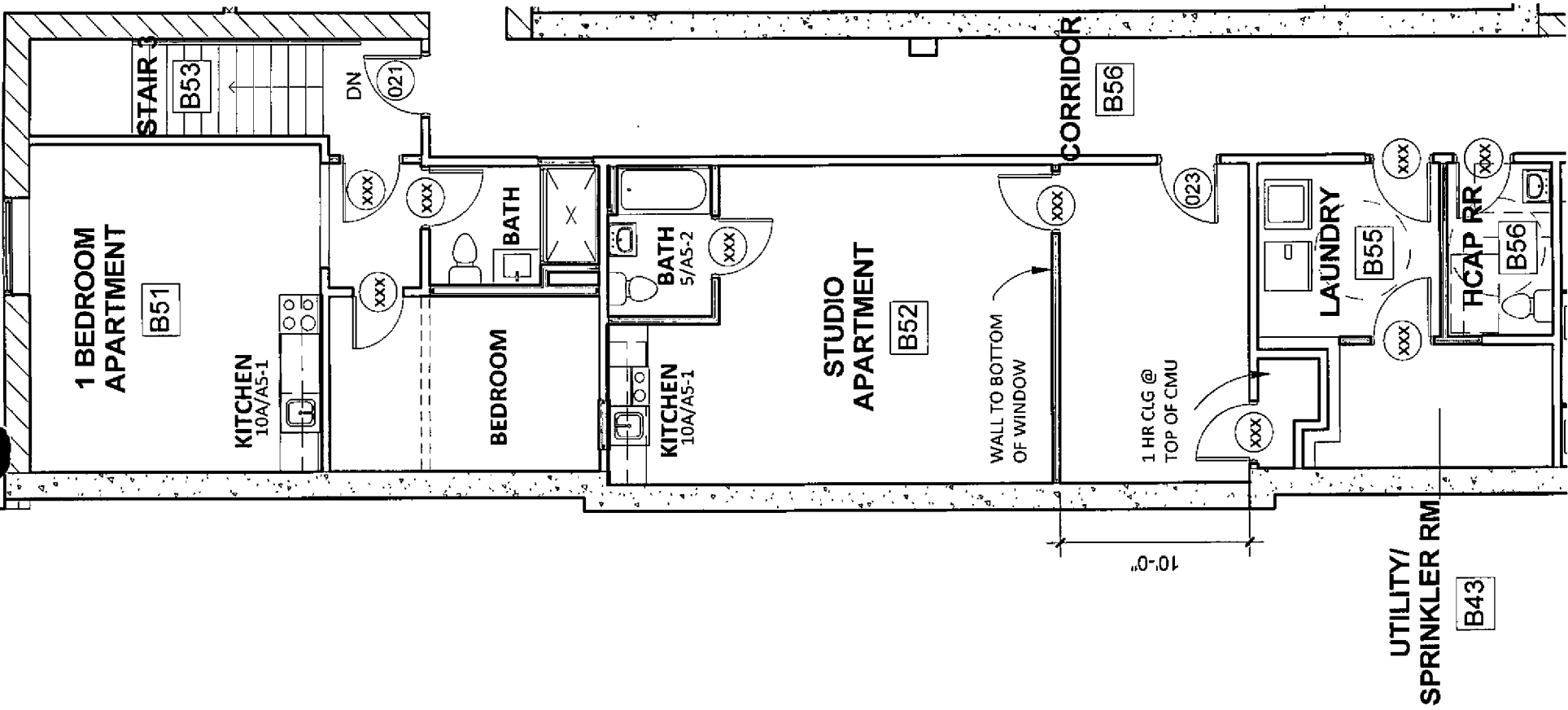
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APARTMENTS

MODIFICATIONS  
TO BASEMENT  
SOUTH WING

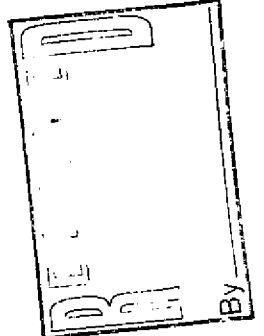
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| Date           | MARCH 06, 2014 |
| Drawn by       | WDN            |
| Checked by     | JRW            |

ASK-009

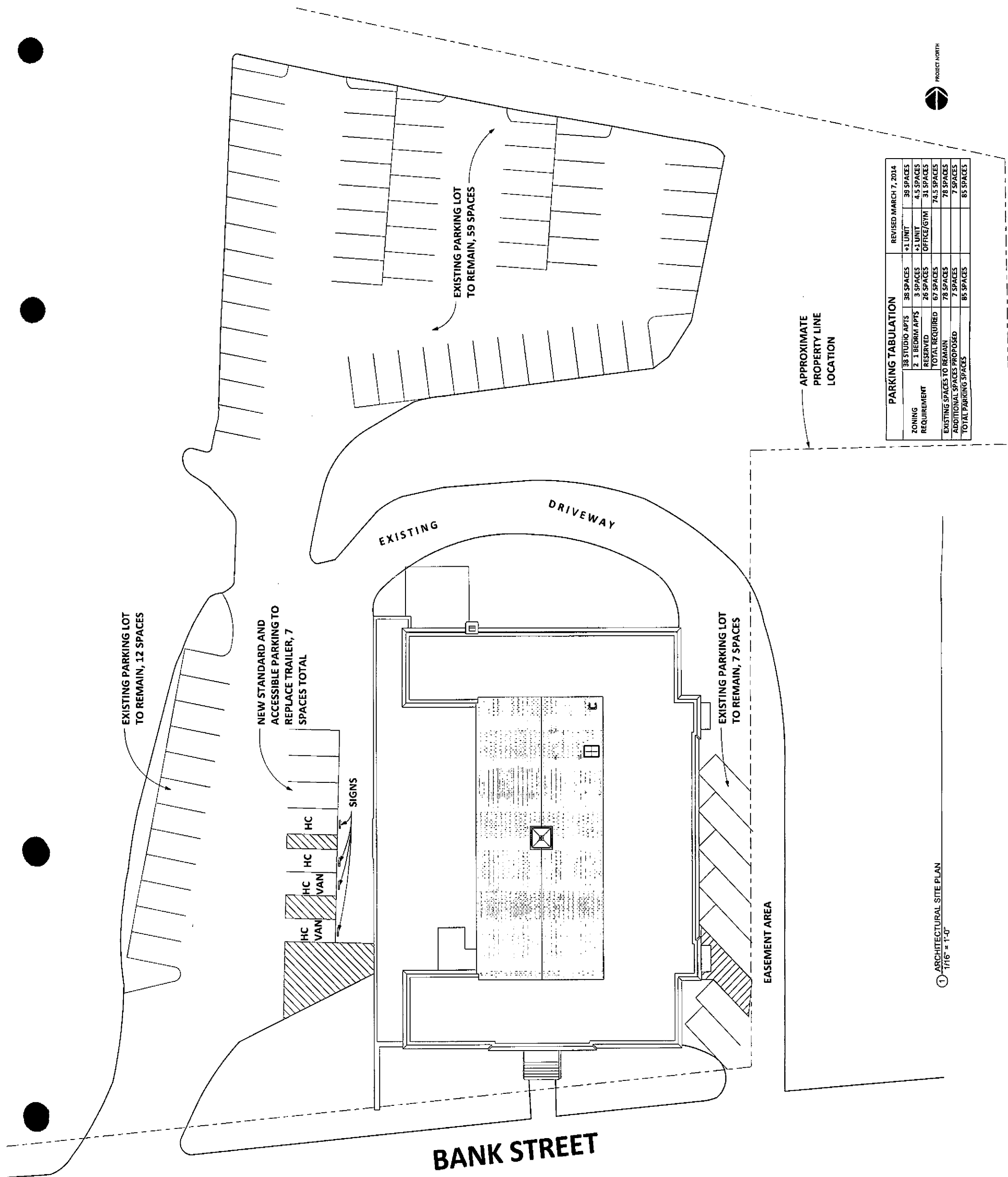
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1 PARTIAL UPPER BASEMENT PLAN  
1/8" = 1'-0"

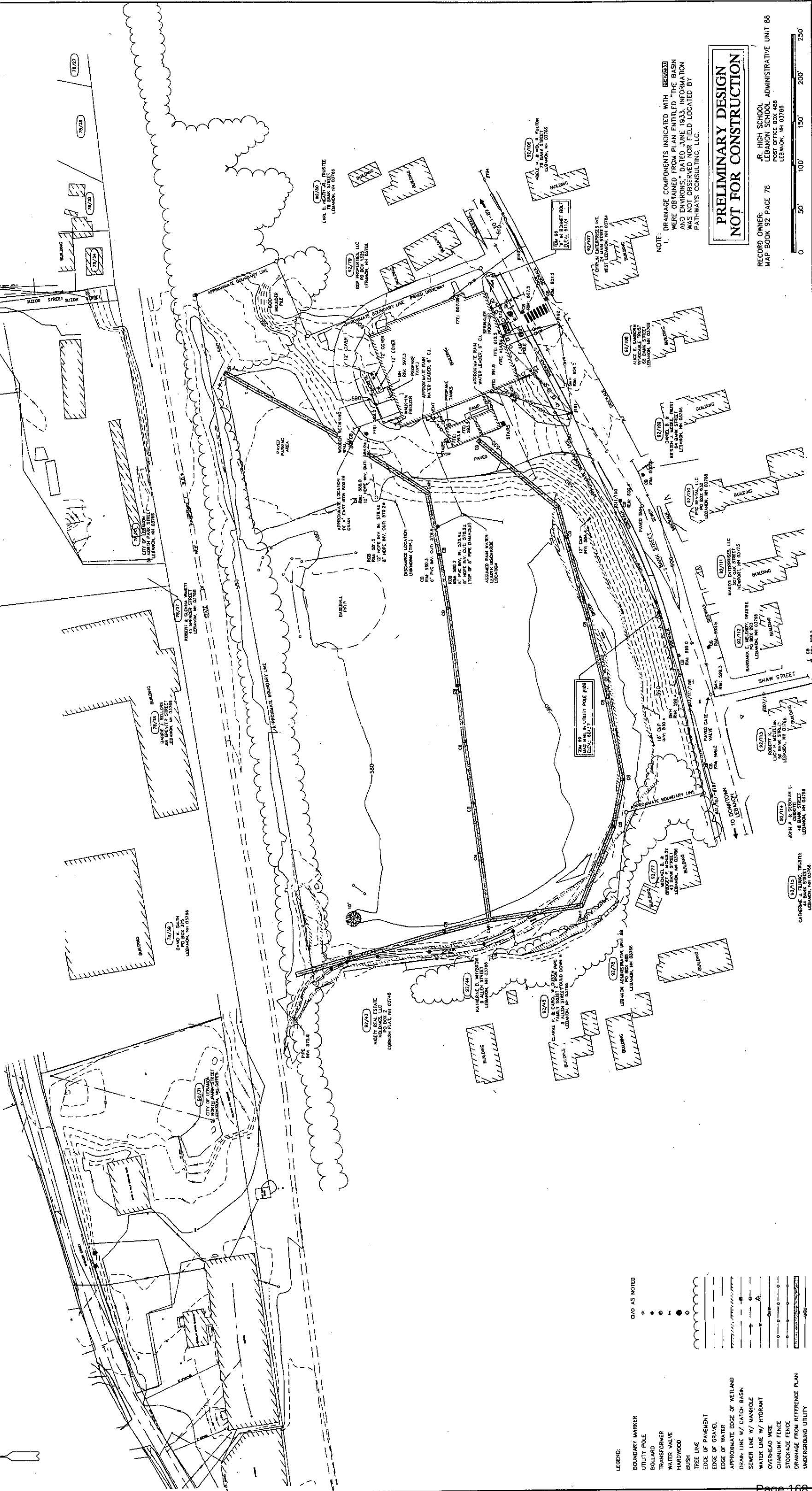
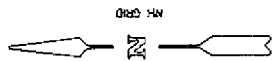






| PARKING TABULATION         |                |           | REVISED MARCH 7, 2014 |
|----------------------------|----------------|-----------|-----------------------|
| ZONING                     | 38 STUDIO APTS | 38 SPACES | +1 UNIT               |
| REQUIREMENT                | 2 1 BEDRM APTS | 3 SPACES  | +1 UNIT               |
|                            | RESERVED       | 26 SPACES | OFFICE/GYM            |
|                            | TOTAL REQUIRED | 67 SPACES |                       |
| EXISTING SPACES TO REMAIN  | 78 SPACES      |           | 74.5 SPACES           |
| ADDITIONAL SPACES PROPOSED | 7 SPACES       |           | 7 SPACES              |
| TOTAL PARKING SPACES       | 85 SPACES      |           | 85 SPACES             |





# CITY OF LEBANON APPLICATION FOR

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

## PROPERTY OWNER (APPLICANT):

NAME: Execusuite, LLC TEL #: 603-359-4701  
 MAILING ADDRESS: 31 Elm Street, Lebanon, NH 03766  
 E-MAIL ADDRESS:

## CO-APPLICANT, AGENT, OR LESSEE:

NAME: C. Nicholas Burke TEL #: 603-448-9650  
 MAILING ADDRESS: 3 Campbell Street, Lebanon, NH 03766  
 E-MAIL ADDRESS: nick@burkehotchkiss.com

## PROJECT LOCATION:

TAX MAP #: 92 LOT #: 78 PLOT #: ZONE: R2  
 STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH  
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO  
**FLOOD PLAIN** ☐ YES ☒ NO

## SCOPE OF PROJECT:

Addition of 2 residential units to former Lebanon Junior High School.

## 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: Multi-family residential and 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 April 7, 20 14, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: C. Nicholas Burke, AGENT DATE: 3/17/2014

**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: C. Nicholas Burke, AGENT DATE: 3/17/2014

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

(Last Revised 10/09/09)

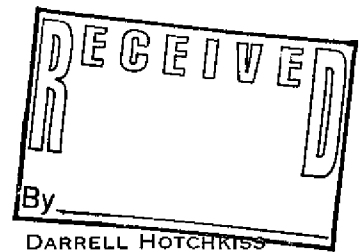
**BURKE & HOTCHKISS, PLLC**

3 CAMPBELL STREET  
LEBANON, NEW HAMPSHIRE 03766

TELEPHONE (603) 448-9650

FACSIMILE (603) 448-9651

ADMITTED TO PRACTICE IN  
NEW HAMPSHIRE AND VERMONT



DARRELL HOTCHKISS

DARRELL@BURKEHOTCHKISS.COM

(603) 448-4444

C. NICHOLAS BURKE

NICK@BURKEHOTCHKISS.COM

(603) 448-9652

April 11, 2014

**Hand-Delivered**

Mr. David Brooks  
City of Lebanon Planning Department  
51 North Park Street  
Lebanon, NH 03766

Re: Execusuite, LLC - Applications for Site Plan Review PB2014-07-SPA and  
PB2014-08-SPA

Dear David:

I'm writing to confirm our telephone conversation of yesterday afternoon concerning the two Applications for Site Plan Review referenced above, which are currently scheduled for hearing on Monday, April 14, 2014. PB2014-07-SPA, which requests site plan approval for the conversion of the former wood shop space in the Lebanon Junior High School to office use is being withdrawn. As you know, a new prospective tenant has approached Execusuite requesting to use most of the space as a private educational facility. We will be resubmitting an application for site plan approval for this use, as well as a small remaining office space.

With respect to PB2014-08-SPA, which is requesting site plan approval for the creation of two additional dwelling units and the conversion of the former gymnasium to a private recreational facility, it is currently pending before the Zoning Board of Adjustment. A decision has not yet been reached, and, accordingly, this matter is not ripe for review by the Planning Board. Therefore, I would request that this matter be continued until the next Planning Board meeting in May.

If you have any questions, please feel free to call me.

Very truly yours,

A handwritten signature in black ink, appearing to be "C. Nicholas Burke".

C. Nicholas Burke

CNB/kac

c: Execusuite, LLC



## CITY OF LEBANON ~ PLANNING OFFICE

### PLANNING BOARD – DEVELOPMENT REVIEW

Staff Memorandum – April 1, 2014

#### **APPLICATION INFORMATION**

**Property Owner(s):**

Execusuite, LLC

**Applicant(s):**

same as above

**Application Type:**

Site Plan Amendment

**Application ID#:**

#PB2014-07-SPA

**Map(s) / Lot(s) #:**

92-78

**Property Location(s):**

75 Bank St.,  
Lebanon, NH

**Property Size (Ac./Sqft.):**

+/-7.4 Ac.

**Zoning District(s):**

Residential Two (R-2)

**Overlay District(s):**

Wetlands Conservation:..... Yes  
Flood Plain: ..... N/A  
Steep Slopes:..... N/A  
Airport Protection: ..... N/A  
Historic District: ..... N/A  
Landfill Reclamation: ..... N/A  
Riverbank Protection: ..... N/A  
DES Shoreland Protection:..... N/A

#### **DRAWINGS AND OTHER SUBMISSIONS**

- ▶ "Project Description and Statement in Support of Application for Site Plan Approval of Conversion of Former Lebanon Junior High School Wood Shop to Office Use", prepared by Nicholas Burke, Esq. on behalf of Execusuite, LLC, received March 10, 2014.
- ▶ Plans titled: "Lower Basement" (Sheet A7-5), prepared by Studio Nexus Architects + Planners, LLC, dated November 27, 2013; "Site Plan, 75 Bank Street, Lebanon, NH", prepared by Dan Winny Architects, dated August 26, 2013; and "Existing Conditions Plan for Lebanon School District - Bank Street School", prepared by Pathways Consulting, LLC, dated February 11, 2008.

#### **COMPLETENESS REVIEW**

This application has been reviewed in accordance with the Lebanon Site Plan Review Regulations.

On March 3, 2014, the Zoning Board of Adjustment approved a Special Exception for the proposed conversion of a portion of the former Junior High School building to office use in accordance with Section 601 of the Ordinance.

As a result, the Planning Office recommends that the application is complete enough to accept jurisdiction and to commence review.

#### **APPLICATION OVERVIEW**

The subject property is a +/-7.4-acre parcel owned by the applicant, which includes the former Lebanon Junior High Building and associated improvements. In September 2013, the Planning Board approved the conversion of the building to 40 residential units. Renovation work on the residential units is already underway.

At this time, the applicant is proposing to convert part of the lower basement area of the former school building for office use. The proposal involves 3,213 square feet in the former woodshop area, which faces the west side parking area, where a modular trailer will be removed.

The applicant is not proposing any additional exterior alterations to the existing building.

## **STAFF COMMENTS**

### **SITE PLAN REGULATIONS:**

#### **5.1 Drawings and Other Submittal**

The applicant has provided materials in accordance with Section 7 of the Site Plan Review Regulations. Additional information about the project is already in the property file from the Board's previous review last Summer. Please see the applicant's Project Description and Support Statement dated March 10, 2014 for a brief discussion of the project.

#### **6.1 General Requirements**

The applicant is proposing to convert 3,213 square feet in the former woodshop area of the Junior High School into office use. No significant changes are proposed to the exterior of the building. As such, the changes will not require any new grading or clearing and only minor upgrades to access locations for handicapped accessibility.

#### **6.2 Landscaping Standards**

The applicant is not proposing any new landscaping on the property, which already has some perimeter landscaping and landscaping along the front façade. As part of its approval of the original residential conversion, the Planning Board required the applicant to work with the Planning Office "to provide shade trees on the western edge of the upper and lower parking lots, for the purpose of providing partial shade of existing paved areas." This condition will continue to apply to the property.

#### **6.3 Utilities & Fire Protection**

The subject property is already connected to the City's water and sewer systems. The applicant will need to provide additional calculations for sewer and water flows associated with the office use, which may trigger a need for additional City Council or City Manager approval pursuant to Chapter 181 of the City Code prior to the issuance of a Building Permit for the conversion.

The building is already served by a sprinkler system and a hydrant is located in front of the building for fire protection.

The applicant is reminded that Accessibility and Energy Code requirements must still be verified by its architect for the proposed change in use in accordance with RSA 155-A and RSA 155-D. In addition, plans and/or information for any structural or electrical improvements may be required for issuance of any necessary Building Permits in connection with the proposed office uses.

#### **6.4 Fees and Assessments in Effect at time of Connection**

The conversion of new non-residential space will be subject to the City's Impact Fee Ordinance and fee schedule adopted by the Board on July 22, 2013.

#### **6.5 Coordination of Roads, Parking, Loading, Recreation, and Safety**

As discussed during the original site plan review, the applicant proposes to alter the traffic circulation on the property such that vehicles enter on the west side of the building and exit the parking area on the east side. Additional parking will be provided where the modular trailer will be removed. Once again, the applicant will be required to work with the Building Inspector to verify the grades within the handicap parking spaces and an accessible route into the building.

Since the original review, the applicant has altered the mix of studio and one-bedroom apartments in the building. As currently proposed, the 38 studios and 2 one-bedroom apartments require a total of 41 parking spaces. The conversion of 3,213 square feet to office space will trigger the need for 13 additional spaces. As a condition of approval for the initial residential conversion, the Board required the applicant to "work with the Planning Office and the City Engineer to efficiently delineate parking spaces within the existing paved areas to ensure adequate parking for apartment tenants and for future users of the playing fields."



The Planning Office notes that the applicant has two additional requests pending before the Zoning Board and Planning Board which would require 22 additional spaces and bring the total to 76 spaces. The applicant has provided a parking plan depicting a total of 85 spaces on the property to support all approved and proposed uses.

The applicant is not proposing any new exterior lighting as part of the office conversion. The Board did include a condition during the residential review requiring the applicant to "work closely with planning staff and the Lebanon Police Department to ensure adequate lighting for parking spaces 22-54 for security purposes, to the satisfaction of both the Planning Office and the Police Department." This condition will continue to apply to the property.

**ZONING ORDINANCE:**

As mentioned above, the applicant has already Special Exception approval from the Zoning Board for the office conversion. The proposal complies with all other zoning and dimensional requirements.

**STAFF RECOMMENDATIONS**

If the Planning Board moves to approve this application, then based on the information reviewed by City staff, the Planning Office recommends that the Planning Board approve the application with the following conditions:

1. The applicant shall comply with all applicable conditions for required exterior site improvements as set forth in the Site Plan Review approval dated September 9, 2013 for the subject property.
2. The applicant shall provide a digital Site Plan drawing (Cad .dwg format using NH State Plane Coordinate system) prior to the issuance of a Certificate of Occupancy.
3. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

# CITY OF LEBANON APPLICATION FOR

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

## PROPERTY OWNER (APPLICANT):

NAME: Execusuite, LLC TEL.#: 603-359-4701  
 MAILING ADDRESS: 31 Elm Street, Lebanon, NH 03766  
 E-MAIL ADDRESS: mike@ledgeworks.com

## CO-APPLICANT, AGENT, OR LESSEE:

NAME: C. Nicholas Burke TEL.#: 603-448-9650  
 MAILING ADDRESS: Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766  
 E-MAIL ADDRESS: nick@burkehotchkiss.com

## PROJECT LOCATION:

TAX MAP #: 92 LOT#: 78 PLOT #: ZONE: R2  
 STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH  
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO  
**FLOOD PLAIN** ☐ YES ☒ NO

## SCOPE OF PROJECT:

Conversion of former junior high school wood shop to office use.

## 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: multi-family residential and 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 April 14, 2014, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: C. Nicholas Burke DATE: 3/10/2014

**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: C. Nicholas Burke, AGENT DATE: 3/10/2014

| DATE RECEIVED | FILE # (MAP/LOT) | APPLICATION # | FEE - \$ AMOUNT | DATE PAID | VOUCHER # |
|---------------|------------------|---------------|-----------------|-----------|-----------|
| 3/10/14       | 92-78            | 2014-07-SPA   | \$361.20        | 3/10/14   | 14039     |

(Last Revised 10/09/09)

PROJECT DESCRIPTION AND STATEMENT IN SUPPORT OF  
APPLICATION FOR SITE PLAN APPROVAL  
OF CONVERSION OF FORMER LEBANON JUNIOR HIGH  
SCHOOL WOOD SHOP TO OFFICE USE

APPLICANT: Execusuite, LLC

By Decision dated March 3, 2014, the Lebanon Zoning Board of Adjustment granted a special exception to Execusuite, LLC for conversion of the wood shop in the former Lebanon Junior High School located at 75 Bank Street, Lebanon, New Hampshire to office use. Such conversion will not increase the burden on any City services nor create any negative impacts on pedestrian or vehicular safety in the community. There are no proposed changes to the exterior of the building on the property, other than the removal of the temporary modular unit currently located in the parking lot, and there are no proposed changes to the natural cover and landscaping of the property as a result of this conversion.

**Section 6.2 - Landscaping Standards.** As set forth above, there are no proposed changes to the landscaping on the property, with all changes being made to the interior of the Lebanon Junior High School building. Parking shall be accommodated using the existing parking lots, as shown on the Parking Plan submitted herewith.

**Section 6.3 - Utilities and Fire Protection.** The property is served by the City of Lebanon municipal water and sewerage system and currently has a sprinkler system installed in the building.

**Section 6.5 - Coordination of Roads, Parking, Loading, Recreation and Safety.** No changes are proposed to the existing entrance and egress points at the property, which have served the Lebanon School District for many years. There is more than adequate on-site parking, as shown on the Parking Plan submitted herewith, and there are no proposed changes to outdoor

lighting at the property.

**Section 6.6 - Off-Site Improvements.** The Applicants do not envision any off-site improvements necessary in connection with the proposed conversion to residential use.

Based upon the foregoing, the Applicant respectfully request that the Application for Site Plan Approval be granted.

**NOTICE OF ACTION  
LEBANON PLANNING BOARD**

Notice is hereby given that on **September 9, 2013** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Tim McNamara moved that the Lebanon Planning Board finds the application of **LEBANON SCHOOL DISTRICT (SAU#88) / MICHAEL A. DAVIDSON** for Site Plan Review permit #PB2013-23-SPR, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Earl Jette. The vote on the motion was unanimous in favor.

Notice is hereby given that on **September 9, 2013** the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations.

Tim McNamara moved that the Lebanon School Board **APPROVE** the application of **LEBANON SCHOOL DISTRICT (SAU#88) / MICHAEL A. DAVIDSON** for Site Plan Review to convert the former Lebanon Junior High School building to 40 residential units, located at 75 Bank Street, Tax Map 92, Lot 78, Lebanon, NH, in the Residential Two (R-2) zone, #PB2013-23-SPR, as shown on plans titled "75 Bank Street," prepared by Dan Winny, Architect, dated August 26, 2013, including Floor Plans dated August 12, 2013, including any and all supplemental submissions, and testimony provided during the public hearing, with the following conditions:

1. The applicant shall work with the Building Inspector to verify the grades for the handicap parking spaces and the accessible route into the building, in accordance with Building Code requirements.
2. The applicant shall work with the Planning Office and the City Engineer to efficiently delineate parking spaces within the existing paved areas to ensure adequate parking for apartment tenants and for future users of the playing fields.
3. The applicant shall work closely with planning staff and the Lebanon Police Department to ensure adequate lighting for parking spaces 22-54 for security purposes, to the satisfaction of both the Planning Office and the Police Department. Any alterations to existing light fixtures or additional light fixtures on the property must conform to current Site Plan Review Regulations.
4. The applicant shall provide, to the satisfaction of the Planning Office, a safe corridor to allow tenants and visitors using parking spaces 22-54 to walk from this parking area to the building entrances.
5. The applicant shall work with the Planning Office to provide shade trees on the western edge of the upper and lower parking lots, for the purpose of providing partial shade of existing paved areas.
6. The Planning Board recommends that parking spaces 55-61 be striped for compact cars.



**Lebanon Planning Board Notice of Action  
Lebanon School District SAU#88 / Michael A. Davidson  
Site Plan Review**

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7. The applicant shall modify the exit from the lower parking lot to safely facilitate left-hand turns, to the satisfaction of the Planning Office, including regrading and repaving as necessary to accomplish this objective.
8. The applicant is encouraged to work with the City to secure long-term public recreational use of the existing playing fields.
9. This application shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on July 22, 2013, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

The motion was seconded by Chris Armen. The vote on the motion was unanimous in favor.

SIGNED: \_\_\_\_\_  
City of Lebanon, Planning Board Chair

DATED: \_\_\_\_\_

**NOTICE OF DECISION  
ZONING BOARD OF ADJUSTMENT**

On March 3, 2014, at a duly noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Michael Davidson and Attorney Nicholas Burke, representing EXECUSUITE, LLC, seeking a Special Exception from the terms of Article III, Section 309.2, #2 to allow an office conversion per Section 601 of the Zoning Ordinance. The property contains a former public school building, and was previously granted a zoning permit to convert a portion of the building into multi-family housing. Applicant is proposing to add office space, totaling 3,213 sq. ft., in the lower basement area (the former wood shop). The property is located at 75 Bank St., Lebanon, NH, in the R-2 zone. (Tax Map 92, Lot 78) #ZBSE2014-04

1. The property, former Lebanon Junior High School, was previously owned by the Lebanon School District. On August 5, 2013, the previous and current owner of the property obtained a Special Exception to convert the building into 40 units of multi-family housing. That project is proceeding.
2. The Applicant is seeking a Special Exception under Section 601 to allow some of the space in the lower (basement) level, specifically the area of the former school wood shop, to be converted into office space. Proposed office areas labeled: L01 consisting of 234 sq. ft., L03 - 671 sq. ft., L04 - 2,013 sq. ft., and L06 - 295 sq. ft., for a total of 3,213 sq. ft. of proposed office space in the lower level.
3. The Ordinance allows, by Special Exception, the conversion of an existing building into office use (or a portion thereof) in this Residential-two zoning district pursuant to Section 601 of the Ordinance.
4. Required parking for this office space of 3,213 sq. ft. is 13 parking spaces. The project now consists of 40 studio apartments, and with the addition of office use requires a minimum of 53 parking spaces. The site plan has been updated to reflect these changes. Due to continued use of the outdoor playing fields, total spaces proposed are 61.
5. No additions or changes to the exterior of the building are proposed at this time.
6. Site Plan Review approval by the Planning Board is required by Section 601.9 of the Ordinance.
7. Robin Carpenter asked several questions about past and current plans with the building, but did not express any objections to the proposal.

As a result of the above findings of fact, documentation, testimony and inspections, the Board concludes:

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

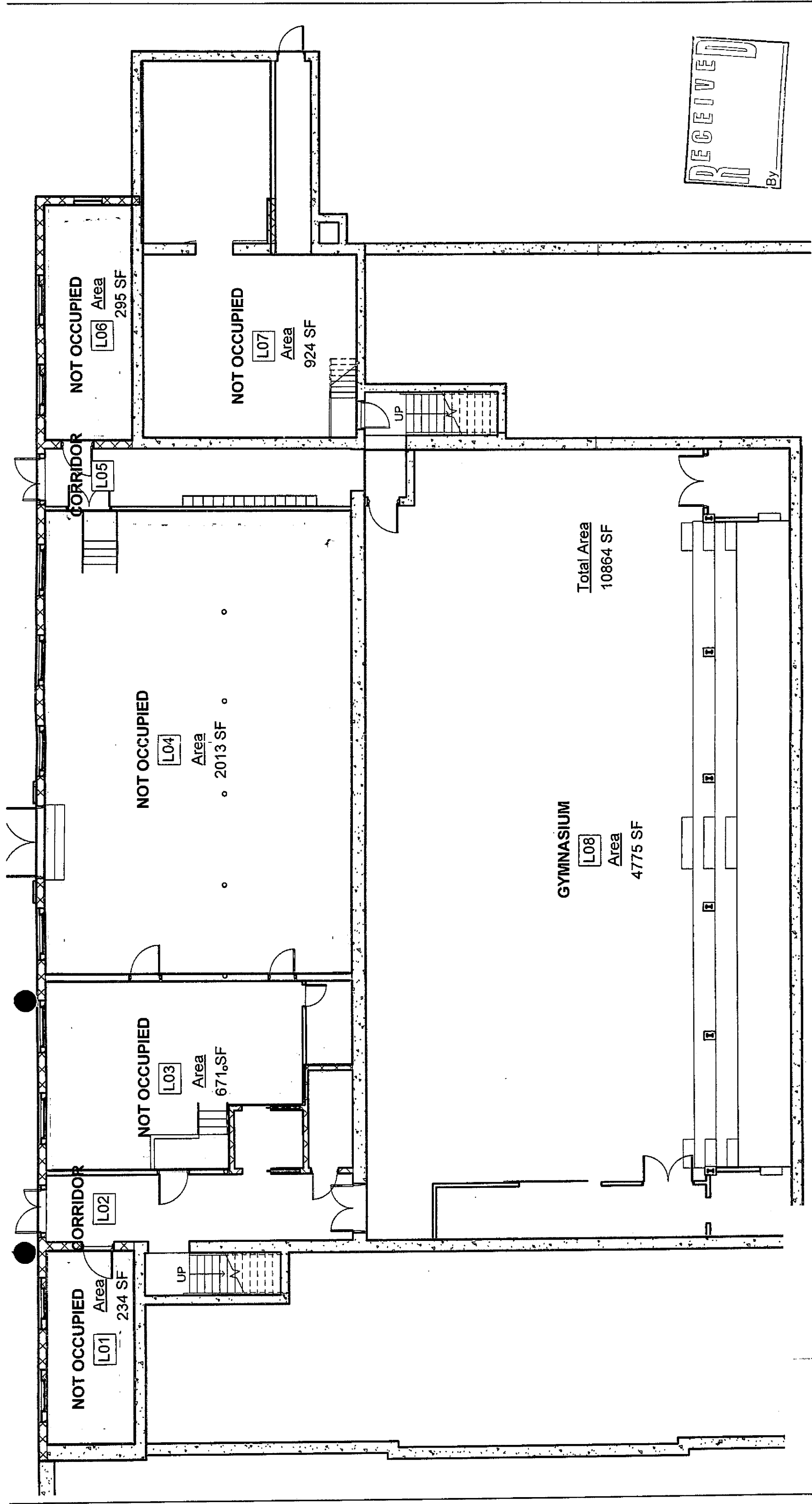
- B. That all special conditions required of the special exception **have** been met.
- C. That there **are no** existing violations of this ordinance on the property that the granting of this special exception would not remedy.
- D. That the character of the area **shall not** be adversely affected.
- 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.

Now therefore, be it resolved the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of EXECUSUITE, LLC for a special exception 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 filled.

The Zoning Board voted to GRANT this application on March 3, 2014.



|                              |  |                           |  |                     |  |
|------------------------------|--|---------------------------|--|---------------------|--|
| STUDIO                       |  | 75 BANK STREET APARTMENTS |  | Lower Basement      |  |
| ARCHITECTS + PLANNERS, LLC   |  | 2014-07-SPA               |  | Project number 1310 |  |
| 46 South Main St., Suite 200 |  | NOVEMBER 27, 2013         |  | Date                |  |
| P.O. Box 275                 |  | Author                    |  | Drawn by            |  |
| White River Junction, VT     |  | Checker                   |  | Checked by          |  |
| 05001-0275                   |  | Scale 3/32" = 1'-0"       |  | A7-5                |  |

Tel. 802-275-5110  
www.studionexusarch.com

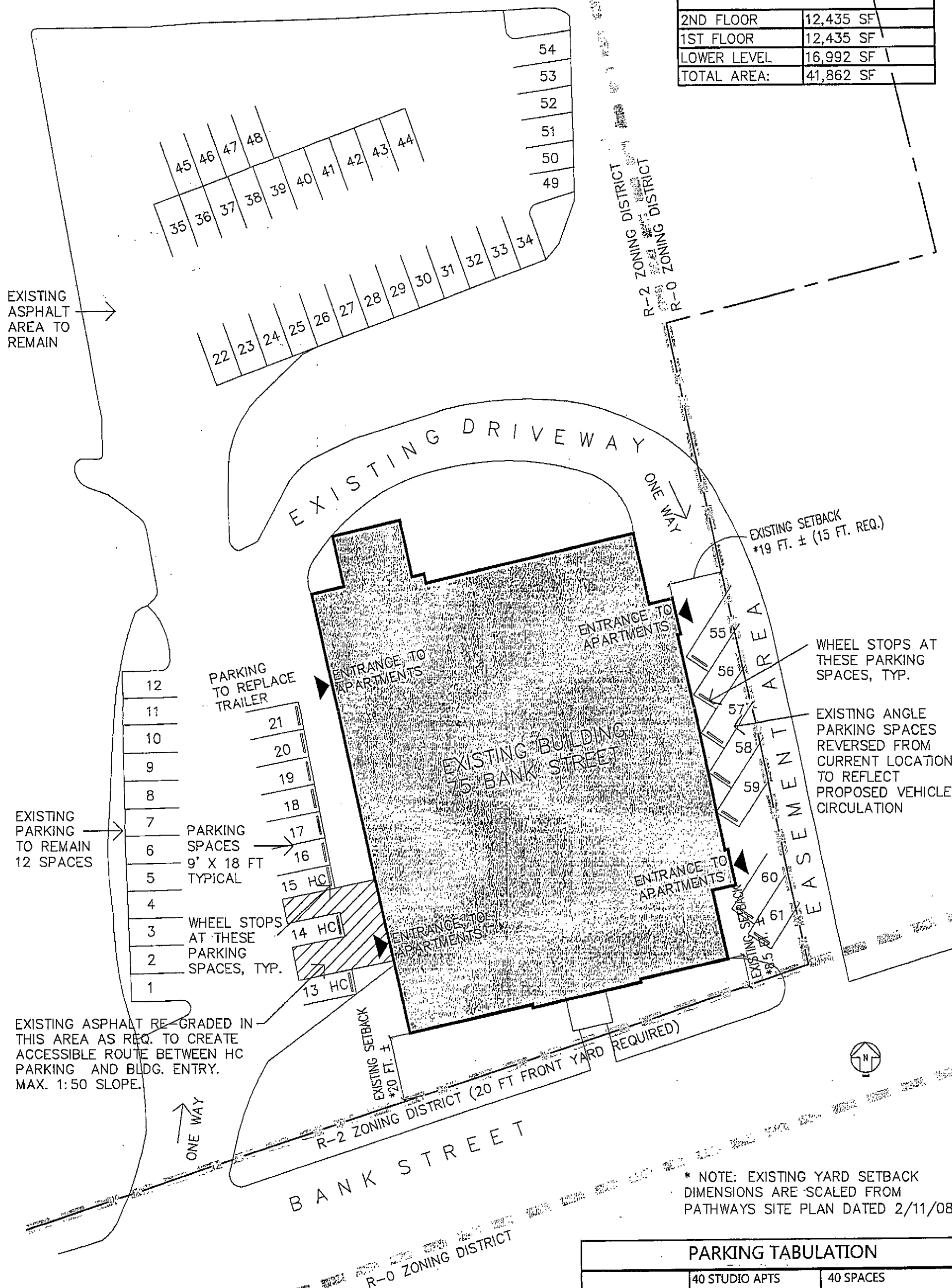
STUDIO

ARCHITECTS + PLANNERS, LLC

46 South Main St., Suite 200  
P.O. Box 275  
White River Junction, VT  
05001-0275

Page 181 of 211

| BUILDING AREA |           |
|---------------|-----------|
| 2ND FLOOR     | 12,435 SF |
| 1ST FLOOR     | 12,435 SF |
| LOWER LEVEL   | 16,992 SF |
| TOTAL AREA:   | 41,862 SF |



APPLICANT: LEBANON SCHOOL DISTRICT, SAU 88,  
20 SEMINARY HILL, W LEBANON NH 03784  
CO-APPLICANT: MICHAEL DAVIDSON/EXECUSUITE LLC,  
31 ELM STREET, LEBANON NH 03766

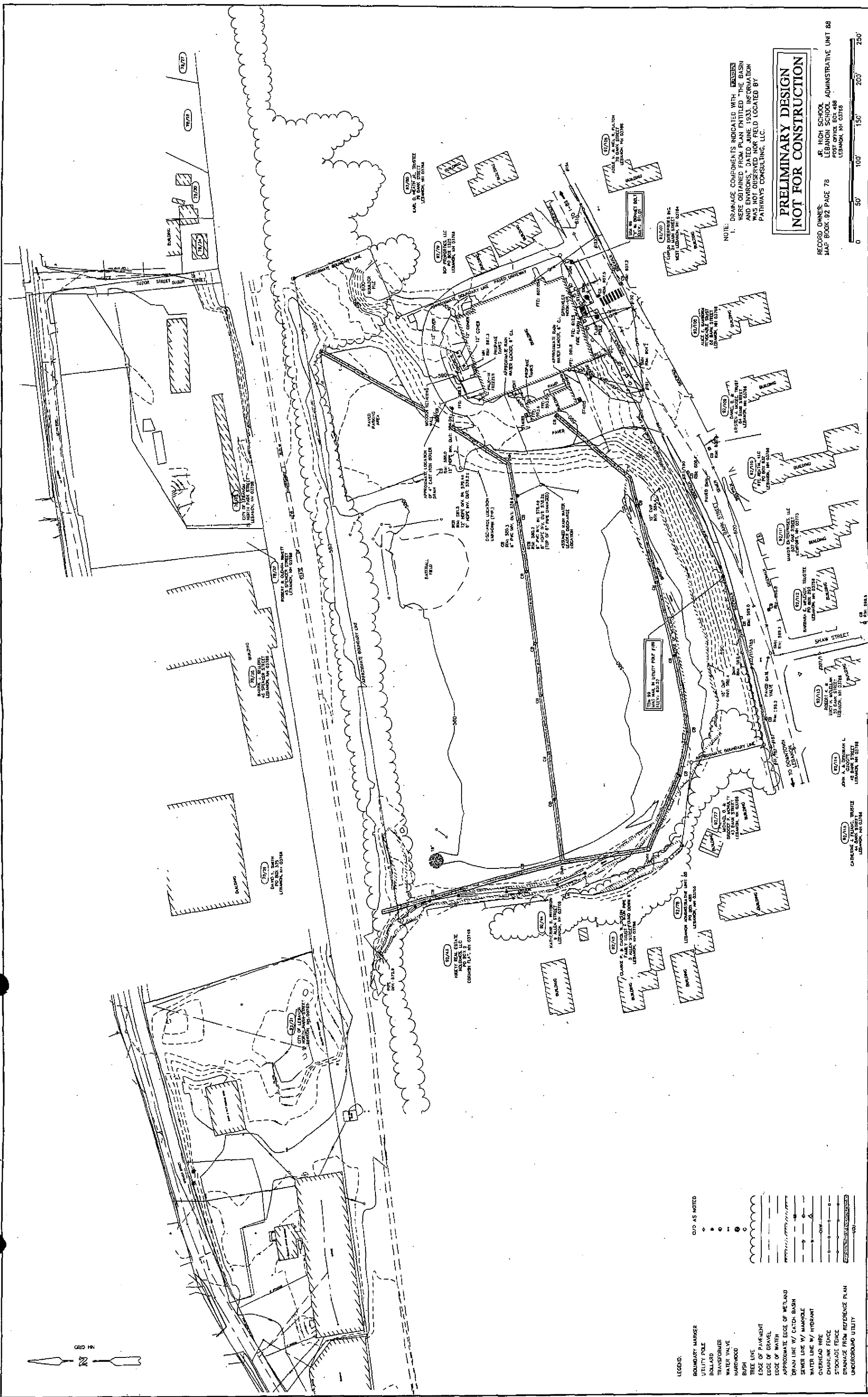
| PARKING TABULATION    |                |           |
|-----------------------|----------------|-----------|
| ZONING<br>REQUIREMENT | 40 STUDIO APTS | 40 SPACES |
|                       | OFFICE         | 13 SPACES |
|                       | TOTAL          | 53 SPACES |
| TOTAL SPACES PROVIDED |                | 61 SPACES |

**SCALE: 1/32" = 1'-0"**

## SITE PLAN

**75 BANK STREET**  
**LEBANON NH**  
(GRAFTON COUNTY)

**DAN WINNY ARCHITECT**  
29 Kimball Street Lebanon NH 03766 USA  
Tel 603 448 0266  
Cell 617 571 0139  
dan@danielwinny.com



LEGEND:

|                              |              |
|------------------------------|--------------|
| BOUNDARY MARKER              | C/O AS NOTED |
| UTILITY POLE                 |              |
| BOLLARD                      |              |
| TRANSFORMER                  |              |
| WATER VALVE                  |              |
| HARDWOOD                     |              |
| BUSH                         |              |
| TREE LINE                    |              |
| EDGE OF PAVEMENT             |              |
| EDGE OF GRAVEL               |              |
| APPROXIMATE EDGE OF WETLAND  |              |
| DRAIN LINE W/ CATCH BASIN    |              |
| SEWER LINE W/ MANHOLE        |              |
| WATER LINE W/ HYDROANT       |              |
| OVERHEAD WIRE                |              |
| CHARLIE FENCE                |              |
| STOCKADE FENCE               |              |
| DRAINAGE FROM REFERENCE PLAN |              |
| UNDERGROUND UTILITY          |              |

NOTE: DRAINAGE COMPONENTS INDICATED WITH DASHED LINES WERE OBTAINED FROM PLANS ENTITLED "THE BASIN AND ENVIRONS" DATED JUNE 1933 INFORMATION WAS NOT OBTAINED NOR FIELD LOCATED BY PATHWAYS CONSULTING, LLC.

**PRELIMINARY DESIGN  
NOT FOR CONSTRUCTION**

RECORD OWNER: JR. HIGH SCHOOL  
LEBANON SCHOOL ADMINISTRATIVE UNIT 88  
MAP BOOK 02 PAGE 78  
POST OFFICE BOX 488  
LEBANON, NH 03756

SCALE: 1" = 50'  
0 50' 100' 150' 200' 250'

|                                                                                                               |      |             |         |            |             |                          |                                                                                 |               |
|---------------------------------------------------------------------------------------------------------------|------|-------------|---------|------------|-------------|--------------------------|---------------------------------------------------------------------------------|---------------|
| REVISION NO.                                                                                                  | DATE | DESCRIPTION | MADE BY | CHECKED BY | APPROVED BY | PATHWAYS CONSULTING, LLC |                                                                                 | SHEET 2 OF 13 |
|                                                                                                               |      |             |         |            |             | DESIGNED BY: MPW/SAH     | DRAWN BY: SMZ                                                                   |               |
| EXISTING CONDITIONS PLAN FOR<br><b>LEBANON SCHOOL DISTRICT - BANK STREET SCHOOL</b><br>LEBANON, NEW HAMPSHIRE |      |             |         |            |             |                          | 3 SCHOOLHOUSE LANE, P.O. BOX 500<br>ETNA, NEW HAMPSHIRE 03750<br>(603) 643-3311 |               |
| PROJECT & DESIGN INFORMATION<br>LEBANON, NH 03756                                                             |      |             |         |            |             |                          | PROJECT NO. 10689                                                               |               |

2



# CITY OF LEBANON APPLICATION FOR

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

## PROPERTY OWNER (APPLICANT):

NAME: Execusuite, LLC TEL #: 603-359-4701  
 MAILING ADDRESS: 31 Elm Street, Lebanon, NH 03766  
 E-MAIL ADDRESS: mike@ledgeworks.com

## CO-APPLICANT, AGENT, OR LESSEE:

NAME: C. Nicholas Burke TEL #: 603-448-9650  
 MAILING ADDRESS: Burke & Hotchkiss, PLLC, 3 Campbell Street, Lebanon, NH 03766  
 E-MAIL ADDRESS: nick@burkehotchkiss.com

## PROJECT LOCATION:

TAX MAP #: 92 LOT #: 78 PLOT #: ZONE: R2  
 STREET ADDRESS OF PROJECT: 75 Bank Street, Lebanon, NH  
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO  
**FLOOD PLAIN** ☐ YES ☒ NO

## SCOPE OF PROJECT:

Conversion of former junior high school wood shop to office use.

## 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: multi-family residential and 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 April 14, 2014, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: C. Nicholas Burke, AGENT DATE: 3/10/2014

**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: C. Nicholas Burke, AGENT DATE: 3/10/2014

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



**CITY OF LEBANON**  
**PLANNING & DEVELOPMENT**

**MEMORANDUM**

**TO: Lebanon Zoning Board of Adjustment**

**FROM: Planning and Development Department Staff**

**RE: Proposed Zoning Amendments: Care & Treatment of Animals**

**DATE: March 31, 2025**

A public request has been made by Dan Nash, PE, on behalf of Evans Drive SPE, LLC/Johanna Cicotte to amend Section 311A.2 to include “Care and Treatment of Animals” as a Conditional Use Permit in the RO-1 District. The request has been made pursuant to Section 1000.2.C of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed “by petition of any number of voters....”. The basis for the petitioner’s request is set forth in the attached letter dated January 29, 2025, from Mr. Nash.

“Care and Treatment of Animals” is defined in Appendix A of the Zoning Ordinance as “[a] veterinary establishment, riding school, or kennels” and is currently not allowed in the RO-1 zoning district. It is allowed in the following districts:

- By Conditional Use Permit in the GC Districts
- By Special Exception in the RL-1, RL-2, and Ind-L Districts

The City Council moved to continue with the schedule shown below. This allows for the City’s Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 311A.2 may be adopted by the City Council per Section 1000.3.D of the Zoning Ordinance.

|                                      |                          |
|--------------------------------------|--------------------------|
| City Council decision to proceed:    | <b>March 19, 2025</b>    |
| Legal review:                        | <b>by March 31, 2025</b> |
| Zoning Board of Adjustment:          | <b>April 7, 2025</b>     |
| Conservation Commission:             | <b>April 10, 2025</b>    |
| Planning Board:                      | <b>April 28, 2025</b>    |
| City Council setting public hearing: | <b>May 7, 2025</b>       |
| City Council public hearing:         | <b>May 21, 2025</b>      |

## **ATTACHMENTS**

1. Petitioned Zoning Amendment Request Letter
2. Legal Opinion Letter



29 January 2025

Honorable Mayor and City Council  
City of Lebanon  
51 North Park Street  
Lebanon, NH 03766

Re: Request for Zoning Change, Lot 78-40-1

Dear Mayor and Councilors:

On behalf of Evans Drive SPE, LLC/Johanna Cicotte this letter is being written to request a zoning change to be part of the city's North Lebanon zoning review.

**Request #1.** Amend Table 311A.2 to include "Care and Treatment of Animals" as a Use permitted by Conditional Use Permit.

This parcel was zoned GC until about 2004 when the zoning was changed to RO-1. The change of use does not allow Care and treatment of animals. The SAVES facility got zoning permission in 2010 to establish and animal hospital by converting one non-conforming use to another.

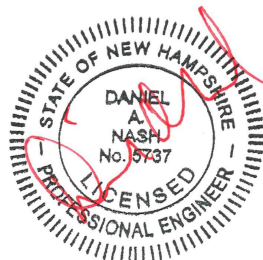
This facility has been an integral part of our community. They often provide critical care for dear family pets. They do well at their job and have seen some growth. Occasionally, they have a need for additional parking. In 2024, we sought a permit to expand the parking. We were informed by staff that the Proposed action would require a variance(see attached email). Since variances are not a sure thing, the owner opted to put off the application process.

Since the city is undergoing changes in the North Lebanon area, it makes sense to clear up this unfortunate effect of changed zoning. The Care and Treatment of animals was previously allowed on this site and should be now. I have attached the GC table of uses that applied prior to the zone change to RO-1 and a recommended Table for the Council's consideration.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE  
Principal



City Council  
Request for Zoning Changes  
29Jan2025

Attachments:

- GC table of uses
- RO-1 table of uses
- email Nate Reichert

CC: Johanna Cicotte, Cicotte Properties

M:\2023\_projects\23-004\zoning\zoning\_change\_animalcare\_Jan25\letter\_col\_animcare\_29Jan2025.docx

## SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

### 305.1 Purpose.

The purpose of the GC District is to provide ample land with good highway access for the location of commercial development serving the regional and local markets.

### 305.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li>1. <b>Dwelling unit(s)</b> above first floor</li> <li>2. <b>Multi-family dwelling</b> (see Section 305.5)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Alternative treatment center</b> per Section 613</li> <li>2. <b>Bus terminal</b></li> <li>3. <b>Educational facility, college/university</b></li> <li>4. <b>Essential service</b></li> <li>5. <b>Truck terminal</b></li> </ol>                                                                                       |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>3. <b>Amusements (indoor)</b></li> <li>4. Car wash</li> <li>5. <b>Community center</b></li> <li>6. <b>Drive-in restaurant, refreshment stand</b></li> <li>7. <b>Drive-through facility</b></li> <li>8. Drycleaning pick-up station</li> <li>9. <b>Financial institution</b></li> <li>10. Funeral home</li> <li>11. <b>Group day care facility</b> per Section 604</li> <li>12. <b>Health club</b></li> <li>13. <b>Hotel</b></li> <li>14. House of worship</li> <li>15. Laundromat</li> <li>16. <b>Local government use</b></li> <li>17. <b>Membership club</b></li> <li>18. <b>Motel</b></li> <li>19. Movie theater</li> <li>20. <b>Office</b></li> <li>21. <b>Personal service</b></li> <li>22. Publishing/printing</li> <li>23. Radio or TV studio</li> <li>24. <b>Recreational facility, indoor</b></li> </ol> | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Care and treatment of animals</b></li> <li>2. <b>Contractor's yard</b></li> <li>3. <b>Craftsman's shop</b></li> <li>4. Plumbing, electrical or carpentry shop</li> <li>5. <b>Produce stand</b></li> <li>6. <b>Recreational facility, outdoor</b></li> <li>7. <b>Warehouse</b></li> <li>8. Wholesale sales</li> </ol> |



| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                      | <u><b>Special Exception Uses</b></u><br>(see Section 801.3) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 25. <b>Renewable energy system</b> per Section 612<br>26. <b>Restaurant</b> , sandwich shop<br>27. <b>Retail product pickup</b><br>28. <b>Retail store</b><br>29. <b>Service station</b><br>30. <b>Vehicular repair</b><br>31. <b>Vehicular sales</b><br><u>Planned Developments</u><br>32. Commercial PUD per Section 501 |                                                             |

305.3 Table of Area, Dimension and Coverage.

| Minimum <b>Lot</b> Requirements |                 |            |           |           | Maximum Limitations |                          |
|---------------------------------|-----------------|------------|-----------|-----------|---------------------|--------------------------|
| Area                            | <b>Frontage</b> | Front Yard | Side Yard | Rear Yard | Building Coverage   | Height                   |
| 50,000 square feet              | 150'            | 40'        | 20'       | 20'       | 30%                 | 45'<br>See Section 305.4 |

305.4 Special Height Restriction.

On **parcels** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such **parcels**, **building height** may be increased above the residential limitation by one (1) foot for each two (2) feet that the **building** is set back from the required set back line(s) on sides of the **lot** adjacent to the residential district. However, in no case shall the height exceed 45 feet.

305.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

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

### 311A.1 Purpose.

The purpose of the R-O-1 district is to provide for well-planned neighborhoods of **offices** and higher density housing by carefully guiding the integration of multi-residential housing and **office** uses. The district balances the goals of: (1) preserving the economic viability of older, large **dwelling**s modified to accommodate multiple residential units or **office** space or both; (2) providing for attractive locations for small **offices**; and (3) providing for new **office** buildings compatible with surroundings.

### 311A.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li><b>One-family dwelling</b></li> <li><b>Two-family dwelling</b></li> <li><b>Multi-family dwelling</b> (4 <b>dwelling units</b> or less) per Section 601</li> <li><b>Accessory dwelling unit</b> (ADU) per Section 610</li> </ol> <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>Construction of new <b>office building</b> (3,000 sq. ft. or less) per Section 601</li> <li>Conversion of a <b>dwelling</b> to <b>office</b> use per Section 601</li> <li><b>Financial institution</b></li> <li><b>Home business</b> per Section 600</li> <li>House of worship</li> <li><b>Personal service</b></li> <li><b>Renewable energy system</b> per Section 612</li> </ol> <u>Planned Developments</u> <ol style="list-style-type: none"> <li>PURD per Section 501</li> </ol> | <u>Residential</u> <ol style="list-style-type: none"> <li><b>Multi-family dwelling</b> (5 <b>dwelling units</b> or more) per Section 601</li> <li><b>Senior housing complex</b></li> </ol> <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>Construction of new <b>office building</b> (3,001 sq. ft. – 6,000 sq. ft.) per Section 601</li> <li><b>Educational facility, college/university</b></li> <li><b>Educational facility, primary/secondary</b></li> <li><b>Essential service</b></li> <li>Funeral home</li> <li><b>Group day care facility</b> per Section 604</li> <li><b>Group residence</b></li> <li><b>Health club</b></li> <li><b>Hospice</b></li> <li><b>Lodging house</b></li> <li><b>Public safety facility</b></li> <li><b>Recreational facility, indoor</b></li> <li><b>Recreational facility, outdoor</b></li> <li><b>Tourist home (or bed and breakfast facility)</b></li> </ol> |

Add: Uses by Conditional Use Permit  
1. Care and Treatment of Animals

311A.3 Table of Area, Dimensions and Coverage.

**Minimum Lot Size**

| Class | Area          | Width | Additional Area per D.U.<br>After Two | Maximum<br>Height |
|-------|---------------|-------|---------------------------------------|-------------------|
| 1     | 10,000 sq.ft. | 75'   | 3,000 sq.ft.                          | 45'               |
| 2     | 15,000 sq.ft. | 75'   | 5,000 sq.ft.                          | 45'               |
| 3     | 40,000 sq.ft. | 100'  | 15,000 sq.ft.                         | 45'               |

**Minimum Yard**

| Class | Front | Side | Rear | Maximum <b><i>Building<br/>Coverage</i></b> |
|-------|-------|------|------|---------------------------------------------|
| 1     | 20'   | 15'  | 20'  | 25%                                         |
| 2     | 20'   | 15'  | 20'  | 20%                                         |
| 3     | 25'   | 25'  | 30'  | 15%                                         |

## Dan Nash

---

**From:** Nathan Reichert <Nathan.Reichert@lebanonnh.gov>  
**Sent:** Monday, March 18, 2024 12:49 PM  
**To:** Dan Nash; Tim Corwin  
**Cc:** 'Johanna Cicotte'; 'Keith Higgs'  
**Subject:** RE: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

The 2010 ZBA decision is rather clear as to what was approved in 2010. It is clearly a non-conforming use being exchanged for another non-conforming use.

Unfortunately, additional relief is needed from the Zoning Board to create an expansion.  
Nate

-----Original Message-----

From: Dan Nash <advancedgeomatrics@comcast.net>  
Sent: Monday, March 18, 2024 12:11 PM  
To: Tim Corwin <Tim.Corwin@lebanonnh.gov>  
Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <Nathan.Reichert@lebanonnh.gov>; 'Keith Higgs' <khiggs@volvovolkswagen.com>  
Subject: RE: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

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

Tim,

Thank you for the zoning decision. I think this use can be classified as an "office" use, which is allowed. The operation is essentially a veterinary office.

Dan Nash  
Advanced Geomatics and Design  
105 Bank Street  
Lebanon, NH 03766  
603-448-6295  
802-356-4928 mobile  
Advancedgeomatrics@comcast.net  
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X\\_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=JaCE0V9u5hKOJhW7\\_4xfNLSzTrXOdCeAW8bfHqWnF70&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=JaCE0V9u5hKOJhW7_4xfNLSzTrXOdCeAW8bfHqWnF70&e=)

-----Original Message-----

From: Tim Corwin <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X\\_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=)>  
Sent: Monday, March 18, 2024 12:02 PM

To: Dan Nash <advancedgeomatrics@comcast.net>

Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X\\_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=J1vtlf\\_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=J1vtlf_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>)>

Subject: RE: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

The use received a Special Exception in 2010 to convert an existing non-conforming use to a "care and treatment of animals" non-conforming use (please see attached Notice of Decision).

-----Original Message-----

From: Dan Nash <advancedgeomatrics@comcast.net>

Sent: Monday, March 18, 2024 11:14 AM

To: Tim Corwin <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X\\_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=>)>

Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X\\_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=J1vtlf\\_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=J1vtlf_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>)>

Subject: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

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

Nate,

I believe this is a conforming office use or a personal service use (veterinary office).

Can you please confirm so we can continue with the meeting at 2pm today.

Dan Nash

Advanced Geomatics and Design

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Lebanon, NH 03766

603-448-6295

802-356-4928 mobile

Advancedgeomatrics@comcast.net

[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX\\_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKJcStu&s=Up6bOxvS-iDLh0qAWrEY24Psx4\\_G4kJBdobBBYu0Fjg&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKJcStu&s=Up6bOxvS-iDLh0qAWrEY24Psx4_G4kJBdobBBYu0Fjg&e=>)

-----Original Message-----

From: Tim Corwin

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Sent: Monday, March 18, 2024 10:53 AM

To: Dan Nash <advancedgeomatrics@comcast.net>

Cc: Johanna Cicotte <jcicotte1@aol.com>; Nathan Reichert <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Nathan.Reichert-40lebanonnh.gov&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVkNX\\_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=Pq-LfTt2FPagXze48Cnt0MoKY3yM3UK-00EOz4youmw&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVkNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=Pq-LfTt2FPagXze48Cnt0MoKY3yM3UK-00EOz4youmw&e=>)>  
Subject: 63 Evans Dr\_Non-Conforming Use

Dan -

Regarding the site plan application you submitted for 63 Evans Drive, it appears the proposed parking lot constitutes an expansion of a non-conforming use which is prohibited per Section 702.5.D of the Zoning Ordinance. This was the same determination that was made in the case of the parking lot expansions at 175 Heater Road and 51 Evans Drive for the non-conforming vehicular sales uses located on those lots (175 Heater Road obtained a Variance from Section 702.5.D and, with respect to 51 Evans Drive, the Zoning Ordinance was amended making the 702.5.D violation in that case moot). If you believe that the 63 Evans Drive parking lot expansion does not constitute an expansion of a non-conforming use, please explain why so that Nate Reichert, the Zoning Administrator, can make a determination.

Per Section 4.4 of the Site Plan Review Regulations, the site plan application cannot be accepted as complete until such time as the zoning matter is resolved. -Tim

Tim Corwin, AICP

Deputy Planning and Development Director City of Lebanon

(603) 448-1524 (Office)

(603) 442-6127 (Direct)

Tim.Corwin@LebanonNH.gov<<mailto:Tim.Corwin@LebanonNH.gov>>

Book a time to meet with

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40lebanonnh.gov\_bookings\_&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-

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# Petition for Zoning Change to Allow "Care and Treatment of Animals" as a Conditional Use in the RO-1 Zone

(Lot 78-40-1, Evans Drive)

29 January 2025

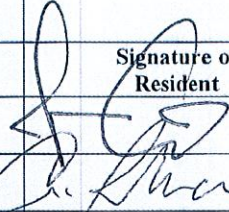
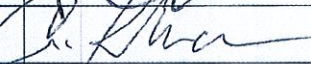
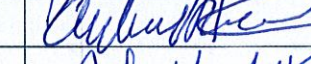
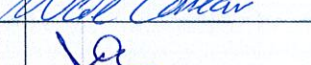
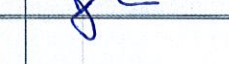
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our request is outlined in AGD letter to the City Council regarding Section 305.2 dated 29Jan2025.

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

| Name of Resident  | Signature of Resident                                                               | Address and Phone                               | Date Signed |
|-------------------|-------------------------------------------------------------------------------------|-------------------------------------------------|-------------|
| JOHANNA CICOTTE   |    | 47 APPLE BLOSSOM<br>LEBANON NH 03306            | 1/30/25     |
| Glenn Fulcher     |    | 90 Mechanic St 603 664 1494<br>Lebanon NH 03306 | 1/30/25     |
| Pete Mancini      |   | 46 MAIN S<br>LEBANON NH                         | 1/30/25     |
| Jaimie Lanfranchi |  | 337 Mt Support Rd<br>Lebanon NH 03766           | 1/30/25     |
| Andrew Rodimon    |  | 8 Light Street<br>Lebanon NH 03766              | 1-30-25     |
| David M. Griffans |  | Lebanon NH 03766<br>22 School St Apt 7          | 1/30/25     |
| KETH HIGGS        |  | 337 MOUNT SUPPORT<br>LEBANON NH 03766           | 1-30-25     |
| Cornell Berdell   |  | 141 HANOVER ST.<br>Lebanon N.H.                 | 1/30/25     |
| Wade Comeau       |  | 16 Memorial Dr.<br>Lebanon N.H.                 | 1/30/25     |
| Justin Lanfranchi |  | 225 Bank St. EXT                                | 1/30/25     |
|                   |                                                                                     |                                                 |             |
|                   |                                                                                     |                                                 |             |
|                   |                                                                                     |                                                 |             |
|                   |                                                                                     |                                                 |             |
|                   |                                                                                     |                                                 |             |
|                   |                                                                                     |                                                 |             |
|                   |                                                                                     |                                                 |             |

March 31, 2025

Nathan Reichert, Director of Planning & Development  
City of Lebanon  
51 S. Park Street  
Lebanon, NH 03766  
[nathan.reichert@lebanonnh.gov](mailto:nathan.reichert@lebanonnh.gov)

**RE: Proposed Zoning Amendment –  
Add “Care and Treatment of Animals” as Use by Conditional Use Permit  
in R-O-1 District**

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning a proposed amendment to the City’s zoning ordinance (“ZO”). I understand the City Council has approved a motion to begin the process of the City’s land use boards providing review and comment for adding “Care and Treatment of Animals” as a Use allowed by Conditional Use Permit (“CUP”) in the Residential Office One (R-O-1) zoning district.

I have reviewed the following documents in connection with this opinion:

- A January 29, 2025 Letter from Daniel A. Nash, Advanced Geomatics & Design, with attachments including a March 2024 email chain between Mr. Reichert and Mr. Nash concerning nonconforming uses at 63 Evans Drive
- A March 5, 2025 Planning and Development Department Staff Memo concerning the proposed zoning amendment;
- Video of the relevant portion of the City Council’s March 19, 2025 public meeting

The ZO requires this legal review to cover: (a) whether such amendment is within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendment can be administered and enforced.

My answer to the three questions in Section 1000.2.B(2) is “yes” and, with the exception of my comment below, I discern no legal or administrative issues of concern with this proposed amendment.

As you know, a zoning regulation cannot be adopted in support of, or for the exclusive benefit of, any individual property. Doing so would constitute “spot zoning”. An area is spot zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the basis of health, safety, morals or general welfare of the community, and which is not in accordance with a comprehensive plan. E.g., Miller v. Town of Tilton, 139 N.H. 429, 432 (1995).

March 31, 2025

Page 2

Mr. Nash's letter of January 29, 2025 does not hide that the impetus behind the proposed zoning amendment is to benefit one particular lot/business, Lot 78-40-1, which houses the SAVES emergency care veterinary clinic. SAVES seeks to expand its parking area, which, as a nonconforming use, it is currently unable to do.

The proposed zoning amendment avoids a "spot zoning" concern by proposing not that the "care and treatment of animals" use be permitted solely at Lot 78-40-1, but instead that this use be permitted (by CUP) on all lots within the zoning district (R-O-1) in which the SAVES clinic is located.

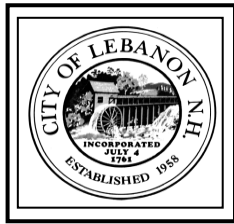
Accordingly, in considering whether to allow the "care and treatment of animals" use by CUP in the City's R-O-1 district, the City boards and commissions reviewing this proposed amendment should avoid consideration of SAVES's specific need and instead consider whether and how adding this use to this zoning district would promote the health and general welfare of the City, as set forth in RSA 674:17, I (c).

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### MEMORANDUM

**TO:** Lebanon Zoning Board of Adjustment

**FROM:** Planning and Development Department Staff

**RE:** Proposed Zoning Ordinance Amendment  
New Section 615 – Mobile Food Service

**DATE:** March 31, 2025

The Lebanon Food Truck Task Force, created by City Council on July 17, 2024, was tasked with following:

1. Review current [City Code Chapter 179](#) and relevant zoning regulations to identify conflicts and limitations impacting food truck operations. Provide recommendations for changes to facilitate the safe and efficient operation of food trucks city-wide.
2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on public property in downtown Lebanon and West Lebanon. This strategy should consider various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
3. Conduct public outreach to gather feedback from residents, local businesses, and other stakeholders to ensure community needs and concerns are addressed.
4. Submit a detailed report of findings, recommendations, and proposed code and zoning changes to the City Council by February 15, 2025.

Pursuant to the above, and following extensive outreach and public engagement efforts, the Task Force has prepared draft food truck regulations for inclusion within the Lebanon Zoning Ordinance. The proposed amendments – which also address stand vending - include:

- (a) Six (6) new terms defined in Appendix A of the Zoning Ordinance including definitions for “mobile food service vending” and “stand vending”;
- (b) Adding “mobile food service vending” and “stand vending” as permitted uses in the CB, LD, GC, GC-1, IND-L, MC, and MC-2 Districts; and
- (c) Adding a new Section 615 (“Mobile Food Service”) within Article VI (“Additional Standards for Specific Uses”) identifying permitting requirements and performance standards for “mobile food service vending” and “stand vending” uses.

The City Council moved to continue with the schedule shown below. This allows for the City's Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 311A.2 may be adopted by the City Council per Section 1000.3.D of the Zoning Ordinance.

|                                      |                          |
|--------------------------------------|--------------------------|
| City Council decision to proceed:    | <b>March 5, 2025</b>     |
| Legal review:                        | <b>by March 31, 2025</b> |
| Zoning Board of Adjustment:          | <b>April 7, 2025</b>     |
| Conservation Commission:             | <b>April 10, 2025</b>    |
| Planning Board:                      | <b>April 28, 2025</b>    |
| City Council setting public hearing: | <b>May 7, 2025</b>       |
| City Council public hearing:         | <b>May 21, 2025</b>      |

=====

**Attachments:**

1. Draft Amendments with legal notes to the Zoning Ordinance (Appendix A definitions; CB, LD, GC, GC-1, IND-L, MC, and MC-2 District tables of uses; new Section 615)

# Lebanon Food Truck Task Force

## Recommended Amendments to the Lebanon Zoning Ordinance to incorporate opportunities for Mobile Food Service Vending

### 1. DEFINITIONS (Appendix A)

**MOBILE FOOD SERVICE VENDING** – The preparation and/or dispensation of food or beverages by a ***mobile food service vendor*** from a ***mobile food service unit*** for immediate service and/or consumption.

**MOBILE FOOD SERVICE VENDOR** - Any person, including an employee or agent of another, who prepares and/or dispenses food or beverages from a ***mobile food service unit*** for immediate service and/or consumption.

**MOBILE FOOD SERVICE UNIT** – Any vehicle that is (a) self-propelled or that can be pulled or pushed down a street or sidewalk and (b) utilized by a ***mobile food service vendor*** for the purpose of preparing and/or dispensing food or beverages for immediate service and/or consumption.

**STAND VENDING** – The sale of food, beverages, goods, or merchandise from a ***stand*** on permitted public parcels or sidewalks from a ***stand***.

**STAND** - Any newsstand, table, bench, booth, rack, handcart, pushcart, or any other fixture or device which is not required to be licensed and registered by the NH Department of Motor Vehicles, used for the display, storage, or transportation of articles offered for sale by a ***stand vendor***.

**STAND VENDOR** - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise on public parcels or sidewalks from a ***stand*** with a vendor license issued by the City.

### 2. PERMITTED ZONING DISTRICTS (Article III)

CB  
LD  
GC  
GC-1  
IND-L  
MC  
MC-2

### 3. STANDARDS FOR USE (Article VI)



## SECTION 614      MOBILE FOOD SERVICE

The purpose of this section is to provide opportunities for **mobile food service vending** and **stand vending** within certain non-residential areas in the City.

**Mobile food service vending** and **stand vending** shall be a permitted use in the Central Business, Lebanon Downtown, General Commercial, General Commercial-One, Light Industrial, Medical Center and Medical Center - 2 Zoning Districts provided the following standards are met:

- A. Prior to beginning operations, property owner(s) must obtain a Zoning Permit which shall be valid for one (1) year. An application for a Zoning Permit shall include the following:
  - a. A site plan of the property identifying existing and proposed conditions including but not limited to location of the proposed **mobile food service unit**, utility connections, and setbacks, and whether any additional barriers, caution cones, or similar safety items are to be deployed.
  - b. Parking calculations that show the number of parking spaces to be used by each of the **mobile food service vendors** or **stand vendors** upon the lot.
    - i. A minimum of 4 parking spaces and a maximum of 6 parking spaces shall be provided per vendor.
  - c. Hours of operation, and days of the week and months of operation.

The property owner may reapply for a Zoning Permit on an annual basis.

- B. **Mobile food service vendors** and **stand vendors** shall not:
  - i. Be located within 25 feet of a fire hydrant, fire escape, bus stop, loading zone, driveway entrance, fire station, police station, hospital, or a residential zoning district.
  - ii. Operate without the express written permission of the property owner or without an approved zoning permit.
  - iii. Impede or create hazardous or unsafe travel conditions for pedestrians or operators of motor vehicles.
  - iv. Block access to any handicapped parking space or access ramp.
  - v. Utilize an open fire without permission of the property owner and a permit from the Lebanon Fire Department.
  - vi. Shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell.
  - vii. Inappropriately dispose of wastewater and garbage including but not limited to dumping in open stormwater drains.

- C. Utilities for ***mobile food service units*** and ***stands*** shall be self-contained and shall not connect to City sewer and water.
- D. The maximum number of ***mobile food service units*** and ***stands*** allowed on any one lot shall be determined by the lot size and the amount of available space on the lot. If ***mobile food service unit(s)*** and/or ***stand(s)*** are to be located in parking areas, no more than 10 percent (10%) of parking spaces may be utilized to locate ***mobile food service units*** and ***stands***.



**CITY OF LEBANON**  
**PLANNING & DEVELOPMENT**

**MEMORANDUM**

**TO: Lebanon Zoning Board of Adjustment**

**FROM: Planning and Development Department Staff**

**RE: Proposed Zoning Amendments: Hotels in the GC-1**

**DATE: April 3, 2025**

A public request has been made by Dan Nash, PE, on behalf of Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanne Cicotte to amend Section 305A.2 to include "Hotel" as a permitted use in the GC-1 District. The request has been made pursuant to Section 1000.2.C of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed "by petition of any number of voters...". The basis for the petitioner's request is set forth in the attached letter dated January 29, 2025 from Mr. Nash.

"Hotel" is defined in Appendix A of the Zoning Ordinance as "[a] building designed for or used commercially as more or less temporary living quarters for persons who are lodged with or without meals in which are ten or more sleeping rooms usually occupied singularly or by families of transients[,]" and is currently allowed within the GC-1 District if part of a Commercial Planned Unit Development (PUD). "Hotel" is also currently allowed:

- As a permitted use in the GC, CB and LD Districts;
- By Conditional Use in the MC District;
- Within a Commercial PUD (allowed by Conditional Use in the GC, GC-1, CB, and MC Districts);
- Within an Industrial PUD (allowed by Conditional Use in the IND-L, IND-RA, and IND-H Districts); and
- Within a Planned Business Park (allowed by Conditional Use in the IND-L, IND-RA, INDH Districts).

The City Council moved to continue with the schedule shown below. This allows for the City's Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 311A.2 may be adopted by the City Council per Section 1000.3.D of the Zoning Ordinance.

|                                      |                          |
|--------------------------------------|--------------------------|
| City Council decision to proceed:    | <b>March 19, 2025</b>    |
| Legal review:                        | <b>by March 31, 2025</b> |
| Zoning Board of Adjustment:          | <b>April 7, 2025</b>     |
| Conservation Commission:             | <b>April 10, 2025</b>    |
| Planning Board:                      | <b>April 28, 2025</b>    |
| City Council setting public hearing: | <b>May 7, 2025</b>       |
| City Council public hearing:         | <b>May 21, 2025</b>      |

## **ATTACHMENTS**

1. Petitioned Zoning Amendment Request Letter



29 January 2025

Honorable Mayor and City Council  
City of Lebanon  
51 North Park Street  
Lebanon, NH 03766

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanna Cicotte this letter is being written to request a zoning change to be part of the city's North Lebanon zoning review.

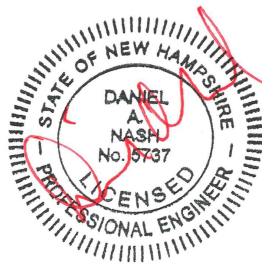
**Request #1.** Amend Table 305A.2 to include "Hotel" as a permitted use.

The GC zone currently allows Hotel as a Permitted Use. As GC-1 is an extension/modification of this use, it makes sense for the hotel use to follow. The Route 120/North Lebanon area is a prime and appropriate locale for the hotel use.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE  
Principal



Attachments:  
-GC table of uses  
-GC-1 table of uses

CC: Jay Campion, Choice Storage  
Johanna Cicotte, Cicotte Properties

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## SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

### 305.1 Purpose.

The purpose of the GC District is to provide ample land with good highway access for the location of commercial development serving the regional and local markets.

### 305.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li><b>Dwelling unit(s)</b> above first floor</li> <li><b>Multi-family dwelling</b> (see Section 305.5)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Alternative treatment center</b> per Section 613</li> <li><b>Bus terminal</b></li> <li><b>Educational facility, college/university</b></li> <li><b>Essential service</b></li> <li><b>Truck terminal</b></li> </ol>                                                                              |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Amusements (indoor)</b></li> <li>Car wash</li> <li><b>Community center</b></li> <li><b>Drive-in restaurant, refreshment stand</b></li> <li><b>Drive-through facility</b></li> <li>Drycleaning pick-up station</li> <li><b>Financial institution</b></li> <li>Funeral home</li> <li><b>Group day care facility</b> per Section 604</li> <li><b>Health club</b></li> <li><b>Hotel</b></li> <li>House of worship</li> <li>Laundromat</li> <li><b>Local government use</b></li> <li><b>Membership club</b></li> <li><b>Motel</b></li> <li>Movie theater</li> <li><b>Office</b></li> <li><b>Personal service</b></li> <li>Publishing/printing</li> <li>Radio or TV studio</li> <li><b>Recreational facility, indoor</b></li> </ol> | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Care and treatment of animals</b></li> <li><b>Contractor's yard</b></li> <li><b>Craftsman's shop</b></li> <li>Plumbing, electrical or carpentry shop</li> <li><b>Produce stand</b></li> <li><b>Recreational facility, outdoor</b></li> <li><b>Warehouse</b></li> <li>Wholesale sales</li> </ol> |



| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                      | <u><b>Special Exception Uses</b></u><br>(see Section 801.3) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 25. <b>Renewable energy system</b> per Section 612<br>26. <b>Restaurant</b> , sandwich shop<br>27. <b>Retail product pickup</b><br>28. <b>Retail store</b><br>29. <b>Service station</b><br>30. <b>Vehicular repair</b><br>31. <b>Vehicular sales</b><br><u>Planned Developments</u><br>32. Commercial PUD per Section 501 |                                                             |

305.3 Table of Area, Dimension and Coverage.

| Minimum <b>Lot</b> Requirements |                 |            |           |           | Maximum Limitations |                          |
|---------------------------------|-----------------|------------|-----------|-----------|---------------------|--------------------------|
| Area                            | <b>Frontage</b> | Front Yard | Side Yard | Rear Yard | Building Coverage   | Height                   |
| 50,000 square feet              | 150'            | 40'        | 20'       | 20'       | 30%                 | 45'<br>See Section 305.4 |

305.4 Special Height Restriction.

On **parcels** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such **parcels**, **building height** may be increased above the residential limitation by one (1) foot for each two (2) feet that the **building** is set back from the required set back line(s) on sides of the **lot** adjacent to the residential district. However, in no case shall the height exceed 45 feet.

305.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

## SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).

### 305A.1 Purpose.

The purpose of the GC-1 District is to provide opportunities for a mix of commercial and residential uses within close proximity to regional employers, public transportation routes, and pedestrian and biking trails. The GC-1 District is intended to provide for uses that are compatible with the limited access design of Route 120, and which would tend to retain and enhance the existing character of the area. New housing is encouraged to provide convenient access to major centers of employment, to facilitate future economic growth along the Route 120 corridor, and to complement the existing array of services and amenities within walking or biking distance of the GC-1 District.

### 305A.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                       | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u><br>1. <b>Multi-family dwelling</b> (see Section 305A.4)<br><u>Commercial/Non-Residential</u><br>2. <b>Dwelling unit(s)</b> above first floor<br>3. <b>Essential service</b><br>4. <b>Financial institution</b><br>5. <b>Group day care facility</b> per Section 604<br>6. <b>Office</b><br>7. <b>Personal service</b><br>8. <b>Renewable energy system</b> per Section 612<br><div>Add: "9. Hotel"</div> | <u>Commercial/Non-Residential</u><br>1. <b>Alternative treatment center</b> per Section 613<br>2. Drycleaning pick-up station<br>3. <b>Educational facility, college/university</b><br>4. <b>Inpatient rehabilitation facility</b><br>5. <b>Light industry</b><br>6. Research laboratory<br>7. <b>Restaurant</b> , sandwich shop<br>8. <b>Retail store</b><br><u>Planned Developments</u><br>1. Commercial PUD per Section 501<br>2. <b>Manufactured Housing PURD</b> per Section 504 |

305A.3 Table of Area, Dimension and Coverage.

| Minimum <b>Lot</b> Requirements |                 |                   |                  |                  | Maximum Limitations      |                        |
|---------------------------------|-----------------|-------------------|------------------|------------------|--------------------------|------------------------|
| <b>Lot Area</b>                 | <b>Frontage</b> | <b>Front Yard</b> | <b>Side Yard</b> | <b>Rear Yard</b> | <b>Building Coverage</b> | <b>Building Height</b> |
| 50,000 square feet              | 150'            | 40'               | 20'              | 20'              | 30%                      | 55'                    |

305A.4 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

# Petition for Zoning Change to Allow Hotel Use in GC-1

(North Lebanon GC-1 Properties)

29 January 2025

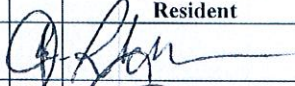
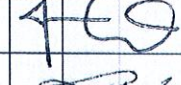
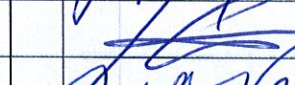
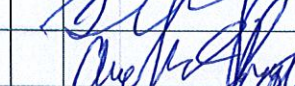
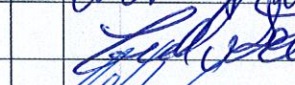
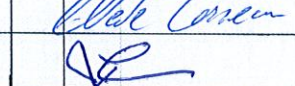
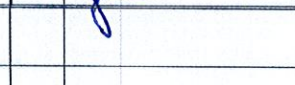
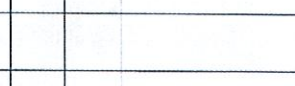
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our request is outlined in AGD letter to the City Council regarding Section 305A.2 dated 29Jan2025

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

| Name of Resident | Signature of Resident                                                               | Address and Phone                              | Date Signed |
|------------------|-------------------------------------------------------------------------------------|------------------------------------------------|-------------|
| Glenn Fulcher    |    | 90 Mechanic St 603<br>Lebanon NH 499.1972      | 1/30/25     |
| Johanna Giotte   |    | 47 Apple Blossom Dr.<br>W. Lebanon 603 3069649 | 1/30/25     |
| Pete Mascini     |   | 46 Main St<br>Lebanon NH                       | 1/30/25     |
| Jaime Lanfranco  |  | 337 Mount Support Rd<br>Lebanon NH 03766       | 1/30/25     |
| Keith Higgs      |  | 337 Mount Support Rd<br>Lebanon NH 03766       | 1-30-25     |
| Dave Gilman      |  | Lebanon NH 03766<br>22 School St Apt 1         | 1/30/25     |
| Andrew Rodman    |  | 8 Light Street<br>Lebanon NH 03766             | 1-30/25     |
| Carl Seachell    |  | 141 Street<br>Hanover Lebanon NH               | 1/30/25     |
| Wade Comeau      |  | 16 Memorial Dr.<br>Lebanon NH                  | 1/30/25     |
| Justin Lanfranco |  | 225 Bank St Ext<br>Lebanon                     | 1/30/25     |
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