



**LEBANON ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 2, 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: 682 991 569#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

**2. Approval of Minutes**

- A. July 28, 2025

**3. Public Hearing Items**

- A. **Richard & Diane Gray, 143 Hanover St (Tax Map 77, Lot 121), Zoned R-3:** The applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming deck to be expanded in height to create an enclosed porch. **ZB2025-17-SE**
- B. **Darell & Jennifer Lindquist, 17 Tenley Dr (Tax Map 102, Lot 30), Zoned R-3:** The applicants request a Special Exception and a Variance from Section 310.3, pursuant to Sections 703.1, 801.3, and 801.2, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft from the left-side property line where 15 ft is required and 11.5 ft from the front property line where 20 ft is required. **ZB2025-18-SEVAR**
- C. **Robin & Colin Parker, 60 Ice House Rd (Tax Map 84, Lot 26), Zoned RL-1:** The applicants request a Special Exception from Section 312.3, pursuant to Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming +/-14.75 ft tall dwelling to be demolished and replaced with an equally dimensionally non-conforming dwelling that will be expanded to 26.25 ft tall. **ZB2025-19-SE**
- D. **Parker Pflaum & Yuting Zhang, 31 Seminary Hill (Tax Map 87, Map 26), Zoned R-3:** The applicants request a Variance from Section 310.3, pursuant to Section 801.2, of the Zoning Ordinance to allow a garage to be placed +/- 7 ft from the right-side property line where 15 ft is required. **ZB2025-20-VAR**
- E. **CT Brown & Family LLC & Convenient MD LLC, 1 Interchange Dr (Tax Map 114, Lot 9), Zoned GC:** The applicants request two Variances from Section 608.4.A.3.b to allow the installation of two signs greater than 100 sq ft each, two Variances from Section 608.4.A.3.c to allow the installation of two signs more than 4 ft above the building roofline, and one Variance from 608.4.A.1 to exceed the total allowed sign area for

the building, pursuant to Section 801.2, of the Zoning Ordinance .  
**ZB2025-21-VAR**

- F. **Eric Stacy, 19 Wolf Rd (Tax Map 50, Lot 40), Zoned R-2:** Pursuant to Section 801.1 of the Zoning Ordinance, the applicant is appealing the Zoning Administrator's determination that the proposed basement renovation constitutes the creation of an additional dwelling unit. **ZB2025-22-AAD**

**4. Staff Comments**

**5. Adjournment**

The order of agenda items is subject to change.

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

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

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  
MONDAY, July 28, 2025  
7:00 PM**

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

**MEMBERS ABSENT:** Jennifer Barkley, Chair William Koppenheffer,

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

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1 **1. CALL TO ORDER**

2  
3 Vice Chair Jeremy Katz called the meeting to order at 7:00 PM.

4  
5 Mr. Reichert gave the Right to Know, RS 91A public announcement.

6  
7 **Mr. Morris and Mr. Burtan were given full voting privileges for this meeting.**

8  
9 **2. APPROVAL OF MINUTES**

10  
11 **A. July 7, 2025**

12  
13 *Mr. McDonough MOVED to approve the July 7, 2025, minutes as presented in the July 28, 2025,*  
14 *packet with revisions.*

15  
16 *Seconded by Mr. Newlove.*

17  
18 Page 8, Line 8: add the nay voting members to the motion.

19  
20 *\*The Vote on the Motion was (4-0).*

21 *Mr. Burtan abstained due to not being present at the meeting.*

22  
23 **3. PUBLIC HEARING ITEMS**

24  
25 **A. Kristi Medill & Alexander Medicott, 27 Guyer St (Tax Map 91, Lot 99), Zoned R-3:**

26 The applicant requests a Special Exception from Section 310.3, pursuant to Sections 703.1  
27 and 801.3 of the Zoning Ordinance, to allow the expansion of an existing non-conforming  
28 garage. **ZB2025-15-SE**

29  
30 Kristi Medill and Alexander Medicott appeared on behalf of the application. They are requesting  
31 to replace a derelict outbuilding with a new prefab garage, on the same footprint. Because the  
32 old building has a shed roof, the new garage would have a slightly higher roof. The ridge cap  
33 would be about 3.5 feet higher, all else is the same size. It would not be any closer to the  
34 property line. There is a place to the southwest corner of the property where there is an existing  
35 structure they would like to keep. The shape of the lot makes it less appropriate to put the garage

1 in a different location and still allow good access from driveway into the garage. The angle  
2 would be awkward and nearly impossible if place elsewhere.

3  
4 There was an email from Lisa Green supporting the application.

5  
6 **Vice Chair Katz opened the public hearing. Hearing no one, the public hearing was closed.**

7  
8 *Mr. Morris MOVED on July 28<sup>th</sup>, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*  
9 *Adjustment, there appeared Kristi Medill and Alexander Medlicott regarding 27 Guyer Street (Tax*  
10 *Map 91, Lot 99). The applicant requests a Special Exception from Section 310.3, pursuant to Section*  
11 *703.1 & 801.3 of the Zoning Ordinance, to allow the expansion of an existing non-conforming garage.*

12  
13 **I. FINDINGS OF FACT**

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

- 17  
18 1. The subject property is improved with a one-family dwelling constructed in 1900. The lot  
19 contains a primary residence and two dimensionally non-conforming accessory structures.
- 20  
21 2. As described in the application, the applicant proposes to demolish one of the existing accessory  
22 structures and replace it with a garage. The new garage will be located in the same footprint as  
23 the existing structure, +/- 3.25 ft from the left-side lot line shared with 8 Granite Street, and will  
24 be +/- 3.5 ft taller than the existing structure.
- 25  
26 3. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must  
27 maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15-feet,  
28 pursuant to section §310.3 of the Zoning Ordinance. Section §703.1 of the Zoning Ordinance  
29 allows the expansion of “*any increase in the footprint and/or volume of the non-conforming part*  
30 *of the building or structure*” by Special Exception from the Zoning Board of Adjustment.
- 31  
32 4. In order to grant a Special Exception for the proposed expansion, the Board must determine that  
33 the proposal meets the criteria set forth in Section §703.1.A of the Zoning Ordinance. Per Section  
34 §703.1.A.3, the Board must also determine that the proposal meets the general Special Exception  
35 criteria set forth in Section §801.3.
- 36  
37 5. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3  
38 criteria in an application received by the Planning and Development Department on July 7, 2025.
- 39  
40 6. There are no known existing zoning violations on the property.
- 41  
42 7. No one spoke for or against the application from the public.

43  
44 **II. CONCLUSIONS OF LAW**

45  
46 As a result of the above findings of fact and based on testimony given, application materials presented,  
47 and supporting documents submitted, the Board concludes the following with respect to the Special  
48 Exception criteria set forth in §703.1 and §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.
2. The following criteria of Section §703.1 **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 28th day of July, 2025, hereby **GRANTS** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to permit the teardown of the existing non-conforming accessory structure to be replaced with a new 20' x 24', 13 foot and 10 inches tall garage located +/-3.25 feet from the left-side lot line shared with 8 Granite Street, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and federal regulations in the construction of the proposed garage.

**Seconded by Mr. Burtan.**

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

- B. Wayne & Fiona Barr Rev. Trust, 24 Green St West (Tax Map 59, Lot 48), Zoned R-3:**  
The applicant requests a Special Exception from Section 610.H, pursuant to Section 801.3, of the Zoning Ordinance to allow an ADU to be located forward of the front building line of the principal building. **ZB2025-16-SE**

1 Fiona and Wayne Barr appeared on behalf of the application. The Board asked for clarification  
2 regarding the new State laws regarding ADUs and asked if the new law would eliminate the need  
3 for this hearing. It is thought that the new law would not impact this hearing, and it is prudent to  
4 move forward with this application.  
5

6 They would like to place the ADU 2 feet 2 inches forward to allow for additional space in the  
7 ADU. That would put it on the 20-foot setback line with some room to spare. Originally it was  
8 going to be a 20 by 30 feet ADU where they are hoping to have their legally blind mother live.  
9 They hope to add 2 feet to the unit which would allow for a safer environment and wider walking  
10 paths for the mother to move through. They would like to move it closer to the garage on the  
11 triangle-shaped lot due to the slope of the land in the back yard where the ADU would meet the  
12 backward.  
13

14 **Vice Chair Katz opened the public hearing. Hearing no one, the public hearing was closed.**  
15

16 *Mr. McDonough MOVED On July 28, 2025, at a duly-noticed meeting of the Lebanon Zoning Board*  
17 *of Adjustment, there appeared Fiona and Wayne Barr regarding 24 Green St West (Tax map 59, Lot*  
18 *48). The Applicant requests a Special Exception per Section §801.3 of the Zoning Ordinance to allow*  
19 *an ADU to be located forward of the front building line of the principal building.*  
20

21 **I. FINDINGS OF FACT**  
22

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

- 26 1. The subject property is improved with a one-family dwelling constructed in 1940. The lot  
27 contains a dimensionally non-conforming primary residence.
- 28 2. As described in the application by the applicant, the applicant proposes to construct an ADU at  
29 the left side of the lot. The ADU will be located ahead of the front building line of the principal  
30 building so that it is adequately setback from the descending slope in the rear yard.
- 31 3. In order to grant a Special Exception, the Board must determine that the placement of the ADU  
32 on the lot will not adversely affect the character of the neighborhood; traffic on roads and  
33 highways; safety of pedestrians and will not create a hazard or nuisance to abutting property  
34 owners, as set forth in Section §610.H of the Zoning Ordinance.
- 35 4. The applicant has submitted testimony addressing Section §801.3 criteria in an application  
36 received by the Planning and Development Department on July 14, 2025.
- 37 5. There are no known existing zoning violations on the property.
- 38 6. No one spoke from the public in favor or against this application.

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45 **II. CONCLUSIONS OF LAW**  
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47 As a result of the above findings of fact and based on testimony given, application materials presented,  
48 and supporting documents submitted, the Board concludes the following with respect to the Special  
49 Exception criteria set forth in §610.H and §801.3 of the Zoning Ordinance:

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- 1. The Special Exception is specifically authorized by Section §610.H and 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 28<sup>th</sup> day of July, 2025, hereby **GRANTS** the requested Special Exception pursuant to Section §610.H and §801.3 of the Zoning Ordinance to allow an ADU to be located forward of the front building line of the principal building at 24 Green Street West, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

- 1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.
- 2. 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 Mr. Burtan.**

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

**4. STAFF COMMENTS**

**None**

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**5. ADJOURNMENT**

*Mr. Newlove MOVED to adjourn the meeting at 7:31 PM.*

*Seconded by Mr. McDonough.*

*\*The Vote on the Motion was unanimous.*

Respectfully submitted,  
Linda Billings, Recording Secretary



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT**

**STAFF MEMORANDUM**

**Richard & Diane Gray  
143 Hanover 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:** September 2, 2025 – Regular Meeting  
**Application Number:** ZB2025-17-SE

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**HEARING NOTICE:**

Richard & Diane Gray, 143 Hanover St (Tax Map 77, Lot 121), Zoned R-3: The applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 and 801.3 of the Zoning Ordinance to allow the existing dimensionally non-conforming deck to be expanded in height to create an enclosed porch. ZB2025-17-SE

**SITE DESCRIPTION / BACKGROUND:**

The subject property is improved with a dimensionally non-conforming 1-family dwelling constructed in 1982, per the City Assessor's records, and is conforming to the R3 zoning district, Class 1, minimum lot size requirement of 10,000 sq ft with +/- 12,196 sq ft and is not within any overlay district. There has been no previous ZBA action since 1995.

**PROPOSAL:**

The applicant proposes to replace the existing 16ft X 20ft non-conforming deck at the rear of the home with an enclosed porch. The proposed porch will maintain the same footprint and will be located +/- 6in further away from the left-side property line than the existing deck; +/- 9 ft from the left-side property line shared with 145 Hanover St (Map 77, Lot 120). The peak of the porch roof is proposed to be slightly lower than the peak of the house.

**ZONING ORDINANCE REQUIREMENTS:**

§310.3 of the Zoning Ordinance requires Class 1 lots (lots that are served by municipal sewer and water) in the R-3 District to maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15 ft. §703.1 of the Zoning Ordinance allows the expansion of "any increase in the footprint and/or volume of the non-conforming part of the building or structure," by Special Exception from the Zoning Board of Adjustment. The applicable Special Exception Criteria are as follows:

**§703.1 EXPANSION:**

*Expansion of non-conforming parts of buildings or structures, may be allowed only by special exception as set forth herein. For purposes of this section, the term "expansion" shall include any increase in the footprint and/or volume of the non-conforming part of the building or structure.*

**A. The Board shall make each of the following findings:**

- 1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.*
- 2. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently non-conforming cannot be made more non-*

*conforming in the absence of a variance.*

*3. These special exception standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.*

*B. Those parts of any non-conforming building or structure which are conforming may be expanded provided the expansion is conforming and the use is not changed.*

**§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 plans submitted by the applicant do not state the height of the enclosed porch. Since the height of the new structure is the source of this application, the Board may wish to clarify the proposed height.



**Property Information**

**Property ID** 77-121  
**Location** 143 HANOVER ST  
**Owner** GRAY, RICHARD L & DIANE M

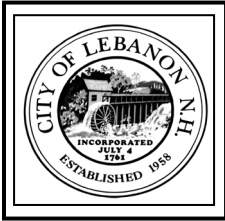


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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.



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
DRAFT DECISION – ZB2024-17-SE  
September 2, 2025 Regular Meeting  
Richard & Diane Gray  
143 Hanover Street (Tax Map 77, Lot 121), Zoned R-3**

**DRAFT MOTION for:**

**Agenda Item: 3.A**

**Case: ZB2025-17-SE**

Request for Special Exception per Section Section §703.1 and Section §801.3

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

On September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 143 Hanover St (Tax Map 77, Lot 121), Zoned R-3: The applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming deck to be expanded in height to create an enclosed porch. ZB2025-17-SE

**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 one-family dwelling constructed in 1982. The lot contains a dimensionally non-conforming one-family home.
2. As described in the application, the applicant proposes to replace the existing 16ft X 20ft non-conforming deck at the rear of the home with an enclosed porch. The proposed porch will maintain the same footprint and will be located +/- 6in further away from the left-side property line than the existing deck; +/- 9 ft from the left-side property line.
3. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on August 4, 2025.
4. There are no known existing zoning violations on the property.
5. \_\_\_\_\_  
\_\_\_\_\_
6. \_\_\_\_\_  
\_\_\_\_\_

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**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 §703.1 and §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.
2. The following criteria of Section §703.1 **have been / have not 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 / 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.

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**III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 2nd day of September, 2025, hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to allow an existing non-conforming deck to be replaced with an enclosed porch as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and federal regulations in the construction of the proposed garage.
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

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: Richard L. Gray TEL.# [REDACTED]

MAILING ADDRESS: 143 Hanover St, Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

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

NAME: Diane M. Gray TEL.# [REDACTED]

MAILING ADDRESS: 143 Hanover St. Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 77 LOT#: 121 PLOT# \_\_\_\_\_ ZONE: R3

STREET ADDRESS: 143 Hanover St. Lebanon, NH. 03766

IS THIS PROPERTY LOCATED IN THE: WETLANDS (YES)  (NO) HISTORIC DISTRICT (YES) (NO) \_\_\_\_\_  
FLOOD PLAIN (YES)  (NO) \_\_\_\_\_

**REQUEST DESCRIPTION:**

Replace existing deck with a 3-season porch on the same existing footprint

**USE TYPE:**

EXISTING: ( ) VACANT (X) ONE FAMILY ( ) TWO FAMILY ( ) MULTI-FAMILY ( ) COMMERCIAL ( ) INDUSTRIAL  
PROPOSED: ( ) VACANT ( ) ONE FAMILY ( ) TWO FAMILY ( ) MULTI-FAMILY ( ) COMMERCIAL ( ) INDUSTRIAL  
If use is COMMERCIAL OR INDUSTRIAL please note specific use: \_\_\_\_\_

**SIGNATURE BLOCK:**

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

Date: 9/2/25

Owner Signature: R L Gray / dm gray DATE: 8/4/25

**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. Resolutions 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: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: 8-4-25

APPLICATION #:

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

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

*Replacing existing deck with a 3 season porch on the same existing footprint  
The roof will be the same height as the existing roof.  
The porch is in the back of the house and non visible from the street*

**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:

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:

.....  
.....  
.....

**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.

We would like to replace the existing Deck (16' x 20') that is attached to the house with a three-season room on the same foot print\* as the deck. The new addition roof would be the same height as the house roof.

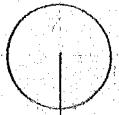
The new addition would be on the back of the house so it could not be seen from the front of the house.

\*The new foot print would be move about 6 -8 inch to the right (away from the property line) so that the roof line of the new addition would be aligned with the roof line of the house. You can see this on the building plans.

Richard & Diane Gray  
143 Hanover St  
Lebanon, NH 03766

HANOVER STREET

#77-120 DRIVEWAY



SITE PLAN

SCALE: 1" = 10' 0"

6/24/15

EXISTING PAVED DRIVEWAY

LOT # 77-121  
DITCHED AND DRAIN GRAY

360'

EXISTING HOUSE

\*\*\* DOTTED-DASHED LINES ARE OLD PEAK-SINKS REMOVED 16' X 20'

NEW SCREEN TO FOOT 16' X 20'

2.50'

NEW STRIPS TO THE SCREEN PLANT

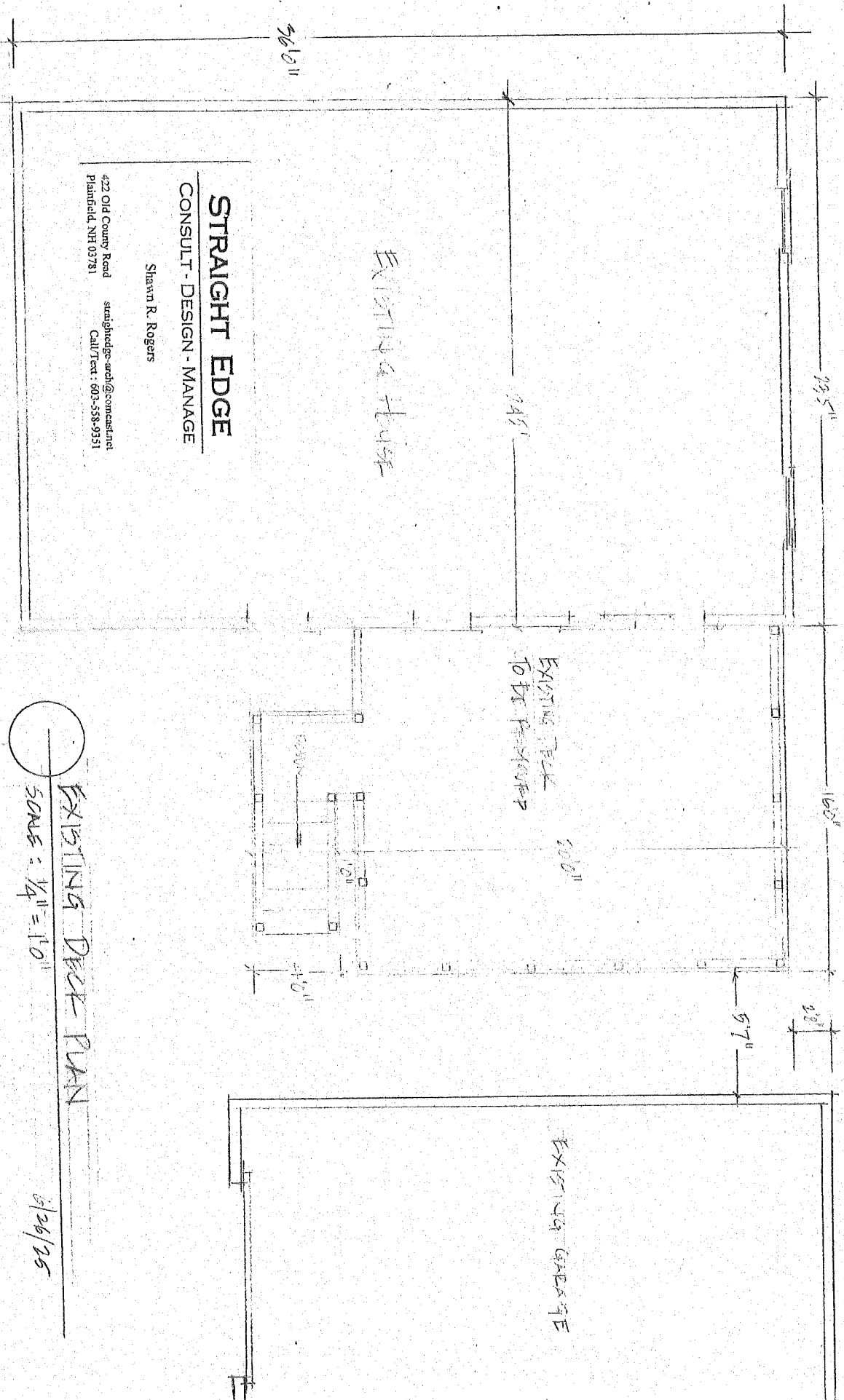
EXISTING GARAGE

2.50'

NORTH

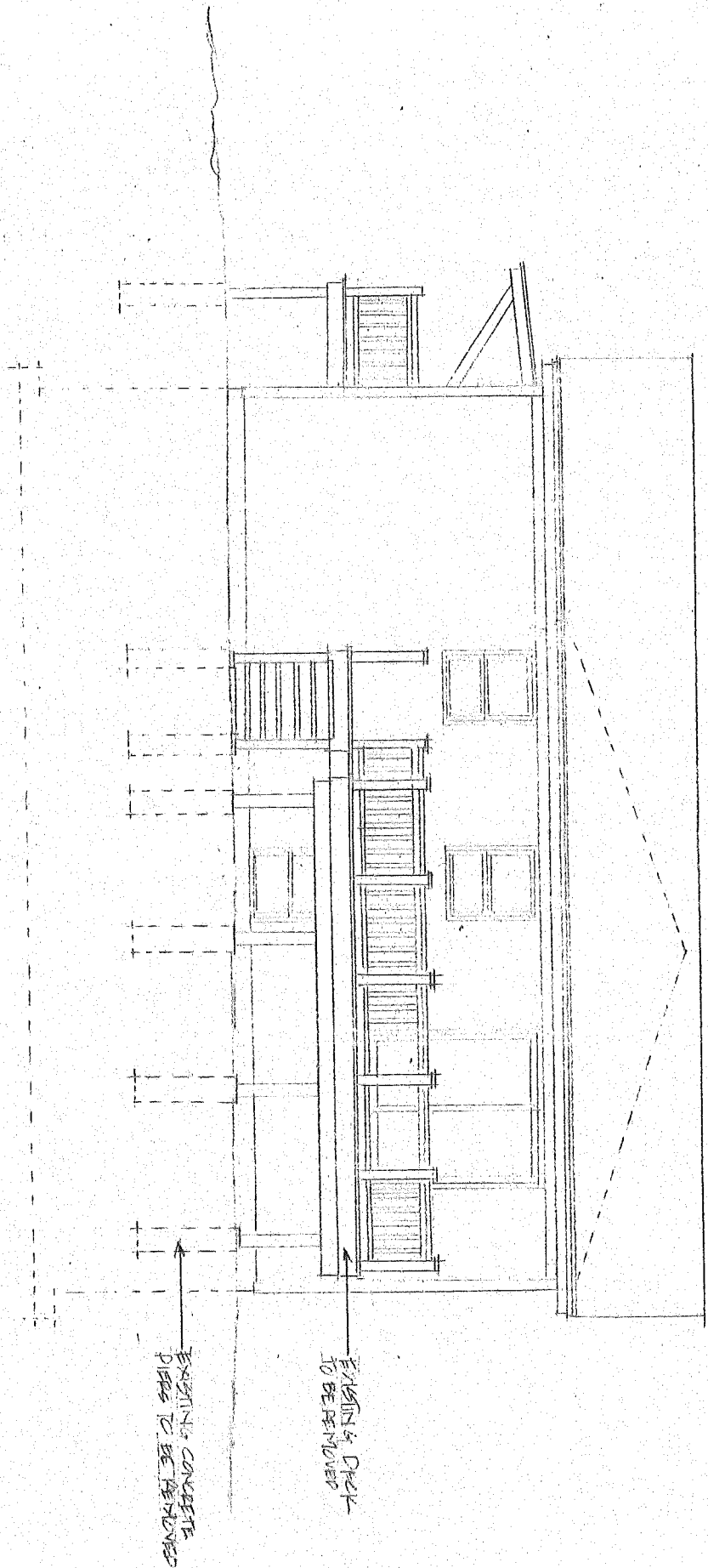
STRAIGHT EDGE

CONSULT - DESIGN - MANAGE



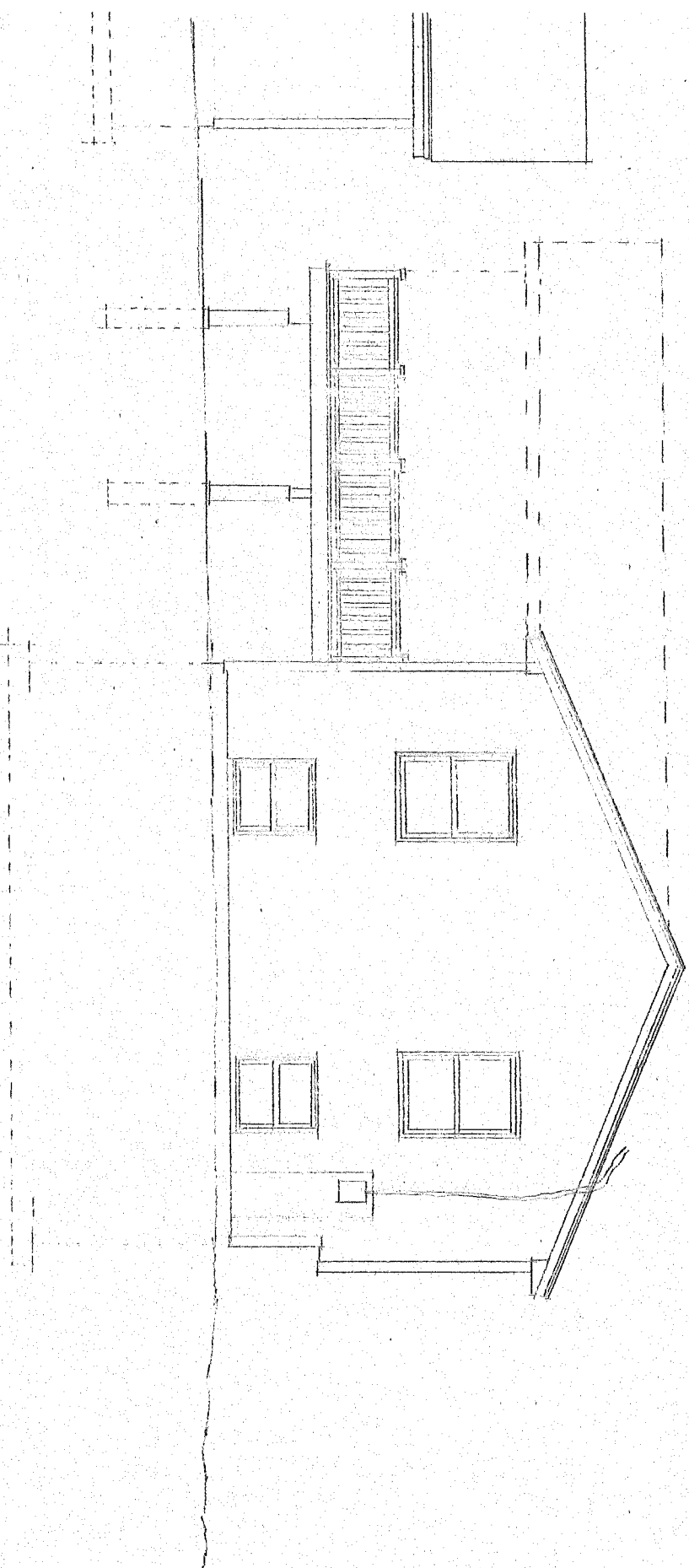
**STRAIGHT EDGE**  
 CONSULT - DESIGN - MANAGE  
 Shawn R. Rogers  
 422 Old County Road  
 Plainfield, NH 03781  
 Email: shawn@straightedge-consult.com  
 Call/Text: 603-538-9351

EXISTING DECK PLAN  
 SCALE: 1/4" = 1'0"  
 6/26/25



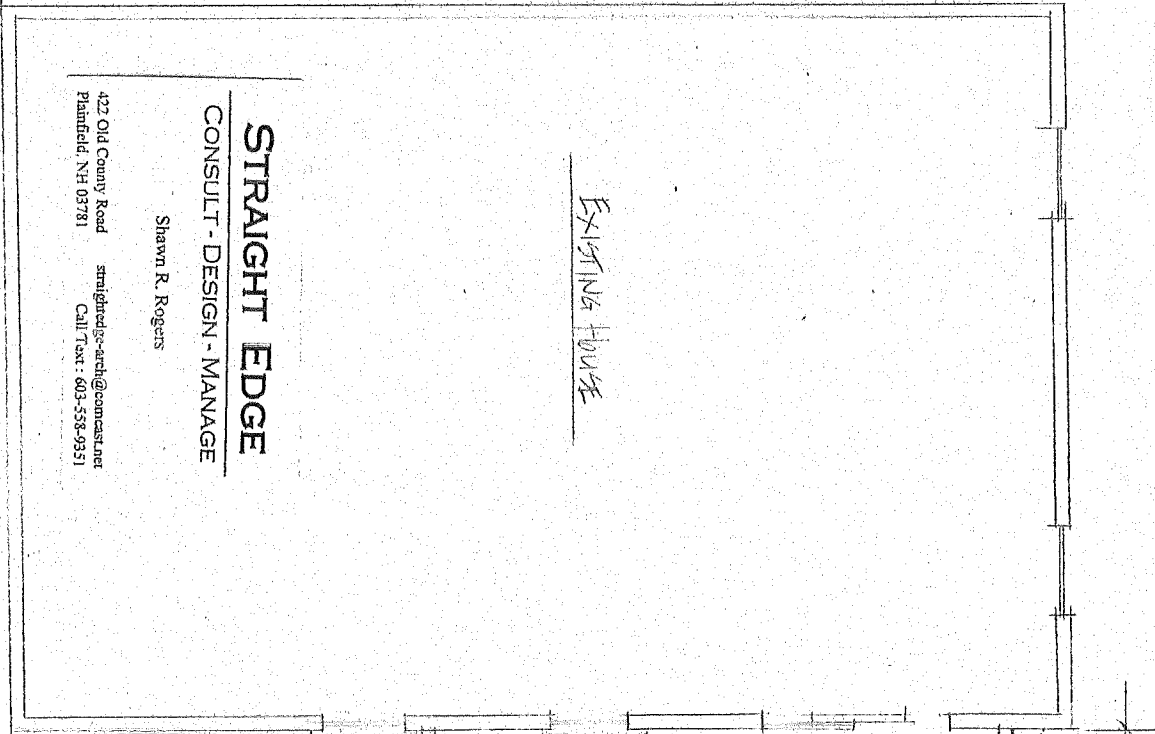
EAST ELEVATION EXISTING DECK  
 SCALE: 1/4" = 1'-0"  
 6/20/25

**STRAIGHT EDGE**  
 CONSULT - DESIGN - MANAGE  
 Shawn R. Rogers  
 422 Old County Road  
 Plainfield, NH 03781  
 straightedge+arch@comcast.net  
 Call/Txt: 603-558-9351



EXISTING NORTH ELEVATION  
SCALE: 1/4" = 1'-0"  
6/25/05

**STRAIGHT EDGE**  
CONSULT - DESIGN - MANAGE  
Shawn R. Rogers  
422 Old County Road  
Plaistfield, NH 03731  
straightedge-arch@comcast.net  
Call/Text: 603-558-9351

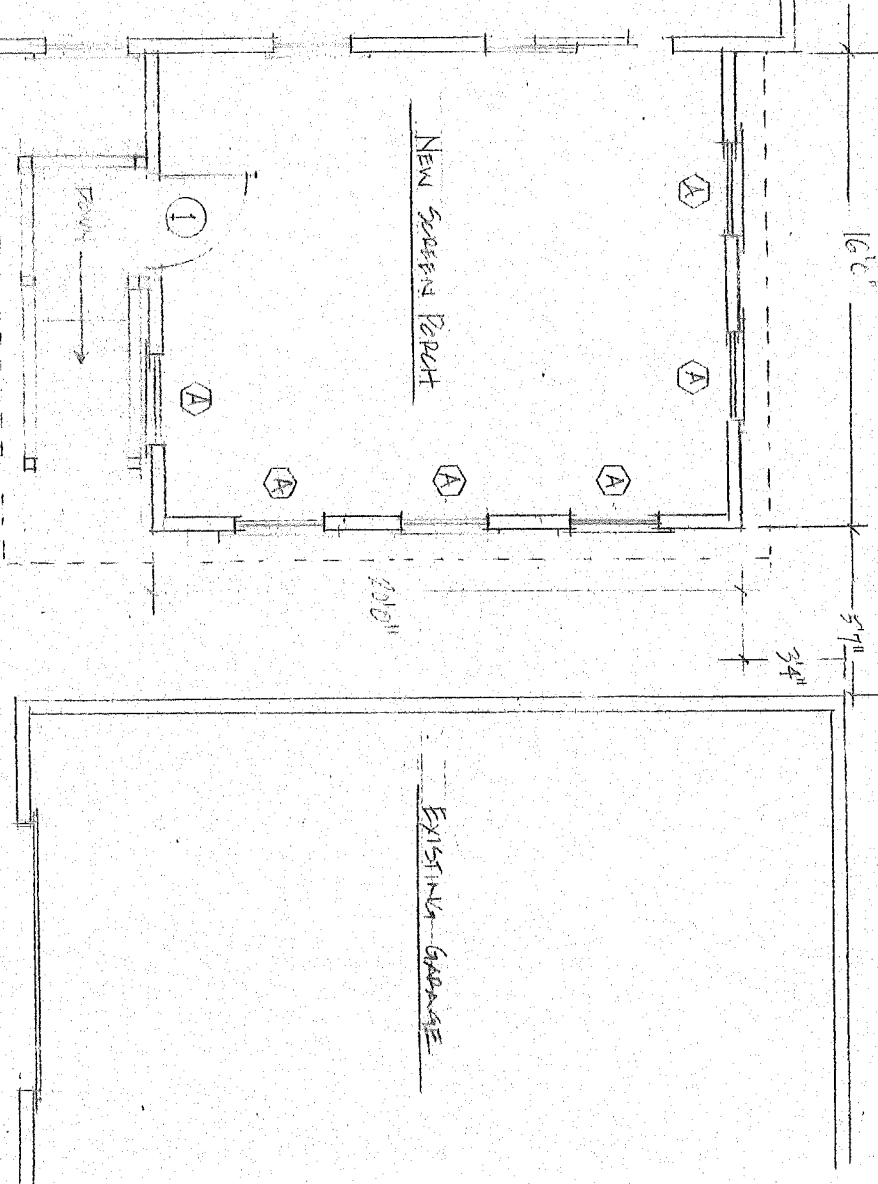


**STRAIGHT EDGE**  
 CONSULT - DESIGN - MANAGE

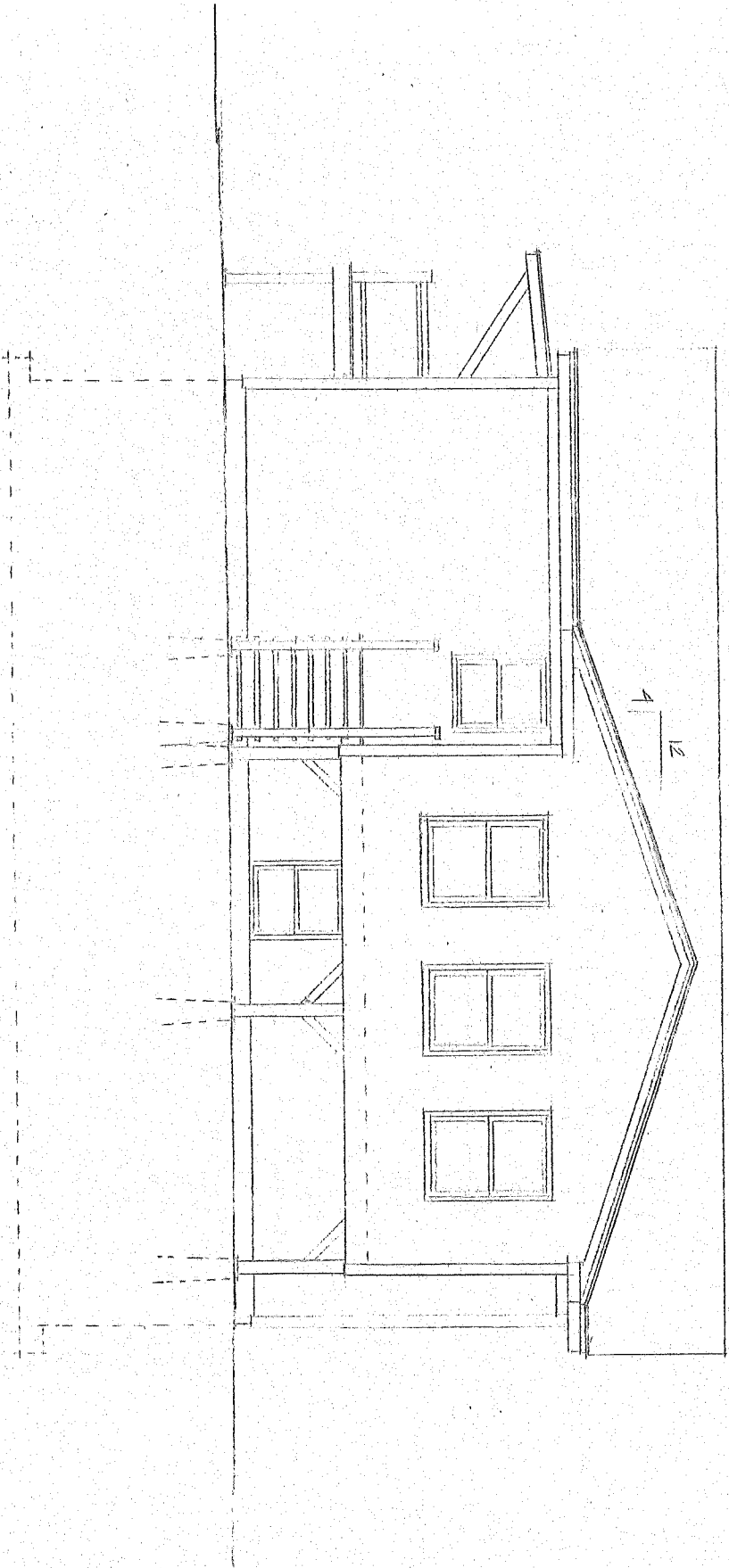
Shawn R. Rogers

422 Old County Road  
 Plainfield, NH 03781

straightedge-arch@comcast.net  
 Call/Txt: 603-558-9351



NEW SCREEN PORCH FLOOR PLAN  
 SCALE: 1/4" = 1'-0"  
 6/25/25



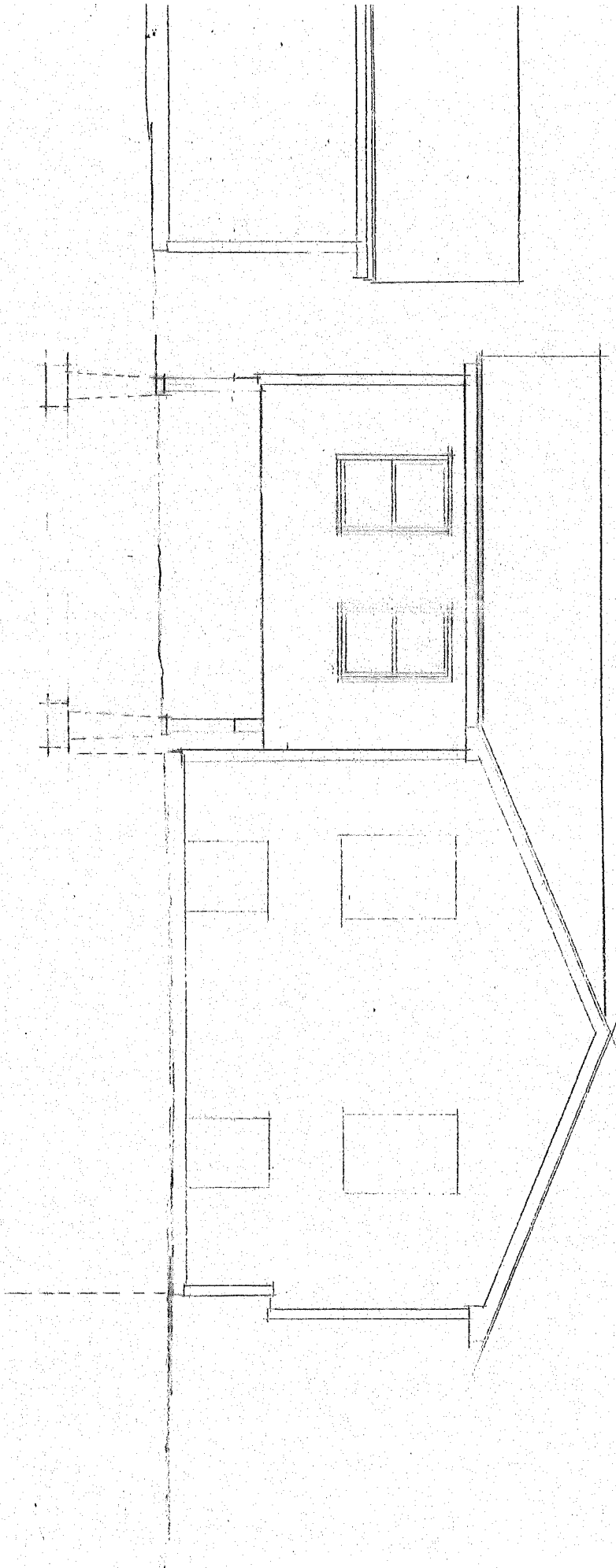
EAST ELEVATION OF NEW SCREEN PORCH  
 SCALE: 1/4" = 1'-0"  
 6/24/28

**STRAIGHT EDGE**

CONSULT - DESIGN - MANAGE

Shawn R. Rogers

422 Old County Road  
 Plainfield, NH 03781  
 straightedge-arch@comcast.net  
 Call/Text: 603-558-9351



○ NORTH ELEVATION OF NEW SCREEN PORCH  
SCALE: 1/4" = 1'-0"  
9/26/25

**STRAIGHT EDGE**  
CONSULT - DESIGN - MANAGE

Shawn R. Rogers

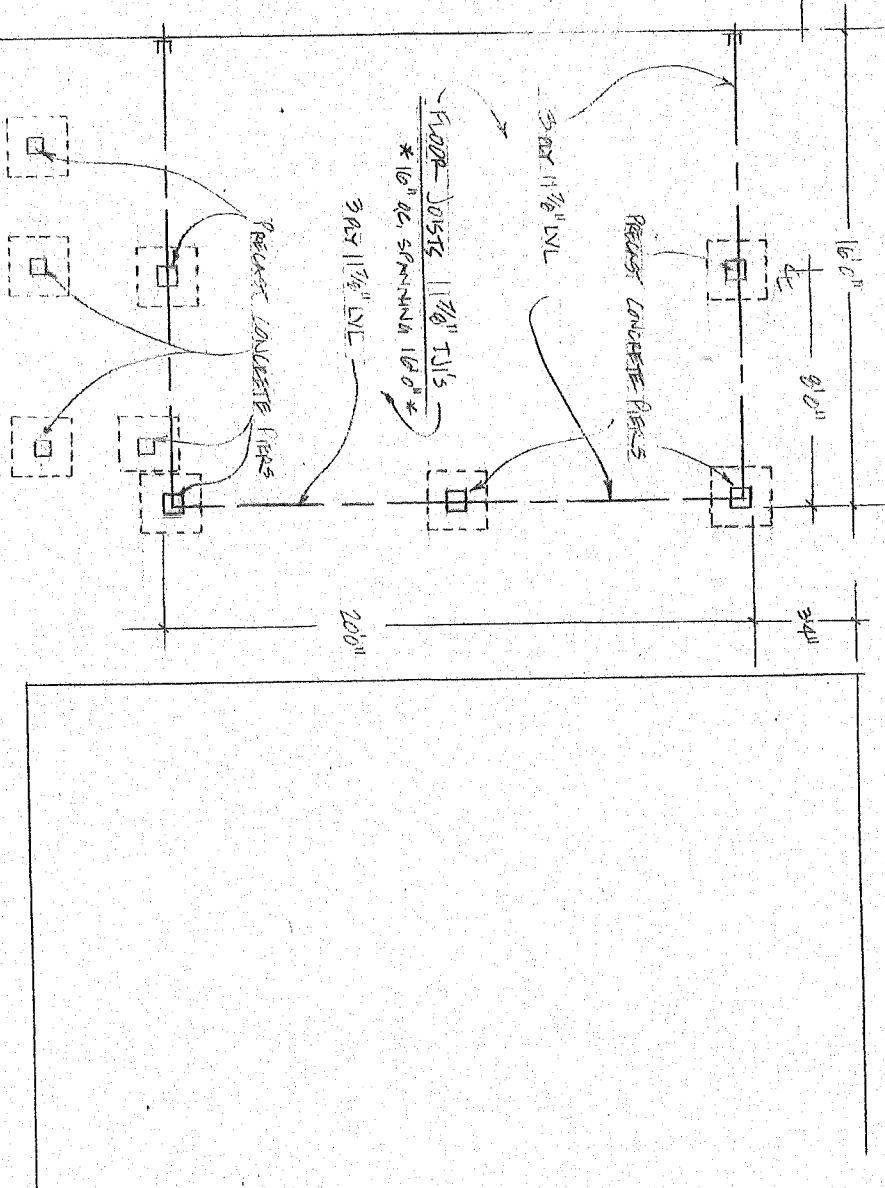
422 Old County Road  
Plainfield, NH 03781  
straightedge-arch@comcast.net  
Call/Text: 603-558-9351

# STRAIGHT EDGE

## CONSULT - DESIGN - MANAGE

Shawn R. Rogers

422 Old County Road  
Plainfield, NH 03781  
shawn@straightedge-arch.com  
Call/Txt: 603-558-9351



STRAIGHT EDGE - CONCRETE AND FRAMING PLAN  
SCALE: 1/4" = 1'-0"  
6/26/25



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT**

**STAFF MEMORANDUM**

**Darrell & Jennifer Lindquist**  
17 Tenley Drive

**To:** Zoning Board of Adjustment

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

**Date:** September 2, 2025 – Regular Meeting

**Application Number:** ZB2025-18-SEVAR

**HEARING NOTICE:**

Darell & Jennifer Lindquist, 17 Tenley Dr (Tax Map 102, Lot 30), Zoned R-3: The applicants request a Special Exception and a Variance from Section 310.3, pursuant to Sections 703.1, 801.3, and 801.2, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft from the left-side property line where 15 ft is required and 11.5 ft from the front property line where 20 ft is required. ZB2025-18-SEVAR

**SITE DESCRIPTION / BACKGROUND:**

The subject property is improved with a dimensionally non-conforming 1-family dwelling constructed in 1976, per the City Assessor's records, and is conforming to the R3 zoning district, Class 1, minimum lot size requirement of 10,000 sq ft with +/- 12,632 sq ft and is not within any overlay district. There has been no previous ZBA action since 1995.

**PROPOSAL:**

The applicants propose to remove the existing concrete steps at the front-left side of their home and replace them with a 20'x8' covered porch in order to divert water away from the building. The home is located +/- 4.5 ft from the right-side property line and +/- 19.5 ft from the front property line. The proposed porch will maintain the same side setback distance and will be +/- 11.5 ft away from the front property line at its nearest point.

**ZONING ORDINANCE REQUIREMENTS – Special Exception:**

§310.3 of the Zoning Ordinance requires class 1 lots (lots that are served by municipal sewer and water) in the R-3 District to maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15 ft. §703.1 of the Zoning Ordinance allows the expansion of "any increase in the footprint and/or volume of the non-conforming part of the building or structure," by Special Exception from the Zoning Board of Adjustment. The applicable Special Exception Criteria are as follows:

**§703.1 EXPANSION:**

*Expansion of non-conforming parts of buildings or structures, may be allowed only by special exception as set forth herein. For purposes of this section, the term "expansion" shall include any increase in the footprint and/or volume of the non-conforming part of the building or structure.*

**A. The Board shall make each of the following findings:**

- 1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.*
- 2. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any*

*aspect of the building or structure that is currently non-conforming cannot be made more non-conforming in the absence of a variance.*

*3. These special exception standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.*

*B. Those parts of any non-conforming building or structure which are conforming may be expanded provided the expansion is conforming and the use is not changed.*

**§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.*

**ZONING ORDINANCE REQUIREMENTS – Variance:**

§310.3 of the Zoning Ordinance requires class 1 lots (lots that are served by municipal sewer and water) in the R-3 District to maintain a minimum front yard (i.e. a space unobstructed by buildings and structures) of 20 ft.

To obtain the requested Variance from Section §310.3, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are state in the bold text below, followed by general staff commentary on the meaning and intent of each.

**1. Will the variance 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?

**2. 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.

3. 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.

4. 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.

5. Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?

a. Special Conditions: 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.

b. Fair and Substantial Relationship: 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.

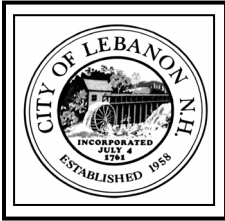
c. Reasonable Use: Is the proposed use a reasonable one? All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

**STAFF COMMENTS:** Staff has no comment concerning this application.

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**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
DRAFT DECISION – ZB2024-18-SEVAR  
September 2, 2025 Regular Meeting  
Darell & Jennifer Lindquist  
17 Tenley Dr (Tax Map 102, Lot 30), Zoned R-3**

**DRAFT MOTION for:**

**Agenda Item: 3.B**

**Case: ZB2025-18-SEVAR**

Request for Special Exception per Section Section §703.1 and Section §801.3 and Variance per Section 801.2

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

On September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 17 Tenley Dr (Tax Map 102, Lot 30), Zoned R-3: The applicants request a Special Exception and a Variance from Section 310.3, pursuant to Sections 703.1, 801.3, and 801.2, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft from the left-side property line where 15 ft is required and 11.5 ft from the front property line where 20 ft is required. ZB2025-18-SEVAR

**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 one-family dwelling constructed in 1976.
2. As described in the application, the applicant proposes to remove the existing front steps and replace them with a 20ft x 8 ft porch. The proposed porch will be located +/- 4.5 ft from the left-side property line and +/- 11.5 ft from the front property line.
3. The front of the existing non-conforming dwelling is located +/- 19.5 ft from the front property line and +/- 4.5 ft from the left-side property line.
4. The applicant has submitted testimony addressing Sections §703.1.A , §801.3, and §801.2 criteria in an application received by the Planning and Development Department on August 5, 2025.
5. There are no known existing zoning violations on the property.
6. \_\_\_\_\_

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

**II. CONCLUSIONS OF LAW- SPECIAL EXCEPTION**

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 §703.1 and §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.

2. The following criteria of Section §703.1 **have been / have not 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 / 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. CONCLUSIONS OF LAW- VARIANCE**

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Variance criteria set forth in section §801.2 of the Zoning Ordinance

1. The variance **will not / will** be contrary to the public interest.

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2. The spirit of the ordinance **is / is not** observed.

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---

3. Substantial justice **is / is not** done.

---

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

---

---

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.

---

---

6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.

7. The proposed use is / is not a reasonable one.

**IV. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 2nd day of September, 2025, hereby

- **GRANTS / DENIES** the requested Special Exception from Section 310.3, pursuant to Section §703.1 and §801.3, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft from the left-side property line where 15 ft is required ZB2025-18-SEVAR

- **GRANTS / DENIES** the requested Variance from Section 310.3, pursuant to Section §801.2, of the Zoning Ordinance to allow the addition of a porch to the front of the house 11.5 ft from the front property line where 20 ft is required ZB2025-18-SEVAR

as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and federal regulations in the construction of the proposed garage.
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

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 checked="" type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

**PROPERTY OWNER (APPLICANT):**

NAME: Darell Lindquist TEL#: [REDACTED]

MAILING ADDRESS: 17 Tenley Dr West Lebanon NH 03784

E-MAIL ADDRESS: [REDACTED]

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

NAME: Jennifer Lindquist TEL#: [REDACTED]

MAILING ADDRESS: 17 Tenley Dr West Lebanon NH 03784

E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 102-30 LOT#: 17 PLOT#: \_\_\_\_\_ ZONE: R3

STREET ADDRESS: 17 Tenley Drive West Lebanon

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

**REQUEST DESCRIPTION:**

Request a special exception to add a 20'x8' covered porch to front left of house.

**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: \_\_\_\_\_

**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 9-2-2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Darell Lindquist DATE: 8-4-25

**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: \_\_\_\_\_ 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) 7, Section(s) 702.5, 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.)

See Attached

**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:

Article 7 Non-Conformities Section 702.5?

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

Gross area 2520/10% = 252, addition 160 sqft

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

NO

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:

The porch addition will have no impact to  
Tenley Drive or the residents

E. That no hazard or nuisance will be created:

No impact

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

It will not impact sewer, water, electricity, or  
the street

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

No impact

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

Will aide in protection of our home. Would  
resolve non conforming property lines to structure.

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

No impact on the City of Lebanon, or it.

**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.

**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**

I (we) hereby request a variance from the terms of Article(s) \_\_\_\_\_  
Section(s) \_\_\_\_\_ 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 character of the neighborhood will remain intact  
It poses no harm to public.

2. That the variance will observe the spirit of the Ordinance.  
The porch will not have an affect on health, safety or  
Welfare of community. It will not interfere with utilities,  
or the roads. The 30ft of street to property line is unusable.

3. That by the granting of the variance, substantial justice will be done;  
The variance will protect our home from reoccurring water  
damage. Allowing any reasonable structure would be  
just given it will have no impact to the community

4. That the variance, if authorized, will not diminish the values of  
surrounding properties  
Values to surrounding properties will not be affected and;  
May arde in increasng property value.

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

The shape of lot to structure is unique. We  
sit on a hill with 30ft between property ; and  
line and street. The property line to house  
would make it hard to put any kind of  
Structure on the front to prevent damage  
to our house.

(ii) The proposed use is a reasonable one.

It is a reasonable request for this structure given the extra land to the front and left of the property lines.

(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.

The house sits at a slight angle to property line with 30ft of hill from property line to street. This variance is reasonable given our intent for adding the structure and zero affect to community.

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)."

Darell & Jennifer Lindquist  
17 Tenley Drive

**Project Description:**

The project requested for consideration is to resolve ongoing water damage to the front entrance and finished basement area. We are looking to have built in the front left area of the house a 20' x 8' covered porch. The addition will prevent rain and snow melting from continuing to back flow or splatter into the house. For this project, it will require removal of current concrete front steps to access areas that received water and moisture damage. With removal of the concrete steps we would like to replace it with a 20' x 8' farmers porch.

The porch will go down the front left side of the house to where the split level protrudes from the house. It will extend out 8ft towards Tenley Dr. Current property lines, specifically left, run 3 to 4ft from the left side of the house. The front yard property line runs from the northern point, 28ft non parallel to the front of the house.



The placement of the house to the property lines will not allow the addition of the porch to meet set back requirements. The left side set back would not change from current distances. Extending out 8ft on the front of the house would put the front left corner at a distance of 20ft and the front right corner at 11.5 ft.

The last survey I could pull up was done in 1971 by Murray H. Stevens and property owned by Francis G. Hathorn. The 40ft of property between Lot 17 and Lot 16 ( see survey), currently owned by Donald & Tracy Stokes, appears to be an extension of Tenley Drive. This right of way never came to fruition and is currently part driveway to the Stokes residence with trees and brush to the near side of our residence.



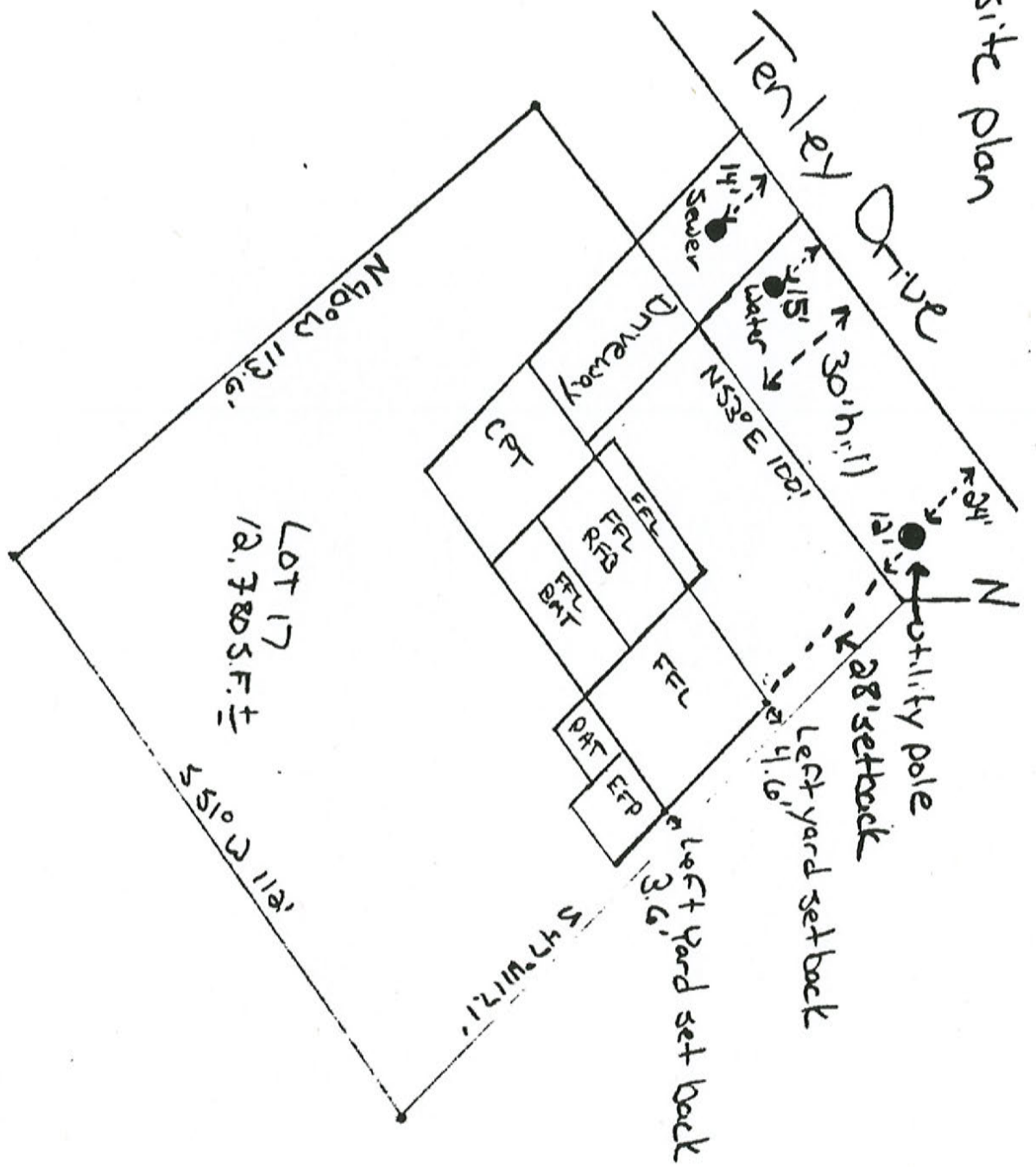
Along the front property line there is a 30ft span of a grass hill from the edge of the Tenley Drive to Lot 17s front property line.



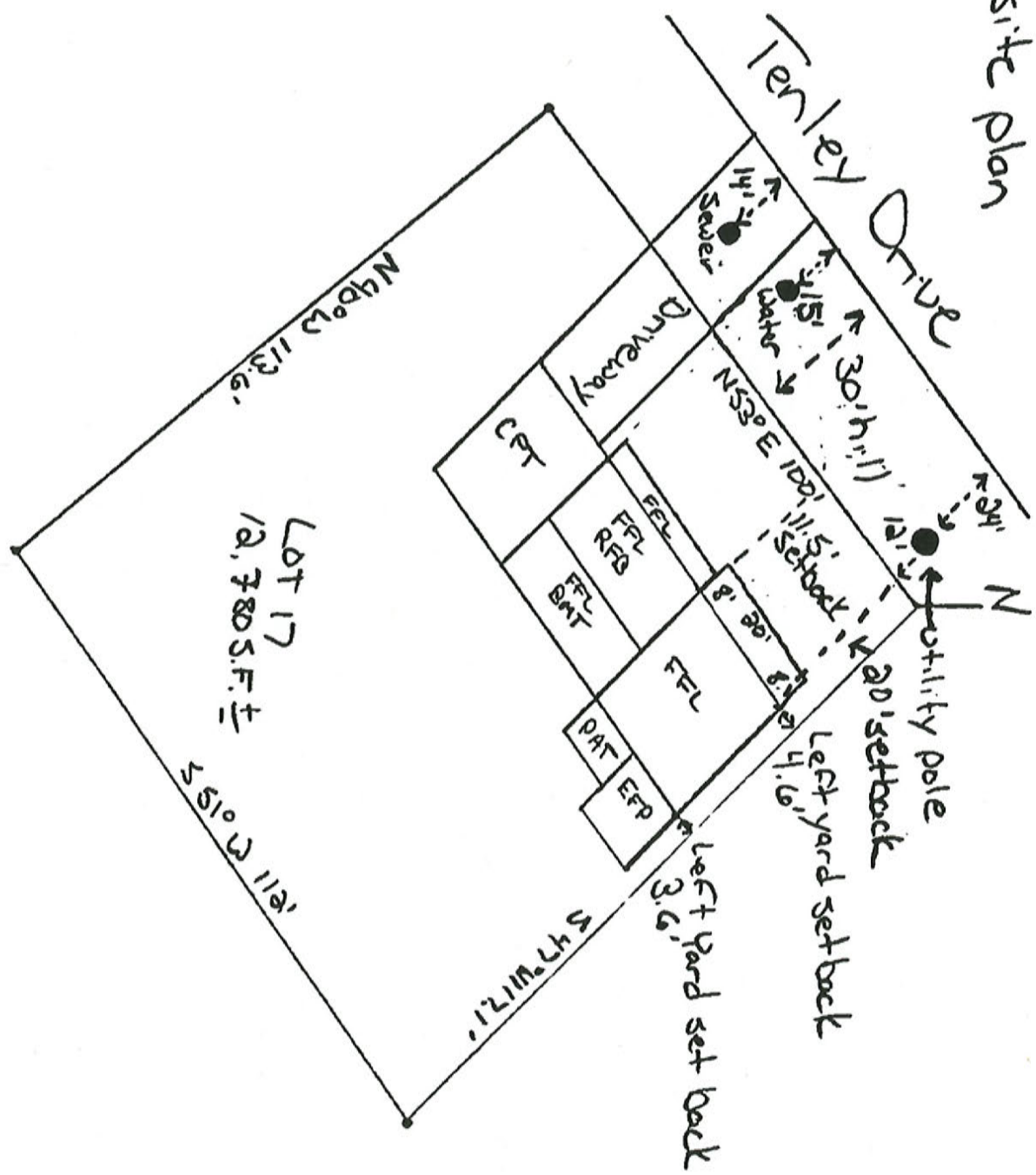


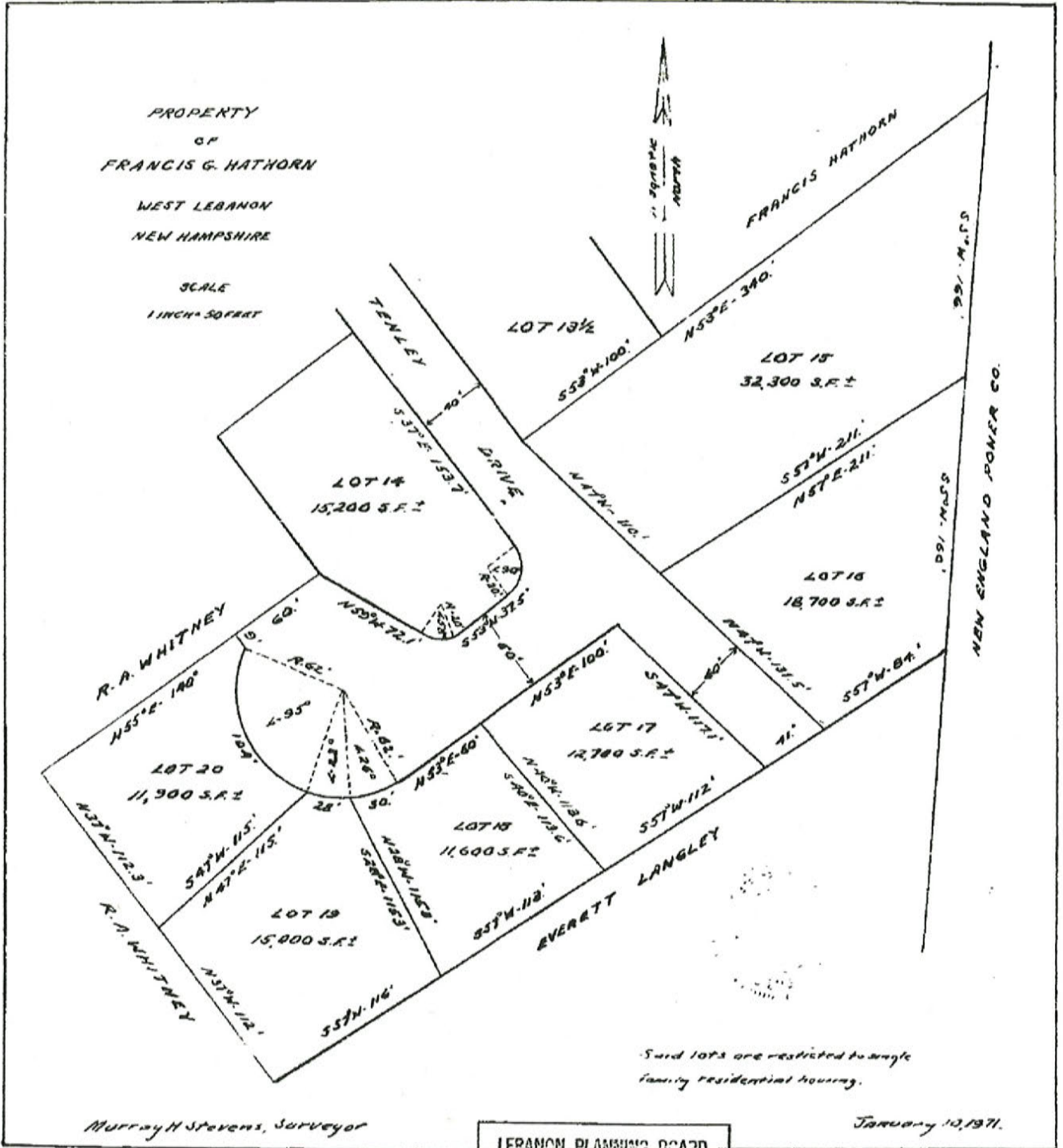
Ariel view of porch placement

# Current site plan



# Proposed site plan





LEBANON PLANNING BOARD  
APPROVED  
DATE: April 12, 1971  
TIME: 8:00 PM  
Chairman



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT**

**STAFF MEMORANDUM**

**Robin & Colin Parker  
60 Ice House Road**

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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:** September 2, 2025 – Regular Meeting  
**Application Number:** ZB2025-19-SE

---

**HEARING NOTICE:**

Robin & Colin Parker, 60 Ice House Rd (Tax Map 84, Lot 26), Zoned RL-1: The applicants request a Special Exception from Section 312.3, pursuant to Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming +/-14.75 ft tall dwelling to be demolished and replaced with an equally dimensionally non-conforming dwelling that will be expanded to 26.25 ft tall. ZB2025-19-SE

**SITE DESCRIPTION / BACKGROUND:**

The subject property is improved with a dimensionally non-conforming 1-family dwelling constructed in 1970, per the City Assessor's records, and is non-conforming to the RL-1 zoning district, Class 1, minimum lot size requirement of 3 acres with +/- 0.21 acres and is within the NH Shoreland Protection overlay district. There has been no previous ZBA action since 1995.

**PROPOSAL:**

The applicant proposes to demolish the existing +/- 14.75 ft tall dwelling structure and replace it with a +/- 26.25 ft tall dwelling structure within the same footprint. The footprint of the existing structure does not conform to the required 25 ft minimum side yard or the 40 ft minimum front yard setback requirements.

**ZONING ORDINANCE REQUIREMENTS:**

§310.3 of the Zoning Ordinance requires class 3 lots (lots that are not served by either municipal sewer and water) in the RL-1 District to maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 25 ft. and minimum front yard of 40 ft. §703.1 of the Zoning Ordinance allows the expansion of "any increase in the footprint and/or volume of the non-conforming part of the building or structure," by Special Exception from the Zoning Board of Adjustment. The applicable Special Exception Criteria are as follows:

**§703.1 EXPANSION:**

*Expansion of non-conforming parts of buildings or structures, may be allowed only by special exception as set forth herein. For purposes of this section, the term "expansion" shall include any increase in the footprint and/or volume of the non-conforming part of the building or structure.*

**A. The Board shall make each of the following findings:**

- 1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.*
- 2. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently non-conforming cannot be made more non-*

*conforming in the absence of a variance.*

*3. These special exception standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.*

*B. Those parts of any non-conforming building or structure which are conforming may be expanded provided the expansion is conforming and the use is not changed.*

**§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 proposed action is a tear-down rebuild on a lake lot. The same footprint is being proposed. As such confirming with the owners that they meet the special exception criteria should be the main focus of the discussion.

# 60 Ice House



# 60 Ice House Road





Google sanborn

1" = 59.95567915520615 ft

**Property Information**

**Property ID** 84-26  
**Location** 60 ICE HOUSE RD  
**Owner** PARKER, COLIN C & ROBIN

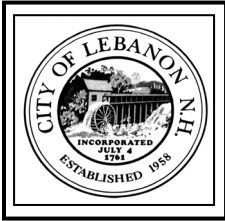


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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.



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
DRAFT DECISION – ZB2024-19-SE  
September 2, 2025 Regular Meeting  
Robin & Colin Parker  
60 Ice House Road**

**DRAFT MOTION for:**

**Agenda Item: 3.C**

**Case: ZB2025-19-SE**

Request for Special Exception per Section Section §703.1 and Section §801.3

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

On September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 60 Ice House Rd (Tax Map 84, Lot 26), Zoned RL-1: The applicants request a Special Exception from Section 312.3, pursuant to Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming +/-14.75 ft tall dwelling to be demolished and replaced with an equally dimensionally non-conforming dwelling that will be expanded to 26.25 ft tall. ZB2025-19-SE

**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 one-family, dimensionally non-conforming, 14.75 ft tall dwelling constructed in 1970.
2. At +/- 0.21 acres. the lot is non-conforming to the 3-acre minimum lot size required for Class 3 lots in the RL-1 District.
3. As described in the application, the applicant proposes to demolish the existing dimensionally non-conforming structure and replace it with a 26.25 ft tall structure. The proposed new structure will maintain the same footprint.
4. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on August 7, 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 §703.1 and §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.

2. The following criteria of Section §703.1 **have been / have not 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 / 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 2nd day of September, 2025, hereby GRANTS / DENIES the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to allow an existing non-conforming deck to be replaced with an enclosed porch as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

- 1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and federal regulations in the construction of the proposed garage.

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

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: Robin & Colin Parker TEL#: [REDACTED]  
 MAILING ADDRESS: 19 Pleasant St West Lebanon NH  
 E-MAIL ADDRESS: [REDACTED]

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

NAME: \_\_\_\_\_ TEL#: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 E-MAIL ADDRESS: \_\_\_\_\_

**PROJECT LOCATION:**

TAX MAP #: 84 LOT#: 26 PLOT #: \_\_\_\_\_ ZONE: RL1  
 STREET ADDRESS: 60 Ice house Rd Lebanon NH  
 IS THIS PROPERTY LOCATED IN THE: WETLANDS  YES  NO HISTORIC DISTRICT  YES  NO  
 FLOOD PLAIN  YES  NO

**REQUEST DESCRIPTION:**

To rebuild our current house to make it a year round home. For our family. We are adding a second story lot so we have 2 bedrooms for our 2 kids.

**USE TYPE:** Residential

EXISTING:  VACANT  ONE FAMILY  TWO FAMILY  MULTI-FAMILY  COMMERCIAL  INDUSTRIAL  
 PROPOSED:  VACANT  ONE FAMILY  TWO FAMILY  MULTI-FAMILY  COMMERCIAL  INDUSTRIAL  
 If use is **COMMERCIAL OR INDUSTRIAL** please note specific use: \_\_\_\_\_

**SIGNATURE BLOCK:**

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 8/7/25, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.  
 Owner Signature: Colin Parker DATE: 8/7/2025

**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: \_\_\_\_\_ 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) \_\_\_\_\_, Section(s) \_\_\_\_\_, 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.)*

*We are rebuilding our house and adding a loft so we have additional room for bedrooms for our 2 kids. We are keeping the same footprint. The current house is on a slab without footings or drainage causing rot and mold. We are looking to have an efficient and structurally sound house to live in for the remainder of our lives. The existing house/roofline is 14'8" tall and the new house would be 26'4"*

**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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

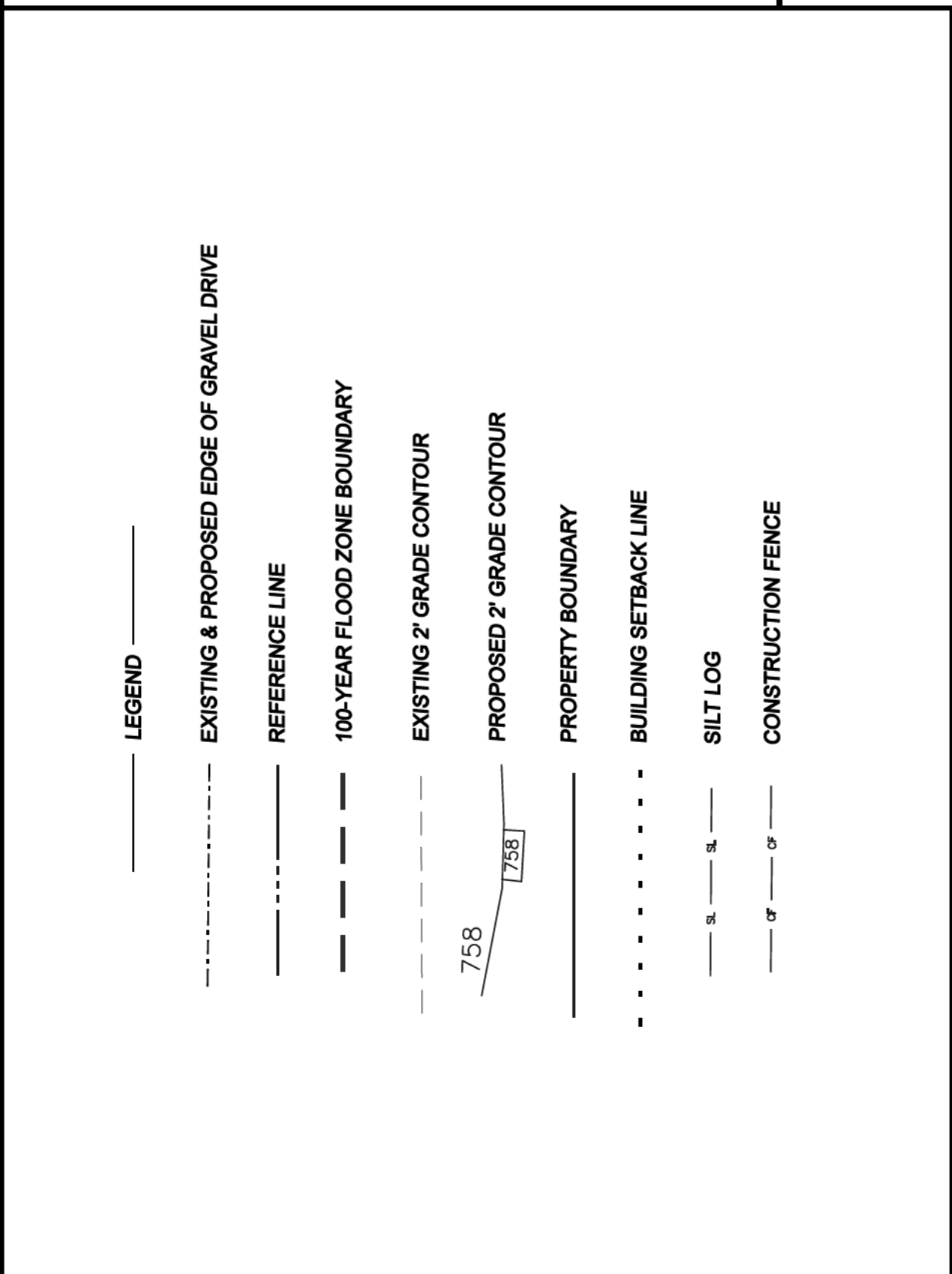
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.







SEEDING NOTES:

- BEDDING: REMOVE STONES AND TRASH THAT WILL INTERFERE WITH SEEDING THE AREA. WHERE FEASIBLE, TILL THE SOIL TO A DEPTH OF ABOUT THREE INCHES TO PREPARE SEED BED AND MIX THE FERTILIZER INTO THE SOIL.
- FERTILIZER: IN LIEU OF A SOIL TEST, LIME AT THE RATE OF 2 TONS/ACRE (90 LBS/SF). FERTILIZE WITH 500 LBS/ACRES (11 LBS/1000 SF) OF 10-20-20 OR EQUIVALENT.
- THE SEED NEEDS TO BE INCORPORATED TO ENSURE SUCCESS AND TO SHORTEN ESTABLISHMENT TIME. ON THE FLATTER FLOPES, USE A BULLDOZER TO "TRACK IN" THE SEED.
- SEED MIXTURE: THE FOLLOWING (NRCS MIX 2 LEGUMES AND COOL SEASON GRASS)
 

SPECIES	PER ACRE
FLATPEA	10 LBS.
PERENNIAL PEA	2.0 LBS
CROWN VETCH	10 LBS
TALL FESCUE	10 LBS.

WARM SEASON GRASS SEED IS SOLD AND PLANTED ON THE BASIS OF PURE LIVE SEEDS (PLS). AN ADJUSTMENT IS MADE TO THE BULK POUNDS OF SEED TO COMPENSATE FOR INERT MATERIAL AND DEAD SEED.

THESE LEGUMES MUST BE INOCULATED AT TIME OF SEEDING. IF SEEDING BY HAND, USE A SUITABLE SEEDING METHOD. IF SEEDING WITH A BROADCASTER, USE 4 TIMES THE RECOMMENDED RATE OF INOCULANT.

- MULCHING: MULCH WITH WEED FREE HAY OR STRAW AND MULCH AT THE RATE OF 2-3 TONS/ACRE. THE HIGHER MULCHING RATE IS RECOMMENDED FOR WHERE SEED INCORPORATION IS DIFFICULT.
- SEEDING METHODS.
  - ALTERNATIVE 1 - LARGE AREAS AN/OR STEEP SLOPES (STEEPER THAN 2:1). APPLY LIME, SEED, AND FERTILIZER WITH A HYDROSEEDER AND, DEPENDING ON THE CONSISTENCY OF THE SOIL MATERIAL, STEEPNESS OF SLOPE, AND SEED MIXTURE USED:
    - PRESS THE SEED INTO THE SOIL BY TRACKING WITH A BULLDOZER, OR
    - COVER THE SEED BY WALKING BACK AND FORTH OVER STEEP LOOSE SANDY SLOPES, OR
    - APPLY MULCH AND A TACKIFIER TO HOLD THE MULCH IN PLACE.
  - ALTERNATIVE 2 - FLAT TO GENTLY SLOPING AREAS (2:1 SLOPE MAXIMUM)
    - APPLY LIME, SEED, AND FERTILIZER USING FARM TYPE SPREADERS, AND TRACK THE SITE WITH A BULLDOZER OR APPLY MULCH.
  - MAINTENANCE
 

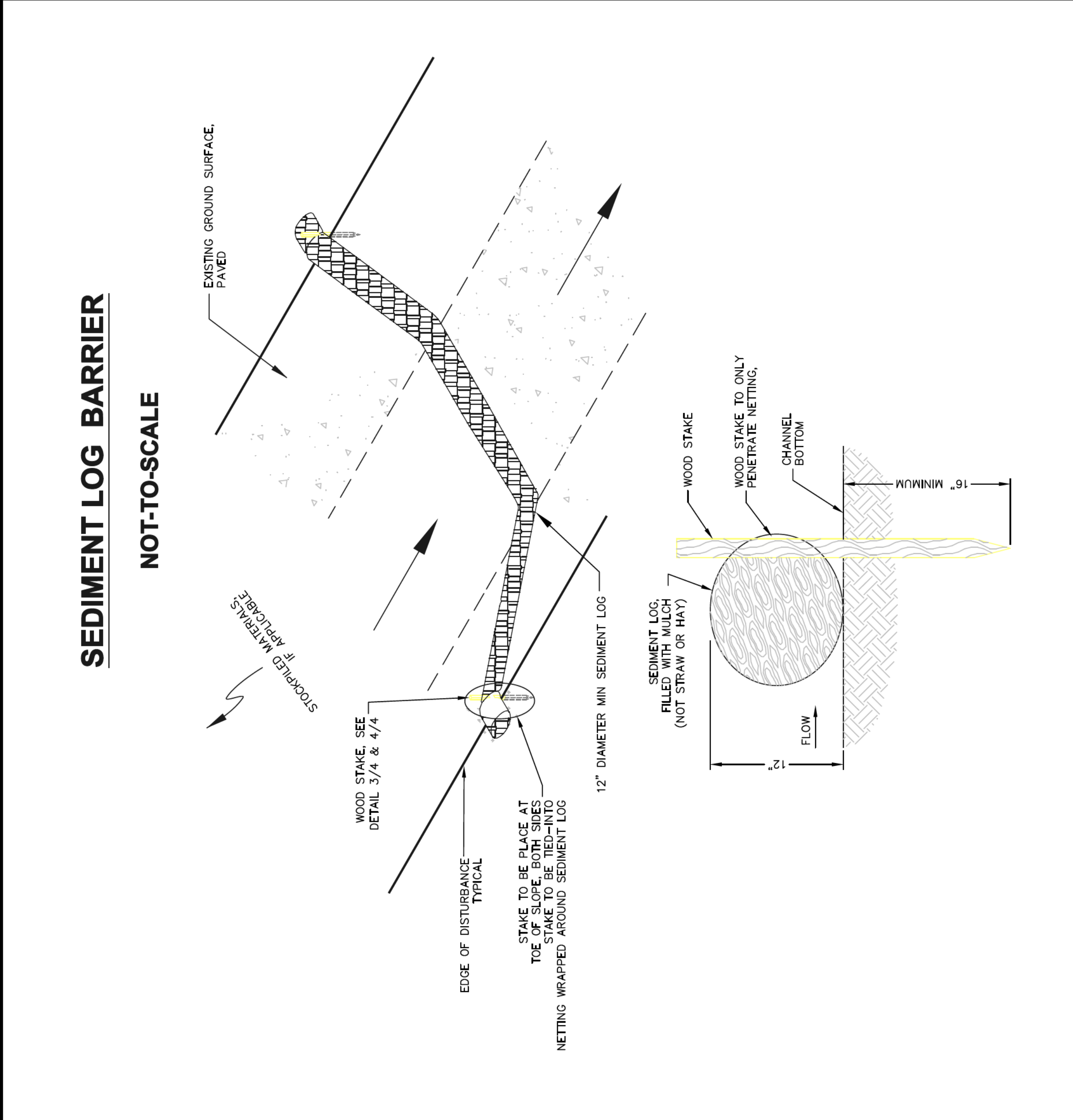
SUBSTANTIAL STAND GROW CAN BE ACHIEVED IF THE SITE IS TOPDRESSED WITH FERTILIZER ONE YEAR AFTER PLANTING. THE TIMING OF TOPDRESSING IS IMPORTANT. THE SEED MIXTURE ABOVE SHOULD BE TOPDRESSED IN THE EARLY SPRING WITH 500 LBS OF 0-20-20/ACRES IN APRIL, MAY, OR JUNE.

MOWING IS NOT NEEDED TO SUPPRESS WOODY GROWTH WITH THE SPECIFIED SEED MIXTURE.

**CONSTRUCTION SEQUENCE NOTES:**

- INSTALL SEDIMENT AND EROSION CONTROL FACILITIES. ALL PERIMETER CONTROLS SHALL BE INSTALLED PRIOR TO EARTH MOVING OPERATIONS.
- ALL SEDIMENT AND EROSION CONTROL SHALL BE IN ACCORDANCE WITH NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES (NHDES) BEST MANAGEMENT PRACTICES, AND ACCORDING TO THE CONDITIONS OF THE NHDES SHORELAND PERMIT.
- INSPECT SITE REGULARLY TO ENSURE PROPER FUNCTION OF SEDIMENT AND EROSION CONTROLS. SITE SHALL BE INSPECTED WEEKLY, AT A MINIMUM, AND ALSO AFTER/DURING SEVERE STORM EVENT(S), AFTER/DURING ANY RAINFALL THAT EXCEEDS 1/2 INCH IN 24 HOURS.
- SEDIMENT CONTROL MEASURES SHALL BE INSTALLED DOWNGRADIANT FROM ALL IMPACTS.
- REMOVE UNSUITABLE MATERIAL. VEGETATION AND LOOSE DEBRIS FROM THE AREA OF CONSTRUCTION.
- ALL UNSUITABLE MATERIAL THAT WILL NOT BE REUSED SHALL BE REMOVED TO AN APPROPRIATE OFF-SITE LOCATION.
- STOCKPILE MATERIAL TO BE RE-USED ONSITE AS APPLICABLE AND STABILIZE AS REQUIRED.
- REMOVE EXISTING HOUSE AND SEPTIC SYSTEM.
- RECONSTRUCT HOUSE AND ASSOCIATED GRADING.
- REPLACE SEPTIC SYSTEM.
- STABILIZE DISTURBED AREAS.
- REMOVE SEDIMENT AND EROSION CONTROL MEASURES UPON SITE STABILIZATION.

All observations of threatened or endangered species on the project site shall be reported immediately to the NHFG nongame and endangered wildlife environmental review program by phone at 603-271-2461 and by email at [NHFCreview@wildlife.nh.gov](mailto:NHFCreview@wildlife.nh.gov), with the email subject line containing the NHB DataCheck tool results letter assigned number, the project name, and the term Wildlife Species Observation. Photographs of the observed species and nearby elements of habitat or areas of land disturbance shall be provided to NHFG in digital format at the above email address for verification, as feasible.



**GEOTECHNICAL NOTES:**

- GEOTECHNICAL TESTING HAS NOT BEEN COMPLETED. VERIFICATION OF SOIL CONDITIONS SHALL BE COMPLETED PRIOR TO CONSTRUCTION WORK BY A QUALIFIED ENGINEER.

**ENGINEERING NOTES:**

- PERIODIC FIELD OBSERVATIONS BY DESIGN ENGINEER OR ENGINEER-ASSIGNED REPRESENTATIVE WILL BE COMPLETED DURING CONSTRUCTION.
  - VERIFICATION OF CONSTRUCTED DESIGN CANNOT BE PROVIDED OR WARRANTED WITHOUT ON-SITE FIELD OBSERVATIONS DURING CONSTRUCTION.
  - TIMING AND AMOUNT OF FIELD OBSERVATIONS SHALL BE AT THE DISCRETION OF DESIGN ENGINEER (RIGHT ANGLE ENGINEERING, PLLC).

**BACKFILL NOTES:**

- PRIOR TO PLACING STRUCTURAL FILL ALL ORGANIC MATERIAL, TOPSOIL, DEBRIS AND ANY OTHER DELETERIOUS MATERIAL SHALL BE REMOVED.
- STRUCTURAL FILL SHALL COMPLY WITH NHDOT SPECIFICATION REQUIREMENTS.
- THE MATERIAL SHALL BE PLACED IN MAXIMUM 8" LIFTS AND COMPACTED AT 95% OF THE MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT AS DETERMINED BY ASTM 01557, MODIFIED PROCTOR.
- SAND SHALL BE MATERIAL FREE FROM SILT, LOAM, CLAY OR ORGANIC MATTER, PLACE IN 8" MAXIMUM LIFTS, AND COMPACTED TO 95% ASTM 0698, OR STANDARD PROCTOR.

**GENERAL UTILITY NOTES:**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION PROCEDURE. THERE ARE OVERHEAD POWER TRANSMISSION LINES AND OTHER UTILITIES WITH OVERHEAD CROSSING AND LINES IN THE IMMEDIATE VICINITY OF THE CULVERTS. THE CONTRACTOR IS ADVISED THAT EXTREME CAUTION WILL BE REQUIRED IN THE OPERATION OF EQUIPMENT, ESPECIALLY CRANES, CONTACT DIG-SAFE AT 1-888-DIG-SAFE.
- ALL UTILITY INSTALLATIONS, INCLUDING THE LOCATION, SIZE, DEPTH, AND SPECIFICATION FOR CONSTRUCTION OF THE PROPOSED UTILITY SERVICES SHALL BE INSTALLED UNDER THE SUPERVISION OF AND COMPLYING WITH THE REQUIREMENTS OF THE RESPECTIVE UTILITY COMPANY (ELECTRIC, TELEPHONE, CABLE, ETC.)
- DAMAGE TO ANY UTILITY BY THE CONTRACTOR SHALL BE REPORTED TO THE UTILITY COMPANY. REPAIR OF THE UTILITY SHALL BE PAID FOR BY THE CONTRACTOR.
- PROPOSED UNDERGROUND UTILITY LINE LOCATION IS APPROXIMATE. FINAL LOCATION SHALL BE DETERMINED IN THE FIELD AND WILL BE IN COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REQUIREMENTS.

NO.	DATE	DESCRIPTION	BY
1			

**WETLANDS SCIENTIST:**  
BEAR TRACKS, LLC  
JONATHAN SIZSON, C.W.S., C.S.S.  
408 Randolph Hill Road  
Randolph, NH 03593  
(603) 313-4925  
bearttracksllc@yahoo.com

**SURVEYOR:**  
CARDIGAN MOUNTAIN LAND SURVEY, LLC  
32 Peaslee Road  
Orange, NH 03741



**ENGINEER:**  
Right Angle Engineering, PLLC  
Erin Darrow, P.E., C.P.E.S.C.  
152 Main Street  
New London, NH 03257  
(603) 526-2807 office  
(603) 443-7815 mobile  
(603) 523-8811 fax  
Erin@RightAngleEngineering.com

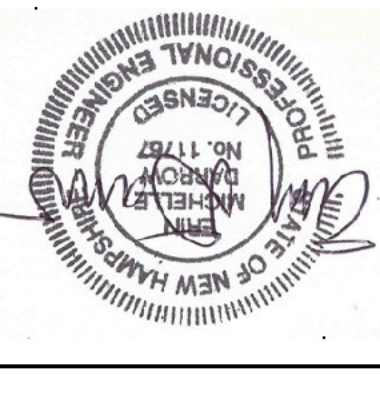
**PREPARED FOR OWNERS:**  
ROBIN & COLIN PARKER  
PO BOX 5088  
WEST LEBANON, NH 03784

**GENERAL DETAILS PLAN**  
HOUSE RE-CONSTRUCTION  
60 ICE HOUSE LANE  
TAX MAP 84, LOT 26  
LEBANON, NEW HAMPSHIRE  
JULY 23, 2025

**EXISTING CONDITIONS SITE PLAN**  
**HOUSE RE-CONSTRUCTION**  
**TAX MAP 84, LOT 26**  
**60 ICE HOUSE LANE**  
**LEBANON, NEW HAMPSHIRE**  
**JULY 23, 2025**

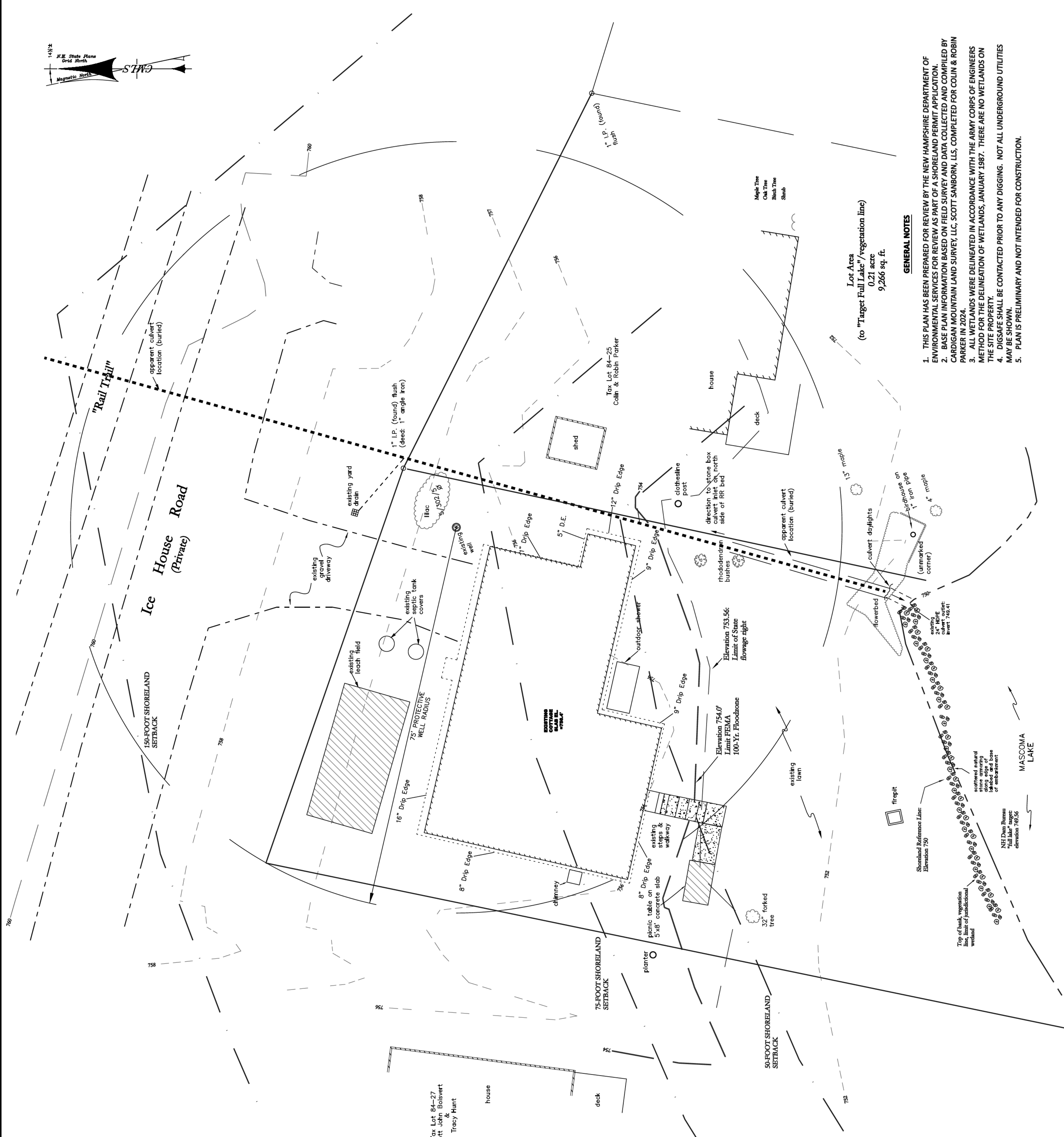
**PREPARED FOR OWNERS:**  
**ROBIN & COLIN PARKER**  
 PO BOX 5088  
 WEST LEBANON, NH 03784

**ENGINEER:**  
**Erin Darrow, P.E., C.P.E.S.C.**  
**Right Angle Engineering, PLLC**  
 152 Main Street  
 New London, NH 03257  
 (603) 526-2807 office  
 (603) 443-7815 mobile  
 (603) 523-8811 fax  
 Erin@RightAngleEngineering.com



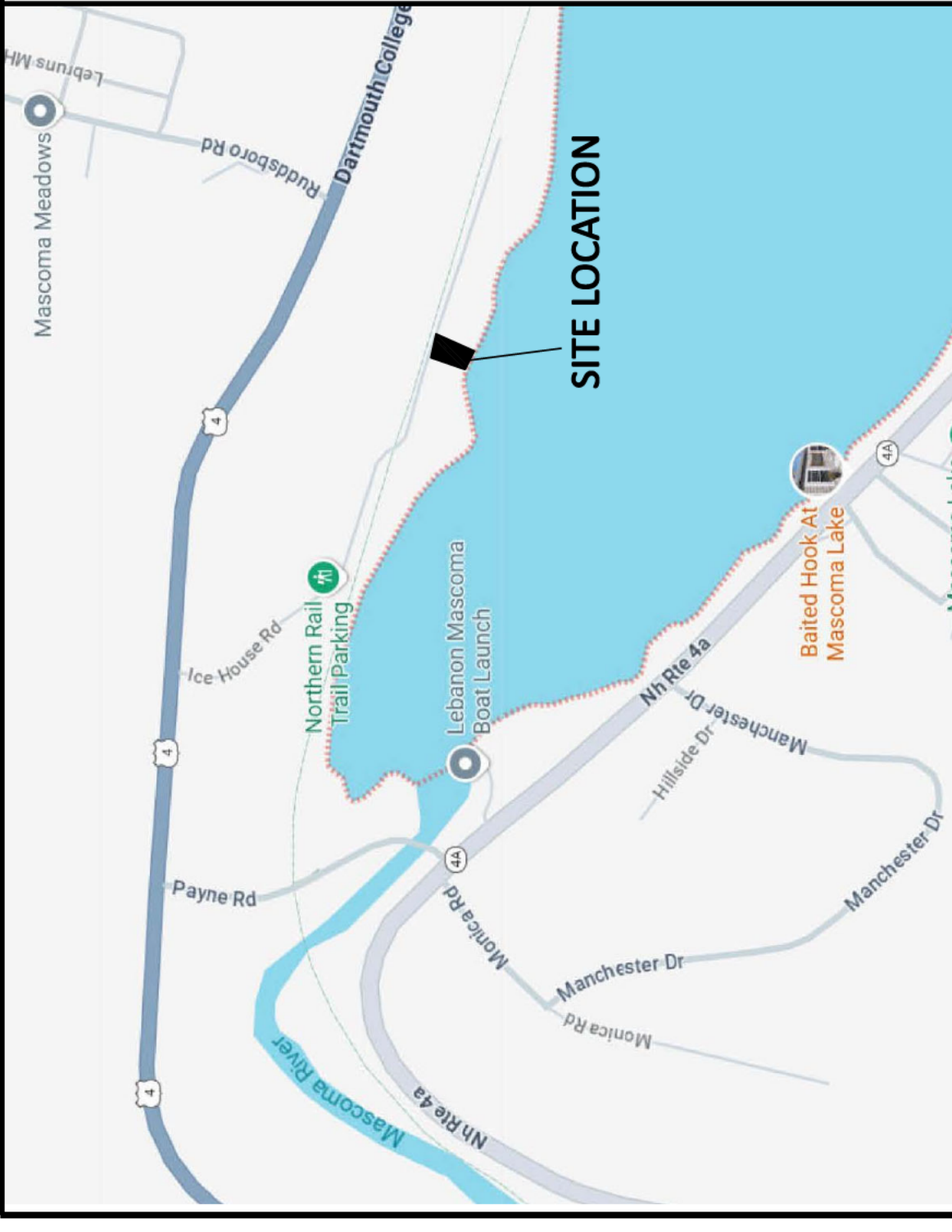
**WETLANDS SCIENTIST:**  
**Beaver Tracks, LLC**  
 Jonathan Sisson, C.W.S., C.S.S.  
 408 Randolph Hill Road  
 Randolph, NH 03593  
 (603) 313-4925  
 beavertacksllc@yahoo.com

**SURVEYOR:**  
**Cardigan Mountain Land Survey, LLC**  
 32 Passlee Road  
 Orange, NH 03741

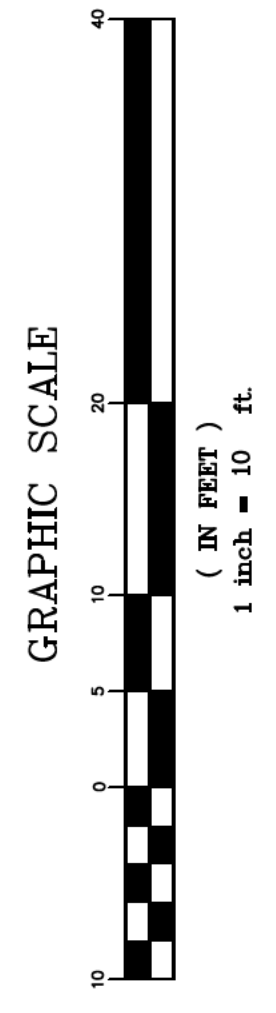


- GENERAL NOTES**
1. THIS PLAN HAS BEEN PREPARED FOR REVIEW BY THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR REVIEW AS PART OF A SHORELAND PERMIT APPLICATION.
  2. BASE PLAN INFORMATION BASED ON FIELD SURVEY AND DATA COLLECTED AND COMPILED BY CARDIGAN MOUNTAIN LAND SURVEY, LLC, COMPLETED FOR COLIN & ROBIN PARKER IN 2024.
  3. ALL WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE ARMY CORPS OF ENGINEERS METHOD FOR THE DELINEATION OF WETLANDS, JANUARY 1987. THERE ARE NO WETLANDS ON THE SITE PROPERTY.
  4. DIGSAFE SHALL BE CONTACTED PRIOR TO ANY DIGGING. NOT ALL UNDERGROUND UTILITIES MAY BE SHOWN.
  5. PLAN IS PRELIMINARY AND NOT INTENDED FOR CONSTRUCTION.

**Lot Area**  
 (to "Target Full Lake"/vegetation line)  
 0.21 acre  
 9,266 sq. ft.



**LOCUS MAP**  
**NOT-TO-SCALE**

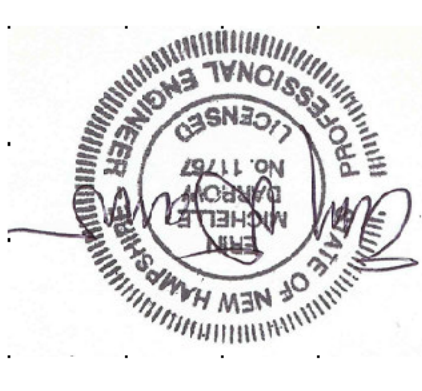


NO.	DATE	DESCRIPTION	BY
1			

**EXISTING CONDITIONS SITE PLAN**  
**HOUSE RE-CONSTRUCTION**  
**TAX MAP 84, LOT 26**  
**60 ICE HOUSE LANE**  
**LEBANON, NEW HAMPSHIRE**  
**JULY 23, 2025**

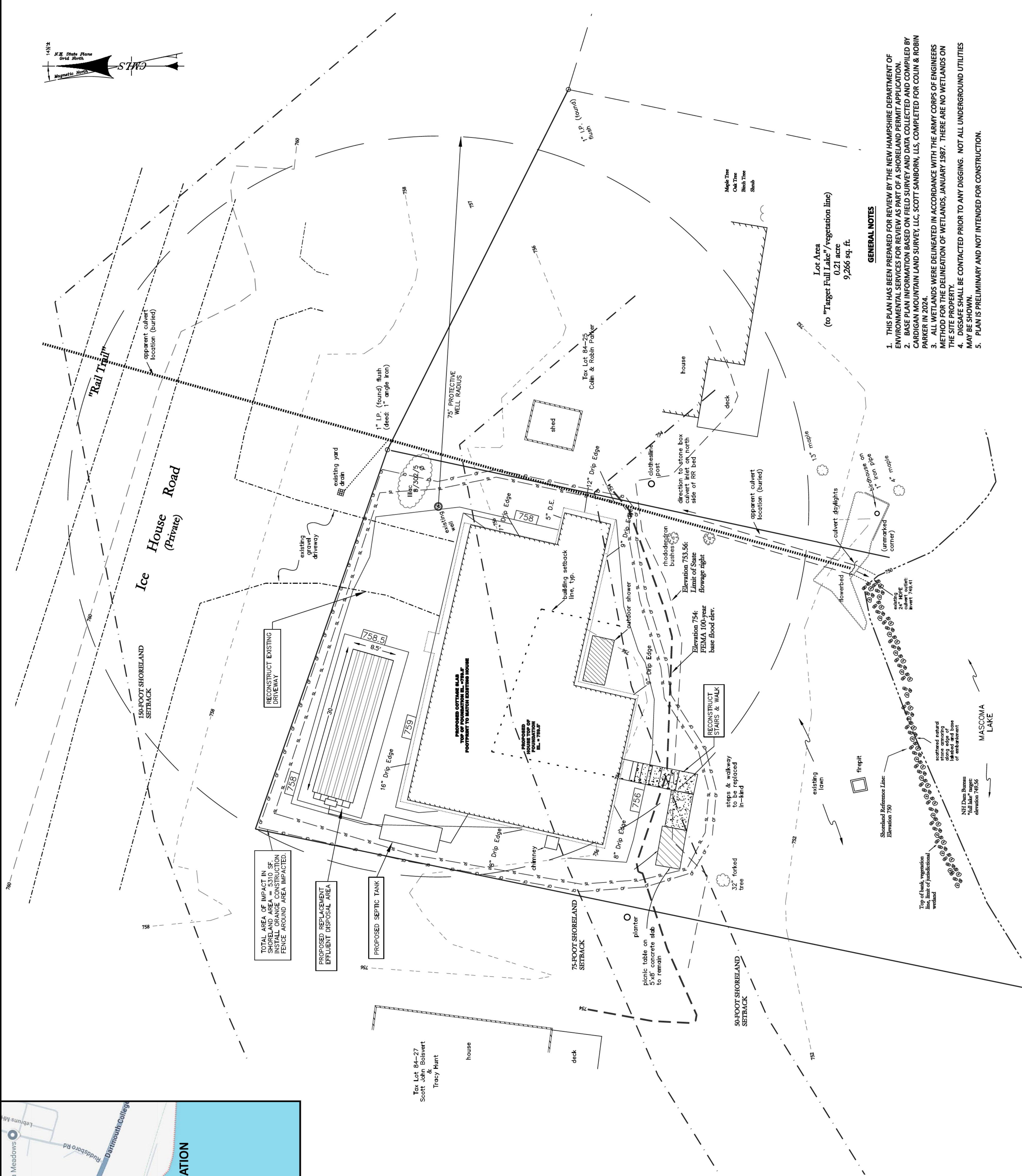
**PREPARED FOR OWNERS:**  
**ROBIN & COLIN PARKER**  
 PO BOX 5088  
 WEST LEBANON, NH 03784

**ENGINEER:**  
**Right Angle Engineering, PLLC**  
 Erin Darrow, P.E., C.P.E.S.C.  
 152 Main Street  
 New London, NH 03257  
 (603) 526-2807 office  
 (603) 443-7815 mobile  
 (603) 523-8811 fax  
 Erin@RightAngleEngineering.com

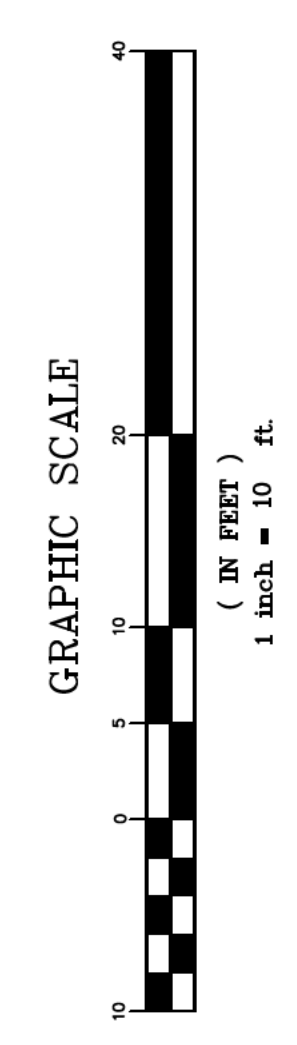
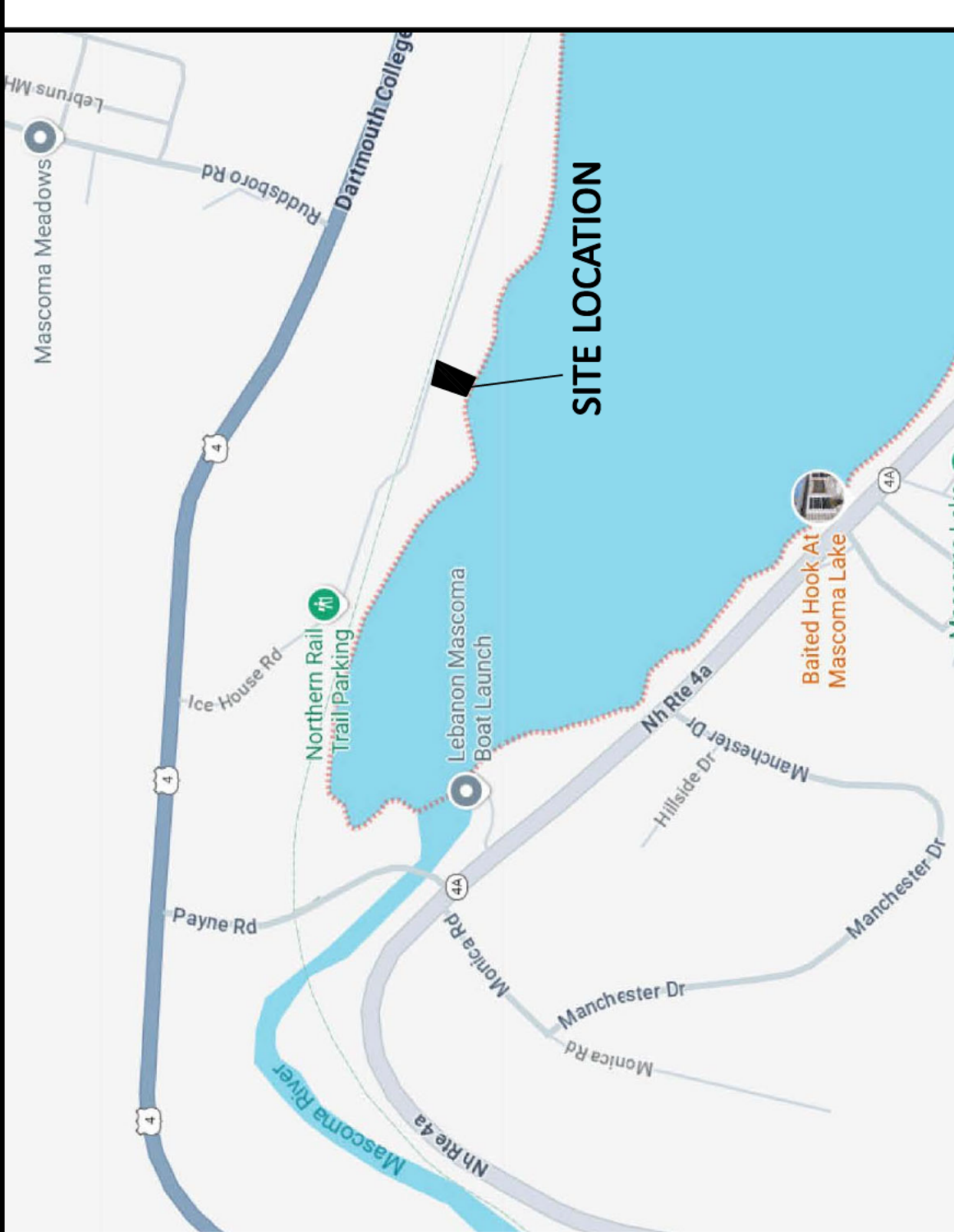


**WETLANDS SCIENTIST:**  
**Beaver Tracks, LLC**  
 Jonathan Sisson, C.W.S., C.S.S.  
 408 Randolph Hill Road  
 Randolph, NH 03593  
 (603) 313-4925  
 beavertacksllc@yahoo.com

**SURVEYOR:**  
**Cardigan Mountain Land Survey, LLC**  
 32 Passlee Road  
 Orange, NH 03741



- GENERAL NOTES**
1. THIS PLAN HAS BEEN PREPARED FOR REVIEW BY THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR REVIEW AS PART OF A SHORELAND PERMIT APPLICATION.
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  5. PLAN IS PRELIMINARY AND NOT INTENDED FOR CONSTRUCTION.



NO.	DATE	DESCRIPTION	BY
1			

TEST PIT A

DEPTH (feet)	HORIZON	MUNSELL COLOR	SOIL TEXTURE	SOIL STRUCTURE	SOIL CONSISTENCY	REDOX FEATURES
0'-3"	Organic	10YR 3/3	Silty Sand	Granular	Friable	NONE
3'-27"	A	2.5Y 4/3	Gravelly sand, many pebbles	Granular	Friable	NONE
27'-48"	AB	5Y 4/2	Fine sand	Granular	Friable	NONE

NRCS Soil Series = 132B, Dartmouth Silt Loam, 3 to 8 percent slopes, GRAFTON COUNTY  
 ESHW = 48"  
 Refusal: None obs.  
 Perc depth = 24"  
 Perc rate = 9 mlb/inch  
 Date Perc Test Conducted: June 6, 2025

LEGEND

- EXISTING & PROPOSED EDGE OF GRAVEL DRIVE
- REFERENCE LINE
- 100-YEAR FLOOD ZONE BOUNDARY
- EXISTING Z GRADE CONTOUR
- PROPOSED Z GRADE CONTOUR
- PROPERTY BOUNDARY
- BUILDING SETBACK LINE
- SILT LOG
- CONSTRUCTION FENCE

**DESIGN DATA**  
 ADVANCED ENVIRO-SEPTIC  
 4 BEDROOM SINGLE-FAMILY HOUSE  
 EST. SEWAGE LOADING: 300 GPD  
 PERCOLATION RATE: 9 MIN/IN  
 MIN PIPE REQ'D: 140 LF  
 PIPE PROVIDED: 5 ROW OF 30', 150 LF

**DESIGN INTENT**  
 \*THE BOTTOM OF THE EFFLUENT DISPOSAL AREA SHALL BE CONSTRUCTED AT ±756.65 FOOT ELEVATION.  
 \*THIS IS APPROXIMATELY 1.35 FEET BELOW TO THE HIGHEST ORIGINAL GROUND WITHIN THE PROPOSED LEACH FIELD AREA, WHICH IS AT ±758.0 FOOT ELEVATION.

**DISTRIBUTION BOX (CLEAN, WEED OR EQUIVALENT)**  
 PROVIDE A 6 OUTLET DISTRIBUTION BOX WITH EQUALIZED DISTRIBUTION LINES.  
 ESTIMATED SEASONAL HIGH WATER TABLE: N/A  
 DEPTH TO LEDGE: N/A

**SOIL DATA**  
 NRCS SOILS SERIES 132B - Dartmouth Silt Loam, 3 to 9 percent slopes  
 COUNTY: GRAFTON  
 MATERIAL CONCRETE, 1500/250 GALLON DUAL-CHAMBER TANK

NO.	DATE	DESCRIPTION	BY
2			
1			

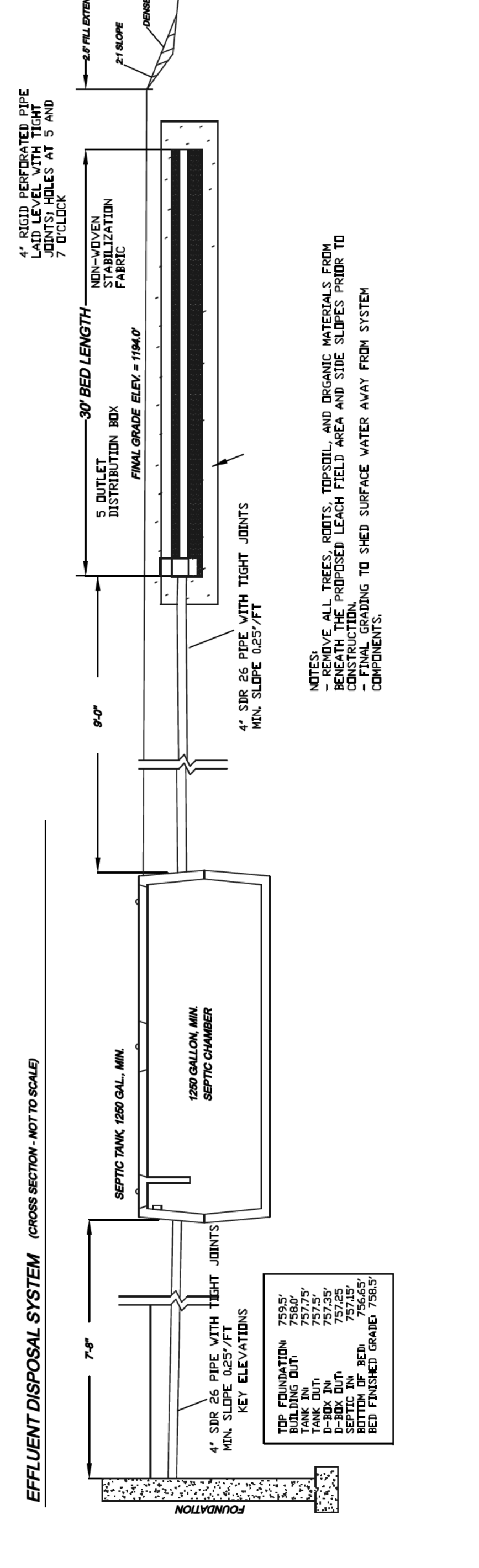
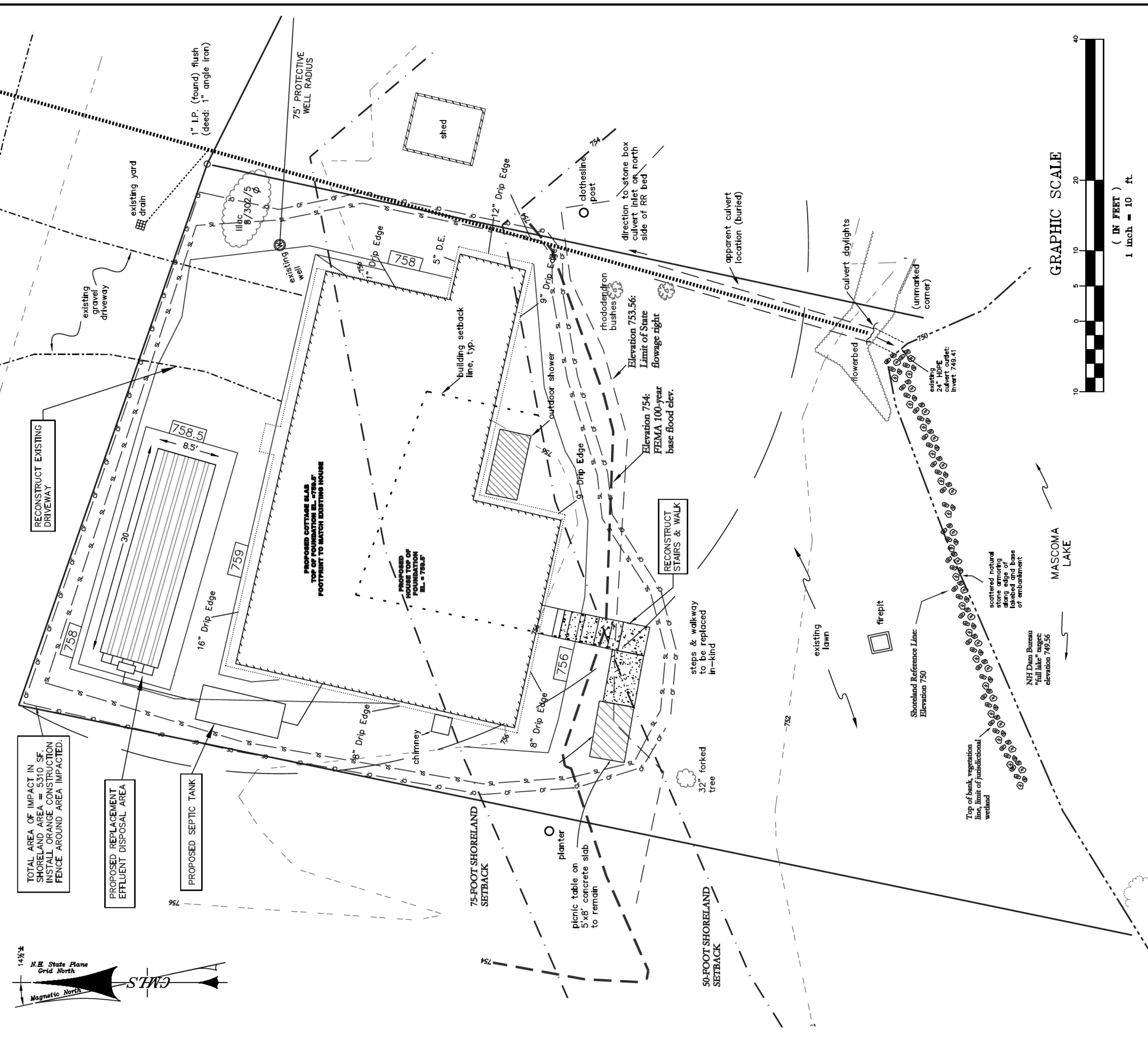
LOCATION MAP



PROPOSED SURFACE WASTEWATER SYSTEM REPLACEMENT FOR 2-BEDROOM SINGLE-FAMILY HOME  
 60 ICE HOUSE ROAD  
 LEBANON, NH 03766

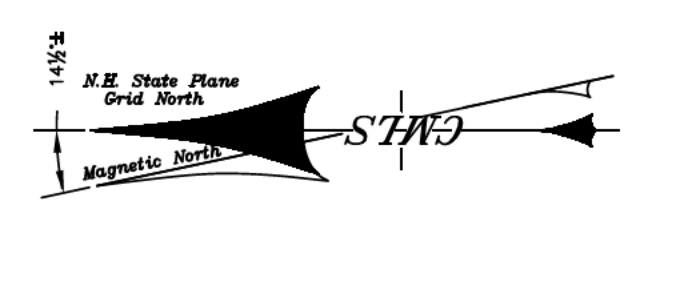
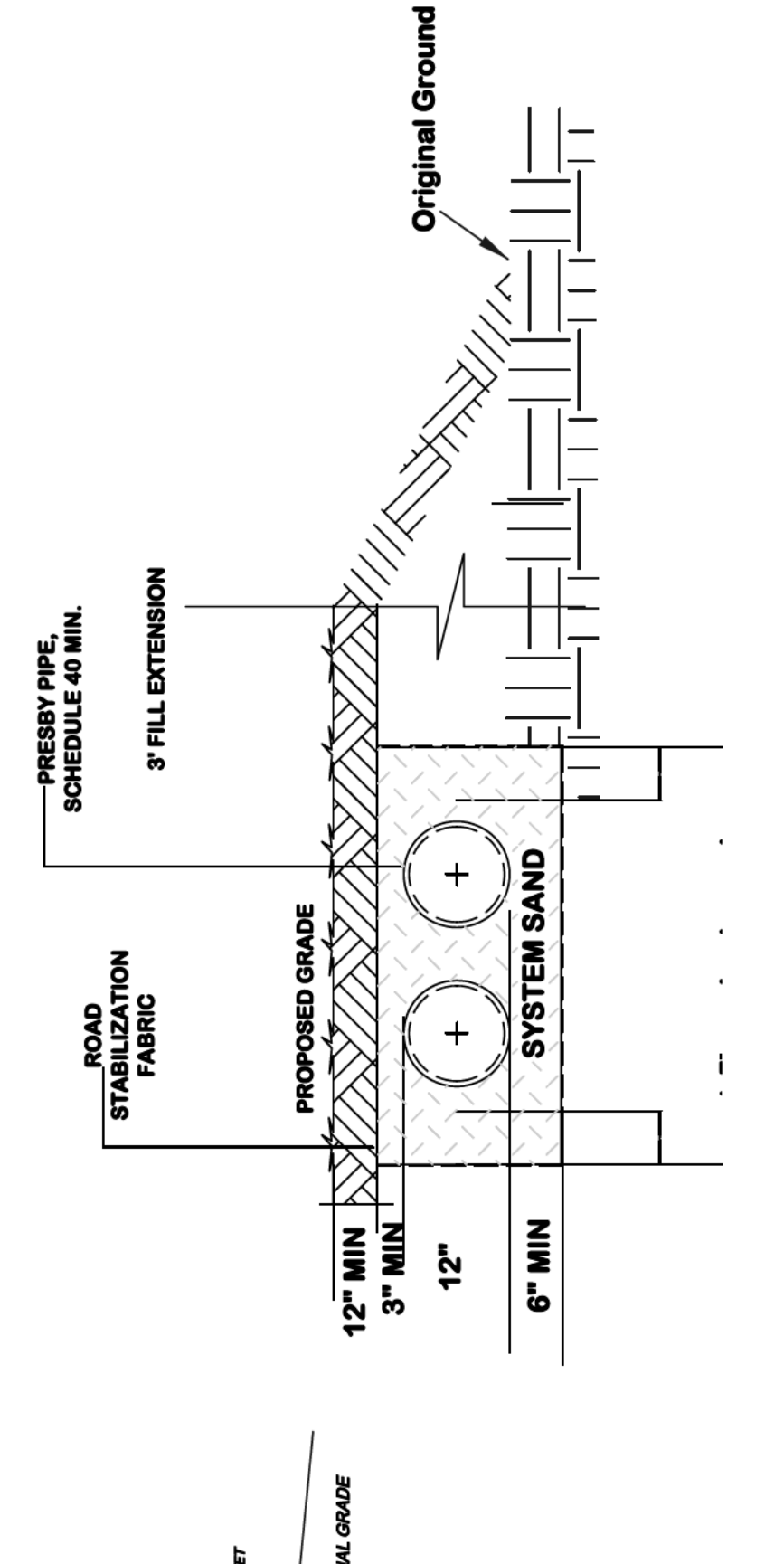
PREPARED FOR OWNER:  
 COLIN PARKER & ROBIN DOW-PARKER  
 PO BOX 5088  
 WEST LEBANON, NH 03784

PREPARED BY:  
 ERIN D'ARROW, P.E., C.P.E.S.C.  
 RIGHT ANGLE ENGINEERING, PLLC  
 152 MAIN STREET  
 NEW LONDON, NH 03257  
 (603) 526-2807 OFFICE  
 ERIN@RIGHTANGLEENGINEERING



- NOTES**
- SYSTEM TO BE INSTALLED IN ACCORDANCE WITH PRODUCT DESIGN AND INSTALLATION MANUAL, STATE AND LOCAL REGULATIONS.
  - PROVIDE MEASURED TIES TO OWNER, ON THE LOCATION OF SEPTIC TANK ACCESS POINTS.
  - ANY DISCREPANCIES OR UNUSUAL CONDITIONS SHOULD BE REPORTED TO THE DESIGNER BEFORE CONTINUING WITH THE INSTALLATION.
  - OWNER TO PROTECT SYSTEM FROM CONTAMINATION DURING CONSTRUCTION.
  - INSTALLER TO READ AND THOROUGHLY UNDERSTAND THE SEPTIC LEACHING SYSTEM DESIGN & INSTALLATION HANDBOOK FOR THE STATE OF NEW HAMPSHIRE.
  - STRIP TOPSOIL AND REMOVE ANY SURFACE BouldERS AND TREES ON THE AREAS WHERE SYSTEM AND FILL SLOPES ARE TO BE PLACED.
  - NO DEBRIS, STUMPS OR BRUSH IS PERMISSIBLE UNDER THE BED OR THE SLOPE AREAS.
  - TOPSOIL AND SEED OVER LEACH BED AND FILL AREAS WITH GRASS OR SUITABLE GROUND COVER.
  - SEPTIC TANK AND LEACH FIELD TO BE 4' WITH PERFORATIONS.
  - LEACH PIPE TO BE 4" WITH PERFORATIONS.
  - ALL CONNECTIONS BETWEEN A SEPTIC TANK AND THE PIPES LEADING TO AND EXITING FROM THE SEPTIC TANK SHALL BE SEALED WITH A WATER-TIGHT, FLEXIBLE JOINT CONNECTOR THAT WILL ACCOMMODATE NORMAL MOVEMENT OF THE SEPTIC TANK WITHOUT LEAKING OR BREAKING.
  - ENV-WQ 1023.00 (A) - THE SEPTIC TANK SHALL BE INSPECTED FOR ACCUMULATION OF SLUDGE AND SURFACE SCUM COMBINED THICKNESS OF SLUDGE AND SURFACE SCUM EQUAL 3/4 OR MORE OF THE TANK DEPTH.
  - AT A FREQUENCY SUFFICIENT TO ALLOW THE TANK TO BE PUMPED BY A LICENSED SEPTAGE HAULER WHEN THE COMBINED THICKNESS OF SLUDGE AND SURFACE SCUM EQUAL 3/4 OR MORE OF THE TANK DEPTH.
  - ALL SYSTEM MATERIALS TO BE TO RAISE PIPE ABOVE THE SEASONAL HIGH WATER TABLE. IMPERVIOUS SUBSTRATUM SAND, FREE FROM TOPSOIL, HUMUS, DREDGING, DEBRIS, OR STONES LARGER THAN 6" IN DIAMETER.
  - OR TO PROVIDE THE REQUIRED SAND AREA FOR A GIVEN SYSTEM CONFIGURATION SHALL BE CLEAN BANK RUN WHEN PLACING ONE MATERIAL OVER ANOTHER (SUCH AS SAND ON NATURAL SOIL OR SYSTEM SAND ON FILL MATERIAL OR WASHED SAND). THE AREA OF CONTACT HAS TO BE MIXED. THIS ALLOWS FOR BETTER FLOW OF WATER AND EFFLUENT BETWEEN THE TWO MATERIALS.
  - DO NOT INSTALL SYSTEM ON FROZEN GROUND OR LEAVE SYSTEM UNCOVERED FOR EXTENDED PERIODS OF TIME.
  - SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH ENV-WQ 1000.
  - THERE ARE NO KNOWN BURIAL GROUNDS WITHIN 100' OF THE PROPOSED LEACH FIELD.
  - PROPOSED SEPTIC SYSTEM, WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE TECHNIQUES OUTLINED IN THE ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1.
  - THE AREA DELINEATED BY GREEN HATCH ON THIS PLAN IS A SEPTIC SYSTEM SITES.
  - THERE ARE NO KNOWN BURIAL SITES OR CEMETERIES ON THE ADJOINING LOT THAT IS WITHIN 100 FEET OF ANY COMPONENT OF THE ISDS.
  - EXISTING LEACH FIELD TO BE REMOVED.
  - A SEPTIC TANK FILTER NEEDS TO BE INSTALLED.
  - A REJUVENATION PORT NEEDS TO BE SHOWN BETWEEN THE SEPTIC TANK AND D-BOX.
  - SYSTEM IS DESIGNED TO BE DRIVEN OVER.

- MAINTENANCE NOTES**
- THIS SEPTIC SYSTEM IS DESIGNED TO BE DRIVEN OVER.
  - INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER SPECIFICATION FOR HS-20 LOAD RATING.
  - PUMP SEPTIC TANK WHEN THICKNESS OF SLUDGE AND SURFACE SCUM EQUAL 3/4 OF THE TANK DEPTH, OR AT A MINIMUM OF EVERY THREE YEARS. VERIFY BAFFLE INTEGRITY AT THAT TIME.
  - REFER TO NHDES CODE OF ADMINISTRATIVE RULES CHAPTER ENV-WQ 1000 OR CONTACT DESIGNER FOR SEPTIC SYSTEM RELATED INQUIRIES.



**NOTES**  
 - REMOVE ALL TREES, ROOTS, TOPSOIL, AND ORGANIC MATERIALS FROM BENEATH THE PROPOSED LEACH FIELD AREA AND SIDE SLOPES PRIOR TO INSTALLATION.  
 - FINAL GRADING TO SHED SURFACE WATER AWAY FROM SYSTEM COMPONENTS.



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT**

**STAFF MEMORANDUM**

**Parker Pflaum & Yuting Zhang  
31 Seminary Hill**

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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:** September 2, 2025 – Regular Meeting  
**Application Number:** ZB2025-20-VAR

---

**HEARING NOTICE:**

Parker Pflaum & Yuting Zhang, 31 Seminary Hill (Tax Map 87, Map 26), Zoned R-3: The applicants request a Variance from Section 310.3, pursuant to Section 801.2, of the Zoning Ordinance to allow a garage to be placed +/- 7 ft from the right-side property line where 15 ft is required. ZB2025-20-VAR

**SITE DESCRIPTION / BACKGROUND:**

The subject property is improved with a dimensionally non-conforming 1-family home constructed in 1910, per the City Assessor's records, is conforming to the R3 zoning district, Class 1, minimum lot size requirement of 10,000 sq ft with +/- 13,939 sq ft, and is not within any overlay district. There has been no previous ZBA action since 1995.

**PROPOSAL:**

The applicant proposes to construct a 24 ft x 24 ft garage at the termination point of the existing driveway, +/- 7 ft from the side property line shared with 3 Farman Ave (tax map 87, lot 27). The location of the home and driveway combined with the steep slope of the lot prohibit the placement of a garage in an other location.

**ZONING ORDINANCE REQUIREMENTS – VARIANCE:**

To obtain the requested Variance from Section §310.3, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are state in the bold text below, followed by general staff commentary on the meaning and intent of each.

**1. Will the variance 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?

**2. 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.

**3. 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.

**4. 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.

**5. Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**

- a. Special Conditions:** 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.
- b. Fair and Substantial Relationship:** 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.
- c. Reasonable Use: 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.

**STAFF COMMENTS:** The applicant must obtain a permit to relocate the shed if they plan move it from its current location.





Farman Ave

ANY  
ANY  
ANY  
ANY  
ANY



Seminary Avenue





**Property Information**

**Property ID** 87-26  
**Location** 31 SEMINARY HILL  
**Owner** PFLAUM PARKER DAVID



**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.



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
DRAFT DECISION – ZB2025-20-VAR  
September 2, 2025 Regular Meeting  
Parker Pflaum & Yuting Zhang – 31 Seminary Hill**

**DRAFT MOTION for:**

**Agenda Item 3.D**

**Case ZB2025-20-VAR**

**Request for Variance from Section §310.3**

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

On September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 31 Seminary Hill (Tax Map 87, Map 26), Zoned R-3: The applicants request a Variance from Section 310.3, pursuant to Section 801.2, of the Zoning Ordinance to allow a garage to be placed +/- 7 ft from the right-side property line where 15 ft is required. ZB2025-20-VAR

**I. FINDINGS OF FACT**

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

1. The subject property is improved with a single-family home constructed in 1910. At +/- 13,939 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-3 District.
2. The single-family home is dimensionally non-conforming on the Farman Avenue side and is conforming on the remaining three sides.
3. The proposed garage will be dimensionally non-conforming and will be located +/- 7 ft from the side property line shared with 3 Farman Avenue.
4. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on August 11, 2025.
5. To obtain the requested Variance from section §310.3, the applicant must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).

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 Variance criteria set forth in section §801.2 of the Zoning Ordinance

1. The variance **will not / will** be contrary to the public interest.

---

---

2. The spirit of the ordinance **is / is not** observed.

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---

3. Substantial justice **is / is not** done.

---

---

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

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---

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.

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6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.

---

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7. The proposed use **is / is not** a reasonable one.

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---

**III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2nd day of September, 2025**, hereby **GRANTS / DENIES** the Variance from Section §310.3, pursuant to Section §801.2 of the Zoning Ordinance to allow garage to be placed +/- 7 ft from the right-side property line where 15 ft is required , as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Applicant shall apply for a building permit.
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

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

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

### CITY OF LEBANON ZONING BOARD OF APPEALS APPLICATION

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

**PROPERTY OWNER (APPLICANT):**

NAME: Parker D. Pflaum TEL.#: [REDACTED]

MAILING ADDRESS: 31 Seminary Hill Road, West Lebanon, NH 03784

E-MAIL ADDRESS: [REDACTED]

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

NAME: Yuting Zhang TEL.#: [REDACTED]

MAILING ADDRESS: 31 Seminary Hill Road, West Lebanon, NH 03784

E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 87 LOT#: 26 PLOT #: ZONE: R3

STREET ADDRESS: 31 Seminary Hill, West Lebanon, NH 03784

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

**REQUEST DESCRIPTION:**

Build a garage at the end of the driveway. There is currently a shed there, to be replaced by a garage. Set back to be 8 feet from property line. No issues with neighbors

**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: \_\_\_\_\_

**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 Sept. 2, 2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Parker D. Pflaum DATE: Aug. 6, 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: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: 8/11/2025

APPLICATION #: ZB2025-20-VAR

# 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

I (we) hereby request a variance from the terms of Article(s) II & III  
Section(s) 201 & 310 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 garage replaces a long-standing shed and will not change neighborhood character or affect health, safety, or welfare. Neighbors were consulted and have no objections.

2. That the variance will observe the spirit of the Ordinance.  
The project maintains appropriate spacing, replaces an existing structure, and does not increase congestion or impact privacy. It aligns with the residential purpose of the R-3 zone.

3. That by the granting of the variance, substantial justice will be done;  
Denial would prevent the only feasible garage location due to topography, while providing no benefit to the public. Granting allows reasonable residential use without negative impacts.

4. That the variance, if authorized, will not diminish the values of surrounding properties  
The well-designed garage will replace an aging shed and will improve and; the property's function and appearance. No impact on nearby property values is expected.

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  
The 15-ft setback rule doesn't account for this lot's steep slopes and dual frontage. The reduced setback achieves the ordinance's goals without negative impact.

- (ii) The proposed use is a reasonable one.  
A residential garage for parking and storage is reasonable and typical in this area. Placement is driven by topography and existing driveway location.

(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.

---

---

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)."

## Variance Rationale

### Request for 7-Foot Side Setback Variance

**Applicant:** Parker D. Pflaum

**Property Address:** 31 Seminary Hill Road, West Lebanon, NH 03784

**Zoning District:** R-3

**Variance Requested:** To allow construction of a garage with a 7-foot side setback, where a 15-foot setback is required.

#### 1. Unnecessary Hardship

The property has unique physical and topographic characteristics that limit the feasible locations for a garage. Specifically:

- There is an existing shed in the proposed garage location that has been there for decades. Replacing it with a garage in the same spot does not alter the use or layout of the property in any significant way.
- The proposed garage is located at the end of the existing driveway, and no alternative garage location is viable without reconfiguring the property's circulation and grading—an undertaking that would cause substantial expense and disruption and may not even be feasible due to slope and access constraints.
- The property is bordered by two public roads (Farman Avenue and Seminary Hill Road), giving it an unusual dual-frontage orientation. However, the non-frontage sides of the lot are very steep hills, which make it functionally impossible to place a garage in compliance with full 15-foot setbacks.
- This physical configuration makes strict adherence to the setback requirements unnecessarily burdensome and prevents reasonable use of the property as others in the district might enjoy (i.e., a functional garage).

#### 2. No Diminution of Property Values or Public Harm

- The proposed garage will replace an existing structure and be set back from public view, screened by trees and neighboring structures.
- The applicants have spoken with neighbors, and none object to the proposed garage or its location.
- The garage will be modest in scale and consistent with the residential character of the neighborhood.
- No negative impacts on light, air, traffic, or privacy are anticipated.

#### 3. Spirit of the Ordinance and Public Interest

- The spirit of the ordinance is to maintain orderly development and prevent overcrowding. This proposal respects those goals:
  - It keeps the garage on the same footprint as the current shed.
  - It maintains appropriate distance from adjacent homes.
  - It preserves visual consistency with neighboring properties.

- Granting the variance will not harm the public interest and will allow for a reasonable and customary use of the land.

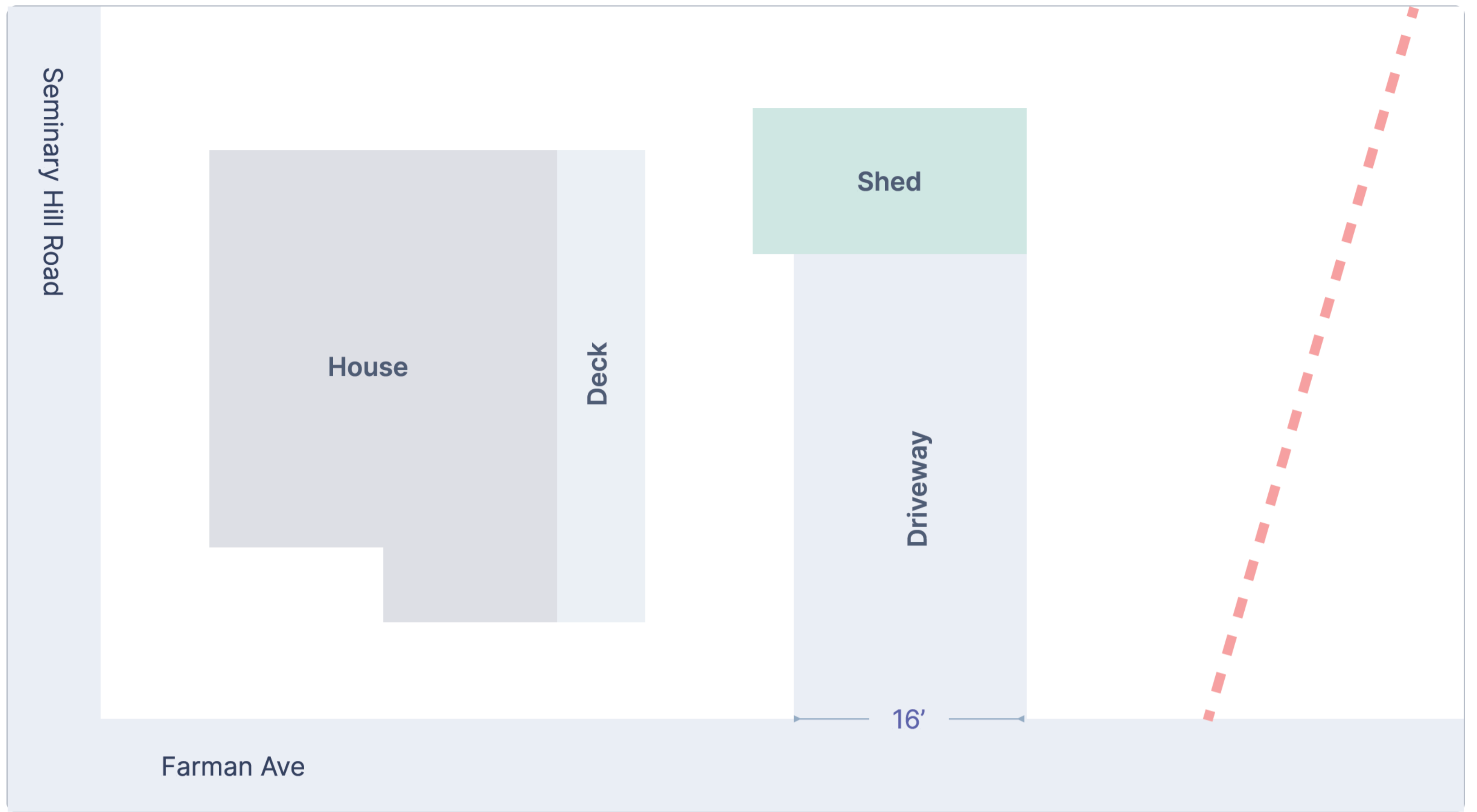
#### 4. Substantial Justice

- Denying this variance would force the applicants to either:
  - Forgo having a garage, which is a reasonable and expected use for a home in this zone, or
  - Attempt a costly, impractical relocation requiring significant earthwork and disruption to the lot.
- The benefit to the public in enforcing the full setback would be negligible, while the hardship to the applicant would be significant.

### **Summary**

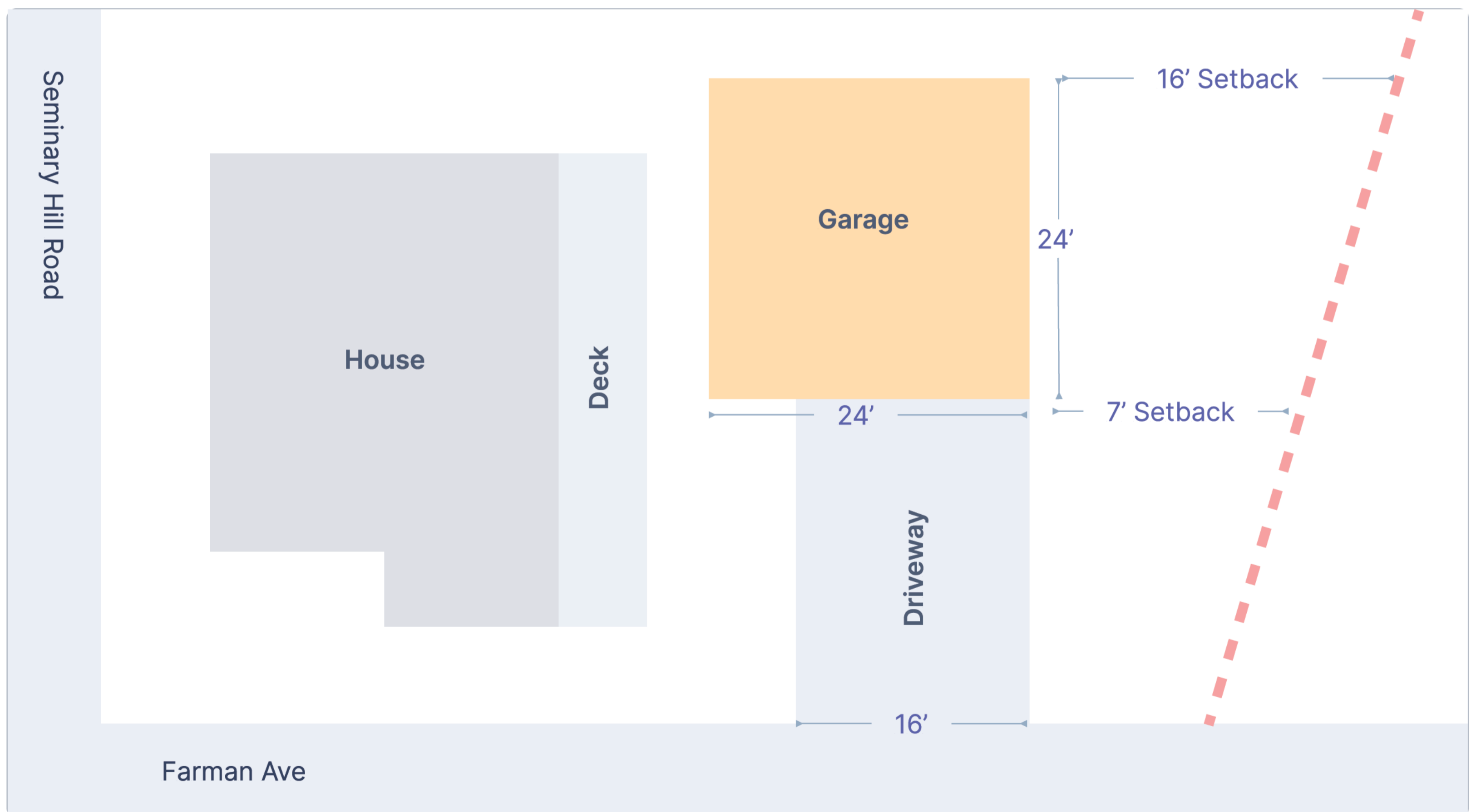
Due to the unique slope and frontage conditions, the location of the existing shed, and the lack of viable alternatives for garage placement, the applicants respectfully request a variance to allow a 7-foot side setback, to construct a garage that is safe, practical, visually appropriate, and supported by neighboring property owners.

# Existing Condition



..... Property Line

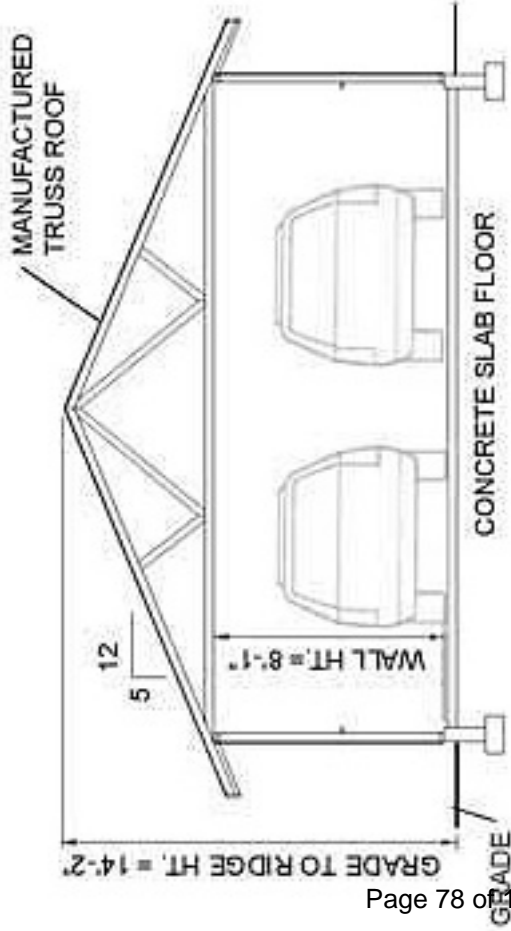
# Proposed Plan



..... Property Line

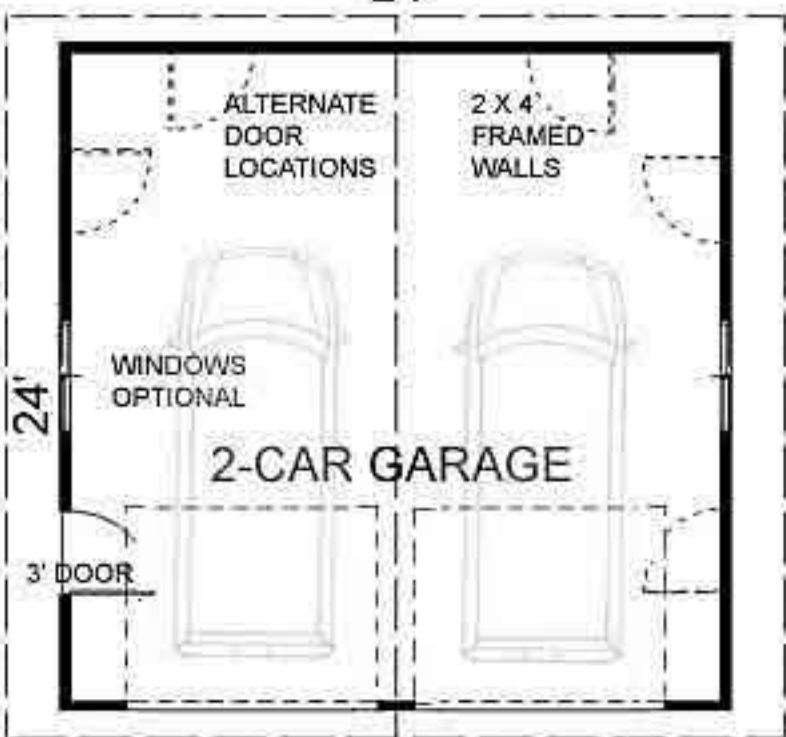
# 2-CAR GARAGE

TRUSSED - ROOF VERSION OF THE  
POPULAR 24' WIDE, 2-CAR GARAGE  
FEATURES TWO GARAGE DOORS



## CROSS-SECTION

24'



TWO 9' W. X 7' H. GARAGE DOORS





## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT

#### STAFF MEMORANDUM

#### CT Brown & Family LLC & Convenient MD LLC 1 Interchange Drive

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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:** September 2, 2025 – Regular Meeting

**Application Number:** ZB2025-21-VAR

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#### HEARING NOTICE:

CT Brown & Family LLC & Convenient MD LLC, 1 Interchange Dr (Tax Map 114, Lot 9), Zoned GC: The applicants request two Variances from Section 608.4.A.3.b to allow the installation of two signs greater than 100 sq ft each, two Variances from Section 608.4.A.3.c to allow the installation of two signs more than 4 ft above the building roofline, and one Variance from 608.4.A.1 to exceed the total allowed sign area for the building, pursuant to Section 801.2 of the Zoning Ordinance. ZB2025-21-VAR

#### SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a multi-tenant commercial building constructed in 1969, per the City Assessor's records, is non-conforming to the GC zoning district, Class 1, minimum lot size requirement of 50,000 sq ft with +/- 39,204 sq ft, is conforming to the minimum required lot frontage of 150 ft, and is within the 2% FEMA flood zone overlay district. Previous ZBA action includes a 2020 approved variance to allow additional sign area.

#### PROPOSAL:

Convenient MD Urgent Care proposes to install two 111.8 sq ft wall signs on a newly constructed parapet 4 ft or more above the roof of the building. Additionally, the applicant proposes to exceed the allowed sign area by a minimum of 8.6 sq ft.

#### ZONING ORDINANCE REQUIREMENTS – VARIANCE:

To obtain the 5 requested Variances from Section §608.4, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are state in the bold text below, followed by general staff commentary on the meaning and intent of each.

**1. Will the variance 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?

**2. 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.

**3. 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.

**4. 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.

**5. Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**

- a. Special Conditions:** 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.
- b. Fair and Substantial Relationship:** 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.
- c. Reasonable Use: 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.

**STAFF COMMENTS:** The ZBA's approval of the applicant's prior application on September 8, 2020, was for additional sign area only. It appears the Board was not asked to consider additional relief regarding signs more than 100 sq ft nor their placement more than 4 feet above the building's roof. Pursuant to Section 901.6 -Time Limit of Permit- of the Zoning Ordinance; *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*; the previous approval became void on September 8, 2022. Staff encourages the Board to consider the current application as new rather than a continuation or reissuance of a past approval.

The Board will need to determine which of the building's façade(s) it wishes to consider "principal façade(s)" in order to determine how many sq ft of sign area is permitted and subsequently how much relief is required in order to install the requested signs— see the attached spreadsheet for allowed sign area per building side.

- Section 608.4.A.1.f states: **Multiple Principal Facades:** *Where a building has multiple principal facades, the facades may be combined for purposes of calculating the maximum permitted sign area per Section 608.4.A.1.a.*
- Definition: **FAÇADE, PRINCIPAL:** *The façade of a building which is adjacent to or fronts on a public*

*street. Interstate 89 shall not be considered a public street for purposes of identifying the principal façade. If a lot does not have frontage on a public street, then the private road, driveway, or right-of-way that provides vehicular access to the lot shall be considered a public street for purposes of applying Section 608 (“Signs”) to the lot. Except as provided in Section 608.4.A.1.f, for buildings with more than one façade adjacent to or fronting on a public street, the largest of such façades shall be considered the principal façade.*

	Linear Width	Allowed Sign Area Sq Ft	Façade Area	Allowed Sign Area Sq Ft
<b>Rt 12-A</b>	121	96.8	1936	96.8
<b>Dwinell Dr</b>	121	96.8	1936	96.8
<b>Airport Rd</b>	113	90.4	1808	90.4
<b>Interchange D</b>	113	90.4	1808	90.4
<b>TOTAL</b>	468	374.4	7488	374.4



**Property Information**

**Property ID** 114-9  
**Location** 1 INTERCHANGE DR  
**Owner** CT BROWN AND FAMILY, LLC



**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.



© 2023 Google

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Dwinnell Dr



AT&T

© 2024 Google







Blue  
887 555 5555  
Public Works

AT&T

Citizens

INTERCHANGE

WALKER SCHOOL



Dwinnell Dr

© 2023 Sunlight



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
DRAFT DECISION - ZB2025-21-VAR  
September 2, 2025 Regular Meeting  
CT Brown & Family LLC & Convenient MD LLC  
1 Interchange Drive**

**DRAFT MOTION for:**

**Agenda Item 3.E**

**Case ZB2025-21-VAR**

**Request for Variance from Sections §608.4.A.3.b, 608.4.A.3.c & 608.4.A.1**

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

On September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 1 Interchange Dr (Tax Map 114, Lot 9), Zoned GC: The applicants request two Variances from Section 608.4.A.3.b to allow the installation of two signs greater than 100 sq ft each, two Variances from Section 608.4.A.3.c to allow the installation of two signs more than 4 ft above the building roofline, and one Variance from 608.4.A.1 to exceed the total allowed sign area for the building, pursuant to Section 801.2 of the Zoning Ordinance . ZB2025-21-VAR

**I. FINDINGS OF FACT**

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

1. The subject property is improved with a single-story multi-tenant commercial building constructed in 1969 and is non-conforming to the GC Zoning District, Class 1, minimum lot size of 50,000 sq with +/- 39,204 sq ft.
2. The subject property's +/- 13,005 sq ft is presently divided into three separate tenant suites. Citizens Bank and AT&T currently occupy 2 of the 3 suites, Convenient MD proposes to occupy the vacant space formerly occupied by D'Angelos.
3. The subject property is bounded on all 4 sides by public streets: Plainfield Rd, Airport Rd, Interchange Dr, and Dwinell Dr.
4. The total sign area for the existing tenants is +/- 159.4 sq ft.
5. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on August 11, 2025.
6. To obtain the requested Variances from section §608.4, the applicant must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).

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

8. \_\_\_\_\_  
\_\_\_\_\_

**II. CONCLUSIONS OF LAW**

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Variance criteria set forth in section §801.2 of the Zoning Ordinance

1. The variance **will not / will** be contrary to the public interest.  
\_\_\_\_\_  
\_\_\_\_\_

2. The spirit of the ordinance **is / is not** observed.  
\_\_\_\_\_  
\_\_\_\_\_

3. Substantial justice **is / is not** done.  
\_\_\_\_\_  
\_\_\_\_\_

4. The values of surrounding properties **are not / are** diminished.  
\_\_\_\_\_  
\_\_\_\_\_

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.  
\_\_\_\_\_  
\_\_\_\_\_

6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.  
\_\_\_\_\_  
\_\_\_\_\_

7. The proposed use **is / is not** a reasonable one.

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**III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2nd day of September, 2025**, hereby

- **GRANTS / DENIES** Variance #1 from Section §608.4.A.3.b, pursuant to Section §801.2 of the Zoning Ordinance to allow 1 wall sign greater than 100 sq ft. ZB2025-12-VAR,
- **GRANTS / DENIES** Variance #2 from Section §608.4.A.3.b, pursuant to Section §801.2 of the Zoning Ordinance to allow 1 wall sign greater than 100 sq ft. ZB2025-12-VAR,
- **GRANTS / DENIES** Variance #3 from Section 608.4.A.3.c, pursuant to Section §801.2 of the Zoning Ordinance to allow the installation of 1 sign wall sign to be located more than 4 feet above the building roofline. ZB2025-12-VAR
- **GRANTS / DENIES** Variance #4 from Section 608.4.A.3.c, pursuant to Section §801.2 of the Zoning Ordinance to allow the installation of 1 sign wall sign to be located more than 4 feet above the building roofline. ZB2025-12-VAR
- **GRANTS / DENIES** Variance #5 from Section 608.4.A.1, pursuant to Section §801.2 of the Zoning Ordinance to allow XXX # of sq ft of sign area, where XXX # of sq ft is allowed.

as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Applicant shall apply for a sign permit.
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

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

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

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

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

**PROPERTY OWNER (APPLICANT):**

NAME: CT BROWN AND FAMILY, LLC TEL.#: [REDACTED]

MAILING ADDRESS: 30 ALICE PECK DAY DR, #304, Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

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

NAME: ConvenientMD LLC TEL.#: [REDACTED]

MAILING ADDRESS: 360 Route 1 Bypass NB, Unit 102, Portsmouth, NH, 03801

E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 114 LOT#: 9 PLOT #: ZONE: GC

STREET ADDRESS: 1 Ingterchange Drive

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

**REQUEST DESCRIPTION:**

the placement of a sign 4 feet above the roof line on the parapet  
on the west side of the building

**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: \_\_\_\_\_

**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 \_\_\_\_\_, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Judith F Greenblatt DATE: 8/4/2025  
Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC

**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: Judith F Greenblatt DATE: 8/4/2025  
Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC

DATE RECEIVED: 8-11-25

APPLICATION #: ZB2025-21-VAR

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

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

<b>PROPERTY OWNER (APPLICANT):</b>			
NAME:	CT BROWN AND FAMILY, LLC	TEL.#:	[REDACTED]
MAILING ADDRESS:	30 ALICE PECK DAY DR, #304, Lebanon, NH 03766		
E-MAIL ADDRESS:	[REDACTED]		
<b>CO-APPLICANT, AGENT, OR LESSEE:</b>			
NAME:	ConvenientMD LLC	TEL.#:	[REDACTED]
MAILING ADDRESS:	360 Route 1 Bypass NB, Unit 102, Portsmouth, NH, 03801		
E-MAIL ADDRESS:	[REDACTED]		
<b>PROJECT LOCATION:</b>			
TAX MAP #:	114	LOT#:	9
PLOT #:		ZONE:	GC
STREET ADDRESS:	1 Ingterchange Drive		
IS THIS PROPERTY LOCATED IN THE:	WETLANDS	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HISTORIC DISTRICT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	FLOOD PLAIN	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<b>REQUEST DESCRIPTION:</b>			
the placement of a sign 4 feet above the roof line on the parapet on the north side of the building			
<b>USE TYPE:</b>			
EXISTING:	<input type="checkbox"/> VACANT	<input type="checkbox"/> ONE FAMILY	<input type="checkbox"/> TWO FAMILY
	<input type="checkbox"/> MULTI-FAMILY	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> INDUSTRIAL
PROPOSED:	<input type="checkbox"/> VACANT	<input type="checkbox"/> ONE FAMILY	<input type="checkbox"/> TWO FAMILY
	<input type="checkbox"/> MULTI-FAMILY	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> INDUSTRIAL
If use is <b>COMMERCIAL OR INDUSTRIAL</b> please note specific use: _____			
<b>SIGNATURE BLOCK:</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 _____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.			
Owner Signature:	<i>Judith F Greenblatt</i>	DATE:	8/4/2025
	Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC		
<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.			
Owner Signature:	<i>Judith F Greenblatt</i>	DATE:	8/4/2025
	Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC		

DATE RECEIVED:

APPLICATION #:

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

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

**PROPERTY OWNER (APPLICANT):**

NAME: CT BROWN AND FAMILY, LLC TEL #: [REDACTED]

MAILING ADDRESS: 30 ALICE PECK DAY DR, #304, Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

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

NAME: ConvenientMD LLC TEL #: [REDACTED]

MAILING ADDRESS: 360 Route 1 Bypass NB, Unit 102, Portsmouth, NH, 03801

E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 114 LOT#: 9 PLOT #: ZONE: GC

STREET ADDRESS: 1 Ingterchange Drive

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

**REQUEST DESCRIPTION:**

the placement of a sign of 111.8 square feet on the north side of the building resulting in an excess of 4.3 square feet area of signage.

**USE TYPE:**

EXISTING:  VACANT  ONE FAMILY  TWO FAMILY  MULTI-FAMILY  COMMERCIAL  INDUSTRIAL  
PROPOSED:  VACANT  ONE FAMILY  TWO FAMILY  MULTI-FAMILY  COMMERCIAL  INDUSTRIAL  
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Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC

**DATE RECEIVED:**

**APPLICATION #:**

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

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

**PROPERTY OWNER (APPLICANT):**

NAME: CT BROWN AND FAMILY, LLC TEL.#: [REDACTED]

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E-MAIL ADDRESS: [REDACTED]

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**PROJECT LOCATION:**

TAX MAP #: 114 LOT#: 9 PLOT #: ZONE: GC

STREET ADDRESS: 1 Ingterchange Drive

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FLOOD PLAIN  YES  NO

**REQUEST DESCRIPTION:**

the placement of a sign of 111.8 square feet on the west side of the building resulting in an excess of 4.3 square feet area of signage.

**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: \_\_\_\_\_

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Owner Signature: Judith F Greenblatt DATE: 8/4/2025  
Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC

**DATE RECEIVED:**

**APPLICATION #:**

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

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

**PROPERTY OWNER (APPLICANT):**

NAME: CT BROWN AND FAMILY, LLC TEL.#: [REDACTED]

MAILING ADDRESS: 30 ALICE PECK DAY DR, #304, Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

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

NAME: ConvenientMD LLC TEL.#: [REDACTED]

MAILING ADDRESS: 360 Route 1 Bypass NB, Unit 102, Portsmouth, NH, 03801

E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 114 LOT#: 9 PLOT #: ZONE: GC

STREET ADDRESS: 1 Ingterchange Drive

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

**REQUEST DESCRIPTION:**

Variance for the placement of two signs on the building, the total area of which exceeds that permitted for the building by 8.6 square feet

**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: \_\_\_\_\_

**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 \_\_\_\_\_, unless, I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Judith F Greenblatt DATE: 8/4/2025  
Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC

**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: Judith F Greenblatt DATE: 8/4/2025  
Judith F. Greenblatt, member and authorized signer for CT Brown and Family, LLC

DATE RECEIVED:

APPLICATION #:

## 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.

ConvenientMD LLC hereby requests five variances from the terms of Article VI Section 608.4 of the Lebanon Zoning Ordinance to install two signs, the total area of which exceeds by 8.6 square feet the amount stated in the Ordinance and for the placement of the signs on the building parapet.

**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;  
See attached statement.
2. That the variance will observe the spirit of the Ordinance.  
See attached statement.
3. That by the granting of the variance, substantial justice will be done;  
See attached statement.
4. That the variance, if authorized, will not diminish the values of surrounding properties  
See attached statement.
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, and,
  - (ii) The proposed use is a reasonable one.See attached statement.

(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.

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)."

Support Statement for Variance Request  
ConvenientMD LLC

On September 8, 2020, the Zoning Board granted a variance to ConvenientMD for the placement of three signs on the former Brown Furniture building in on Rt.12-A in West Lebanon. That approval, a copy of which is attached, permitted the applicant to install a wall sign of 150 sq. ft. on the northerly side of the building, a wall sign of 125 sq. ft. on the westerly side of the building, and a wall sign of 25 sq. ft. on the southerly side of the building.

ConvenientMD now requests five variances for the placement of two signs of 111.8 square feet each. As required, these requests are provided for the five elements of the signs:

- a. one sign for 111.8 square feet on the north side of the building; this will result in an excess of 4.3 square feet of signage;
- b. one sign for 111.8 square feet on the west side of the building; this will result in an excess of 4.3 square feet of signage;
- c. the placement of one sign on the north side of the parapet above the roof line;
- d. the placement of one sign on the west side of the parapet above the roof line;
- e. the overall total square foot area for the two signs will exceed by 8.6 square feet.

ConvenientMD LLC first proposed to establish a medical office in 2019 in order to provide high-quality, convenient, and affordable options for urgent care and treating injuries and illnesses seven days a week. Although it was prepared to proceed with the construction of the office, the events surrounding COVID prevented them from proceeding with the construction of the medical office. As the consequences of COVID declined, ConvenientMD restarted its construction in 2023, only to be halted by state critical access hospital regulations and associated medical licensing restrictions. Now, however, those restrictions have been temporarily lifted permitting ConvenientMD to proceed.

ConvenientMD is requesting only two signs, with a total area of 223.6 square feet, a reduction from the previously approved signage of 300 square feet. The attached elevation page shows the signs on the north and west side of the building. Additionally, the proposal eliminates the turret that had been planned and there will be no sign on the south side of the building. Because people arrive in Lebanon from a wide geographic area to utilize health and urgent care services, easily identifiable signage for ConvenientMD assist patients, who are often under stress when seeking urgent care, is required to locate and enter the facility.

Over the years the building has had a variety of signs including signage for D'Angelo's, Radio Shack, Mattress Discounters, AT&T and Citizens Bank. AT&T has signs on the building and Citizens Bank has wall signs on the building. ConvenientMD is requesting a variance to place two signs on the existing building, each 111.8 square feet with one facing Rt. 12-A, and facing Airport Road.

Section 608.1 of the Zoning Ordinance states that the purpose and intent for the sign regulations include “to creat[ing] the legal framework for a comprehensive and balanced system of **signs** in order to:

- further the goals of the Lebanon Master Plan;
- preserve the right of free speech and expression; ...
- provide easy and pleasant communication between people and their environment;
- avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities, and community appearance;...
- help to allow the free flow of traffic and protect pedestrians, bicyclists, and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage; and
- promote the use of **signs** which are aesthetically pleasing, of appropriate scale, and integrated with surrounding **buildings** and landscape, in order to meet the community’s expressed desire for quality development.

The Ordinance therefore authorizes the use of **signs** that are:

- compatible with their surroundings;
- appropriate to the activity that displays them;
- expressive of the identity of individual activities and the community as a whole;
- legible in the circumstances in which they are seen;
- unlikely to distract drivers to a dangerous degree; and
- able to preserve the right of free speech and expression.

The renewed request by ConvenientMD satisfies the purpose and intent of the Ordinance and qualifies as an authorized sign under the goals of the Ordinance. Since the Zoning Board’s approval of three signs in 2020, there have been no changes in circumstances to the property or changes in the regulations. All of the reasoning by the Zoning Board in 2020 still applies especially given that the request now seeks only two signs, rather than three, with a total area of 223.6 square feet, a reduction of over 75 feet. The current proposal requests a variance for total sign area of only 8.6 square feet, the placement of signs on the parapets, and variances for each of the individual signs that exceed the total permitted by 4.3 square feet.

1. The Variance Is Not Contrary to the Public Interest.

Although ConvenientMD addressed all of the variance criteria in its prior application, it will review them again. The proposed signs identify an urgent care center in a highly professional and attractive manner which promotes the health, safety and welfare of the community. Because ConvenientMD receives many patients from out of town representing a wide geographical region, patients may not be familiar with Route 12-A and the signage enables patients to easily recognize the location for their medical care, especially if that care is, as expected, urgently needed. A patient or driver of a vehicle under those urgent circumstances often needs additional assistance to locate where they can obtain medical care, and that location must be recognizable from the public ways, which in this particular area contain multiple lanes on both sides of the heavily trafficked roadway.

Given the location on Rt. 12-A, Lebanon's largest commercial route, the signs will not alter the essential character of the locality or threaten public health, safety, or welfare. Rather, the general public is served by having ConvenientMD provide a clear and distinct message for finding medical care. The two proposed signs are a necessary element for the urgent medical care that will be provided and permit the public to identify, locate and arrive at the destination for medical care which would not be contrary to the public interest or injurious to the public rights of others. The signs would no alter the essential character of the commercial center of West Lebanon.

2. The Spirit of the Ordinance Is Observed.

As the commercial hub of the Upper Valley, Rt. 12-A is home to shopping centers and malls. Other signs along the road are proportional to the large buildings on which they are attached, but they also serve large shopping destinations. The signs proposed by ConvenientMD are proportioned and provide clear and easy identification for urgent care,

3. Substantial Justice Will Be Done by Granting the Variance.

Substantial justice for the variance weighs in favor of the public for whom this medical care is available. The purpose of the signage is only to enable patients to quickly and easily find, from any location, where they may find that medical care they seek. Whether having just exited from I-89 or heading north on Rt. 12-A, when someone is looking for medical care, one needs a sure and clear indication to reach that care. The variance will serve the public interest and the public which relies on good access to medical care will benefit.

4. The Value of Surrounding Properties Will Not Be Diminished.

The surrounding parcels are commercial and will have no effect from ConvenientMD or the proposed signs. The proposed signage does not adversely affect the value of the surrounding properties as the signage will aid the public and is entirely compatible with the existing signs in the commercial hub of the region.

5. Denial of the Variance Would Result in Unnecessary Hardship.

The property is zoned commercial and is surrounded by other commercial businesses, but this property in which ConvenientMD proposes to locate has several unique characteristics. It is situated on a three-road corner lot with busy, wide and well-traveled roads on the west and south sides and a third road on the north side of the building in which ConvenientMD proposes to locate. There is no access from Rt. 12-A. Access is only from the side roads. Drivers passing the building need to know which road to enter when traveling along Rt. 12-A.

The proposed variance seeks a reasonable use, namely, to provide signage that serves the public and is easily identifiable so that those seeking medical care can locate urgent health care without a loss of time or being in the commercial traffic for the shopping district.

No fair and substantial relationship exists between limiting the signage to that set forth in the ordinance since the proposed signs will not alter the essential character of the commercial district and the signs requested are reasonable and appropriate in scale.

6. The Ordinance authorizes the use of the proposed signs.

The proposed signs are entirely compatible with its surroundings, appropriate to the activity medical activity it identifies and expressive of the identity of the medical facility. The signs will be legible and will not distract drivers to any degree but will assist those in need of medical care.

For all of the reasons that the Zoning Board approved its signs in 2020, ConvenientMD respectfully requests that the Zoning Board again grant the variances for this specific urgent care facility as proposed. The reduced number of signs, the small area of 8.6 square feet requested, and the use of the parapet are consistent with the reasoning from the Board's 2020 decision which applies equally today.

ConvenientMD - Variance

The following measurements of sign size, building linear size, and facade area were made on-site.

AT&T - Rt 12-A	30 square feet
AT&T - Interchange Drive	30 square feet
Citizens Bank - Interchange Drive	15.7 square feet
Citizens Bank - Dwinell Drive	57 square feet
Citizens Bank - Airport Road	26.7 square feet
Citizens Bank - Rt 12-A	no sign
Citizens Bank also has a free standing sign (Section 608.4.A.1.b)	
Total existing signage area = 159.4 square feet	

Facade Measurement:

The building has four facades facing public streets (Section 608.4.A.1.f and Definitions - "Facade, Principal")

Building Height =	16 feet	
	Building linear width	Facade Areas
Rt. 12-A	121 feet	1,936 square feet
Dwinell Drive	121 feet	1,936 square feet
Airport Road	113 feet	1,808 square feet
Interchange Drive	113 feet	1,808 square feet
Total =	468 linear feet	7,488 total square foot area of facades

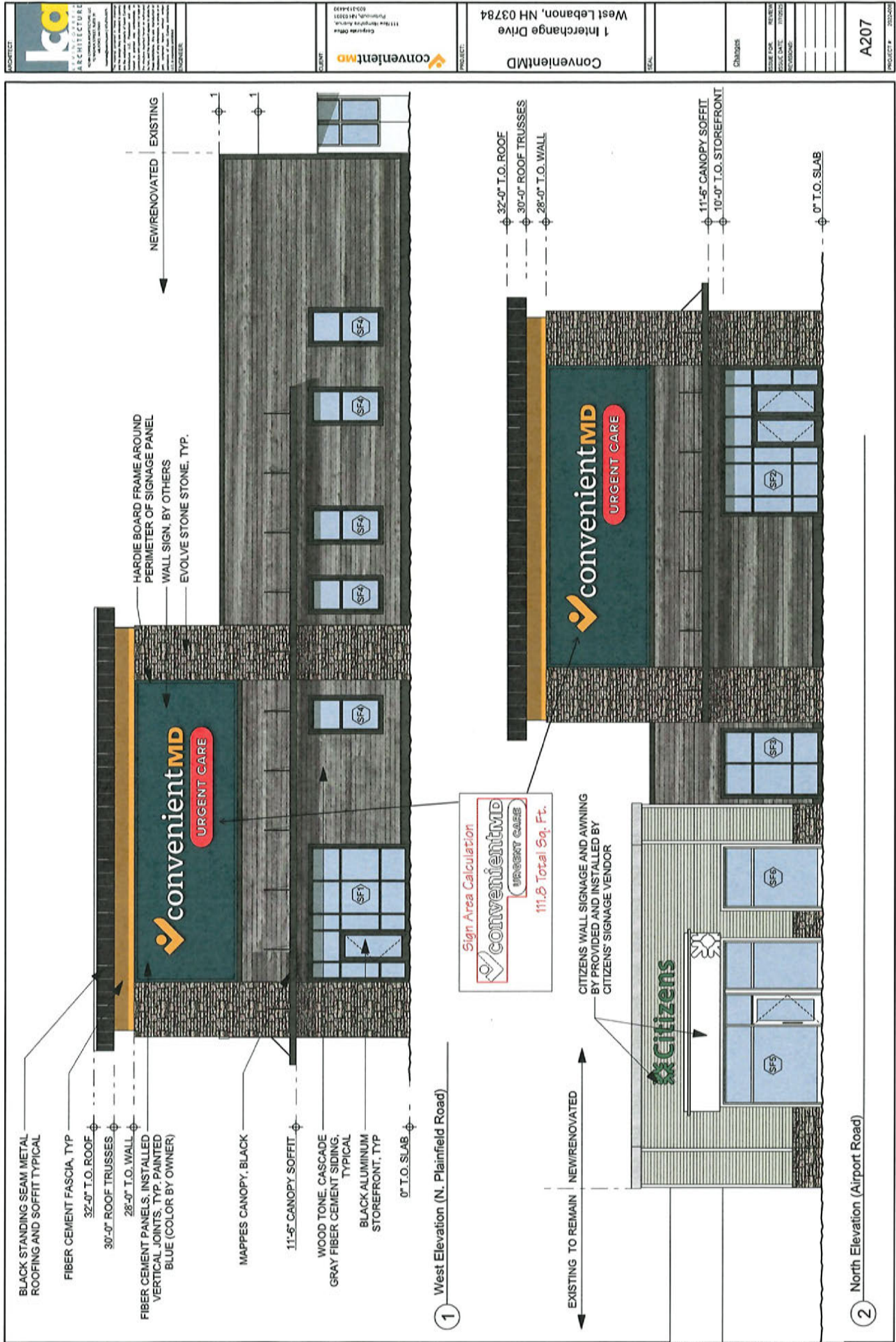
The formula in Section 608.4.A.1.a, provide two alternatives for sign area calculation:

Building linear width x 0.8	468 x 0.8	= 374.4 sq. foot. allowable signage
Total area of principal facades	7,488 x .05	= 374.4 sq. foot. allowable signage

Both formulas allow 374.4 square feet of signage. There presently exists 159.4 square feet of signage, allowing an additional 215 square feet of signage. ConvenientMD is proposing a total of 223.6 feet. A variance will be needed for the additional 8.6 square feet of signage, with that allocating 4.3 square feet for each of its two signs.

As recommended by City staff, ConvenientMD submits five variance applications:

1. for the additional 4.3 square feet for the Rt 12-A side sign;
2. for the additional 4.3 square feet for the Airport Road side sign;
3. for having the Rt 12-A side sign in the parapet above the roof line;
4. for having the Airport Road side sign in the parapet above the roof line;
5. for the total area of signage exceeding the allowed amount by 8.6 square feet.





## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### NOTICE OF DECISION LEBANON ZONING BOARD OF ADJUSTMENT

The Lebanon Zoning Board of Adjustment, at a regular meeting held on **September 8, 2020**, approved the following motion made by Jennifer Mercer, seconded by Dan Nash, by a vote of **3-0**:

“On **August 3, 2020, August 17, 2020, and September 8, 2020**, at duly-noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared Morgan Hollis, Esq. on behalf of **CONVENIENT MD LLC (applicant) and CT BROWN & FAMILY LLC** regarding 1 INTERCHANGE DRIVE (Tax Map 114, Lot 9), zoned GC. Applicant requests a Variance from Section 608.4.A.1 of the Zoning Ordinance to install building signage totaling +/-480 sq. ft. The total proposed sign area for the property exceeds the maximum sign area allowed under Section 608.4.A.1. **ZB2020-23-VAR**

#### **I. FINDINGS OF FACT**

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

1. The subject property is improved with a single-story commercial building partly occupied by Citizens Bank and AT&T. The remainder of the building is currently vacant and was most recently occupied by D’Angelo’s and Radio Shack. The building is bounded on all 4 sides by public streets (Route 12 A, Interchange Dr, Airport Rd, and Dwinell Dr).
2. Convenient MD – an urgent care & walk-in clinic – proposes to occupy the space formerly leased by D’Angelos while AT&T and Citizens Bank will more or less remain in their current locations. In connection with Convenient MD’s occupancy, the applicant proposes to add a turret to the northwestern corner of the building.
3. The total sign area for the existing tenants – Citizen’s Bank and AT&T – is approximately 193 sq. ft. (67 sq. ft. of building sign area for AT&T and 126 sq. ft. of building sign area for Citizens Bank). Pursuant to Section 608 of the Zoning Ordinance, the building (as proposed to be renovated with the addition of the turret) is permitted to have 141 sq. ft. of sign area. The existing building sign area exceeds what is permitted by +/-52 sq. ft. (193 sq. ft. – 141 sq. ft.). Consequently, there is no building sign area available for a third tenant.
4. The applicant initially proposed to install three (3) 160 sq. ft. wall signs for a total of 480 sq. ft. of sign area advertising Convenient MD. Following the August 3, 2020 hearing, the applicant revised their proposal to request a wall sign of 150 sq. ft. to be located on the northerly side of the building, a wall sign of 125 sq. ft. on the westerly side of the building, and a wall sign of 75 sq. ft. on the southerly side of the building, for a total of 360 sq. ft. of sign area. Following the August 17, 2020 hearing, the applicants revised their proposal to request a wall sign of 150 sq. ft. on the northerly side of the building, 75 sq. ft. on the westerly side of the building, and 75 sq. ft. on the southerly side of the building, for a total of 300 sq. ft. of sign area. At the September 8<sup>th</sup> hearing, the

## NOTICE OF DECISION

1 Interchange Dr (114-9)

ZB2020-23-VAR

September 8, 2020

Page 2 of 3

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applicant again revised their proposal to request a wall sign of 150 sq. ft. on the Northerly side of the building, 125 sq. ft. on the westerly side of the building, and 25 sq. ft. on the southerly side of the building, for a total of 300 sq. ft. of sign area.

5. Per Section 608.4.A.1.a of the Zoning Ordinance, the total permitted sign area for the building according to the applicant is +/-141 sq. ft. To allow building sign area of +/-553 sq. ft., a Variance from Section 608.4.A.1.a is required.
6. To obtain the requested Variance, the applicant must demonstrate compliance with each of the five variance criteria as set forth in §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b).
7. The applicant submitted testimony addressing the Section 801.2 Variance criteria in an application received by the Planning & Development Department on July 15, 2020.
8. No one from the public participated in the public hearing.

## II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Variance criteria set forth in Section 801.2 of the Zoning Ordinance:

1. The variance **will not** be contrary to the public interest. (Section 801.2.A.1)
2. The spirit of the ordinance **is** observed. (Section 801.2.A.2)
3. Substantial justice **is** done. (Section 801.2.A.3)
4. The values of surrounding properties **are not** diminished. (Section 801.2.A.4)
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
  - i. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)
  - ii. The proposed use **is** a reasonable one. (Section 801.2.A.5.a.ii)

## III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **8<sup>th</sup> day of September, 2020**, hereby **GRANTS** the request of Convenient MD to install the following signs at 1 Interchange Drive (Tax 114, Lot 9):

- a wall sign of 150 sq. ft. on the northerly side of the building,
- a wall sign of 125 sq. ft. on the westerly side of the building, and
- a wall sign of 25 sq. ft. on the southerly side of the building;

as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

**NOTICE OF DECISION**

1 Interchange Dr (114-9)

ZB2020-23-VAR

September 8, 2020

Page 3 of 3

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1. The applicant shall obtain a building permit.
2. This approval shall expire if the signs authorized by this variance are ever removed or refaced.”

***Seconded by Mr. Patterson.***

*Notice of Decision prepared by: Crystal Adams, Administrative Assistant, February 8, 2021*

NOTE: (NH 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.

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## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING PERMIT

On approval by the Zoning 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. See §901.7 of the City of Lebanon Zoning Ordinance. Pursuant to a motion approved by the Board on March 18, 2019 this Zoning Permit is issued for:

**Convenient MD LLC (applicant) and CT Brown & Family LLC, 1 Interchange Drive (Tax Map 114, Lot 9), zoned GC:** Applicant requests a Variance from Section 608.4.A.1 of the Zoning Ordinance to install building signage totaling +/-480 sq. ft. The total proposed sign area for the property exceeds the maximum sign area allowed under Section 608.4.A.1. **ZB2020-23-VAR**

**THIS ZONING PERMIT IS GRANTED PURSUANT TO THE ATTACHED ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION, THE REPRESENTATIONS MADE BY OR ON BEHALF OF THE APPLICANT(S) AT THE HEARING, AND THE MATERIALS SUBMITTED BY OR ON BEHALF OF THE APPLICANT(S) FOR CONSIDERATION AT THE HEARING.**

Signed:   
Tim Corwin, Senior Planner

Date of Zoning Board Approval/Issuance of Zoning Permit: **September 8, 2020**

#### **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 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 & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT

#### STAFF MEMORANDUM

Eric Stacy  
19 Wolf Road

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**To:** Zoning Board of Adjustment

**Prepared By:** Nathan Reichert, *Director of Planning & Development* and Zoning Administrator

**Date:** September 2, 2025 – Regular Meeting

**Application Number:** ZB2025-22-AAD

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#### HEARING NOTICE:

Eric Stacy, 19 Wolf Rd (Tax Map 50, Lot 40), Zoned R-2: Pursuant to Section 801.1 of the Zoning Ordinance, the applicant is appealing the Zoning Administrator's determination that the proposed basement renovation constitutes the creation of an additional dwelling unit. ZB2025-22-AAD

#### SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming 1-family home constructed in 1986, per the City Assessor's records, is conforming to the R2 zoning district, Class 1, minimum lot size requirement of 10,000 sq ft with +/- 13,503 sq ft, and is not within any overlay district. There has been no previous ZBA action since 1995.

#### PROPOSAL:

The Applicant is appealing the Zoning Administrator's determination that the proposed basement renovation constitutes the creation of an additional dwelling unit.

#### ZONING BOARD PROCEDURES

##### SECTION 801 POWERS AND DUTIES.

*The powers and duties of the Board shall be as prescribed by NH RSA 674:33, as amended. The powers and duties are:*

##### *801.1 Administrative Appeals.*

*As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be made by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.*

*For the purposes of this section:*

*(a) The "administrative officer" shall mean the Zoning Administrator.*

*(b) As set forth in RSA 676:5, II, a "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the Zoning Ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the Zoning Ordinance which is implicated in such enforcement proceedings.*

*An appeal under this section shall be made within 30 days of the date of the administrative*

*decision being appealed, or within 30 days of the time that the person filing the appeal knew or had reason to know that the administrative decision had been made. The effect of an appeal shall be as set forth in RSA 676:6.*

*(b) As set forth in RSA 676:5, II, a "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the Zoning Ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the Zoning Ordinance which is implicated in such enforcement proceedings.*

Within an Appeal Case the Applicant has the Burden of Proof to *demonstrate an error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.*

### **APPEALED DETERMINATION:**

The following was conveyed to the applicant on August 11, 2025 via the City's permitting system – OpenGov.

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

Dwelling Unit Definition Test:

1. Separated from any other rooms or dwelling unit: The proposed project occupies the basement of the structure and is separate from the primary living facilities on the 1st and 2nd floors of the house which occupies the same structure.
2. Containing independent cooking facilities – A separate 2nd kitchen is proposed.
3. Containing independent sanitary facilities – A separate bathroom is proposed.
4. Containing independent bedroom facilities – A separate bedroom is proposed.

Conclusion: Therefore, the proposal constitutes a Dwelling Unit upon confirmation that the proposed first floor plan confirms that a kitchen, sanitary facilities, and bedroom facilities are proposed to be retained.

*ADU (ADU): A separate complete housekeeping unit that is either contained within or is attached to a one-family dwelling, or within a detached accessory building on the same lot, for which the title is inseparable from the primary dwelling.*

The ADU Definition Test:

1. A complete housekeeping unit. (See Dwelling Unit Definition above): A means of Cooking, Sanitation, and bedroom are provided in the proposed plan.

2. The dwelling units are contained within the primary structure on the lot.
3. The (real estate) title is inseparable from the primary dwelling. Both units are on the same deed.

Conclusion The unit therefore constitutes an Accessory Dwelling Unit.

Questions and additional items that will need to be provided pursuant to the ADU determination:

1. What is the floor plan for the 1st and 2nd floors? "
2. Existing and proposed floor plans for all dwelling units and structures.
  - a. If applicable this floor plan shall show compliance with ADU entrance, interconnection and smoke and carbon monoxide alarm plan requirements."
3. Please confirm how many square feet of "Gross Living Area" is included in the entire existing house? (by definition include the walk out basement level).
4. A gross living area square footage calculation which includes existing and proposed floor plans, and a square footage calculation for both the primary dwelling and ADU demonstrating adherence with 610.G ADU Size pursuant to the definition of gross living area within Appendix A Definitions."

Definition: *GROSS LIVING AREA: The total area of above-grade residential space within a dwelling unit as measured using exterior building dimensions, with a ceiling height of 7 ft. or greater, excluding unheated areas such as garages, enclosed or open porches, covered or open decks, outside stairs, balconies, and other unenclosed areas. The floor area of a walk-out basement with a ceiling height of 7 feet or greater shall be included.*

3. Pursuant to recently enacted HB284 - only 2 parking spaces are required should an ADU be desired. Thus, the proposed site plan may be amended and parking reduced from 3 parking spaces to 2 parking spaces. Please revise or affirm the proposed parking plan. "1. Existing and proposed site conditions and parking plan."
4. A signed, recordable "Accessory Dwelling Unit Owner Occupancy Restriction".
5. A bank or business check or money order for all recording fees made payable to the Grafton County Registry of Deeds." – Zoning Official Nathan Reichert.

#### **STAFF COMMENTS:**

An appeal of the Zoning Official may only seek to overturn the determination of the Zoning Official. In this case the Zoning Official determined that the project as presented appears to constitute the creation of a Dwelling Unit.

The determination that the proposed project constitutes the creation of a dwelling unit is a simple application of the definitions. If the project meets the requirements of a Dwelling Unit then it must be permitted as an ADU or a two-family unit to be conforming to the Zoning Ordinance. Per 309.2 Table of Uses for the R-2 zoning district either option is permissible.

The question is: does the proposed plan constitute the creation of a Dwelling Unit? Pursuant to the definition of a Dwelling Unit it does.

The definition of a Dwelling Unit is straight forward:

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

Upon a plain read of the plans the elements that create a dwelling unit are all present, a kitchen, a bedroom and a bathroom.

**ADU vs 2-Family:**

If the Applicant chooses to call the dwelling unit an ADU or a 2-family then the applicable Zoning Ordinance requirements apply. The Zoning Official examined the requirements of an ADU within the Ordinance and supplied a list of additional items that are needed to permit the ADU.

As a part of the determination the Zoning Official has to reconcile Local Ordinance (see attached) and new changes in the ADU enabling legislation in House File 577 (see Attached) The current Zoning for the creation of an ADU and the changes that were enacted by the Legislature in the recent session are balanced in the analysis and list of requirements articulated.

**Lack of Jurisdiction:**

There are numerous other items included in the filing that have nothing to do with the jurisdiction of the Zoning Official and for that matter the Zoning Board on appeal. Only items directly related to *“the decision involving construction, interpretation or application of the terms of the Zoning Ordinance”* may be the subject of Zoning Board consideration and discussion. The Board *“shall have all powers of the officer from whom the appeal is taken”* therefore the Board is limited in its powers to the Zoning Ordinance. Items unrelated should not be considered, nor be decided by the Zoning Board.

Further the Lebanon Building Code Board of Appeals which has been established as a standing sub-committee of the whole of the Zoning Board no longer has jurisdiction in appeals of the Building Official or Building Code. House Bill 413 (see attached), passed in the recent Legislative session in Concord, neuters the local BCBA’s authority to hear appeals. Any portion of this presentation or arguments being made in Applicant’s appeal concerning a determination of the Building Official, or the Building Code, are now the exclusive jurisdiction of the State Building Code Review Board.

**Response to Requested Relief:**

1. *“Reverse the classification of my basement improvement (Permit Application PLN-25-884) as an Accessory Dwelling Unit.”*

This item is the subject of appeal, only the elements of the local Zoning Ordinance may be appealed. It is the obligation of the Appellant to *“demonstrate an error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.”*

2. *“Recognize the project as a single-family home remodel/upgrade, consistent with both*

*the statutory definition of a single-family dwelling and the clear legislative intent of the State of New Hampshire to reduce regulatory burdens and encourage practical housing solutions.”*

Here there appears to be no relevance to the decision on the Zoning Official about Zoning related matters. This appears to be a policy value statement and does not reflect items related to the Zoning Ordinance. Legislative intent is not a quantity that can be measured by the Zoning Board, nor for that matter the Court. Rather a plain reading of any statute or ordinance is all that can be relied upon by the adjudicating body.

As for establishing policy, that is under the sole jurisdiction of the Lebanon’s legislative body in the form City Council or public referendum and is it not in the prevue of the Zoning Board. The Zoning Board is tasked with interpreting the Zoning Ordinance not writing it.

*3. “Acknowledge in its findings that the application of local code must be consistent with state law, particularly HB 577 and HB 428, ensuring that regulation is proportionate to actual housing function and site realities, and that the homeowner’s right to self-perform work on their primary residence is preserved.”*

There are several items involved in this “ask”. The changes made in HB577 (Attached) impact the local ordinance as it relates to the right to establish and ADU. The establishment of an ADU is not in dispute in this case as the Appellant clearly has the right to establish an ADU.

HB 428 (Attached) has to do with the City’s rights to establish local building codes and has no impact on the proceedings of the Zoning Board’s. Further, the City has no locally adopted Building Codes.

“A homeowner’s right to self-perform work” is not within the jurisdiction of the Zoning Board nor the Local Building Code Board of appeals. Rather it is now required that these subjects are reserved for the State Code Review and Licensing Boards and cannot be the subject of local interpretation pursuant to HB 413.

*4. Recognize the homeowner’s ability to perform electrical and plumbing work (RSA 319-C:15, II and RSA 329-A:13) [12, 13, 80, 131, 131] is a statutory right for single-family residences even when the work involves the addition of an ADU.*

These matters are not germane to the Zoning Board’s jurisdiction. Anecdotally, the City does follow State Law and recognizes the homeowners’ right to perform work in their own personal abode. The Zoning Ordinance, however, is agnostic as to who performs work, rather, it requires that the Zoning Ordinance be followed. Nowhere in the Zoning Ordinance is “*homeowner’s ability to perform... work*” a topic, nor is it a part of the decision of the Zoning Official. The Zoning Board simply has no jurisdiction to hear or opine a decision on this matter. The correct venue for an appeal of this nature rests with the State of New Hampshire.

Further, the cost effectiveness or inefficiency of the implementation of a requirement is not a topic that can be considered. “*Because I can make more money*” or “*save more money*” with or without a particular regulation is irrelevant to the Zoning Board. The Zoning Board’s obligation rests with a plain reading of the Ordinance and the Laws as they relate to the claim and their subsequent

application.

**Various items of clarification:**

1. Parking Requirements: Local Parking Requirements have been changed by legislative mandate. One element of the original proposal is the need for 3 parking spaces. Given the Legislative changes the site plan for the proposal can now be altered and only two 2 parking spaces are the minimum requirement.
2. Owner occupancy remains at the discretion of the City. (See full text of HB 577 as enrolled attached)

*“VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.”*

Given that the above statement remains a part of RSA 674:72 the City has the authority to require that a statement be recorded in the land record. The need for this recording is to state in the land record that the property is not a 2-family home and to clarify for all to know that Owner Occupancy is required. Thus, additional items as required by the Zoning Ordinance and requested by the Zoning Official for the ADU are required.

**Conclusion:**

The Zoning Official constructed a plain reading of the Zoning Ordinance in their decision. The application of the definition of a Dwelling Unit was established. A separate means of cooking, sanitation, and sleeping are provided by the plan. Therefore, the plan constitutes the creation of a Dwelling Unit. In this case the applicant has a choice to permit the dwelling unit as an ADU or as a 2-Family. Any ancillary topics or arguments beyond this essential question are irrelevant to the proceeding.

Thus, the Zoning Official prays that the Board sustains the determination in-whole and re-affirms the determination that the proposed plan constitutes the creation of a Dwelling Unit.

## SECTION 610 ACCESSORY DWELLING UNIT (ADU).

**Accessory dwelling units** are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small **dwelling units** as rentals to offset the expense of maintaining the **dwelling**.

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

- A. An **ADU** is allowed on any **lot** in any zoning district with a **one-family dwelling**. For lots in any zoning district with a **two-family dwelling**, a detached or attached ADU is allowed. Only one such **ADU** is permitted per **lot**. The dwelling unit density requirements of the underlying zoning district shall not apply to ADUs.
- B. If attached, the appearance and character of the existing or proposed **ADU** shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU. If detached, the ADU shall maintain the primary building's architectural style, proportional mass, size, and height to ensure it is not taller than the principal building on the lot. A detached ADU may be permitted to be taller than the principal building by **special exception**.
- C. The property owner must occupy one of the **dwelling units** as their permanent residence. A temporary leave of absence of no more than one (1) year by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.  
  
Prior to the issuance of a zoning permit, the owner shall record in the Grafton County Registry of Deeds an Accessory Dwelling Unit Owner Occupancy Restriction, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units. All recording fees shall be the responsibility of the applicant.
- D. The **ADU** must be located in the same **building** as the principal **dwelling unit(s)** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district. If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached accessory **structure** such as a garage or barn, provided the existing accessory **structure** conforms with the minimum required **yard** requirements for the respective zoning district. An **ADU** may also be in a new **structure**. By **special exception**, the Zoning Board of Adjustment may allow an **ADU** to be located in a detached **structure** on a **lot** that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory **structure** that is legally non-conforming to the applicable minimum yard requirements.
- E. If the **ADU** is located within or by an addition to the existing **principal building**, an interior door shall be provided between the **ADU** and the principal

**dwelling unit** or between the ADU and one of the principal **dwelling units** if the principal building is a **two-family dwelling**.

- F. If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an **ADU** to the **lot**.
- G. Size of ADU.
1. One-family dwellings. If the **gross living area** of the principal **dwelling unit** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than 65% of the **gross living area** of the principal **dwelling unit**. If the **gross living area** of the principal **dwelling unit** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed 960 square feet. If the principal **dwelling unit** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 960 square feet provided the **ADU** is no greater than 33% of the **gross living area** of the principal **dwelling unit**. If the ADU is located on a parcel of land greater than 4 acres a detached ADU can exceed 960 square feet provided that the detached ADU is no greater than 50% of the gross living area of the principal dwelling unit.
  2. Two-family dwellings. If the **gross living area** of the smaller of the two principal **dwelling units** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than 65% of the **gross living area** of the smaller of the two principal **dwelling units**. If the **gross living area** of the smaller of the two principal **dwelling units** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed 960 square feet. If the smaller of the two principal **dwelling units** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 960 square feet provided the **ADU** is no greater than 33% of the **gross living area** of the smaller of the two principal **dwelling units**.
- H. Any necessary additional entrances or exits to the **principal building**, to serve the **ADU**, shall be located to the side or rear of the **building**. All new or altered **structures**, intended to be used as an **ADU**, must be located behind the **front building line** of the existing **principal building** except by **special exception** if the Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.
- I. In addition to the two (2) parking spaces required for each principal **dwelling unit**, one (1) additional parking space for the **ADU** must be provided.
- J. An **ADU** located within the **principal building** shall have interconnected smoke and carbon monoxide alarms.

- K. An ADU Permit application submission shall include a minimum of the following materials and exhibits demonstrating compliance with the applicable Zoning Ordinance requirements:
1. Existing and proposed site conditions and parking plan.
  2. Existing and proposed floor plans for all dwelling units and structures.
    - a. If applicable this floor plan shall show compliance with ADU entrance, interconnection and smoke and carbon monoxide alarm plan requirements.
  3. A gross living area square footage calculation which includes existing and proposed floor plans, and a square footage calculation for both the primary dwelling and ADU demonstrating adherence with 610.G ADU Size pursuant to the definition of gross living area within Appendix A Definitions.
  4. A signed, recordable "Accessory Dwelling Unit Owner Occupancy Restriction".
  5. A bank or business check or money order for all recording fees made payable to the Grafton County Registry of Deeds.
  6. If applicable a copy of the State of NH Dept. of Environmental Services Subsurface Systems Bureau Approval and plans.
  7. If applicable a Water Connection Permit Application.
  8. If applicable a Sewer Connection Permit Application.
  9. Impact Fee Invoice Acknowledgment.

CHAPTER 197  
HB 577 - FINAL VERSION

6Mar2025... 0449h  
26Jun2025... 2874EBA

2025 SESSION

25-0119  
06/02

HOUSE BILL

**577**

AN ACT relative to modifying the definition of ADUs.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. A. Murray, Hills. 20; Rep. D. McGuire, Merr. 14;  
Rep. Damon, Sull. 8; Rep. Grill, Hills. 18; Rep. Sweeney, Rock. 25; Rep. Mazur, Hills.  
44; Sen. Innis, Dist 7; Sen. Murphy, Dist 16

COMMITTEE: Housing

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ANALYSIS

This bill expands accessory dwelling units by right to include detached units, adds definitions related to accessory dwelling units, and increases the maximum square footage.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 197  
HB 577 - FINAL VERSION

6Mar2025... 0449h  
26Jun2025... 2874EBA

25-0119  
06/02

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to modifying the definition of ADUs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 197:1 Accessory Dwelling Unit Definition. Amend RSA 674:71 to read as follows:

2 674:71 [Definition] **Definitions.** As used in this subdivision[;]:

3 I. "Accessory dwelling unit" means a residential living unit that is ~~[within or attached to]~~ **located**  
4 **on a lot containing** a single-family dwelling[; and] that provides independent living facilities for one or more  
5 persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as  
6 the principal dwelling unit it accompanies. ***Accessory dwelling units may be constructed at the same time***  
7 ***as the principal dwelling unit.***

8 II. ***"Attached unit" means a unit that is within or physically connected to the principal dwelling***  
9 ***unit, or completely contained within a preexisting detached structure.***

10 III. ***"Detached unit" means a unit that is neither within nor physically connected to the principal***  
11 ***dwelling unit, nor completely contained within a preexisting detached structure.***

12 197:2 Accessory Dwelling Units. RSA 674:72 is repealed and reenacted to read as follows:

13 674:72 Accessory Dwelling Units.

14 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter  
15 shall allow accessory dwelling units in all zoning districts that permit single-family dwellings. One  
16 accessory dwelling unit, which may be either attached or detached, shall be allowed as a matter of right.  
17 The municipality shall allow one accessory dwelling unit without additional requirements for lot size,  
18 except as described by this section, setbacks, aesthetic requirements, design review requirements,  
19 frontage, space limitations, or other controls beyond what would be required for a single-family dwelling  
20 without an accessory dwelling unit. The municipality may not impose greater requirements for a septic  
21 system for a single-family home with an accessory dwelling unit than is required by the department of  
22 environmental services. The municipality is not required to allow more than one accessory dwelling unit  
23 for any single-family dwelling. The municipality may prohibit accessory dwelling units associated with  
24 multiple single-family dwellings attached to each other, such as townhouses. The municipality may  
25 prohibit accessory dwelling units associated with rented or leased land. Subsequent condominium  
26 conveyance of any accessory dwelling unit separate from that of the principal dwelling unit shall be  
27 prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.

28 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one  
29 accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-  
30 family dwelling in the municipality, and no municipal permits or conditions shall be required other than  
31 building permits, if required by statute.

**CHAPTER 197**  
**HB 577 - FINAL VERSION**  
**- Page 2 -**

1           III. Attached accessory dwelling units shall have either an independent means of ingress and  
2 egress or ingress and egress through a common space shared with the principal dwelling. However, the  
3 municipality shall not limit the choice of ingress and egress.

4           IV. Any municipal regulation applicable to single-family dwellings shall also apply to the  
5 combination of a principal dwelling unit and an accessory dwelling unit, including but not limited to lot  
6 coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted  
7 by the United States Department of Housing and Urban Development, provided that such municipal  
8 regulations shall not be more restrictive for accessory dwelling units than for any single-family use in the  
9 same zoning district. If a municipality has established regulations requiring parking for the principal  
10 dwelling unit, it may require up to one additional parking space for each accessory dwelling unit.  
11 Required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the  
12 property owner's discretion.

13           V. The applicant for a permit to construct an accessory dwelling unit shall make adequate  
14 provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA  
15 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. In  
16 order to comply with this paragraph and prior to constructing an accessory dwelling unit, an application for  
17 approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable.  
18 The approved sewage disposal system shall be installed if the existing system has not received  
19 construction approval and approval to operate under current rules or predecessor rules, or the system  
20 fails or otherwise needs to be repaired or replaced.

21           VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not  
22 specify which unit the owner must occupy. A municipality may require that the owner demonstrate that  
23 one of the units is his or her principal place of residence, and the municipality may establish reasonable  
24 regulations to enforce such a requirement.

25           VII. A municipality may apply aesthetic standards to accessory dwelling units only if it has also  
26 applied such standards to the principal dwelling unit. The total living space of the accessory dwelling unit  
27 shall not exceed 950 square feet unless otherwise authorized by the municipality. A municipality may not  
28 restrict the total living space to less than 750 square feet.

29           VIII. A municipality shall not require a familial relationship between the occupants of an  
30 accessory dwelling unit and the occupants of a principal dwelling unit.

31           IX. A municipality shall not limit an accessory dwelling unit to only one bedroom.

32           X. An accessory dwelling unit may be deemed a unit of workforce housing for the purpose of  
33 satisfying the municipality's regional fair share obligation under RSA 674:59, III if the unit meets the  
34 criteria in RSA 674:58, IV for rental units.

35           XI. A municipality shall allow accessory dwelling units to be converted from existing structures,  
36 including but not limited to detached garages, regardless of whether such structures violate current  
37 dimensional requirements for setbacks or lot coverage.

38           XII. A municipality shall not deny the establishment of a separate electrical panel and separate  
39 electrical service to the accessory dwelling unit.

CHAPTER 197  
HB 577 - FINAL VERSION  
- Page 3 -

1           197:3 Detached Accessory Dwelling Units. Amend RSA 674:73 to read as follows:  
2           674:73 Detached Accessory Dwelling Units. A municipality [~~is not required to but may~~] **shall** permit  
3 **one** detached accessory dwelling [~~units~~] **unit**. Detached accessory dwelling units shall comply with the  
4 requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV  
5 through IX. [~~If a municipality allows detached accessory dwelling units, it may require an increased lot~~  
6 ~~size.~~]

197:4 Effective Date. This act shall take effect July 1, 2025.

Approved: July 15, 2025  
Effective Date: July 01, 2025

# The Revised Law on Accessory Dwelling Units – 2025 Edition Updated Version August 12, 2025



*This guidance document is an updated version of the original guidance NHMA issued on accessory dwelling units in July 2025.*

Governor Ayotte signed House Bill 577 on July 15, 2025, relative to accessory dwelling units, substantially amending RSA 674:71 to :73. This document provides local officials with guidance on how to interpret and implement the new law.

## The Revised Law

***The New Basic Requirement.*** A municipality that adopts a zoning ordinance shall allow accessory dwelling units in all zoning districts that permit single-family dwellings. One accessory dwelling unit, **which may be either attached or detached**, shall be allowed as a matter of right, and **municipalities may no longer require either a conditional use permit or special exception for an ADU.**

### ***Revised Definitions:***

**"Accessory dwelling unit"** means a residential living unit that is located on a lot containing a single-family dwelling that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies. Accessory dwelling units may be constructed at the same time as the principal dwelling unit.

**"Attached unit"** means a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure.

**"Detached unit"** means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

***Effective Date.*** The new law took effect on July 1, 2025. (The Governor did not sign the bill until July 15, 2025.)

## Where to Begin?

### *Does your zoning ordinance already address ADUs?*

- If your zoning ordinance expressly **allows ADUs, both attached and detached, without limitation**, then you may not need to do anything, because your ordinance may already comply with the new law. However, please keep reading, because your ordinance may contain a limitation that doesn't *seem* like a limitation.
- The municipality shall allow one accessory dwelling unit without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. However, the municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.
- If your zoning ordinance contains no provisions pertaining to accessory dwelling units, then  
  
one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than building permits, if required by statute.

## What Can You Do?

### *Here are some of the conditions a zoning ordinance may impose:*

One ADU per dwelling. A municipality is not required to allow more than one attached or detached ADU per single-family dwelling. A one-ADU limit should be stated in the ordinance if a municipality wishes to implement a limit. Of course, the municipality may allow more than one ADU per principal dwelling unit, if it chooses.

ADU's may be prohibited for multi-family uses, or on rented or leased land. The municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other, such as townhouses. The municipality may prohibit accessory dwelling units associated with rented or leased land.

Sale of an ADU through condominium conveyance is prohibited. Subsequent condominium conveyance of any accessory dwelling unit separate from the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.

Attached ADU's - manner of access. Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared

with the principal dwelling. However, the municipality shall not limit the choice of ingress and egress.

Owner occupancy. The ordinance may require owner occupancy of either the principal or the accessory dwelling unit, but it cannot specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

Combined principal dwelling & ADU shall otherwise comply with municipal zoning regulations. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit, including but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development, provided that such municipal regulations shall not be more restrictive for accessory dwelling units than for any single-family use in the same zoning district.

Aesthetic Standards. A municipality may apply aesthetic standards to accessory dwelling units only if it has also applied such standards to the principal dwelling unit.

Minimum and maximum sizes. The ordinance may establish size limits for ADUs, but it may not limit an ADU to less than 750 square feet. The total living space of the accessory dwelling unit shall not exceed 950 square feet unless otherwise authorized by the municipality.

## **What *Can't* You Do?**

**Here are some conditions that the ordinance may *not* impose:**

Septic system/wastewater requirements/water supply. The municipality may not impose greater requirements for a septic system for a single-family home with an accessory dwelling unit than is required by the Department of Environmental Services. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. Prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.

Parking. Only if existing municipal regulations impose off-street parking requirements for the principal dwelling unit can the municipality require up to one additional parking space for each accessory dwelling unit. Required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.

Familial Relationships. A municipality “may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.” Some municipalities have this restriction built into their existing ADU definition; that will need to change.

Bedroom limit. A municipality “may not limit an accessory dwelling unit to only one bedroom.” This means, of course, that it may impose a *two*-bedroom limit.

Electric Service. A municipality shall not deny the establishment of a separate electrical panel and separate electrical service for the accessory dwelling unit.

### **What *Must* You Do?**

**The ordinance shall permit the following:**

ADU in Nonconforming Structures. Under RSA 674:72, XI, a municipality shall allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.

NHMA offers the following suggestions for interpreting and applying Paragraph XI of 674:72. This section of the statute is ambiguous, and so municipalities are encouraged to consult with their own legal counsel as to how to proceed on any building permit applications that fall under this section of the law.

1. In order for a structure to be an “existing structure” under this provision, it had to exist on or before July 1, 2025, the effective date of HB 577.
2. For any structure that was in existence prior to July 1, 2025, the municipality could determine eligibility for placement of an ADU within that existing structure where the existing structure does not comply with dimensional requirements for setbacks and lot coverage based on one of the following possible procedures, which should be reviewed and approved by the municipality’s regular municipal legal counsel:
  - a. The existing structure could be required to demonstrate that it qualifies as a pre-existing, nonconforming structure exempt from the currently applicable dimensional requirements for setbacks and lot coverage according to RSA 674:19 or any local zoning regulation protecting non-conforming structures, or;
  - b. The existing structure received a prior zoning approval or determination it was exempt from the current dimensional requirements for setbacks and lot coverage, or;
  - c. Deem the provisions of Paragraph XI of amended 674:72 as essentially granting a blanket zoning exemption from dimensional requirements for setbacks and lot coverage for any existing structure that seeks a building permit to place an ADU in that existing structure.

CHAPTER 276  
HB 428-LOCAL - FINAL VERSION

26Mar2025... 0328h  
05/15/2025 1989s  
26Jun2025... 2824CofC

2025 SESSION

25-0330  
06/05

HOUSE BILL            ***428-LOCAL***

AN ACT                relative to the state building code.

SPONSORS:            Rep. Alexander Jr., Hills. 29; Rep. C. McGuire, Merr. 27; Rep. D. McGuire, Merr. 14;  
Rep. Osborne, Rock. 2; Rep. Sweeney, Rock. 25; Rep. Berry, Hills. 44; Rep. Warden,  
Hills. 39; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. McConkey, Dist 3

COMMITTEE:           Executive Departments and Administration

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ANALYSIS

This bill prohibits local legislative bodies from making any new changes to the state building codes.

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Explanation:           Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 276  
HB 428-LOCAL - FINAL VERSION

26Mar2025... 0328h  
05/15/2025 1989s  
26Jun2025... 2824CofC

25-0330  
06/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to the state building code.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 276:1 Public Safety and Welfare; State Board of Fire Control; State Fire Code; Rules. Amend RSA  
2 153:5, V to read as follows:

3 V. The state fire marshal, and the local fire chief, in accordance with RSA 154:2, shall use the  
4 state fire code, including rules adopted under paragraph I, and any local [codes] **ordinances or regulations**  
5 adopted [in accordance with RSA 47:22 or RSA 155-A:3,] **by the local legislative body** for the purposes of  
6 new construction, additions, and alterations. It is the intent of the legislature to avoid conflicts in the  
7 adoption and application of the state building code and the state fire code. **Local municipal ordinances or**  
8 **regulations to allow for administrative amendments to the state fire code shall be permitted. Amendments**  
9 **to the state fire code implementing the issuance of permits and the collection of fees or other**  
10 **administrative functions shall be reserved for the municipalities, provided they are not less stringent than**  
11 **the state fire code and reviewed pursuant to RSA 153:4-a, II. No amendments to the technical**  
12 **requirements of the state fire code are permitted.**

13 276:2 New Hampshire Building Code; Definitions. RSA 155-A:1, III is repealed and reenacted to  
14 read as follows:

15 III. "Local enforcement agency" means, for a municipality as defined in RSA 672:10 that has  
16 adopted an enforcement mechanism under RSA 155-A:3, the official qualified and authorized to issue  
17 permits, make inspections, and enforce the laws, ordinances, and rules enacted by the state and local  
18 government that establish standards and requirements applicable to the construction, alteration,  
19 relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance,  
20 removal, and demolition of every building or structure, or any appurtenances connected or attached to  
21 such building or structure.

22 276:3 State Building Code. Amend RSA 155-A:2, III to read as follows:

23 III. To the extent that it does not conflict with any other provision of law, and except as otherwise  
24 provided in this paragraph, the issuance of permits and the collection of fees pursuant to the state building  
25 code is expressly reserved for counties, towns, cities, and village districts where such activities have been  
26 authorized in accordance with RSA [674:51 and RSA 47:22] **155-A:3**. Pursuant to the state fire marshal's  
27 authority to enforce the state building code under RSA 155-A:7, I, the fire marshal may establish for  
28 municipalities that do not have a building official or other enforcement mechanism authorized in RSA 155-  
29 A:4, with approval of the commissioner of safety and by rules adopted under RSA 541-A, fees to defray  
30 the cost of issuing building permits in accordance with the state building code. Such fees shall be

CHAPTER 276  
HB 428-LOCAL - FINAL VERSION  
- Page 2 -

1 deposited in the fire standards and training and emergency medical services fund established in RSA 21-  
2 P:12-d.

3 276:4 State Building Code. Amend RSA 155-A:2, VI to read as follows:

4 VI. For any municipality which has not adopted an enforcement mechanism under RSA 674:51,  
5 the contractor of the building, building component, or structure shall notify the state fire marshal  
6 concerning the type of construction before construction begins excluding one- and 2-family dwellings.  
7 Any municipality that has adopted an enforcement mechanism under RSA ~~[674:51]~~ **155-A:3** may contract  
8 with a local enforcement agency or a qualified third party for these services as an alternative to  
9 establishing the position of building ~~[inspector under RSA 674:51, III(c)]~~ **official pursuant to RSA 155-A:3**,  
10 and such agency or third party shall have the same authority as a building inspector as provided in that  
11 section.

12 276:5 State Building Code. Amend RSA 155-A:2, VIII to read as follows:

13 VIII. Nothing in this chapter shall be construed as amending, repealing, or superseding any local  
14 law, ordinance, code, or regulation, except local code requirements that are less stringent than the state  
15 building code~~[or state fire code]~~, or where expressly required by RSA ~~[674:51, or RSA 47:22]~~ **155-A:3**,  
16 and all buildings, building components, and structures shall comply with all applicable state or local  
17 building ~~[and fire code]~~ requirements, land use restrictions including, but not limited to subdivision  
18 regulations, use and location restrictions, density and dimensional limitations, or historic district laws or  
19 ordinances.

20 276:6 Local Amendments; Application. RSA 155-A:3 is repealed and reenacted to read as follows:

21 155-A:3 Enforcement mechanism.

22 I. The local legislative body, as defined in RSA 672:8, is hereby empowered and authorized to  
23 establish a local enforcement agency, as defined in RSA 155-A:1, III, to enforce the state building code  
24 adopted under RSA 155-A. The local legislative body may adopt a nationally recognized code not  
25 included in, and not inconsistent with, the state building code, except for a nationally recognized code  
26 which has the same or similar scope or purpose, as determined by the building code review board, that is  
27 included in the most recent edition of the state building code adopted under RSA 155-A:1, IV.

28 II. Amendments to the state building code implementing the issuance of permits and the  
29 collection of fees pursuant to RSA 155-A:2, III, and the issuance of permits and certificates of occupancy  
30 pursuant to RSA 155-A:2, IV, or other administrative functions shall be reserved for the municipalities,  
31 provided they are not less stringent than the state building code and confirmed pursuant to RSA 155-A:3,  
32 IV. No amendments to the technical requirements of the state building code are permitted. Municipal  
33 amendments to technical requirements of the state building code are permitted if the state building code is  
34 more than 2 editions behind the published model codes included in the state building code, provided they  
35 are not more or less stringent than the state building code and confirmed pursuant to RSA 155-A:3, IV.

36 III. At a minimum, the municipality shall ensure by ordinance that implementation and  
37 enforcement includes:

38 (a) The date of the first enactment of any building code regulations in the municipality and of  
39 each subsequent amendment thereto.

**CHAPTER 276**  
**HB 428-LOCAL - FINAL VERSION**  
**- Page 3 -**

1 (b) Provision for the establishment of a building code board of appeals as provided in RSA  
2 673:1, V; 673:3, IV; and 673:5.

3 (c) Provision for the establishment of the position of building official as provided in RSA  
4 673:1.

5 (d) The building official shall have the authority to:

6 (1) Accept and review appropriate design documents;

7 (2) Issue building permits as provided in RSA 676:11-13;

8 (3) Perform inspections as may be necessary to assure compliance with the state  
9 building code; and

10 (4) Issue any certificates of occupancy as enacted pursuant to paragraph IV.

11 (e) A schedule of fees, or a provision authorizing the governing body to establish fees, to be  
12 charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to  
13 paragraph IV.

14 IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of  
15 occupancy to be issued prior to the use or occupancy of any building or structure that is erected,  
16 remodeled, or undergoes a change or expansion of use subsequent to the effective date of such  
17 requirement. The municipality shall be responsible for implementation and enforcement of the  
18 requirement under this paragraph.

19 V. Municipal Employees and Departments.

20 (a) The provisions of this chapter shall not be construed to restrict or encumber the local  
21 governing body's authority relative to the appointment, removal, or duties of municipal employees and the  
22 organization of municipal departments.

23 (b) Any provision of the state building code that conflicts with existing local ordinances,  
24 regulations, policies, practices, or procedures regarding the appointment, removal, or duties of municipal  
25 employees and the organization of municipal departments shall not apply, provided that the ordinances,  
26 regulations, policies, practices, or procedures do not prevent effective enforcement of the state building  
27 code.

28 VI. Any ordinance adopted under paragraph II by a local legislative body shall be submitted to the  
29 state building code review board for review and confirmation.

30 VII. The state building code established in RSA 155-A shall be effective in all municipalities, as  
31 defined in RSA 672:10, in the state, without further local modification, except as permitted by this section,  
32 and shall be enforced as provided in RSA 155-A:7. Notwithstanding any other provision of law, no local  
33 legislative body shall enact or enforce any ordinance, adopt or enforce any rule, or implement any  
34 regulation that amends, overrides, or deviates from the state building code, or addresses any subject  
35 included in the state building code, except as otherwise permitted by this section or other statute, on or  
36 after the effective date of this section. All municipalities with an enforcement mechanism shall enforce  
37 and comply fully with the state building code without further local modification, except as otherwise  
38 permitted by this section or other statute.

CHAPTER 276  
HB 428-LOCAL - FINAL VERSION  
- Page 4 -

1 VIII.(a) Local amendments and codes adopted pursuant to paragraph III prior to July 1, 2025, and  
2 the procedural history of adoption under RSA 155-A:10 shall be submitted for review to the building code  
3 review board for confirmation that such additional amendments are not inconsistent with or less stringent  
4 than, nor intended to replace, the requirements of the most recent edition of the building code adopted  
5 under RSA 155-A. No local amendment shall be enforced if it was not submitted to the building code  
6 review board by July 1, 2025. Upon the withholding of confirmation of a submitted local amendment by  
7 the state building code review board, the amendment shall not be enforced.

8 (b) Any such ordinance enacted or adopted pursuant to paragraph III on or after July 1, 2025,  
9 shall not be enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,  
10 IV(c). The procedural history of local adoption relating to published notice, public hearing, and vote of  
11 approval shall be submitted to the board within 30 days of enactment or adoption and prior to  
12 enforcement.

13 IX. No municipality or local land use board, as defined in RSA 672:7, shall enforce any  
14 ordinance, regulation, code, or administrative practice requiring the installation of automatic fire  
15 suppression sprinklers in any new or existing detached one- or two-family dwelling unit in a structure used  
16 only for residential purposes, or in existing buildings that contain, or will contain, no more than four  
17 dwelling units, unless fire sprinklers are existing or are required by a nonresidential occupancy.  
18 Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce  
19 any existing ordinance, regulation, code, or administrative practice requiring the installation or use of  
20 automatic fire suppression sprinklers in any manufactured housing unit, as defined in RSA 674:31,  
21 situated in a manufactured housing park, as defined in RSA 205-A:1, II. Nothing in this paragraph shall  
22 affect the ability of an applicant for a local land use permit to include the installation of fire suppression  
23 sprinklers pursuant to RSA 674:36, IV, or affect the validity or enforceability of such inclusion.

24 X. No county, city, town, village district, local land use board, or other subdivision of this state  
25 shall adopt any ordinance, regulation, code, or administrative practice that prohibits or restricts a person  
26 or entity from installing a safe and commercially available heating or other energy system of their choice,  
27 or from engaging the services of an energy provider of their choice to install, connect, or resupply such  
28 energy system. In this paragraph, "energy provider" means a qualified and licensed distributor of oil,  
29 propane, natural gas, or other company or entity that supplies energy or related services to the public.

30 276:7 Local Amendments; Application. Amend RSA 155-A:4, II to read as follows:

31 II. In municipalities that have adopted an enforcement mechanism pursuant to RSA ~~[674:51 and~~  
32 ~~RSA 47:22]~~ **155-A:3**, the permit under this section shall conform to the locally adopted process. No permit  
33 shall be issued that would not result in compliance with the state building code~~[and state fire code]~~.

34 276:8 Local Amendments; Application. Amend RSA 155-A:7, I to read as follows:

35 I. The local enforcement agency appointed pursuant to RSA ~~[674:51 or RSA 47:22]~~ **155-A:3** shall  
36 have the authority to enforce the provisions of the state building code and the local fire chief shall have  
37 the authority to enforce the provisions of the state fire code, provided that where there is no local  
38 enforcement agency or contract with a qualified third party pursuant to RSA 155-A:2, VI, the state fire

CHAPTER 276  
HB 428-LOCAL - FINAL VERSION  
- Page 5 -

1 marshal or the state fire marshal's designee may enforce the provisions of the state building code and the  
2 state fire code, subject to the review provisions in RSA 155-A:10, upon written request of the municipality.

3 276:9 Local Amendments; Application. Amend RSA 155-A:10, IV(c) - (f) to read as follows:

4 (c) Municipal [~~amendments~~] **ordinances**: municipalities shall submit proposed [~~amendments~~]  
5 **ordinances** to the state building code [~~pursuant to RSA 155-A:3~~] to the board for review and confirmation  
6 prior to adoption. Municipalities may submit proposed language to the board for an advisory opinion at  
7 any time. Cities shall submit [~~the~~] final proposed [~~building code amendments~~] **ordinances** no later than 90  
8 days before final adoption. Towns shall submit [~~the~~] final proposed [~~amendments~~] **ordinances** no later  
9 than 10 days after the conclusion of the final public hearing. Municipal submissions shall include the final  
10 text for each [~~amendments~~] **ordinance**. The board shall act to review and confirm proposed municipal  
11 [~~amendments~~] **ordinances** within 90 days of submission for cities, and 45 days for towns. Failure of the  
12 board to act within these time frames shall constitute a confirmation of the municipal [~~amendments~~]  
13 **ordinances**. The board's review shall be limited to a confirmation that the local [~~amendments~~] **ordinance**  
14 complies with RSA [~~674:51 or RSA 47:22~~] **155-A:3**, and a verification with the state fire marshal that there  
15 is no conflict with the fire code.

16 (d) Once an [~~amendments~~] **ordinance** is approved by the legislative body, the municipality  
17 shall submit documentation to the building code review board within 30 days, pursuant to subparagraph  
18 (c), that the public hearing was properly noticed and held, and that the provision was adopted by the local  
19 legislative body.

20 (e) [Repealed.]

21 (f) [~~amendments~~] **Ordinances** adopted by municipalities, submitted to the board [~~under the~~  
22 ~~provisions of RSA 674:51, II this chapter~~], and confirmed by the board, shall be published by the board  
23 after notification of adoption is received from the municipality.

24 276:10 General Requirements. Amend RSA 155-A:11-b, I to read as follows:

25 I. The board shall hear appeals of final decisions of any local building code board of appeals  
26 established under **RSA 155-A:3 and** RSA 674.

27 276:11 General Requirements. Amend RSA 674:34, II to read as follows:

28 II. Appeals of decisions of any local building code board of appeals shall be made within 30 days  
29 of the board's decision to the state building code review board as outlined under RSA [~~155-A:10, IV(e)~~]  
30 **155-A:11-b**.

31 276:12 General Requirements. Amend RSA 675:1, II to read as follows:

32 II. Zoning ordinances proposed under RSA 674:16 **and** historic district ordinances proposed  
33 under RSA 674:46 shall be adopted in accordance with the procedures required under RSA **675:2**  
34 **through 675:5**.

35 276:13 Repeal. The following are repealed:

- 36 I. RSA 47:22, relative to the municipalities' grant of power.  
37 II. RSA 674:51, relative to the local land use planning board and their power to amend state  
38 building codes and establish enforcement procedures.

CHAPTER 276  
HB 428-LOCAL - FINAL VERSION  
- Page 6 -

276:14 Effective Date. This act shall take effect July 1, 2026.

Approved: August 01, 2025  
Effective Date: July 01, 2026

# HB413

## Bill Details

**Title:** relative to subdivision regulations on the completion of improvements and the regulation of building permits.

**Sponsors:** [\(Prime\) Pauer \(R\)](#), [Alexander \(R\)](#), [Judy Aron \(R\)](#), [Cole \(R\)](#), [Damon \(D\)](#), [Gibbs \(D\)](#), [Michael Aron \(R\)](#), [Keith Murphy \(R\)](#)

LSR Number: **25-0145**

General Status: **SIGNED BY GOVERNOR**

Chapter Number: **186**

House:

**Committee:** Municipal and County Government

**Due Out:** 3/20/2025

**Status:** PASSED/ADOPTED

Senate:

**Committee:** Commerce

**Floor Date:** 5/15/2025

**Status:** PASSED/ADOPTED

### CHAPTER 186 HB 413 - FINAL VERSION

2025 SESSION

25-0145  
06/05

#### HOUSE BILL **413**

AN ACT relative to subdivision regulations on the completion of improvements and the regulation of building permits.

SPONSORS: Rep. Pauer, Hills. 36; Rep. Alexander Jr., Hills. 29; Rep. J. Aron, Sull. 4; Rep. Cole, Hills. 26; Rep. Damon, Sull. 8; Rep. Gibbs, Merr. 23; Rep. M. Aron, Sull. 8; Sen. Murphy, Dist 16

COMMITTEE: Municipal and County Government

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#### ANALYSIS

This bill:

- I. Extends the existing 5-year exemption for subdivision plats to 7 years and increases the preliminary step from 2 years to 3 years.
- II. Changes the building code and fire code appeals process, limiting the jurisdiction of the local building code board of appeals to hearing decisions made under local amendments to those codes.
- III. Provides that decisions of the building code review board regarding decisions of the fire marshal and local building code board of appeals may be appealed to superior court or the housing appeals board.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through]~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
25-0145  
06/05

#### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to subdivision regulations on the completion of improvements and the regulation of building permits.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

186:1 Regulation of Subdivision of Land; Exemption. Amend RSA 674:39 to read as follows:

674:39 ~~[Five]~~ **Seven**-Year Exemption.

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of [5] **7** years after the date of approval; provided that:

- (a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within ~~[24 months]~~ **3 years** after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;
- (b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and
- (c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the ~~[5-year]~~ **7-year** exemption described in paragraph I. The planning board may, for good cause, extend the ~~[24-month]~~ **3-year** period set forth in subparagraph I(a).

**V. The 7-year period and 3-year exemption in this section shall apply to any approval granted on or after July 1, 2023.**

186:2 Powers of Building Code Board of Appeals. Amend RSA 674:34, I to read as follows:

I. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. ***If the zoning board of adjustment or board of selectmen is acting as the building code board of appeals under either RSA 673:1, V, or RSA 673:3, IV, its jurisdiction shall be limited to hearing appeals of local amendments to the state building code or state fire code, and all other appeals shall be made to the building code review board under RSA 155-A:11-b.*** An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

186:3 New Hampshire Building Code; Appeal of Decisions of Local Building Code Board of Appeals. Amend RSA 155-A:11-b, I to read as follows:

I. The board ***shall hear and decide appeals of orders, decisions, or determinations made by the local building official relative to the application and interpretation of the state building code and state fire code as defined in RSA 155-A:1, and*** shall hear appeals of final decisions of any local building code board of appeals established under RSA 674.

186:4 New Paragraph; Register of Deeds; Site Plans. Amend RSA 478:1-a by inserting after paragraph XIII the following new paragraph:

XIV. The register of deeds shall not refuse to record a plat under this section for failure to comply with a law, regulation, or ordinance adopted after the date the site plan or plat was approved by the municipal planning board.

186:5 Housing Appeals Board; Authority and Duties; Appeals of Decisions by the Building Code Review Board. Amend RSA 679:5, IV to read as follows:

IV. After local remedies have been exhausted, appeals may be brought before the board by an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The municipality shall be a party to the action. If the applicant is not the party initiating the action before the board, then the applicant shall automatically be an intervenor. The board shall grant intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. ***Decisions of the state fire marshal that may be appealed under RSA 155-A:11, I, and final decisions of a local building code board of appeals that may be appealed under RSA 155-A:11-b shall first be appealed to the building code review board pursuant to those sections. Decisions of the building code review board on such appeals may then be appealed either to superior court pursuant to RSA 155-A:12 or the board under this chapter.***

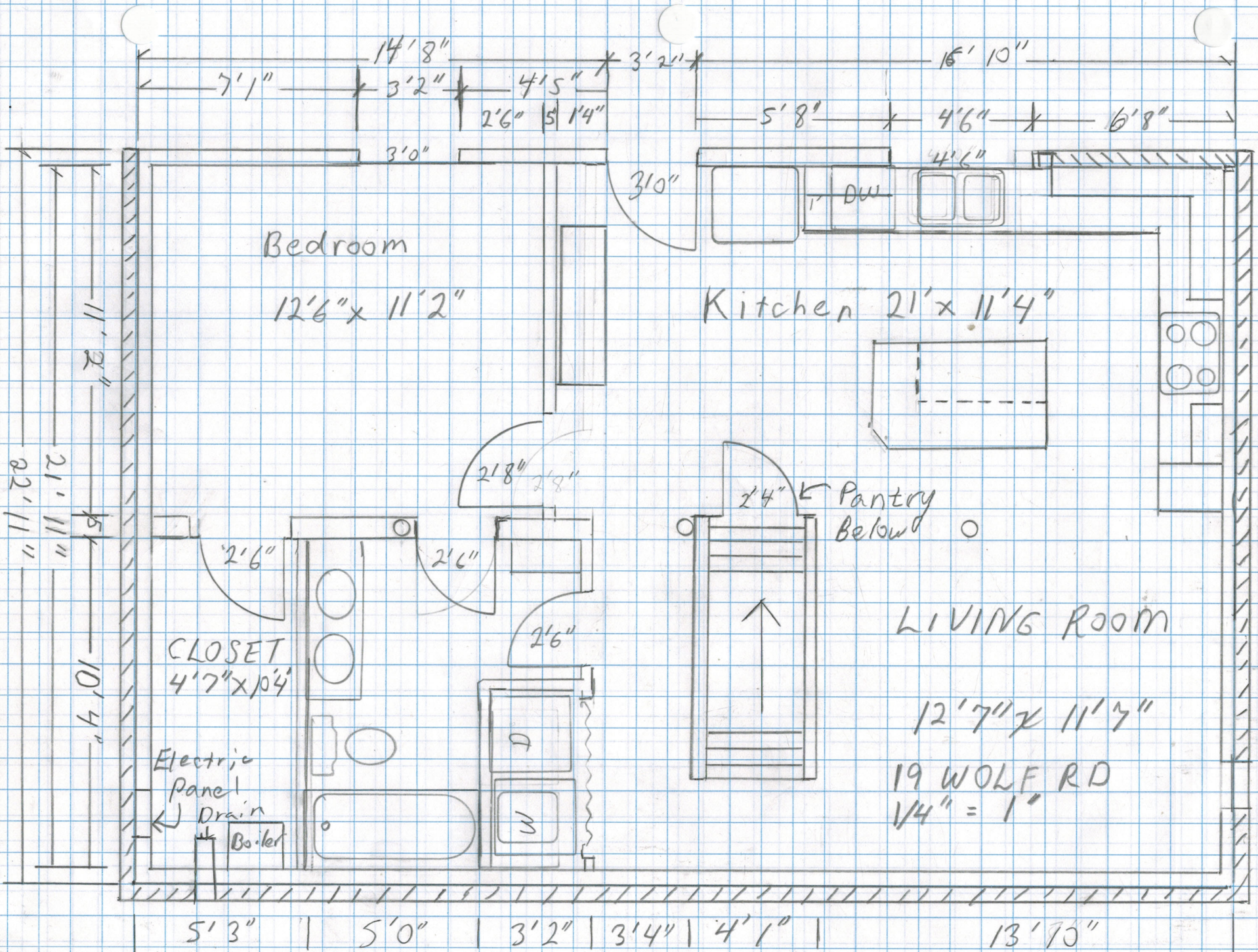
186:6 Zoning Board of Adjustment and Building Code Board of Appeals. Amend RSA 673:3, IV to read as follows:

IV. The building code board of appeals shall consist of 3 or 5 members who shall be appointed in a manner prescribed by the local legislative body; provided, however, that ~~[an elected]~~ **a** zoning board of adjustment may act as the building code board of appeals pursuant to RSA 673:1, V. Each member of the board shall be a resident of the municipality in order to be appointed.

186:7 Effective Date. This act shall take effect July 1, 2025.

Approved: July 15, 2025

Effective Date: July 01, 2025



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

SPECIAL EXCEPTION	<input type="checkbox"/>	<input checked="" type="checkbox"/> BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input type="checkbox"/>	<input checked="" 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: Eric Stacy TEL.#: [REDACTED]  
 MAILING ADDRESS: 108 School St Lebanon NH 03766  
 E-MAIL ADDRESS: [REDACTED]

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

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

**PROJECT LOCATION:**

TAX MAP #: 50 LOT#: 40 PLOT #: \_\_\_\_\_ ZONE: R2  
 STREET ADDRESS: 19 Wolf Rd, Lebanon NH 03766  
 IS THIS PROPERTY LOCATED IN THE: WETLANDS  YES  NO HISTORIC DISTRICT  YES  NO  
 FLOOD PLAIN  YES  NO

**REQUEST DESCRIPTION:**

Appeal of ADU classification & admin decision regarding

**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: \_\_\_\_\_

**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 9/2/2025 unless I personally request, in writing, that the Board delay its determination of completeness to a later date.  
 Owner Signature: Eric S. Stacy DATE: 8/11/25

**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: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE RECEIVED: 8-11-25

APPLICATION #: ZB2025-22-AAD

## BUILDING CODE BOARD OF APPEALS SUPPORT STATEMENT

Article III, Section 36-13 Building Code Board of Appeals.

A. There is hereby established a Building Code Board of Appeals, and the Zoning Board of Adjustment is designated to act as that Board of Appeals, as provided in RSA 673:1. The Building Code Board of Appeals shall hear and decide appeals of orders, decisions, or determinations made by the Building Inspector or Fire Official relative to the application and interpretation of the State Building Code or State Fire Code as defined in RSA 155-A. These powers are derived from RSA 674:34, and it is intended that the Lebanon Building Code Board of Appeals shall have all such responsibilities and powers as conferred by the law, as it may be amended. Any person aggrieved by a decision of the Building Code Board of Appeals may appeal the decision to the Grafton County Superior Court as provided in RSA 677:16.

B. Any appeal to the Board of Appeals shall be taken within 30 days from the date of decision of the Building Inspector. The time, notice and manner of hearing before the Board of Appeals shall conform to the same requirements as hearings before the Zoning Board of Adjustment pursuant to RSA 676:5 and Section 801.1 of the Lebanon Zoning Ordinance.

Name of Property Owner: Eric Stacy  
Location of subject Property: 19 Wolf Rd, Lebanon, NH 03766

This appeal is submitted because the Building Inspector, on this date 8/11/20, denied my application for a building permit and/or a modification of a specific requirement of the building code. I have attached documentation in support of my appeal.

## SUPPLEMENTAL APPEAL STATEMENT

**To:** Lebanon Building Code Board of Appeals

**From:** Eric S. Stacy, Property Owner

**Property Location:** 19 Wolf Road, Lebanon, NH 03766 (Tax Map 50, Lot 40)

**Date of Decision Appealed:** August 12, 2025 (Regarding Permit Application PLN-25-884)

**Hearing Date:** September 2, 2025

### I. Introduction

This Supplemental Appeal Statement is submitted to further clarify and support my appeal of the Zoning Administrator's response dated August 12, 2025, which proposes to classify my proposed basement improvement (Permit Application PLN-25-884) as an "Accessory Dwelling Unit" (ADU) and the right of the Homeowner to make their own repairs under RSA 319-C:15, II and RSA 329-A:13) [12, 13, 80, 131, 131]

As detailed in my initial "Building Code Board of Appeals Support Statement" and "Affidavit of Intent", this classification is a misinterpretation of the relevant statutes and ordinances, creates impractical outcomes, and directly conflicts with the clear legislative intent of the State of New Hampshire.

The City's determination, based on its "Dwelling Unit Definition Test", hinges on the physical presence of a separate bedroom, bathroom, and kitchen in the basement. My argument, however, is that while these physical features exist, the *functional reality* of the space, and my *documented intent* for its use, unequivocally demonstrate that it is an integrated part of a single-family home, not an independent dwelling unit for a separate household.

### II. Misinterpretation of "Independent Living Facilities": Functional Reality vs. Physical Features

The New Hampshire state law (RSA 674:71) defines an ADU as a unit providing "independent living facilities... including provisions for sleeping, eating, cooking, and sanitation." The City's "Dwelling Unit Definition Test" focuses solely on the *presence* of these elements. I contend that "independent" in this context implies the capacity for a *separate household* to function autonomously, including financially and operationally, which is demonstrably not the case with my remodel.

**A. Deliberate Maintenance of Single-Family Utility Infrastructure:** As affirmed in my Affidavit of Intent and detailed in my initial appeal, I made intentional and specific choices during recent utility upgrades to maintain a single-family configuration, directly contradicting the notion of a functionally independent dwelling unit:

- **Single Electrical Meter/Panel:** Despite upgrading the electrical service capacity to the house, I installed and maintained only one electrical meter and main service panel. For a truly independent unit, separate metering for individual billing would be the standard expectation for a separate household. The absence of this fundamental separation means the basement cannot operate as a financially self-sufficient household.
- **Single Water Meter/Supply:** The water meter was relocated with the approval of the Department of Public Works (DPW Permit DPW-25-22), but it was *not* split, nor were domestic water supply lines separated. The single residential sewer use flow for the property (DPW-25-23) further confirms this integrated system.
- **Single Heating/Gas System:** A single boiler provides baseboard heat and domestic hot water throughout the *entire* house, and propane gas is routed through a single, integrated piping system for the *entire* residence.

These intentional decisions were made during the most logical and cost-effective time for separation had a second, independent dwelling unit been intended. I chose not to pursue that path, underscoring that my purpose is, and always has been, the enhancement of a single-family residence, not the creation of a separate household.

**B. Integrated Circulation and Shared Amenities:** My floor plans (Image 1, Image 2, Image 8 ) clearly illustrate the integrated nature of the basement space with the main dwelling.

- **Open Internal Circulation:** There is open internal circulation between floors, with no lockable separation intended to create distinct, independent living areas for separate households.
- **Shared Laundry Facility:** The new laundry facility is located in the remodeled basement and is accessible from the larger living area. As a practical matter, why would a homeowner remove the ability to access the laundry from the larger living area if the intent was to create a truly separate dwelling unit? This continued integration of a key household amenity further reinforces the single-family use.
- **Outdoor Deck Addition:** The permit involves the installations of a 196 SF deck intended for a hot tub in the back yard. This is part of the overall improvements of the single-family function. The intention is to have direct access to a recreational area serviced by a full kitchen to avoid the inconvenience of climbing to the second floor for food service while using this area.

The New Hampshire Supreme Court, in *Working Stiff Partners v. City of Portsmouth*, has held that zoning ordinance terms—especially undefined ones—must be interpreted by their "common and approved usage," and that ambiguous definitions should be resolved in favor of

the property owner. Applied here, "complete independent living facilities" must mean *actual, functional independence* for a separate household, not just the presence of a kitchen, bathroom, and bedroom within a larger, integrated single-family home. My project does not meet this functional independence test.

### III. State Preemption of Overly Restrictive Local Requirements

The City of Lebanon's classification and its request for an "Accessory Dwelling Unit Owner Occupancy Restriction" directly conflict with recent New Hampshire state legislation, which preempts overly restrictive local ordinances. New Hampshire is not a "home rule" state; municipal powers are derived from the state legislature, and state law prevails when conflicts arise.

**A. House Bill 577 (Effective July 1, 2025):** House Bill 577 (HB 577), signed into law on July 15, 2025, with an effective date of July 1, 2025, fundamentally alters municipal authority over ADUs:

- **Preemption of Owner-Occupancy Requirement:** HB 577 explicitly *removes* the ability of municipalities to require owner-occupancy for ADUs. Therefore, Lebanon's ordinance Section 610.C, which requires the property owner to occupy one of the dwelling units and record a deed restriction, is now preempted by state law. I will not be providing the requested "Accessory Dwelling Unit Owner Occupancy Restriction" as it is no longer a lawful requirement.
- **Preemption of Separate Utility Systems:** HB 577 further stipulates that municipalities "may not impose greater requirements for a septic system for a single-family home with an accessory dwelling unit than is required by the department of environmental services" and, more broadly, that "separate systems shall not be required for the principal and accessory dwelling units." This directly preempts any local interpretation that would mandate separate utility metering for an attached ADU. The fact that my project *already* maintains shared utility infrastructure (single meters for electric, water, and gas/heating) is *consistent* with this state law's intent to prevent mandated separate systems, and should therefore support, not hinder, my permit approval as a single-family remodel.

**B. House Bill 428 (HB 428):** HB 428 directly "prohibits local legislative bodies from making any new changes to the state building codes" that exceed state building code standards. This reinforces the preemption argument against any overly restrictive local interpretations of building or zoning codes that would impose burdens beyond state minimums.

**C. Overarching Legislative Intent:** The sheer volume of housing reform bills passed in the 2025 legislative session demonstrates a clear and consistent legislative intent to increase housing

supply, reduce regulatory burdens, and limit municipal zoning and planning powers that may "exceed their intended public purposes." Forcing an ADU classification here, which would impose additional costs and restrictions (e.g., loss of self-performance rights, parking issues) without creating a *net new independent household*, runs directly contrary to this stated legislative purpose.

#### **IV. Practical Impracticality and Site Constraints**

Classifying this remodel as an ADU creates impractical outcomes for the property, further supporting its designation as a single-family home improvement.

- **Parking Limitations:** Lebanon's ordinance Section 610.I requires one additional off-street parking space for an ADU, in addition to the two spaces for the primary residence. As demonstrated in my site plan (Image 3), adding a third conforming space would violate existing setback requirements and front-yard parking prohibitions. This physical impossibility of meeting "ADU-level" parking requirements reinforces that the site is unsuited for a *true, independent ADU*. Furthermore, Senate Bill 284 (effective September 2025) will prohibit municipalities from requiring more than one parking space per residential unit for most housing types, further emphasizing the legislative trend against excessive parking mandates. There is insufficient distance between the north side of the house and my neighbor's property line, it's less than 8', even if a zero-setback variance were approved.
- **Market for Larger Homes:** There is a documented market demand in the Lebanon/Upper Valley area for larger, well-configured single-family homes, particularly for professionals employed at Dartmouth-Hitchcock, and a recognized lack of supply for this type of housing. Classifying this remodel as an ADU, when its intent is to serve a single, larger family, would "chill ordinary single-family renovations" and "undermine RSA 674:71's housing flexibility goal", hindering the very housing flexibility the state aims to promote.
- **Fire Department Approval:** It is important to note that the Lebanon Fire Department has already reviewed and approved my proposed changes in writing. This demonstrates that the project meets all necessary life safety and fire code standards without requiring the property to be reclassified as an ADU, which would trigger additional, often costly, multi-family fire safety requirements.

#### **V. Preservation of Homeowner Self-Performance Rights**

My statutory right to perform electrical and plumbing work is a fundamental right granted to homeowners in New Hampshire, and this right should not be arbitrarily revoked by a local classification that misinterprets state law.

- **Statutory Exemptions:** New Hampshire law explicitly allows homeowners to perform their own electrical, plumbing, and fuel gas fitting installations in or about a "single family residence" that they own and occupy as their primary abode.
  - **Electrical (RSA 319-C:15, II):** "Nothing in this chapter shall prevent a homeowner from making electrical installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode."
  - **Plumbing (RSA 329-A:13-III):** This provision does not apply to "a property owner or the property owner's agent who installs, repairs, or replaces plumbing in the property owner's own single-family detached or townhouse residence, including new construction."
  - **Fuel Gas Fitting (RSA 153:36-I):** Exempts "anyone who performs fuel gas fitting within an existing single family, stand-alone structure owned and occupied by the person who performs the fuel gas fitting work, and such structure is used as the individual's primary residence."
  
- **"Single-Family Residence" with ADU is Still Single-Family:** The City's potential argument that an ADU classification removes the property from the "single-family residence" exemption is directly contradicted by the very nature and intent of ADU legislation. New Hampshire law explicitly defines an ADU as being *within or attached to a single-family dwelling*. Crucially, some definitions explicitly state: "A single-family residence with an accessory dwelling unit is considered a single-family residence (not a duplex residence)." This means the property *retains* its single-family status even with an ADU. Therefore, the homeowner self-performance exemptions should still apply. This is confirmed by several State Resources:
  - Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit – Appendix C, New Hampshire's ADU Law Explained (RSA 674:71 - 73)
  - The Accessory Dwelling Unit (ADU) law requires municipalities to allow internal or attached accessory dwelling units in all zoning districts where single-family dwellings are permitted. It establishes in state law that an internal or attached ADU is part of single-family use of a parcel, not a separate use. – ACCESSORY DWELLING UNITS IN NEW HAMPSHIRE -- A Guide for Municipalities
  - ACCESSORY DWELLING UNIT – A dwelling unit located in, or attached to, a single-family residence as an accessory use. A single-family residence with an accessory dwelling unit is considered a single-family residence (not a duplex residence). See

Article XX – HOUSING COMMITTEE -- Excerpts from Durham Zoning Ordinance  
pertinent to residential use, September 20, 2021

- **Legislative Intent to Reduce Burdens:** The overarching legislative intent behind ADU laws is to *increase housing supply* and *flexibility* for homeowners, not to impose additional burdens or reclassify properties in a way that removes existing homeowner rights. Removing the right to self-perform work would increase costs, directly contradicting this intent.

My ability to perform electrical and plumbing work myself (RSA 319-C:15, II and RSA 329-A:13) [12, 13, 80, 131, 131] is a statutory right for single-family residences. The City's attempt to classify my property as an ADU, and thereby potentially revoke this right, is an overreach that imposes an unnecessary financial burden and runs contrary to the state's clear policy of easing housing costs and promoting homeowner flexibility. My project, even with a kitchen, maintains the single-family nature of the property, and therefore, my right to self-perform work should be preserved.

#### **VI. Affidavit of Intent and "No Denial Based on Future Possibilities"**

My Affidavit of Intent is a crucial document. It formally affirms my intent not to rent or separately occupy the basement area and details my deliberate choices to maintain a single-family utility configuration. This directly counters any speculation about future use.

My appeal statement also makes the strong point that "The City cannot deny a permit because a future owner could make the space an ADU." If a future owner wishes to convert it, they would need to apply for a new permit and bring the property into compliance with ADU regulations at that time. This shifts the burden of future compliance away from my current remodel.

#### **VII. Conclusion and Requested Relief**

The Zoning Administrator's classification of my basement remodel as an ADU is based on an overly literal interpretation of "independent living facilities" that disregards the functional reality of my property and my documented intent. My home, with its integrated utility systems, open circulation, and shared amenities like the laundry facility, is designed and intended to function as a single-family residence.

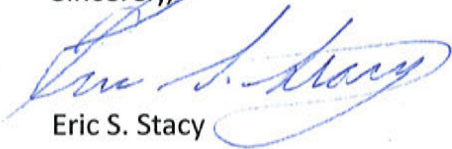
Furthermore, the City's insistence on an ADU classification, particularly its owner-occupancy requirement, is directly preempted by recently enacted state law (HB 577). The practical implications, such as the impossibility of meeting ADU parking requirements on my lot, further underscore the inappropriateness of this classification.

I respectfully request that the Building Code Board of Appeals:

1. **Reverse the classification** of my basement improvement (Permit Application PLN-25-884) as an Accessory Dwelling Unit.
2. **Recognize the project as a single-family home remodel/upgrade**, consistent with both the statutory definition of a single-family dwelling and the clear legislative intent of the State of New Hampshire to reduce regulatory burdens and encourage practical housing solutions.
3. **Acknowledge in its findings** that the application of local code must be consistent with state law, particularly HB 577 and HB 428, ensuring that regulation is proportionate to actual housing function and site realities, and that the homeowner's right to self-perform work on their primary residence is preserved.
4. **Recognize the homeowner's ability to perform electrical and plumbing work** (RSA 319-C:15, II and RSA 329-A:13) [12, 13, 80, 131, 131] is a statutory right for single-family residences even when the work involves the addition of an ADU.

Thank you for your time and consideration of this appeal.

Sincerely,



Eric S. Stacy

Property Owner

19 Wolf Road,

Lebanon, NH 03766

## **Building Code Board of Appeals Support Statement**

Name of Property Owner: Eric S. Stacy

Location of Subject Property: 19 Wolf Road, Lebanon, NH 03766

Tax Map 50, Lot 40

Date of Decision Appealed: August 11, 2025

### **Point 1 – ADU Classification Improper**

#### State Preemption and Overreach

The New Hampshire State Building Code, adopted under RSA 155-A, incorporates the International Residential Code (IRC). IRC §R202 defines a 'Dwelling Unit' as: 'A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.'

RSA 674:71-73 authorizes municipalities to permit ADUs but does not define 'Accessory Dwelling Unit.' The legislative purpose in RSA 674:71 is to increase housing choice and supply while reducing barriers.

Lebanon Zoning Ordinance §610 borrows 'complete independent living facilities' but, in practice, applies an unwritten test: any floor containing a kitchen, bath, and bedroom is treated as an ADU, even if it fails the independence test. This unwritten, historical 'duplex-lite' practice is not in the ordinance and is inconsistent with the State Building Code.

#### Ordinance-Bound, Not Precedent-Bound

Municipal officials are bound by the adopted ordinance and the State Building Code, not by past staff preferences. Past staff views are not law. RSA 676:3 requires that written decisions be tied to the governing text. If the ordinance lacks a definition converting 'second kitchen' -> 'ADU,' the City cannot create one by custom.

#### Active Design Decisions

In multiple prior permits (PLN-25-450 and related), I deliberately:

- Installed a single electric meter/panel rather than two.
- Retained a single water meter and supply line even though the water meter, with the approval of DPW, was relocated.
- Routed propane through a single piping system with a single boiler

- Left open internal circulation between floors
- Filed and paid permit DPW 25-23 Sewar Use Permit
- Filed and paid permit DPW 25-22 Water Service Permit
- Did not add an additional driveway or parking space

These decisions were made to preserve the home's single-family status, not to create a rentable or independent unit.

#### No Denial Based on Future Possibilities

The City cannot deny a permit because a future owner could make the space an ADU. If a future owner wishes to create an ADU, they can submit an application and bring the property into compliance with §610 at that time.

#### Public Policy

State policy favors flexibility for homeowners to modernize existing homes, especially during a housing shortage and when construction costs are high. Overbroad ADU interpretation contradicts this legislative purpose.

#### Parking Conflict

§610.6 requires one additional off-street space for an ADU. My lot cannot accommodate a third conforming space without non-permitted driveway expansion or front-yard parking. SB 284 (effective Sept 2025) will prohibit municipalities from requiring more than one parking space per dwelling unit for most housing types. Enforcing the extra-space rule now imposes a soon-to-be-illegal burden.

### **Point 2 – Right to Perform Electrical, Plumbing, and Fuel Gas Work**

#### Statutory Homeowner Exemption

RSA 319-C:15, II (electrical) provides: 'This chapter shall not apply to the owner of a single-family dwelling, who may perform electrical work in such dwelling...'

RSA 329-A:13 (plumbing) provides: 'The provisions of this chapter shall not apply to the owner of a single-family dwelling who does plumbing work in the same...'

RSA 329-A:2, II defines 'plumbing' to include fuel gas piping, which covers propane lines to appliances such as boilers, water heaters, ranges, and furnaces.

## State Code Integration

Fuel gas piping is regulated under the International Fuel Gas Code (IFGC), adopted via RSA 155-A and Saf-C 6000 (State Fire Code). These requirements apply equally to licensed contractors and to homeowners performing work under the statutory exemption.

## Conflict with Local Practice

Lebanon's interpretation that ADU classification removes the homeowner exemption adds a restriction not found in state law, conflicting with RSA 155-A:2, IV (municipalities must enforce the state building code without conflicting requirements). Even if the Board upholds the ADU classification, state law preempts any local attempt to strip my right to perform electrical, plumbing, or propane fuel gas piping work in my single-family home.

## Good Faith

In my original permit application (PLN-25-450), no impact fees were assessed. I was unaware that ADU classification would trigger them until I was required to complete an impact fee form in the revised application (PLN-25-844). At all times, my design and permitting approach has been transparent and in compliance with the applicable codes.

My design and permitting history show consistent intent to maintain the property as a single-family home, including an Affidavit of Intent filed with the City affirming that the basement space will not be rented separately from the main dwelling.

## Relief Requested

1. Reverse the Zoning Administrator's classification of my basement improvement as an ADU.
2. Approve the project as part of a single-family residence, allowing the supplemental kitchen without triggering ADU-specific requirements.
3. Affirm my statutory right to perform electrical, plumbing, and fuel gas piping work under RSA 319-C:15, II and RSA 329-A:13.
4. Recognize the impending SB 284 parking limits and waive the impractical additional-space requirement.

**Addendum A – Ordinance §610 vs. Project Facts**

<b>§610 Requirement</b>	<b>My Project</b>
Complete independent living facilities	Shares all utilities; open internal circulation; no separation
Internal connection	Fully open to main dwelling
Owner occupancy	Yes – owner in main dwelling
Size	Within limits, but fails independence test
Parking	Cannot provide third space; would violate other regs
Utilities	Single meter for electric, water, propane

Eric Stacy  
19 Wolf Road  
Lebanon, NH 03766

July 14, 2025

Nathan Reichert, Planning & Development Director  
Tim Corwin, Deputy Planning & Development Director  
City of Lebanon Planning and Development Department  
51 North Park Street  
Lebanon, NH 03766

**Re: Request for Floor Plan Approval Without ADU Classification — 19 Wolf Road**

Dear Mr. Reichert and Mr. Corwin,

I respectfully submit this letter to request that the City of Lebanon approve my originally submitted floor plan for a basement renovation at 19 Wolf Road without requiring it to be classified as an Accessory Dwelling Unit (ADU) under Section 610 of the Zoning Ordinance.

As you may recall, the original proposal included the addition of a bedroom, bathroom, and kitchen in a walkout basement. Although no intent to separately occupy or rent the space exists, I was advised by City staff that the presence of these components required submission as an ADU. I subsequently removed the kitchen from the plans solely to preserve my statutory right to perform electrical and plumbing work as the homeowner under RSA 319-C:15, II and RSA 329-A:13, and to avoid triggering additional regulatory burdens and project costs.

I now seek reconsideration and approval of the original plan, with the following supporting points:

**1. Legal Right to Perform Work in My Single-Family Residence**

State law unambiguously allows a homeowner to perform electrical and plumbing work in their own single-family residence. Neither RSA 319-C nor RSA 329-A restricts that right based on speculation about future use or potential tenant occupancy. No zoning ordinance or internal department policy may override these statutory rights.

**2. No Intended Use as a Separate Dwelling Unit**

I have executed an Affidavit of Intent (enclosed), affirming that the basement space will not be rented or occupied separately from the main residence. The property will remain owner-occupied, and all improvements are intended to support continued single-family use.

This intent is further demonstrated by a series of recent utility upgrades, during which I made a deliberate and conscious decision not to configure the property for dual occupancy. These upgrades included: replacing and upsizing the electrical service to the house while installing only one meter and panel; relocating the water meter without separating supply lines or requesting dual service; and installing propane tanks and rerouting gas supply through a single piping system rather than preparing for a second boiler or independent gas-fed appliances.

Had I intended to create a rentable or independently metered second unit, this construction phase would have been the ideal time to do so from both a cost and design standpoint. I chose not to pursue that path, underscoring that my purpose is, and always has been, the enhancement of a single-family residence.

### 3. Inappropriate Burden from ADU Parking Requirements

Should the City insist on classifying the space as an ADU, I note that the additional off-street parking requirement imposed under Section 610.I would create an undue hardship due to the physical configuration of my lot. Achieving the required space is not feasible without substantial site disruption, cost, or aesthetic impact.

Under the standard established in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), and codified at RSA 674:33, I would seek relief via variance should the Board determine that ADU classification applies. The hardship is unique to my property and the additional parking serves no practical public benefit given that no increase in occupancy is proposed.

### 4. Regulatory Consistency and Due Process

I would also note that City staff have taken differing views at different stages of this process—initially requiring ADU classification due to component layout, and later prohibiting homeowner work based on potential future rental use. While I acknowledge the good faith of all involved, I believe this inconsistency has effectively deprived me of a clear regulatory path and denied rights I am entitled to under New Hampshire law.

#### Request

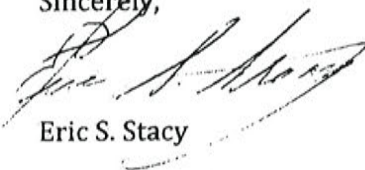
Accordingly, I ask the city to:

- Approve the originally submitted floor plan without ADU classification, acknowledging its lawful use as part of a single-family residence, and
- Confirm that such approval preserves my right to perform permitted work under RSA 319-C and RSA 329-A.

Should the City find that ADU classification is still warranted based solely on layout, I intend to appeal that determination to the Zoning Board of Adjustment.

Please include this request, affidavit, and supporting documentation in my property file. I am happy to meet or provide further explanation if needed.

Sincerely,



Eric S. Stacy

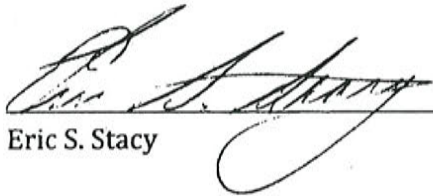
Enclosure: Affidavit of Intent Regarding Occupancy and Utility Configuration

## Affidavit of Intent Regarding Occupancy and Utility Configuration

I, Eric Stacy, being duly sworn, do hereby affirm the following facts relating to the property located at 19 Wolf Road, Lebanon, New Hampshire, 03766:

- I am the owner and full-time occupant of the property.
- I have no intention of renting or otherwise separately occupying the walkout basement area of the residence.
- The basement improvements currently proposed, including bedroom, bathroom, and kitchen facilities, are solely for my personal residential use within a single-family home context.
- During recent utility upgrades, I made intentional and specific choices to maintain a single-family configuration, including:
  - - Installing only one electrical meter and main service panel, despite upgrading the capacity.
  - - Relocating but not splitting the water meter or domestic water service.
  - - Installing a single boiler to provide baseboard heat and domestic hot water throughout the house.
  - - Routing propane gas through a single, integrated piping system for the entire residence.
- At no point were separate utilities, mechanical systems, or infrastructure for a second dwelling unit installed, even though this would have been the most logical and cost-effective time to do so if such use had been intended.
- I affirm that the entire building remains a single-family residence, both in function and legal use.

This affidavit is submitted voluntarily in support of my application and request for zoning clarification, and to affirm my ongoing intent to maintain the premises as a single-family residence.

  
Eric S. Stacy

Date: 7/14/25

State of New Hampshire  
County of Grafton

On this 14<sup>th</sup> day of July, 2025, before me, the undersigned notary public, personally appeared Eric Stacy, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

  
Notary Public

**Allyson E DeCelle**  
Notary Public, State of New Hampshire  
My Commission Expires Dec 30, 2028

My commission expires: 12.20.2028



