



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

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 1-929-229-5356 (access code: 803 719 725#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

2. Approval of Minutes

- A. January 16, 2025
B. September 2, 2025

3. Public Hearing Items

- A. **Ke Zhang, 27 Gilson Rd (Tax Map 4, Lot 50), Zoned R-3:** The applicant requests a Special Exception from Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a two-family dwelling by conversion of an existing one-family dwelling. **ZB2025-23-SE**
- B. **Lebanon Housing Authority, 31 Romano Cir (Tax Map 101, Lot 20), Zoned R-O:** The applicant requests a Special Exception from Section 311.2, pursuant to Section 702.5, of the Zoning Ordinance to allow the expansion of the existing non-conforming office use by constructing a one-story, 725 sq ft addition to the existing office building.

4. Other Business

- A. Proposed zoning amendments review & comment

5. Staff Comments

6. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to [LebanonNH.gov/Live](#) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that 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, or by calling 603-448-1457, or by visiting the Planning and Development Office located in City Hall during regular work hours, Monday through Thursday, 7AM to 5PM. The application materials will also be posted to the City's website at [LebanonNH.gov/Agendas](#).

DRAFT

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

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

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

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1 **Mr. Morris was given voting privileges for this meeting.**
2

3 ***Mr. Morris MOVED that Mr. McDonough chair this meeting.***
4 ***Seconded by Ms. Barkley.***
5

6 ****The Vote on the Motion was (2-0-1).***
7 ***Mr. McDonough abstained.***
8

9 **1. CALL TO ORDER**

10
11 Paul McDonough called the meeting to order at 7:24 PM.

12
13 Mr. Reichert gave the Right to Know, RS 91A public announcement.
14

15 **2. APPROVAL OF MINUTES**

16
17 **None.**
18

19 **3. PUBLIC HEARING ITEMS**
20

21 The applicants were given the opportunity to postpone this hearing until there is a full Board.
22 They declined. The Board decided to present both of the applications at the same time, in
23 succession. The vote will be done after that.
24

- 25 **A. Mary Hitchcock Memorial Hospital & Families Flourish Northeast, 424 Mount Support Rd**
26 **(Tax map 24, Lot 6), zoned R-1:** The applicant requests a Special Exception pursuant to Article
27 IV, Section 401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow wetland
28 impacts associated with construction of a group residence and associated infrastructure. **ZB2025-**
29 **01-SE Continued from the 1/6/2025 meeting**
30

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

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

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

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

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

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

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

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

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

45
46 The Board did not have any additional questions.

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

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

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

10
11 Daisy Goodman spoke of the population that would inhabit the residence. Over time they have seen an
12 increase in the number of people who have significant addiction and have children and are having a new
13 child. They often come into the hospital close to delivery time instead of coming in earlier and having
14 time to detox. All of these things would be mitigated by being housed in this type of residence. This is a
15 model that has been used across the country with good outcomes. Keeping the children and newborn
16 children together results in a greater outcome for all of this group. Residential treatment settings
17 eliminate many of the hazards of living on the street, resulting in incredible outcomes. Ideally these would
18 be 3 to 9 month living arrangements. The residents are simultaneously under treatment for addictions.

19
20 Courtney Tanner spoke. This residence would have 24/7 staff and be a full-time treatment center.
21 Living in the home would include the requirement to participate in the community. Family Flourish is a
22 part of the solution for these women and the community. It would lessen the burden on society.

23
24 Joan Townsend spoke. It seems that 13.4% of babies who come to MHMH are under substance abuse.
25 The cost of building in this area would become a City burden in the future. The Board asked how much
26 the City would have to fund this building and what happens when funding runs out. As it is, there is no
27 financial burden. Ms. Townsend said this would create costs for road maintenance, ambulances, police
28 protection, and all the City facilities would be a future cost. It is not apparent how this would benefit the
29 residents of the City.

30
31 Andrew Winters from Twin Pines, the adjacent property, spoke in full support of this project, its purpose,
32 and its location. It is away from significant residential areas and close to the hospital. He believes the
33 applicants have done a lot to address the concerns of residents of the City. There already is a significant
34 cost of people who need treatment in the City.

35
36 Nicholaos Mouzourakis said the Lebanon GIS system shows that all of the land around this area is owned
37 by Dartmouth. He wondered why this tiny bit of land near the wetlands is chosen instead of the other
38 land. Also, he wonders how the people who would be living adjacent to the group home who are part of
39 Twin Pines would feel about living next to that type of facility.

40
41 Miss Goodman spoke. They are concerned about the safety and benefit of the families of the future
42 residents of the home. The goal is to provide a sheltered space that is somewhat sequestered. People and
43 children would not be wandering unsupervised. Most people who come to this place are not allowed to
44 bring a vehicle. Most of the vehicles would belong to staff. One of the reasons this location was chosen
45 is its proximity to the bus service.

46
47 Rachel Townsend said she heard people say that this facility needs to be in Lebanon. She feels it does not
48 need to be in a location that requires a special exception to be in Lebanon and asked why it needs to be in
49 a location that it is not already acceptable.

50

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

2
3 The Board deliberated and determined that the wetlands application had no further need for discussion.

4
5 **A motion was made by Mr. Morris regarding agenda item 3B2025-01-SE and the request for a**
6 **special exception.**

7
8 *On January 6th, 2025, and January 16, 2025 at duly-noticed meetings of the Lebanon Zoning Board of*
9 *Adjustment, there appeared Nicholas Fiore regarding 424 Mount Support Rd (Tax Map 24, Lot 6). The*
10 *applicant requests a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation*
11 *District”) of the Zoning Ordinance to allow wetland impacts associated with construction of a group*
12 *residence and associated infrastructure.*

13
14 **I. FINDINGS OF FACT**

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

- 18
19 1. The applicant seeks to construct a group residence and associated infrastructure.
- 20
21 2. The construction of the safety improvements will impact a total of 5638 sq. ft. of wetlands.
- 22
23 3. The applicant has applied for a wetlands permit from the NH Department of Environmental
24 Services. The wetlands permit was reviewed by the Conservation Commission at its December
25 12, 2024, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the
26 Zoning Ordinance to allow the proposed wetland impacts.
- 27
28 4. There are no known existing zoning violations on the property.
- 29
30 5. People spoke in favor and against. Courtney Tanner and Daisy Goodman spoke in favor. Rachel
31 and Jan Townsend and Nicholaos Mouzourakis who all spoke against it and presented clear and
32 cogent reasons not in favor of the wetlands application.

33
34 **II. CONCLUSIONS OF LAW**

35
36 As a result of the above findings of fact and based on testimony given, application materials presented,
37 and supporting documents submitted, the Board concludes the following with respect to the Special
38 Exception criteria set forth in §401.5 of the Zoning Ordinance:

- 39
40 1. The use for which the exception is sought **cannot** feasibly, after consideration of all alternatives,
41 be carried out on a portion or portions of the lot which are outside the Wetlands Conservation
42 District. (§401.5.A)
- 43
44 2. Due to the provisions of the Wetlands Conservation District, as applied to the particular
45 characteristics, setting and environment of the property, the lot **cannot** reasonably be used for any
46 of the uses permitted or allowed by special exception, without some form of special exception
47 under this section. (§401.5.B)
- 48
49 3. The design and construction of the proposed use **is** consistent with the purpose and intent of
50 §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will** be

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

3
4 4. The criteria set forth in Section 401.5.D relates to pipelines, powerlines, and other transmission of
5 lines and, therefore, is not applicable.

6
7 5. The proposed use **will not** create a hazard to individual or public health, safety and welfare due to
8 the loss of wetland, the contamination of ground water, or any other reason. (§401.5.E)

9
10 6. The project **is** capable of complying with all State and Federal wetlands and wetlands permitting
11 requirements. (§401.5.F)

12
13 7. The project **is** capable of conforming to all existing best management practices, as referenced in
14 Appendix A of the Zoning Ordinance, and **will** be implemented in a way which conforms to those
15 practices (§401.5.G)

16
17 **III. DECISION**

18
19 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 16th day of January 2025
20 hereby **GRANTS** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to
21 allow wetland impacts associated with construction of a group residence and associated infrastructure at
22 424 Mount Support Road, as set forth above and per testimony, plans, and materials submitted, and per
23 the following conditions:

- 24
25 1. All local, state and federal permits be applied for and achieved as necessary in order to proceed
26 with the project.
27
28 2. Coordinate with the local Planning Board.

29
30 *Seconded by Ms. Barkley.*

31
32 **The Vote on the Motion was (3-0).*

33
34 The Board discussed that the application for the group home is a valuable need of the community, and
35 they recognize the apprehensions of residents in the community. However, the Board realizes this is a
36 population that is already in the community.

37
38 **A motion was made by Mr. Morris regarding agenda item 3B2025-02-SE and the request for a**
39 **special exception.**

40
41 *On January 6, 2025 and January 16th, 2025, at duly-noticed meetings of the Lebanon Zoning Board of*
42 *Adjustment, there appeared Nick Fiore regarding 424 Mount Support Rd (Tax Map 24, Lot 6). The*
43 *applicant requests a Special Exception from Section 308.2, pursuant to Section 801.3, of the Zoning*
44 *Ordinance, to allow the construction of a group residence with associated infrastructure.*

45
46 **I. FINDINGS OF FACT**

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

- 49
50 1. The subject property is a dimensionally conforming vacant lot.

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

II. CONCLUSIONS OF LAW

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

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

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

3
4 9. The general welfare of the City **will** be protected.

5
6 **III. DECISION**

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

- 12
- 13 1. The applicant shall obtain Planning Board Site Plan approval.
- 14
- 15 2. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and
16 federal regulations in the construction of the proposed facility.
- 17
- 18 3. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon
19 Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.
- 20

21 *Seconded by Ms. Barkley.*

22
23 **The Vote on the Motion was (3-0).*

24
25 **4. STAFF COMMENTS**

26
27 Staff thanked the Board for holding this Special Meeting.

28
29 **5. ADJOURNMENT**

30
31 *Ms. Barkley MOVED to adjourn the meeting at 8:47 PM.*

32 *Seconded by Mr. Morris.*

33
34 **The Vote on the Motion was (3-0).*

35
36 Respectfully submitted,
37 Linda Billings, Recording Secretary

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, September 2, 2025
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Paul McDonough, Michael Morris (alternate),
Rupert Burtan (alternate)

MEMBERS ABSENT: Vice Chair Jeremy Katz, Jennifer Barkley, Dave Newlove

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1 **1. CALL TO ORDER**

2
3 Chair Koppenheffer 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 28, 2025**

12
13 *Mr. McDonough MOVED to approve the July 28, 2025, minutes as presented in the September 2,*
14 *2025.*

15
16 *Seconded by Mr. Morris.*

17
18 **The Vote on the Motion was (4-0).*

19
20 **3. PUBLIC HEARING ITEMS**

- 21
22 **A. Richard & Diane Gray, 143 Hanover St (Tax Map 77, Lot 121), Zoned R-3:** The
23 applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 and
24 801.3 of the Zoning Ordinance to allow the existing dimensionally non-conforming deck to
25 be expanded in height to create an enclosed porch. **ZB2025-17-SE**

26
27 Richard and Diane Gray appeared on behalf of the application. They would like to enclose their
28 deck and increase the height of the structure. It would be the same height as the house. Standing
29 on the road the increased height would not be visible from the front.

30
31 **Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was**
32 **closed.**

33
34 *Mr. Morris MOVED on September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning*
35 *Board of Adjustment, there appeared Richard and Diane Gray regarding 143 Hanover St (Tax Map 77,*
36 *Lot 121), Zoned R-3: The applicants request a Special Exception from Section 310.3, pursuant to*

1 **Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-**
2 **conforming deck to be expanded in height to create an enclosed porch. ZB2025-17-SE**

3
4 **I. FINDINGS OF FACT**

5
6 Based on testimony given, application materials presented, and supporting documents submitted, the
7 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 8
- 9 1. The subject property is improved with a one-family dwelling constructed in 1982. The lot
- 10 contains a dimensionally non-conforming one-family home.
- 11
- 12 2. As described in the application, the applicant proposes to replace the existing 16ft X 20ft non-
- 13 conforming deck at the rear of the home with an enclosed porch. The proposed porch will
- 14 maintain the same footprint and will be located +/- 6in further away from the left-side property
- 15 line than the existing deck; +/- 9 ft from the left-side property line.
- 16
- 17 3. The applicant has submitted testimony addressing Section §703.1.A and Section §801.3 criteria in
- 18 an application received by the Planning and Development Department on August 4, 2025.
- 19
- 20 4. There are no known existing zoning violations on the property.
- 21
- 22 5. No one from the public spoke for or against the application.

23
24 **II. CONCLUSIONS OF LAW**

25
26 As a result of the above findings of fact and based on testimony given, application materials presented,
27 and supporting documents submitted, the Board concludes the following with respect to the Special
28 Exception criteria set forth in §703.1 and §801.3 of the Zoning Ordinance:

- 29
- 30 1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the
- 31 Zoning Ordinance.
- 32
- 33 2. The following criteria of Section §703.1 **have been** met:
- 34
- 35 a. The reasonable use of abutting properties shall not be adversely affected by the proposed
- 36 expansion.
- 37
- 38 b. The proposed expansion shall not render the lot size proportionately less adequate, i.e.
- 39 any aspect of the building or structure that is currently nonconforming cannot be made
- 40 more nonconforming in the absence of a variance.
- 41
- 42 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the
- 43 Special Exception would not remedy.
- 44
- 45 4. The character of the area **will not** be adversely affected.
- 46
- 47 5. **No** hazard or nuisance will be created.
- 48
- 49 6. The capacity of existing or planned community facilities and services (including streets and
- 50 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 2nd day of September, 2025, hereby **GRANTS** 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 porch.

Seconded by Mr. Burtan.

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

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**

Darell & Jennifer Lindquist appeared on behalf of the application. They would like to remove the current front concrete steps and add a porch. Water runoff from the roof currently occurs and adding a front porch would divert water further away from the front of the building. They believe their neighbors support adding a front porch to their home. Although it is close to the side property line, there is ample room on the front yard to allow for the porch. The access through the front door via the front porch would not change.

Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was closed.

Mr. McDonough MOVED On September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Jennifer and Darell Lindquist 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:

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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. No one from the public spoke for or against this project.

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** 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.

- 1
- 2 9. The general welfare of the City **will** be protected.
- 3

4 **III. CONCLUSIONS OF LAW- VARIANCE**

5

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

- 9
- 10 1. The variance **will not** be contrary to the public interest.
- 11
- 12 2. The spirit of the ordinance **is** observed.
- 13
- 14 3. Substantial justice **is** done.
- 15
- 16 4. The values of surrounding properties **are not** diminished.
- 17
- 18 5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
 19 Owing to **[the following]** special conditions of the property that distinguish it from other
 20 properties in the area.

21 Because of the shape of the property this is the ideal location for this project to be implemented.

- 22
- 23
- 24 6. There **is not** a fair and substantial relationship between the general public purposes of the
 25 ordinance provision and the specific application of that provision to the property.
- 26
- 27 7. The proposed use **is** a reasonable one.
- 28

29 **IV. DECISION**

30

31 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 2nd day of September,
 32 2025, hereby **GRANTS** the requested Special Exception from Section 310.3, pursuant to Section §703.1
 33 and §801.3, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft
 34 from the left-side property line where 15 ft is required ZB2025-18-SEVAR

35

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

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

- 40
- 41
- 42 1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and
 43 federal regulations in the construction of the proposed garage.
- 44

45 ***Seconded by Mr. Burtan.***

46

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

48

1 Staff spoke with the attendees at the meeting. Any applicants can defer to the next meeting when
2 more members are in attendance. Three of the four members present are needed to approve an
3 application.
4

5 **C. Robin & Colin Parker, 60 Ice House Rd (Tax Map 84, Lot 26), Zoned RL-1:** The
6 applicants request a Special Exception from Section 312.3, pursuant to Sections 703.1 and
7 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming +/-14.75
8 ft tall dwelling to be demolished and replaced with an equally dimensionally non-conforming
9 dwelling that will be expanded to 26.25 ft tall. **ZB2025-19-SE**
10

11 Colin Parker appeared on behalf of the application. They purchased the property in 2012 and
12 lived at the address part time. The building is in poor shape and is failing. They would like to
13 rebuild the home to turn it into a full-time residence. His neighbors are in support of the
14 application. The Parkers also own the property next to the building on the other side. The
15 utilities they have are electricity and internet. There is a well. A full bath and a half bath would
16 be added to the new structure, and a new septic system would be constructed. The square
17 footage would change by 492 square feet and would be on the same footprint.
18

19 **Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was**
20 **closed.**
21

22 *Mr. Morris MOVED on September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board*
23 *of Adjustment, there appeared Colin Parker regarding 60 Ice House Rd (Tax Map 84, Lot 26), Zoned*
24 *RL-1: The applicants request a Special Exception from Section 312.3, pursuant to Sections 703.1 and*
25 *801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming +/-14.75 ft tall*
26 *dwelling to be demolished and replaced with an equally dimensionally non-conforming dwelling that*
27 *will be expanded to 26.25 ft tall. ZB2025-19-SE*
28

29 **I. FINDINGS OF FACT**
30

31 Based on testimony given, application materials presented, and supporting documents submitted, the
32 Lebanon Zoning Board of Adjustment makes the following findings of fact:
33

- 34 1. The subject property is improved with a one-family, dimensionally non-conforming, 14.75 ft tall
35 dwelling constructed in 1970.
36
- 37 2. At +/- 0.21 acres, the lot is non-conforming to the 3-acre minimum lot size required for Class 3
38 lots in the RL-1 District.
39
- 40 3. As described in the application, the applicant proposes to demolish the existing dimensionally
41 non-conforming structure and replace it with a 26.25 ft tall structure. The proposed new structure
42 will maintain the same footprint.
43
- 44 4. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3
45 criteria in an application received by the Planning and Development Department on August 7,
46 2025.
47
- 48 5. There are no known existing zoning violations on the property.
49

- 6. No one from the public spoke for or against the application.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the 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** 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 2nd day of September, 2025, hereby **GRANTS** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to allow an existing non-conforming structure to be replaced with an enclosed house 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 structure.

Seconded by Mr. Burtan.

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

1
 2 **D. Parker Pflaum & Yuting Zhang, 31 Seminary Hill (Tax Map 87, Map 26), Zoned R-**
 3 **3:** The applicants request a Variance from Section 310.3, pursuant to Section 801.2, of the
 4 Zoning Ordinance to allow a garage to be placed +/- 7 ft from the right-side property line
 5 where 15 ft is required. **ZB2025-20-VAR**
 6

7 **Parker Pflaum & Yuting Zhang** appeared on behalf of the application. They would like to
 8 build a garage where an existing shed now exists. There is a hill on the property, and this is the
 9 only place to put the new garage. On the left-hand side, the driveway would be extended away
 10 from the neighbor’s property, to enable easier access to the garage door. The extended access
 11 would only be close to the building and would not go all the way to the street. They believe the
 12 slope of the land would not affect drainage off the property. There is substantial distance to the
 13 property behind the proposed garage. They believe the slope of the property distinguishes it
 14 from properties in the neighborhood.
 15

16 **Chair Koppenheffer opened the public hearing.**

17
 18 Ellen Langsner appeared. She and her husband Alex are in favor of the application. They
 19 understand the need for variances in this location.
 20

21 **Hearing no one else, the public hearing was closed.**
 22

23 *Mr. McDonough MOVED on September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning*
 24 *Board of Adjustment, there appeared Parker Pflaum, Yuting Zhang, Ellen Langsner and her husband*
 25 *Alex, regarding 31 Seminary Hill (Tax Map 87, Map 26), Zoned R-3: The applicants request a*
 26 *Variance from Section 310.3, pursuant to Section 801.2, of the Zoning Ordinance to allow a garage to*
 27 *be placed +/- 7 ft from the right-side property line where 15 ft is required. ZB2025-20-VAR*
 28

29 **I. FINDINGS OF FACT**

30
 31 Based on testimony given, application materials presented, and supporting documents submitted, the
 32 Lebanon Zoning Board of Adjustment makes the following findings of fact:
 33

- 34 1. The subject property is improved with a single-family home constructed in 1910. At +/- 13,939
 35 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the
 36 R-3 District.
- 37
 38 2. The single-family home is dimensionally non-conforming on the Farman Avenue side and is
 39 conforming on the remaining three sides.
- 40
 41 3. The proposed garage will be dimensionally non-conforming and will be located +/- 7 ft from the
 42 side property line shared with 3 Farman Avenue.
- 43
 44 4. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an
 45 application received by the Planning and Development Department on August 11, 2025.
- 46
 47 5. To obtain the requested Variance from section §310.3, the applicant must demonstrate
 48 compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA
 49 674:33, I(b).

- 6. No one from the public spoke against the application.

II. CONCLUSIONS OF LAW

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

- 1. The variance **will not** be contrary to the public interest.
- 2. The spirit of the ordinance **is** observed.
- 3. Substantial justice **is done**.
- 4. The values of surrounding properties **are not diminished**.
- 5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.

Specifically, the size, space and slope of this particular lot.

- 6. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.
- 7. The proposed use **is** a reasonable one.

III. DECISION

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

Seconded by Mr. Morris

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

- 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**

Steven Paquin, manager of architecture and design for Convenient MD, and Barry Schuster, attorney, appeared on behalf of the application. The applicants decided to proceed tonight regardless of the number of members present this evening. Mr. Schuster said the length of the

1 name is the reason they are requesting a larger sign. There are four fronts to this building. The
2 total amount of signage in excess of what is permitted would be an additional 8.6 feet over what
3 is allowed. They are requesting an additional 4.3 square feet on each sign. He believes it is in
4 the public interest to have a medical facility easily recognized. They believe this is the least
5 consideration needed to still provide adequate signage. This would be the smallest sign they
6 have ever done. The members asked about the uniqueness of the property to other properties in
7 the area. There are four main streets and that is the uniqueness of the property, so it needs to be
8 immediately visible from any of the four directions. Only one side of the building has an
9 entrance. There is no access from 12A.

10
11 Dave Sanderson addressed the Board. The clinic would usually pull people from 30-40 miles
12 away. The dimensions of the sign are 34 inches high and 278 inches long. Members asked why
13 the sign cannot be trimmed by 4 feet and eliminate the need for a variance. The applicants are
14 only measuring the lettering of the sign, not the green area in the picture being shown. The
15 members asked why the size could not be reduced by 4%. The Chair asked for the provision of
16 the study based on the speed of vehicles traveling on 12A. This is the new prototype sign based
17 on an average of speed limits where they hope to use their signage going forward.

18
19 **Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was**
20 **closed.**

21
22 Variance 3 and Variance 4 were discussed. The applicants are also asking to have the sign above
23 the roof line so it is similar to other buildings in the area. Having it in the parapet would make
24 the sign more visible.

25
26 **Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was**
27 **closed.**

28
29 Some members said having the sign in the parapet was beneficial. If it was not located above the
30 roofline, it would diminish the visibility of the building.

31
32 *Mr. Morris MOVED on September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
33 *Adjustment, there appeared Barry Schuster, Steven Paquin and Dave Sanderson regarding 1*
34 *Interchange Dr (Tax Map 114, Lot 9), Zoned GC: The applicants request two Variances from Section*
35 *608.4.A.3.b to allow the installation of two signs greater than 100 sq ft each, and one Variance from*
36 *608.4.A.1 to exceed the total allowed sign area for the building, pursuant to Section 801.2 of the*
37 *Zoning Ordinance. ZB2025-21-VAR*

38
39 **I. FINDINGS OF FACT**

40
41 Based on testimony given, application materials presented, and supporting documents submitted, the
42 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 43
44 1. The subject property is improved with a single-story multi-tenant commercial building
45 constructed in 1969 and is non-conforming to the GC Zoning District, Class 1, minimum lot size
46 of 50,000 sq with +/- 39,204 sq ft.
47

- 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’Angelo’s.
- 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. No one from the public spoke for or against the application.
- 8. Under the ordinance the applicants applied for 223.6 sq ft where 215 is permitted.

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** be contrary to the public interest.
- 2. The spirit of the ordinance **is not** observed.
- 3. Substantial justice **is** done.
- 4. No testimony was given as to the values of the surrounding properties.
- 5. Literal enforcement of the provisions of the ordinance **would not** result in an unnecessary hardship.
- 6. There **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 not** a reasonable one.

III. DECISION

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

- **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,

- 1 - **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,
- 2
- 3
- 4 - **DENIES** Variance #5 from Section 608.4.A.1, pursuant to Section §801.2 of the Zoning Ordinance to allow 223.6 sq ft of sign area, where 215 sq ft is allowed.
- 5
- 6

7 as set forth above and per testimony, plans, and materials submitted.

8
9 **Seconded by Mr. Burtan.**

10
11 ***The Vote on the Motion was (1-3).**

12 **Mr. McDonough voted yea.**

13 **Chair Koppenheffer, Mr. Morris, and Mr. Burtan voted nay.**

14
15 **Mr. McDonough MOVED on September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Barry Schuster, Steven Paquin and Dave Sanderson regarding 1 Interchange Dr (Tax Map 114, Lot 9), Zoned GC: The applicants request two Variances from Section 16 608.4.A.3.c to allow the installation of two signs more than 4 ft above the building roofline. ZB2025- 17 21-VAR**

18
19
20
21 **I. FINDINGS OF FACT**

22
23 Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 24
- 25
- 26 1. The subject property is improved with a single-story multi-tenant commercial building
- 27 constructed in 1969 and is non-conforming to the GC Zoning District, Class 1, minimum lot size
- 28 of 50,000 sq with +/- 39,204 sq ft.
- 29
- 30 2. The subject property’s +/- 13,005 sq ft is presently divided into three separate tenant suites.
- 31 Citizens Bank and AT&T currently occupy 2 of the 3 suites, Convenient MD proposes to occupy
- 32 the vacant space formerly occupied by D’Angelo’s.
- 33
- 34 3. The subject property is bounded on all 4 sides by public streets: Plainfield Rd, Airport Rd,
- 35 Interchange Dr, and Dwinell Dr.
- 36
- 37 4. The total sign area for the existing tenants is +/- 159.4 sq ft.
- 38
- 39 5. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an
- 40 application received by the Planning and Development Department on August 11, 2025.
- 41
- 42 6. To obtain the requested Variances from section §608.4, the applicant must demonstrate
- 43 compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA
- 44 674:33, I(b).
- 45
- 46 7. No one from the public spoke in favor of or against the application.
- 47

48 **II. CONCLUSIONS OF LAW**

1 As a result of the above findings of fact and based on testimony given, application materials presented,
2 and supporting documents submitted, the Board concludes the following with respect to the Variance
3 criteria set forth in section §801.2 of the Zoning Ordinance
4

- 5 1. The variance **will not** be contrary to the public interest.
- 6
- 7 2. The spirit of the ordinance **is** observed.
- 8
- 9 3. Substantial justice **is** done.
- 10
- 11 4. The values of surrounding properties **are not** diminished.
- 12
- 13 5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
14 Owing to **[the following]** special conditions of the property that distinguish it from other
15 properties in the area.
16
17 It is an urgent medical care facility with no direct access from 12A.
- 18
- 19 6. There **is not** a fair and substantial relationship between the general public purposes of the
20 ordinance provision and the specific application of that provision to the property.
- 21
- 22 7. The proposed use **is** a reasonable one.

23
24 **III. DECISION**

25
26 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2nd day of September,**
27 **2025,** hereby

- 28
- 29 - **GRANTS** Variance #3 from Section 608.4.A.3.c, pursuant to Section §801.2 of the Zoning
30 Ordinance to allow the installation of 1 sign wall sign to be located more than 4 feet above the
31 building roofline. ZB2025-12-VAR
- 32
- 33 - **GRANTS** Variance #4 from Section 608.4.A.3.c, pursuant to Section §801.2 of the Zoning
34 Ordinance to allow the installation of 1 sign wall sign to be located more than 4 feet above the
35 building roofline. ZB2025-12-VAR
- 36

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

- 38
- 39 1. The Applicant shall apply for a sign permit.
- 40

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

42
43 ****The Vote on the Motion was (3-1).***

44 ***Chair Koppenheffer, Mr. Morris, and Mr. McDonough voted yea.***

45 ***Mr. Burtan voted nay.***

46
47 **F. Eric Stacy, 19 Wolf Rd (Tax Map 50, Lot 40), Zoned R-2:** Pursuant to Section 801.1 of the
48 Zoning Ordinance, the applicant is appealing the Zoning Administrator’s determination that
49 the proposed basement renovation constitutes the creation of an additional dwelling
50 unit. **ZB2025-22-AAD**

1
2 Eric Stacy appeared on behalf of the application. This appeal is whether or not an additional
3 dwelling has been created. This Board has no jurisdiction over building code issues. This Board
4 has jurisdiction over this matter of the zoning administrator’s determination.

5
6 The applicant used an analogy. While the space as it is configured does look like an ADU, he
7 does not intend to use it as an ADU. He believes if he intends to sell the property it could not be
8 stated to have an ADU. He is requesting a certificate of occupancy as a single-family
9 occupancy. The building has only one laundry area and therefore the use of the building is
10 comingled and a shared living space. There are no locks between the areas of the house. He
11 believes he does not have the right to rent out the area without the certificate of occupancy as an
12 ADU. The lot is fairly constrained and only has room for 2 parking spaces.

13
14 The walkout basement is around 800 feet. He would like to put a deck in the backyard and
15 would like to access a second kitchen for use with the deck.

16
17 Nathan Reichert, the Zoning Administrator, was asked to speak before the Board. His argument
18 is based on the definition of a dwelling unit. The real test to determine if it is a separate unit is
19 whether or not it contains independent cooking facilities, separate sanitary facilities and
20 independent bedroom facilities. If it does it constitutes the definition of an ADU. There are two
21 options to create a two-family unit or an ADU. The ADU is defined as a complete living space.
22 His perspective is that it is a dwelling unit. While the applicant has a different intent, it does
23 meet the definition and when it comes to enforcement, it merely relates to the definition. It has
24 to do with the physical characteristics and physical manifestation and not the intent of the use.

25
26 Down the road to make this an ADU, impact fees and applications for permits to create this as an
27 ADU would apply. If it was illegally rented out in the future enforcement is usually based on
28 some reported issue. There would be additional expenses related to having it classified as an
29 ADU.

30
31 The applicant returned to ask a question of Staff. He said part of the argument is based on future
32 noncompliance. Staff said this test is legally verified and if those three things are present, then
33 this is a dwelling unit.

34
35 ***Mr. McDonough MOVED the board sustains the determination in whole and reaffirms the***
36 ***determination that the proposed plan constitutes the creation of a dwelling unit.***

37
38 ***Seconded by Mr. Burtan.***

39
40 ****The Vote on the Motion was (3-1).***

41 ***Mr. Morris voted nay.***

42
43 **4. STAFF COMMENTS**

44
45 Miss Hembree, associate administrator, sat in as administrator while Mr. Reichert testified.

46
47 **5. ADJOURNMENT**

1
2
3
4
5
6
7
8

Mr. Morris MOVED to adjourn the meeting at 9:23 PM.

Seconded by Mr. Burtan.

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

Respectfully submitted,
Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

Ke Zhang
27 Gilson Road

To: Zoning Board of Adjustment

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

Date: November 3, 2025 – Regular Meeting

Application Number: ZB2025-23-SE

HEARING NOTICE:

Ke Zhang, 27 Gilson Rd (Tax Map 4, Lot 50), Zoned R-3: The applicant requests a Special Exception from Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a two-family dwelling by conversion of an existing one-family dwelling. ZB2025-23-SE

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally conforming 1-family dwelling constructed in 1970, per the City Assessor's records, and is conforming to the R-3 zoning district, Class 1, minimum lot size requirement, and is not within any overlay district. There has been no previous ZBA action since 1995.

PROPOSAL:

The applicant proposes to convert the existing one-family dwelling into a two-family dwelling, using only the existing building footprint.

ZONING ORDINANCE REQUIREMENTS:

§310.2, Table of Uses, Special Exception Uses, permits a two-family dwelling by conversion of an existing one-family dwelling.

§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:

None.

**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: Ke Zhang TEL.#: [REDACTED]

MAILING ADDRESS: 27 Gilson Road, West Lebanon, NH 03784

E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: TEL.#:

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 4 LOT#: 50 PLOT #: ZONE: R3

STREET ADDRESS: 27 Gilson Road, West Lebanon, NH 03784

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

REQUEST DESCRIPTION:


Convert the property in R3 zone from a single family into a two-family dwelling. The current building has over 4000 square feet which is way more than enough for a typical single family to use. By converting it to a two-family, it'll help provide additional housing for the local community.

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 11/3/2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature:  DATE: 10/10/2025

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.)*

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:

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

Page 2

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

E. That no hazard or nuisance will be created:

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

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

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

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

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

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



CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

672:3 Abutter. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

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

Map & Lot Number: 4-50	Map & Lot Number: 4-50
Property Owner: KE ZHANG 27 GILSON RD WEST LEBANON, NH 03784	Applicant, Co-Applicant, Agent, or Lessee: KE ZHANG 27 GILSON RD WEST LEBANON, NH 03784
Map & Lot Number: 4-51	Map & Lot Number: 4-81
LEE, JOHN T & KATHRYN M 10 SPENCER RD HANOVER, NH 03755	WALKER, KEITH L PO BOX 864 HANOVER, NH 03755
Map & Lot Number: 4-82	Map & Lot Number: 4-83
KISH REAL ESTATE INVESTMENT LLC 32 LEBANON ST STE A HANOVER, NH 03755	DUMPERT, HAZEL-DAWN E 418 NORTH MAIN ST WEST LEBANON, NH 03784

Map & Lot Number: 4-48	Map & Lot Number: 4-49
KISH REAL ESTATE INVESTMENT LLC 32 LEBANON ST STE A HANOVER, NH 03755	BAILEY, WILLIAM V & ELLEN M 25 GILSON RD WEST LEBANON, NH 03784
Map & Lot Number: 4-52	Map & Lot Number: 4-53
JACOBS, THALE D 28 GILSON RD WEST LEBANON, NH 03784	MANNING, JEREMY R & TALIA S 26 GILSON RD WEST LEBANON, NH 03784
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

E # 25011444 10/10/2025 09:53 AM
Book 4968 Page 573 Page 1 of 3
Register of Deeds, Grafton County



LCHIP FEE GRA213611 25.00
TRANS TAX GR088835 10,600.00

WARRANTY DEED

I, ROBERTA B. GROSS, TRUSTEE OF THE ROBERTA B. GROSS 2001 REVOCABLE TRUST, u/d/t dated August 9, 2001, of Lebanon, County of Grafton, State of New Hampshire, Grantor, for consideration paid, grant to KE ZHANG, of Hanover, County of Grafton, State of New Hampshire, whose mailing address is 4 Pete's Lane, Hanover, NH 03755, Grantee, with WARRANTY COVENANTS:

A certain parcel of land, together with the buildings and other improvements thereon, situate in the City of Lebanon, County of Grafton, State of New Hampshire, being lot #44 as shown on plan of lots entitled "Sub-division Survey Hardy Brothers, Lash Road, Lebanon, N.H.," Scale 1" = 50', June 1, 1967, K. A. LeClair Assoc, Inc., Hanover, N.H. Project 28667 by W.L.S., said plan being recorded with the Grafton County Registry of Deeds in Plan Book 1046, at Page 37:

Being a portion of the premises which were conveyed to George P. Hardy and Roger J. Hardy by Wallace H. Gilson and Jessie Gilson by deed dated May 23, 1966 recorded with the Grafton County Registry of Deeds in Book 1034, at Page 406.

Excepting and reserving, however, from the within conveyance an easement over and across said premises, said easement being bounded and described as follows:

Beginning at an iron pin on the easterly side of a proposed street as shown on the above noted plan which point is the southeasterly corner of Lot #44 and the northeasterly corner of Lot #43;

thence S 86° 13' W along Lots #43 and #42 a distance of 298.55 feet to an iron pin at land now or formerly of Evans which is also the southwesterly corner of said Lot #44;

thence N 14° 49' E along land of said Evans and land now or formerly of Snow and land now or formerly of Perham a distance of 185.3 feet to an iron pin at the northwesterly corner of said Lot #44;

thence S 85° 20' E along the northerly boundary line of said Lot #44 a distance of 30 feet;

thence S 14° 49' W in a line parallel to and 30 feet distant from the second bound above described to a point 30 feet northerly of the southerly boundary line of said Lot #44;

thence N 86° 13' E in a line parallel to the first mentioned bound above and 30 feet distant therefrom to the easterly side of said proposed street;

thence in a southerly direction along the easterly side of said proposed street 30 feet to the point of beginning.

Said easement is to be 30 feet in width running westerly along the southerly boundary line of said Lot #44 and also running northerly along the westerly boundary line of said lot.

Included in such reservation and exception is the right on the part of the said George P. Hardy and Roger J. Hardy, their heirs and assigns, to enter said premises for the purpose of laying, maintaining or replacing water and sewer pipes without doing any unnecessary damage.

Meaning and intending to convey all and the same land and premises as conveyed to Roberta B. Gross, Trustee of the Roberta B. Gross 2001 Revocable Trust, by Warranty Deed of Roberta B. Gross, dated May 30, 2014, and recorded in Book 4065, Pages 176-177 of the Grafton County Registry of Deeds.

Roberta B. Gross, an unmarried individual, individually and as Trustee, hereby releases all homestead, marital and other rights she may have in the above-described premises.

TRUSTEE'S CERTIFICATE

The undersigned trustee as Trustee under the Roberta B. Gross 2001 Revocable Trust, created by Roberta B. Gross, as grantor and trustee under trust agreement dated August 9, 2001, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.

[SIGNATURE PAGE FOLLOWS]

WITNESS my hand this 8th day of October, 2025.

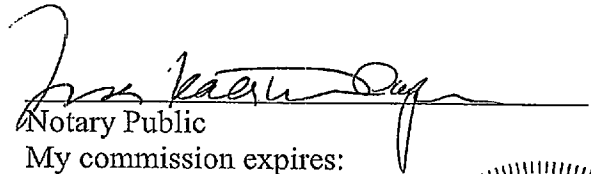


Roberta B. Gross, individually and as Trustee of the
Roberta B. Gross 2001 Revocable Trust

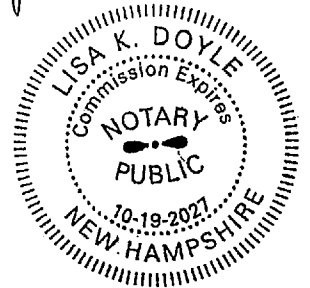
STATE OF NEW HAMPSHIRE
County of Grafton, ss.

Before me, the undersigned officer, this 8th day of October, 2025 personally appeared Roberta B. Gross, Trustee of the Roberta B. Gross 2001 Revocable Trust, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

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



Notary Public
My commission expires:



27 GILSON RD

Location 27 GILSON RD

Mblu 4/ 50/ / /

Acct# 146

Owner GROSS, ROBERTA B TTEE

PBN

Assessment \$775,310

Appraisal \$775,310

PID 117

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2025	\$579,000	\$196,310	\$775,310

Assessment			
Valuation Year	Improvements	Land	Total
2025	\$579,000	\$196,310	\$775,310

Owner of Record

Owner	GROSS, ROBERTA B TTEE	Sale Price	\$0
Co-Owner	GROSS, R B 2001 REV TRST	Certificate	
Address	PO BOX 5224 WEST LEBANON, NH 03784	Book & Page	4065/0176
		Sale Date	05/30/2014
		Instrument	44

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
GROSS, ROBERTA B TTEE	\$0		4065/0176	44	05/30/2014
GROSS, ROBERTA	\$0		0/0	38	02/23/2014
GROSS, ROBERT H & ROBERTA	\$0		1324/0439	99	11/15/1977
GROSS, ROBERT H	\$0		0/0	99	01/01/1900

Building Information

Building 1 : Section 1

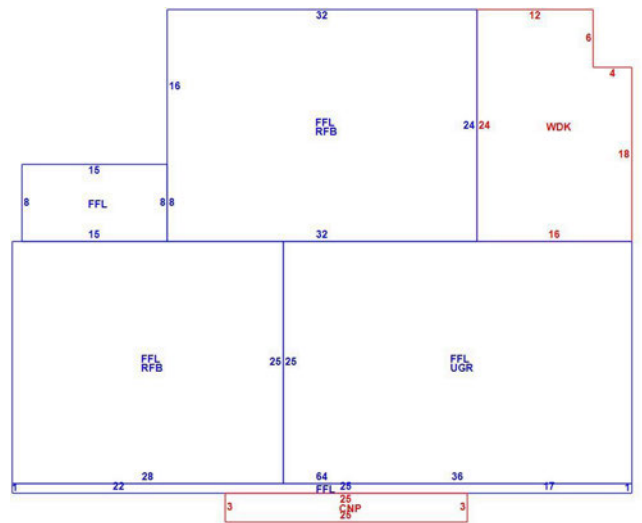
Year Built: 1970
Living Area: 2,552
Replacement Cost: \$771,489
Building Percent Good: 79
Replacement Cost Less Depreciation: \$579,000

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//9179.JPG>)

Building Layout



([ParcelSketch.ashx?pid=117&bid=117](#))

Building Attributes	
Field	Description
CNS_USRFLD_108	
Model	RESIDENTIAL
Style	SPLIT/RSD RANCH
Grade	AVG. (+)
Stories	1
Comm Units	0
Exterior Wall 1	AVERAGE
Exterior Wall 2	TEX 111
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	HARDWOOD
Interior Floor 2	CARPET
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	4
Full Bath(s)	1
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	1
Kitchen Rating	AVERAGE
Total Rooms	8
Frame	WOOD
Foundation	CONCRETE
Bsmt Garage	
Parking	
Fireplace(s)	1
Fireplace Rating	AVERAGE

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	2,552	2,552
CNP	CANOPY	75	0
RFB	RAISED FIN BASE	1,468	0
UGR	GARAGE UNDER	900	0
WDK	WOOD DECK	360	0
		5,355	2,552

WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Partition	TYPICAL
Solar Hot Water	No
Central Vac	No
Nbhd Modifier	
MH Make	

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use

Use Code 1010
 Description ONE FAM
 Zone R3
 Neighborhood R2
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 0.96
 Frontage
 Depth
 Assessed Value \$196,310
 Appraised Value \$196,310

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$371,700	\$159,200	\$530,900
2023	\$371,700	\$159,200	\$530,900
2022	\$371,700	\$159,200	\$530,900

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$371,700	\$159,200	\$530,900

2023	\$371,700	\$159,200	\$530,900
2022	\$371,700	\$159,200	\$530,900

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27 Gilson Rd - Eagleview 1



27 Gilson Rd. - Eagleview 2



27 Gilson Rd - Eagleview3



© All EagleView Technology Corporation

27 Gilson Rd - Eagleview4





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2024-23-SE
November 3, 2025 Regular Meeting
Ze Zhang
27 Gilson Road**

DRAFT MOTION for:

Agenda Item: 3.A

Case: ZB2025-23-SE

Request for Special Exception per Section §801.3

Motion made by: _____

On November 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 27 Gilson Rd (Tax Map 4, Lot 50), Zoned R-3: The applicant requests a Special Exception from Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a two-family dwelling by conversion of an existing one-family dwelling. ZB2025-23-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 applicant has submitted testimony addressing Section §801.3 criteria in an application received by the Planning & Development Dept. on October 13, 2025.
2. As described in the application, the applicant proposes to convert an existing one-family dwelling to a two-family dwelling.
3. The subject property is improved with a one-family, +/- 4,000 sq ft, dimensionally conforming dwelling constructed in 1970.
4. There are no known existing zoning violations on the property.

5. _____

6. _____

II. CONCLUSIONS OF LAW

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

1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
2. The following criteria of Section §801.3 **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 3rd day of November, 2025, hereby GRANTS / DENIES the requested Special Exception to allow a two-family dwelling by conversion of an existing one-family dwelling pursuant to Section §801.3 of the Zoning Ordinance to allow 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 ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

**Lebanon Housing Authority
31 Romano Circle**

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*
& Tiffany Adams, *Zoning Executive Assistant*
Date: November 3, 2025 – Regular Meeting
Application Number: ZB2025-24-SE

HEARING NOTICE:

Lebanon Housing Authority, 31 Romano Cir (Tax Map 101, Lot 20), Zoned R-O: The applicant requests a Special Exception from Section 311.2, pursuant to Section 702.5, of the Zoning Ordinance to allow the expansion of the existing non-conforming office use by constructing a one-story, 725 sq ft addition to the existing office building.

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with 8 multi-family buildings with 46 dwelling units constructed between 1973 and 1975 per the City Assessor's records. Later additions were permitted in 2007 and 2018. The lot conforms to the R-O Class 1 District minimum lot size requirement and is within the FEMA Flood Zone NH Shoreland Protection, and Riverbank Protection districts. Previous ZBA action includes: 2018 approval of a Special Exception to allow accessory use, 2024 approval of a Special Exception to allow the expansion of the existing non-conforming multi-family use via construction of a 3,882 sq ft accessory use office building.

PROPOSAL:

The applicant proposes to construct a 725 sq ft addition to the existing attached office. The office will continue to be used to support the daily operations of the two on-site housing projects along Romano Circle and Doc Place.

ZONING ORDINANCE REQUIREMENTS:

§702.5 EXPANSION OF USE:

- A. The Zoning Board of Adjustment may, by special exception, permit a legal non-conforming use pursuant to Section 700 to be expanded, provided that the following tests are met in lieu of Section 801.3:
1. The proposed expansion must reflect the nature and purpose of the existing non-conforming use, and must be closely related to the manner in which the property was used at the time the restriction was enacted.
 2. The proposed expansion must be merely a different manner of utilizing the same use, and shall not constitute a use which is different in character, nature, or kind.
 3. The proposed expansion shall not have a substantially different effect on the neighborhood in which the property is located.
- B. As part of a proposed expansion under subsection A, the Board of Adjustment may allow a legal non-

conforming use to expand into an addition to an existing building occupied by the non-conforming use provided that the gross floor area of the addition is no greater than ten percent (10%) of the size of the gross floor area of the existing building measured as of January 22, 2020.

C. The Board of Adjustment may attach conditions and parameters to its decision, as set forth in Section 802.4.B, to assure that the scope of the expansion continues to meet the standards set forth in subsection A.

D. In no case shall a legal non-conforming use in whole or in part be allowed to expand into a new building, or (except as allowed under subsection B) to any portion of the lot that was not occupied by the non-conforming use at the time such use became non-conforming pursuant to Section 700.

STAFF COMMENTS:

The City Council chose to re-zone Romano Cir. From R-2 to R-O in the spring of 2025. This change allows the use to be legal conforming and as a **Residential Multi-Family Dwelling (5 dwelling units or more) per section 601**. A Special Exception is the means by which the use is permissible. An Owner / Operator Office is considered by staff to be an accessory use to the Residential Multi-Family Dwelling (5 dwelling units or more).

Please note that two motions to approve the matter have been included in the packet. One is for a Special Exception for the expansion of a non-conforming use. One is for granting of a Special Exception for the permitting of a Multi-Family Dwelling (5 dwelling units or more).

"SECTION 601 SPECIAL DESIGN STANDARDS.

The remodeling of a residential structure and other buildings existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the construction of new buildings for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions:

601.1 Architecture.

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

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

601.2 Parking & Access.

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

601.3 Coverage.

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

601.4 Density.

The conversion or new construction of multi-family shall comply with the zoning district

requirement for "Additional Area Per Dwelling Unit After Two."

601.5 Additions To Existing Buildings.

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

- A. The architectural compatibility requirements of Section 601.1 are complied with.*
- B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.*

601.6 Accessory Buildings.

In zoning districts where such conversions are allowed, an accessory building existent as of the 2013 amendment to this section, may be converted to multi-family dwelling unit(s) or an office use by special exception.

601.7 (Reserved).

601.8 Replacements of Destroyed Structures.

In the R-2, R-O and R-O-1 Districts, a building erected as a replacement of a dwelling which existed as of the 2013 amendment to this section, may be converted to an office use by special exception, provided all requirements of Section 601 and Section 801.3 are met. This includes the requirement of Section 601.1--i.e., that the new building be architecturally compatible with the abutting properties and neighborhood."

**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:	Lebanon Housing Authority	TEL.#:	[REDACTED]
MAILING ADDRESS:	31 Romano Circle, West Lebanon, NH 03784		
E-MAIL ADDRESS:	[REDACTED]		
CO-APPLICANT, AGENT, OR LESSEE:			
NAME:	Megan C. Carrier, Esq.; Sheehan Phinney Bass & Green, PA	TEL.#:	[REDACTED]
MAILING ADDRESS:	1000 Elm Street, 17th Floor, Manchester, NH 03101		
E-MAIL ADDRESS:	[REDACTED]		
PROJECT LOCATION:			
TAX MAP #:	101	LOT#:	20
PLOT #:		ZONE:	Residential Two (R-2)
STREET ADDRESS:	31 Romano Circle		
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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
REQUEST DESCRIPTION:			
Construct a one story, 725 square foot addition to the existing office building, which is a non-conforming use in the R-2 zoning district and will be an accessory use to the existing multi-family development.			
USE TYPE:			
EXISTING:	<input type="checkbox"/> VACANT	<input type="checkbox"/> ONE FAMILY	<input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL
PROPOSED:	<input type="checkbox"/> VACANT	<input type="checkbox"/> ONE FAMILY	<input type="checkbox"/> TWO FAMILY <input checked="" type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> 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 <u>November 3, 2025</u> , unless I personally request, in writing, that the Board delay its determination of completeness to a later date.			
Owner Signature:	<u>Dina Alonso</u>	DATE:	<u>10/9/25</u>
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:	<u>Dina Alonso</u>	DATE:	<u>10/9/25</u>

DATE RECEIVED:

10-13-25

APPLICATION #:

ZB2025-24-SE

Special Exception Support Statement

31 Romano Circle

Lebanon Housing Authority

The applicant, Lebanon Housing Authority (the “Applicant”), hereby respectfully requests a Special Exception as provided for in Article VII, Section 702.5 of the Lebanon Zoning Ordinance (the “Ordinance”) with respect to its property at 31 Romano Circle, Tax Map 101, Lot 20 (the “Property”) in order to permit expansion of an existing, non-conforming office use. The existing office is, and the office as expanded will be, accessory to the existing multi-family development.

I. Background and Overview

Prior to delving into the analysis of the applicable special exception criteria, the Applicant wishes to provide Board with some background concerning the Property and the Applicant’s proposal.

The Property currently features two housing projects, including public housing along Romano Circle and a low-income housing tax credit project along Doc Place. The 30-units along Romano Circle existed prior to the R-2 zoning designation in 1978. In 2007, the Zoning Board granted the Applicant a variance from Article III, Section 309.2 in order to allow construction of the additional 16 units along Doc Place. The two projects together feature a total of 46 residential housing units. Five of those units are currently located inside a structure that features an attached office (the “Existing Office”). Pursuant to Section 309.1 of the Ordinance, “[t]he conversion of large older *dwelling*s, and other buildings to . . . *office* . . . facilities is allowed, subject to appropriate controls in Section 601, but new . . . *offices* . . . are not allowed.” Where office uses are not permitted in the R-2 zoning district, the Existing Office constitutes a non-conforming use.¹

While the Applicant currently utilizes the Existing Office for purposes of its operations and in connection with the existing multi-family use, the office has become too small to effectively achieve the Applicant’s purposes. In 2024, the Applicant received approvals from this Board to construct an entirely new office building to the east of the Existing Building. The proposed, standalone structure was to be two stories in height and 3,882 square feet in size. Unfortunately, funding challenges have prevented the Applicant from moving forward with that proposal. Accordingly, the Applicant now proposes, in lieu of the previously approved two-story structure, to construct a one-story, 725 square foot addition to the Existing Office (the “Addition”). The

¹ While the existing and proposed office use will be accessory to the existing multi-family use on the Property, the Ordinance provides that where a use is accessory to a use permitted by conditional use permit or special exception, the accessory use shall also require a conditional use permit or special exception. Where the existing multi-family use is also a non-conforming use, which could be expanded only by special exception, the Applicant has requested this special exception for purposes of expanding the accessory office use.

Addition is depicted on the plan submitted in connection with this application. The Applicant does not propose any additional housing units.

II. Application of Criteria: 702.5(A)

While special exceptions are typically governed by the criteria set forth in Section 801.3 of the Ordinance, the criteria for special exceptions permitting expansion of a legal non-conforming use are governed by the criteria set forth in Section 702.5(A) of the Ordinance “in lieu of” the criteria set forth in Section 801.3 of the Ordinance. The Applicant’s proposal satisfies the criteria set forth in Section 702.5(A) of the Ordinance as follows:

- a. **The proposed expansion must reflect the nature and purpose of the existing nonconforming use, and must be closely related to the manner in which the property was used at the time the restriction was enacted.**

The Addition reflects the same nature and purpose of the Existing Office; namely, office use for purposes of supporting the existing multi-family development. Because the Property, and the Existing Office, have been used in the same manner since the restriction was enacted, and the Addition as proposed will be used in the same manner as the Existing Office, the Addition is closely related to the manner in which the Property was used at the time the restriction was enacted.

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

The Addition will be used in the same manner as the Existing Office. No change in the use is proposed.

- c. **The proposed expansion shall not have a substantially different effect on the neighborhood in which the property is located.**

The Addition is modest in size—and is notably significantly smaller than the previously proposed two-story office building, which the Board found would not have had a substantially different effect on the neighborhood in which the Property is located. The Addition will be aesthetically appealing and will blend appropriately with the existing development. An existing natural tree buffer will, during most of the year, shield view of the Addition from the nearest neighboring lot – 4 Waterman Avenue (Tax Map 101, Lot 17). In addition, the residence located on that neighboring parcel faces away from the location of the Addition.

III. Application of Standard: 702.5(B)

In addition to the criteria set forth in Section 702.5(A), Section 702.5(B) provides as follows:

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

As noted above, the Addition, as proposed, will have 725 square feet of gross floor area. The building that the Existing Office currently occupies has 7,824 square feet of gross floor area (and had that same amount of gross floor area as of January 22, 2020). Accordingly, the Addition is not greater than 10% of the size of the gross floor area of the existing building, and Section 702.5(B) is satisfied.

IV. Conclusion

For the foregoing reasons, the Applicant respectfully requests that the Board grant it a special exception pursuant to Section 702.5 of the Zoning Ordinance in order to permit expansion of the existing non-conforming use via construction of the Addition.

CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

672:3 Abutter. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

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

Map & Lot Number: Tax Map 101, Lot 20	Map & Lot Number: N/A
Property Owner: Lebanon Housing Authority 31 Romano Circle West Lebanon, NH 03874	Applicant, Co-Applicant, Agent, or Lessee: Sheehan Phinney Bass & Green, PA (Agent) Megan C. Carrier, Esq. 1000 Elm Street, 17th Floor Manchester, NH 03101
Map & Lot Number: N/A	Map & Lot Number: Tax Map 101, Lot 20-200
Granite Engineering, LLC (Agent) Jeffrey Merritt Justin Daigneault 150 Dow Street, Tower 2, Suite 421 Manchester, NH 03101	Romano Place, LLC 31 Romano Cir. West Lebanon, NH 03784
Map & Lot Number: Tax Map 86, Lot 1	Map & Lot Number: Tax Map 101, Lot 23
70-72-78 South Main Street LLC 32 Lebanon Street, Suite A Hanover, NH 03755	Kaushik, Bhavnesh 82 South Main Street West Lebanon, NH 03784

Map & Lot Number: Tax Map 101, Lot 22	Map & Lot Number: Tax Map 101, Lot 21
Devers, Michael S. 84 South Main Street West Lebanon, NH 03784	Kyoto LLC 288 Plainfield Road West Lebanon, NH 03784
Map & Lot Number: Tax Map 101, Lot 27	Map & Lot Number: Tax Map 101, Lot 28
Maple & Mesquite LLC 1 Oak Ridge Building 1, Ste 4 West Lebanon NH 03784	Soodsma Holdings LLC Ninety Three South Main LLC PO Box 111 Hanover, NH 03755
Map & Lot Number: Tax Map 101, Lot 29	Map & Lot Number: Tax Map 101, Lot 18-100
Papa, Amir F. 95 South Main Street West Lebanon, NH 03784	Jeffries, Martin (LF EST) Morris, Kim 6 Waterman Avenue West Lebanon, NH 03784
Map & Lot Number: Tax Map 101, Lot 17	Map & Lot Number: Tax Map 101, Lot 14
Rose, Mark W. and Susan L. 4 Waterman Avenue West Lebanon, NH 03784	Morse, Christopher 10 Waterman Avenue West Lebanon, NH 03766
Map & Lot Number: Tax Map 101, Lot 2	Map & Lot Number:
City of Lebanon, New Hampshire 51 North Park Street Lebanon, NH 03766	
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

SHEEHAN PHINNEY

1000 Elm St., 17th Floor
P. O. Box 3701
Manchester, NH 03105-3701

October 10, 2025

Via UPS Delivery

City of Lebanon
Zoning Board of Adjustment
Attn: Tiffany Adams
51 N. Park Street
Lebanon, NH 03766

Re: Lebanon Housing Authority - Application for Special Exception

Dear Ms. Adams:

Enclosed please find Lebanon Housing Authority's Application for Special Exception, together with the following:

1. Support statement, together with written narrative that explains the project;
2. Certified Notification List;
3. Site Plan (3 copies);
4. Architectural drawings (3 copies);
5. Thumb drive with a pdf of both the site plan and architectural drawings; and
6. Check payable to the City of Lebanon in the amount of \$490.60

If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

/s/ Megan C. Carrier

Megan C. Carrier

MCC
Enclosures

cc: Ditha Alonso, Lebanon Housing Authority



148 Tatro Drive
Goffstown NH
03045

Office Addition / Renovation
Lebanon Housing Authority

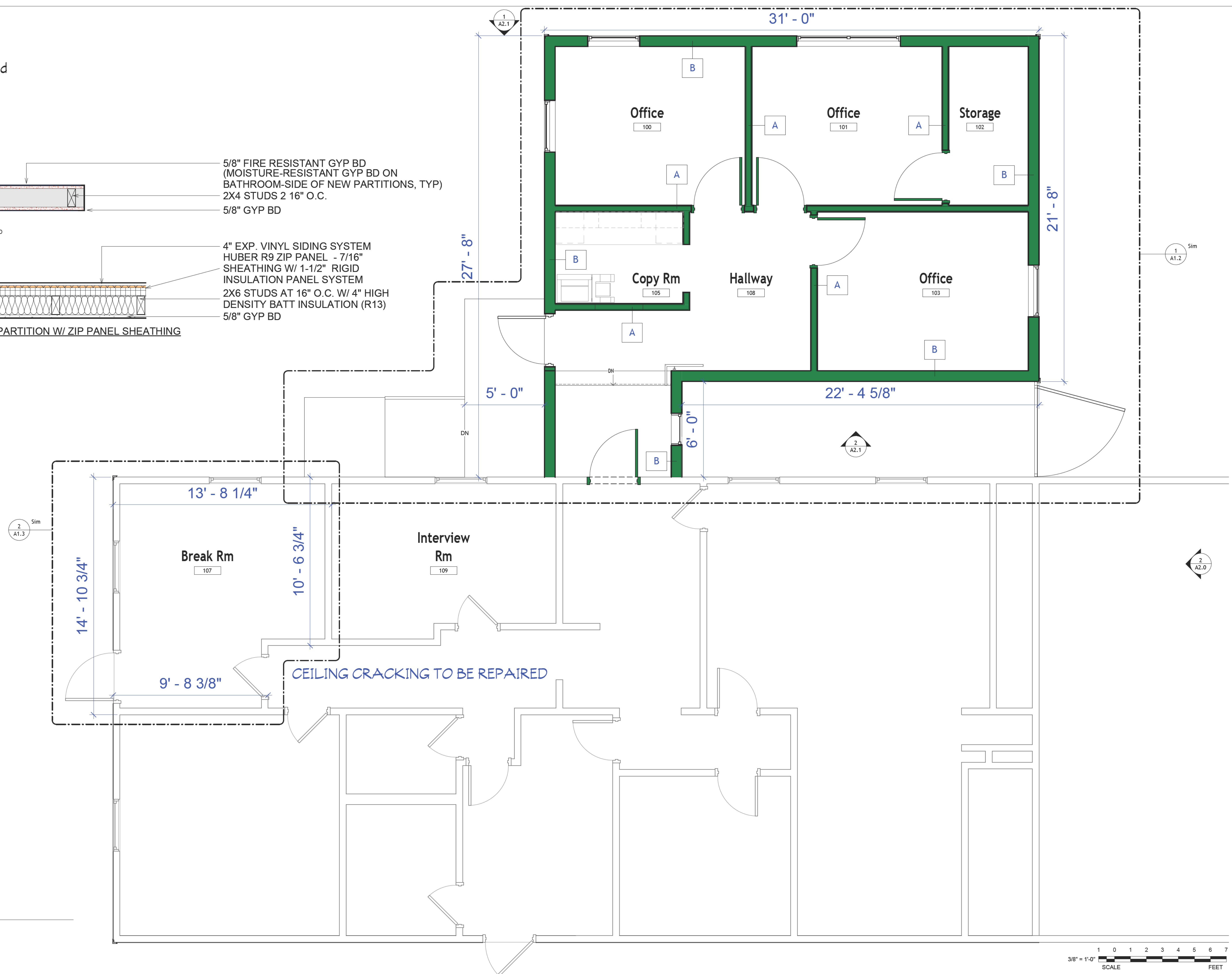
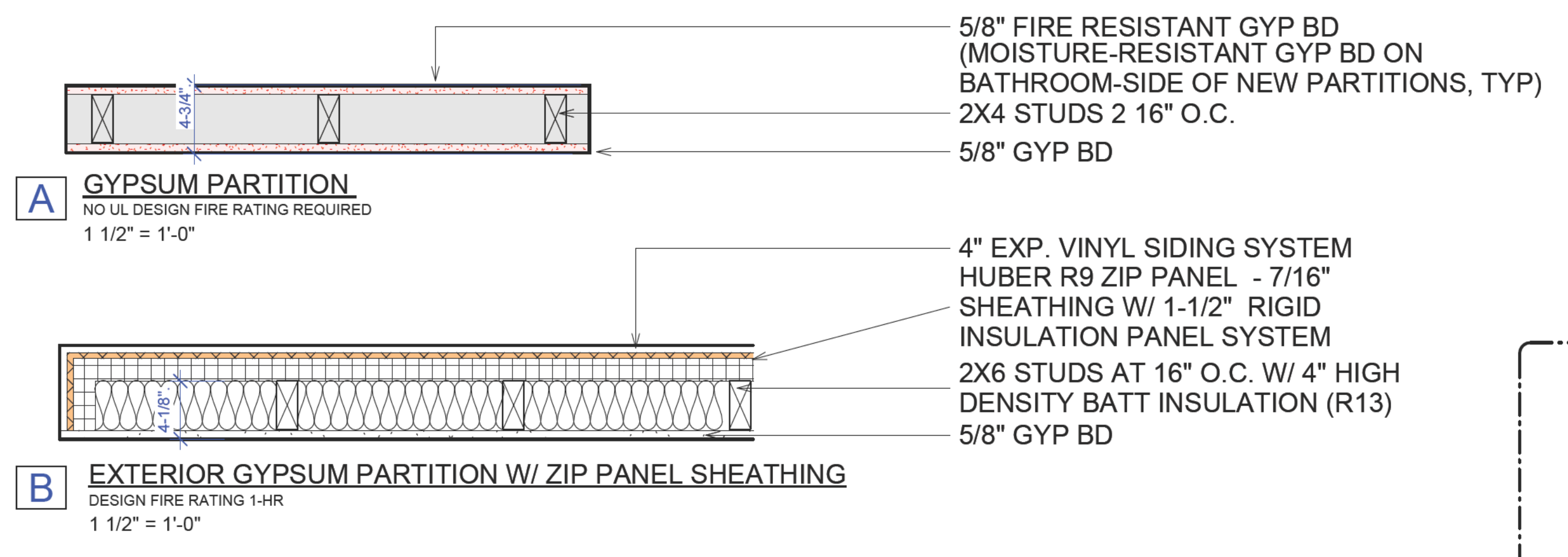
Overall Building Floorplan

REVISIONS

PROJECT #:
I-25-130
SCALE:
As indicated

DATE:
10/8/2025
DRAWING NO:
A1.0

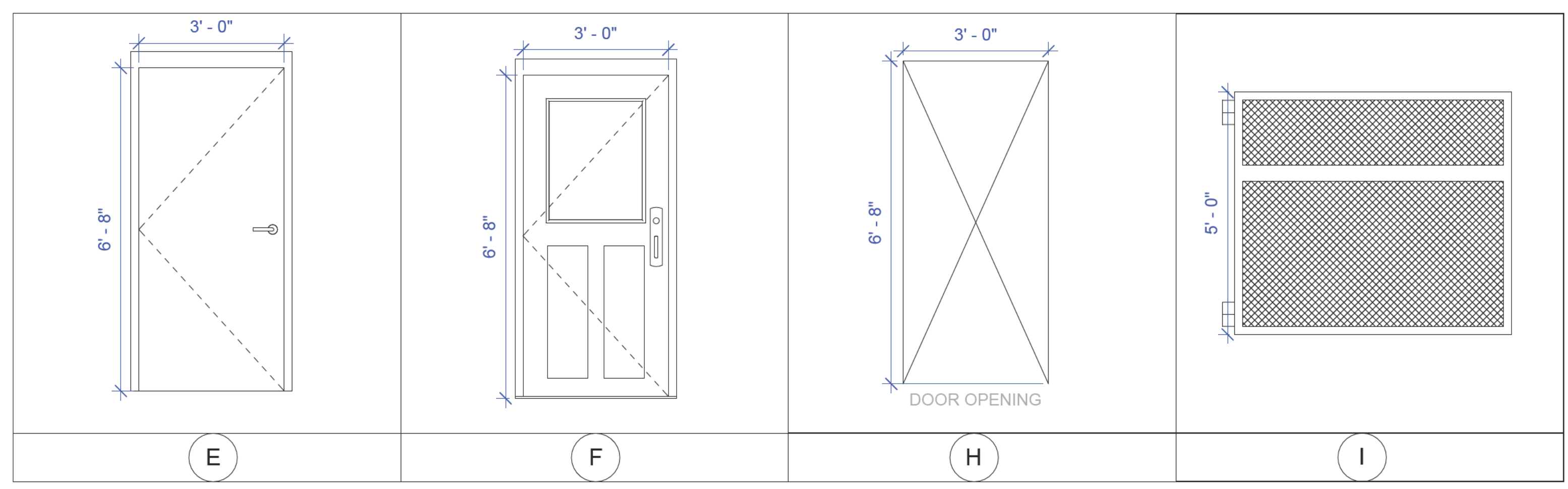
- Key**
- Green = Proposed
 - Orange = Demo
 - Gray = Existing
 - Not in Scope



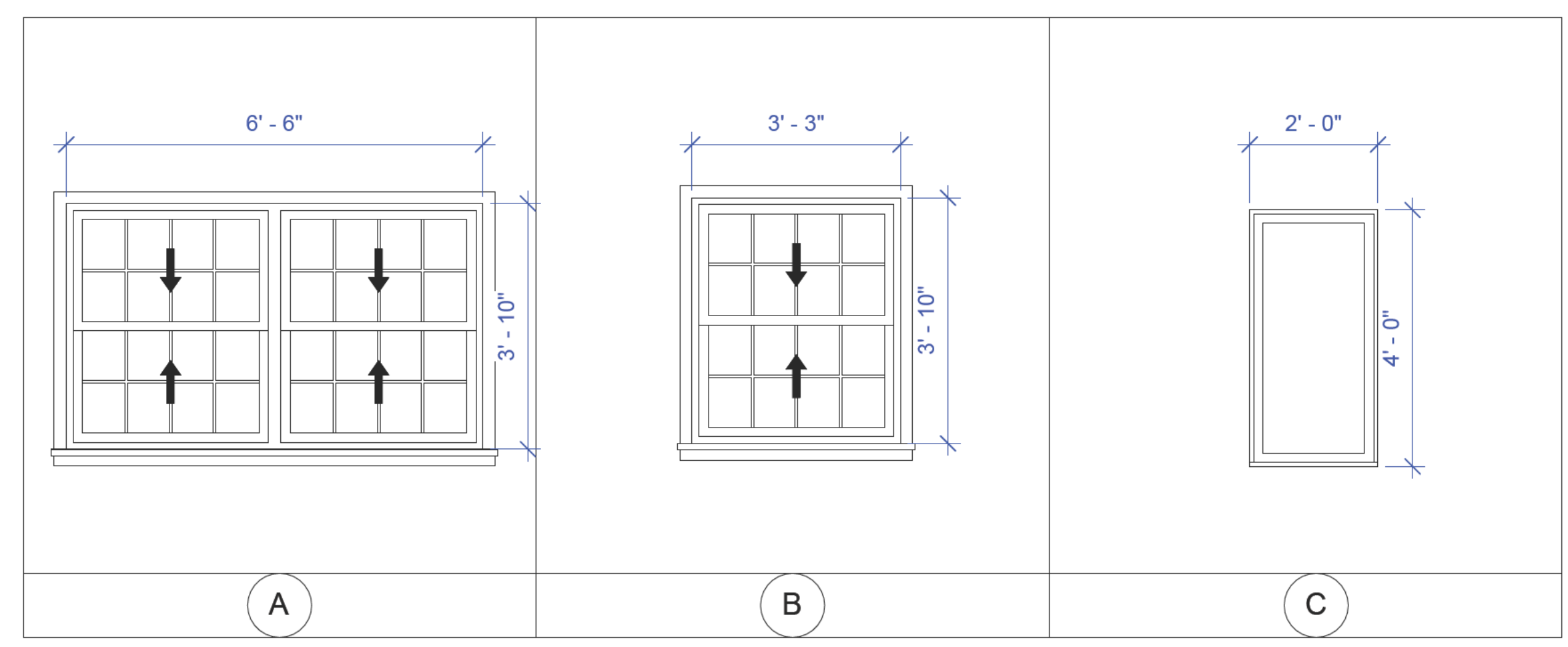
1 First Floor Plan
3/8" = 1'-0"



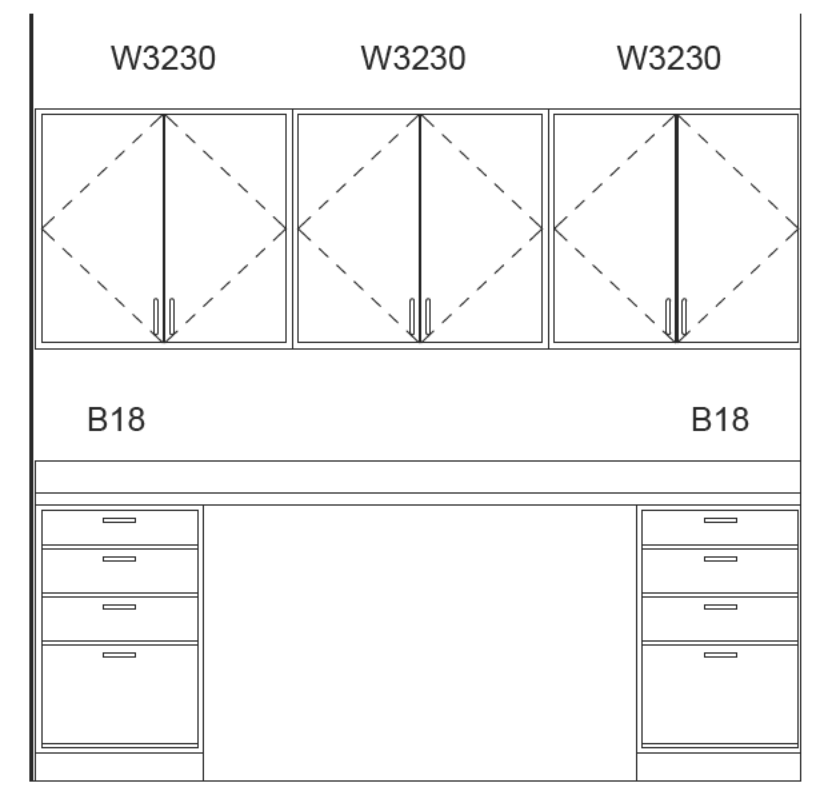
RIGHT-TRAK DESIGN



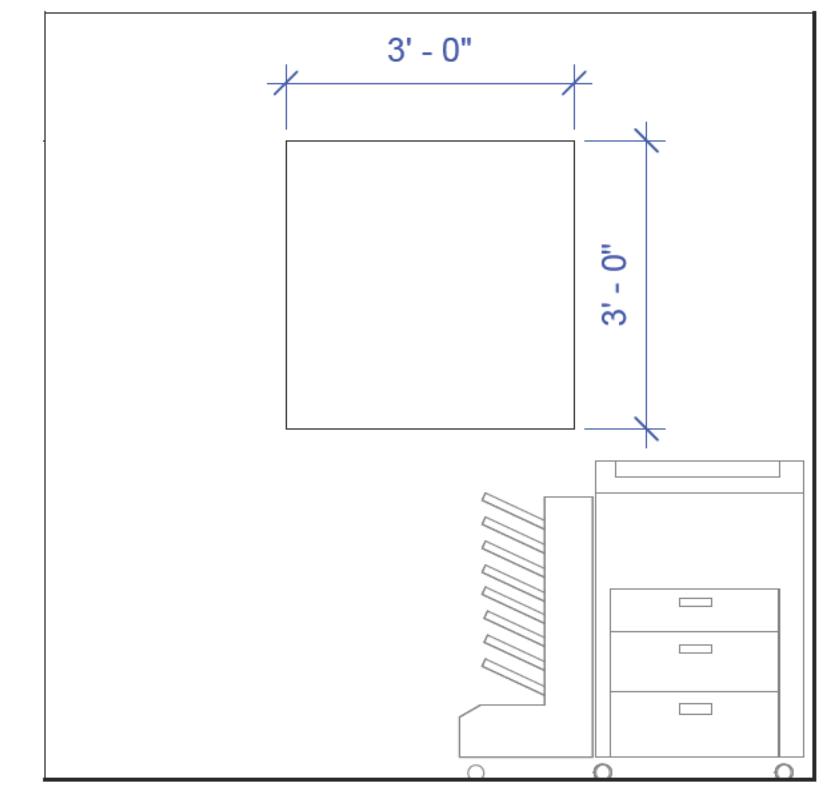
Door Type
1/2" = 1'-0"



Window Type
1/2" = 1'-0"



Copier Room
1/2" = 1'-0"

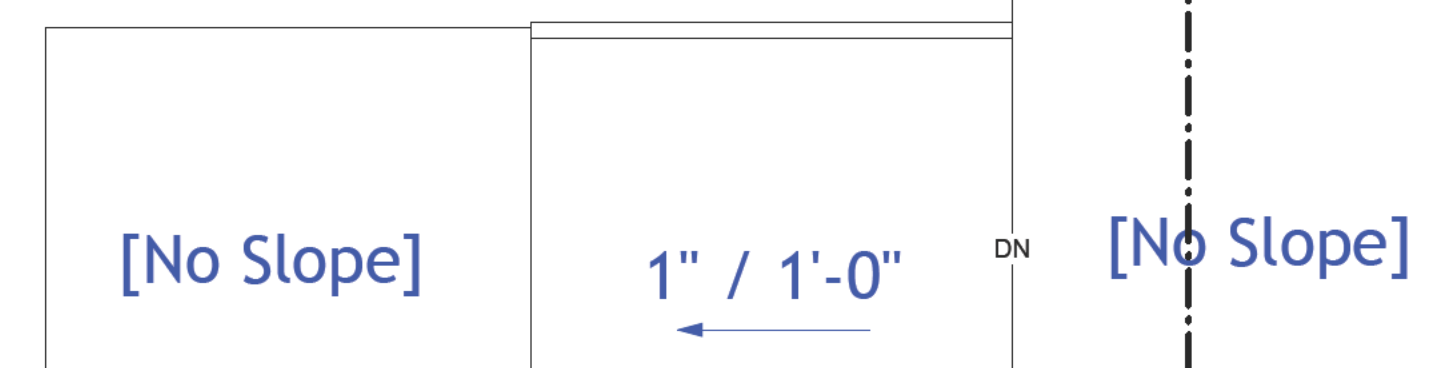
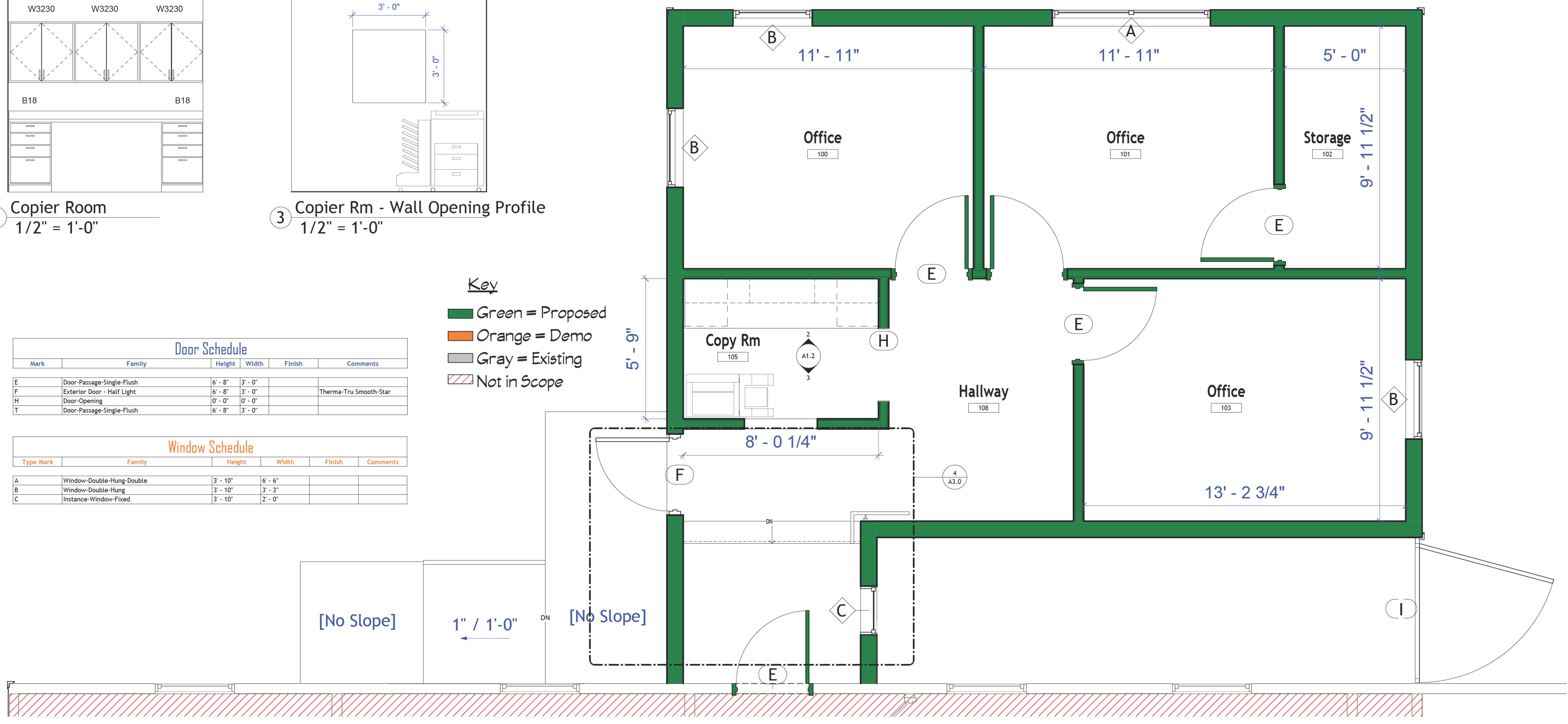


Copier Rm - Wall Opening Profile
1/2" = 1'-0"

Door Schedule					
Mark	Family	Height	Width	Finish	Comments
E	Door-Passage-Single-Flush	6' - 8"	3' - 0"		
F	Exterior Door - Half Light	6' - 8"	3' - 0"		Therma-Tru Smooth-Star
H	Door-Opening	0' - 0"	0' - 0"		
T	Door-Passage-Single-Flush	6' - 8"	3' - 0"		

Window Schedule					
Type Mark	Family	Height	Width	Finish	Comments
A	Window-Double-Hung-Double	3' - 10"	6' - 6"		
B	Window-Double-Hung	3' - 10"	3' - 3"		
C	Instance-Window-Fixed	3' - 10"	2' - 0"		

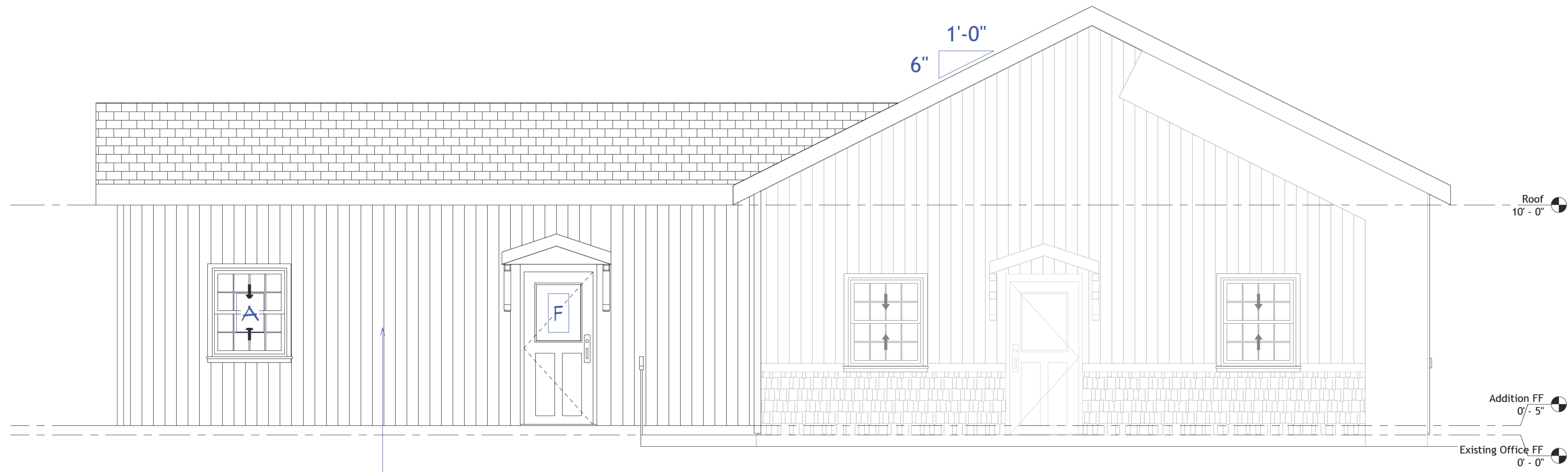
Key
█ Green = Proposed
█ Orange = Demo
█ Gray = Existing
▨ Not in Scope



1 Addition Floor Plan
1/2" = 1'-0"

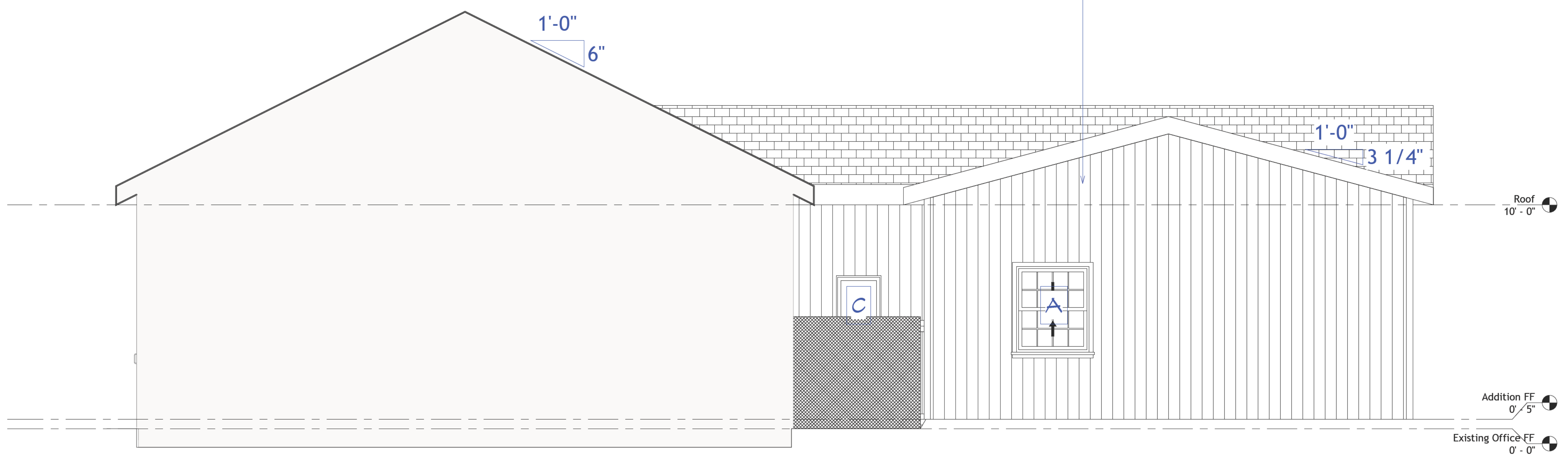


CONTRACTOR TO MATCH EXISTING SHINGLES



① Right
3/8" = 1'-0"

7" CERTAINTED VERTICAL BOARD AND BATTEN SIDING
(COLOR TO MATCH EXISTING, CONTRACTOR TO VERIFY IN FIELD)



② Left
3/8" = 1'-0"



148 Tatro Drive
Goffstown NH
03045

Office Addition / Renovation
Lebanon Housing Authority

Left + Right Elevations

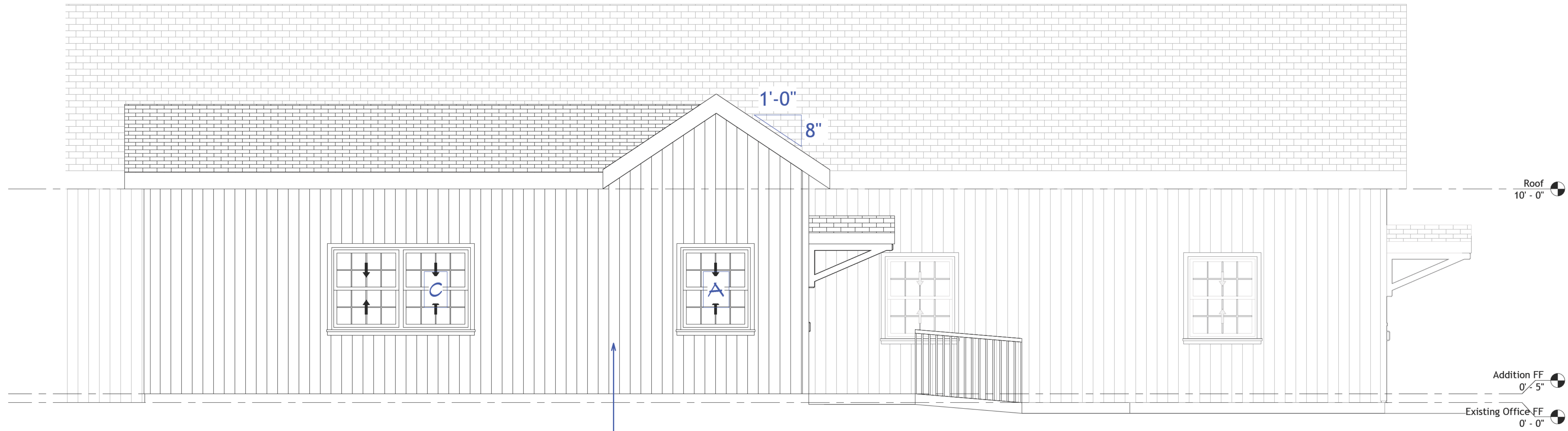
REVISIONS

PROJECT #:
1-25-130
SCALE:
3/8" = 1'-0"

DATE:
10/8/2025
DRAWING NO:
A2.0

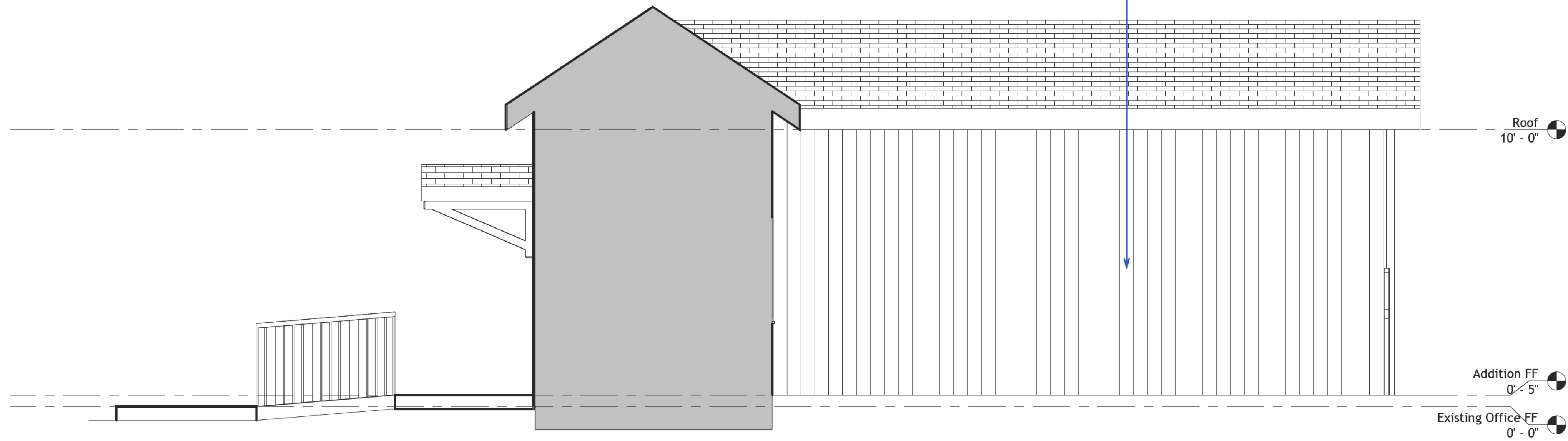
RIGHT-TRAK DESIGN

CONTRACTOR TO MATCH EXISTING SHINGLES

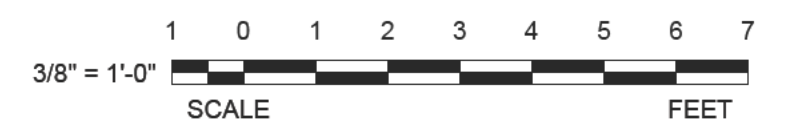


① Back
3/8" = 1'-0"

7" CERTAINTED VERTICAL BOARD AND BATTEN SIDING
(COLOR TO MATCH EXISTING, CONTRACTOR TO VERIFY IN FIELD)



② Utility Corner
3/8" = 1'-0"



148 Tatro Drive
Goffstown NH
03045

Office Addition / Renovation

Lebanon Housing Authority

Back Elevations

REVISIONS

PROJECT #:
1-25-130
SCALE:
3/8" = 1'-0"

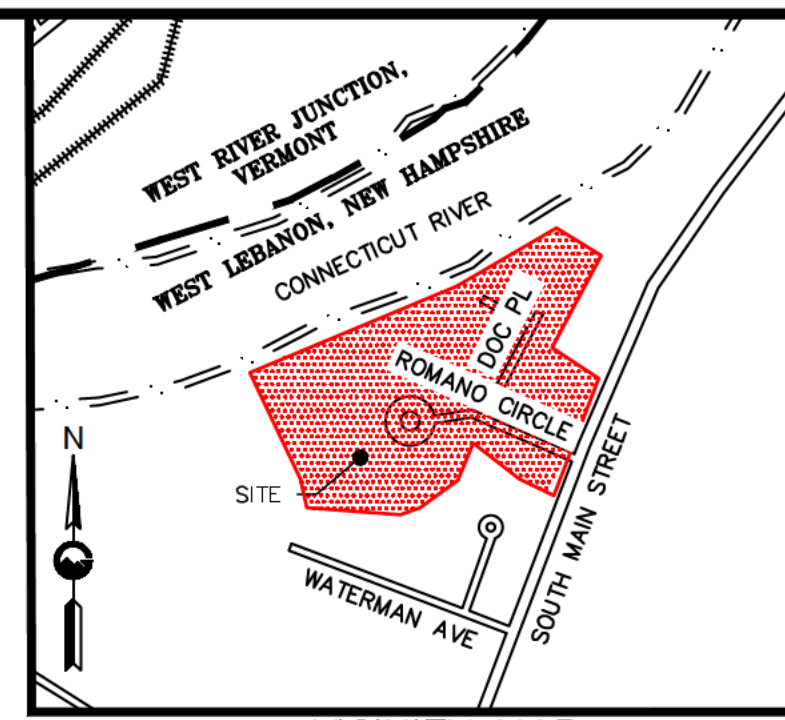
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10/8/2025

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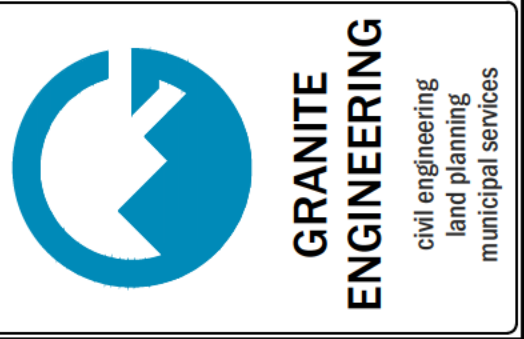


REFERENCE PLANS:

- "BOUNDARY SURVEY" PLAN FOR LEBANON HOUSING AUTHORITY TAX MAP 101 LOT 20, 31 ROMANO CIRCLE, LEBANON, GRAFTON COUNTY, NEW HAMPSHIRE, DATED OCTOBER 9 2024, PREPARED BY ROCKWOOD LAND SERVICES, LLC.
- "CITY OF LEBANON COMBINED SEWER SEPARATION" PLAN, CONTRACT NO. 13, ROMANO CIRCLE AREA, PREPARED BY WRIGHT-PIERCE, DATED AUGUST 2023



VICINITY MAP
SCALE: 1"=500'



NO.	DATE	REVISIONS
1	08.05.25	ADJUST PROPERTY LINE AND ADD FLOOD ELEV

LOCAL MINOR SITE PLAN APPROVAL	STATUS	PERMIT No.
LOCAL FLOODPLAIN PERMIT	PENDING	
LOCAL BUILDING PERMIT	PENDING	
LOCAL EXCAVATION PERMIT	PENDING	
LOCAL STORMWATER CONNECTION PERMIT	PENDING	

GRANITE ENGINEERING
civil engineering • land planning • municipal services

150 Dow Street, Tower 2, Suite 421
Manchester, New Hampshire 03101
603.518.8030

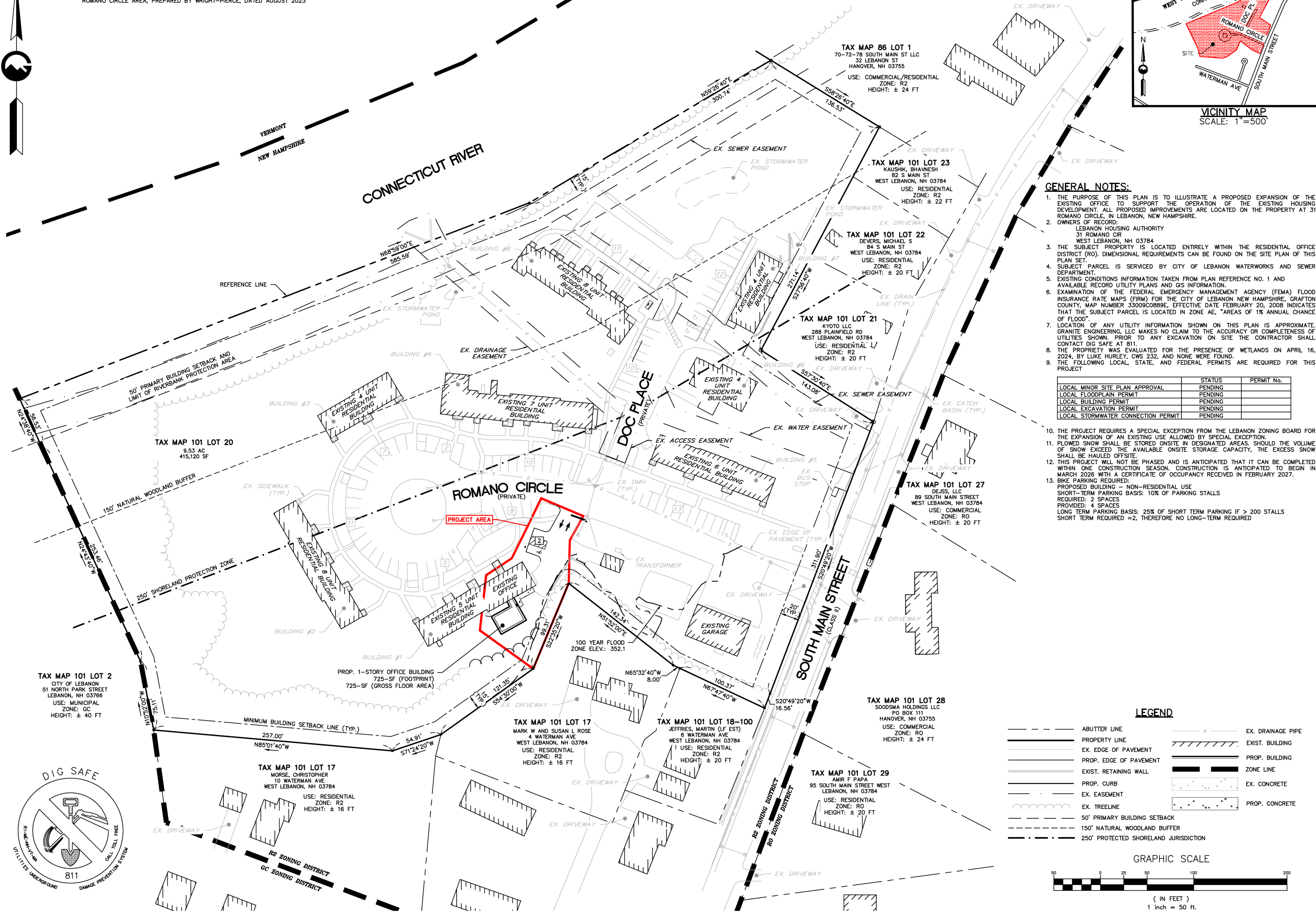
STAMP:

LOCATION:
TAX MAP 101 LOT 20
31 ROMANO CIRCLE
WEST LEBANON, NEW HAMPSHIRE
03784
GRAFTON COUNTY

PROJECT:
LEBANON HOUSING AUTHORITY

TITLE:
ZBA OVERVIEW PLAN

PROJECT No. DATE: 23-0508-1 AUGUST 1, 2025
SHEET: 1 OF 2
SCALE: HORIZ. 1"=50'



GENERAL NOTES:

- THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE A PROPOSED EXPANSION OF THE EXISTING OFFICE TO SUPPORT THE OPERATION OF THE EXISTING HOUSING DEVELOPMENT. ALL PROPOSED IMPROVEMENTS ARE LOCATED ON THE PROPERTY AT 31 ROMANO CIRCLE, IN LEBANON, NEW HAMPSHIRE.
- OWNERS OF RECORD:
LEBANON HOUSING AUTHORITY
31 ROMANO CIR
WEST LEBANON, NH 03784
- THE SUBJECT PROPERTY IS LOCATED ENTIRELY WITHIN THE RESIDENTIAL OFFICE DISTRICT (RO). DIMENSIONAL REQUIREMENTS CAN BE FOUND ON THE SITE PLAN OF THIS PLAN SET.
- SUBJECT PARCEL IS SERVICED BY CITY OF LEBANON WATERWORKS AND SEWER DEPARTMENT.
- EXISTING CONDITIONS INFORMATION TAKEN FROM PLAN REFERENCE NO. 1 AND AVAILABLE RECORD UTILITY PLANS AND GIS INFORMATION.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) FOR THE CITY OF LEBANON NEW HAMPSHIRE, GRAFTON COUNTY, MAP NUMBER 33009C0889E, EFFECTIVE DATE FEBRUARY 20, 2008 INDICATES THAT THE SUBJECT PARCEL IS LOCATED IN ZONE AE, "AREAS OF 1% ANNUAL CHANCE OF FLOOD".
- LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. GRANITE ENGINEERING, LLC MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.
- THE PROPERTY WAS EVALUATED FOR THE PRESENCE OF WETLANDS ON APRIL 16, 2024, BY LUKE HURLEY, CWS 232, AND NONE WERE FOUND.
- THE FOLLOWING LOCAL, STATE, AND FEDERAL PERMITS ARE REQUIRED FOR THIS PROJECT

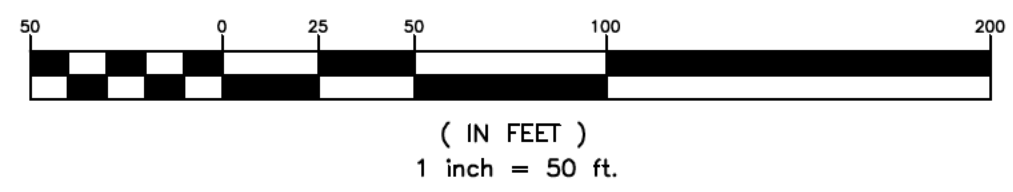
	STATUS	PERMIT No.
LOCAL MINOR SITE PLAN APPROVAL	PENDING	
LOCAL FLOODPLAIN PERMIT	PENDING	
LOCAL BUILDING PERMIT	PENDING	
LOCAL EXCAVATION PERMIT	PENDING	
LOCAL STORMWATER CONNECTION PERMIT	PENDING	

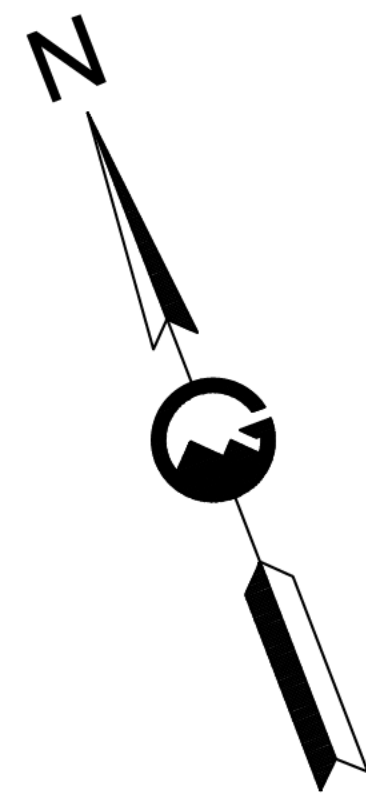
- THE PROJECT REQUIRES A SPECIAL EXCEPTION FROM THE LEBANON ZONING BOARD FOR THE EXPANSION OF AN EXISTING USE ALLOWED BY SPECIAL EXCEPTION.
- PLOWED SNOW SHALL BE STORED ONSITE IN DESIGNATED AREAS, SHOULD THE VOLUME OF SNOW EXCEED THE AVAILABLE ONSITE STORAGE CAPACITY, THE EXCESS SNOW SHALL BE HAULED OFFSITE.
- THIS PROJECT WILL NOT BE PHASED AND IS ANTICIPATED THAT IT CAN BE COMPLETED WITHIN ONE CONSTRUCTION SEASON. CONSTRUCTION IS ANTICIPATED TO BEGIN IN MARCH 2026 WITH A CERTIFICATE OF OCCUPANCY RECEIVED IN FEBRUARY 2027.
- BIKE PARKING REQUIRED:
PROPOSED BUILDING - NON-RESIDENTIAL USE
SHORT-TERM PARKING BASIS: 10% OF PARKING STALLS
REQUIRED: 2 SPACES
PROVIDED: 4 SPACES
LONG TERM PARKING BASIS: 25% OF SHORT TERM PARKING IF > 200 STALLS
SHORT TERM REQUIRED =2, THEREFORE NO LONG-TERM REQUIRED

LEGEND

- ABUTTER LINE
- PROPERTY LINE
- EX. EDGE OF PAVEMENT
- PROP. EDGE OF PAVEMENT
- EXIST. RETAINING WALL
- PROP. CURB
- EX. EASEMENT
- EX. TREELINE
- 50' PRIMARY BUILDING SETBACK
- 150' NATURAL WOODLAND BUFFER
- 250' PROTECTED SHORELAND JURISDICTION
- EX. DRAINAGE PIPE
- EXIST. BUILDING
- PROP. BUILDING
- ZONE LINE
- EX. CONCRETE
- PROP. CONCRETE

GRAPHIC SCALE



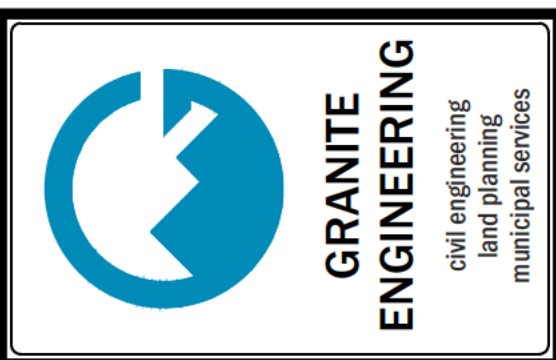
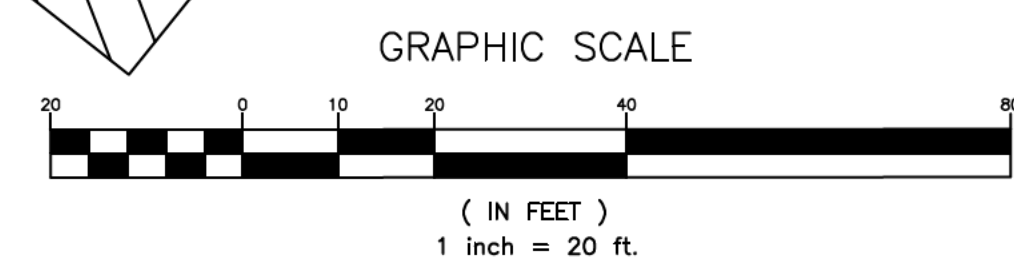
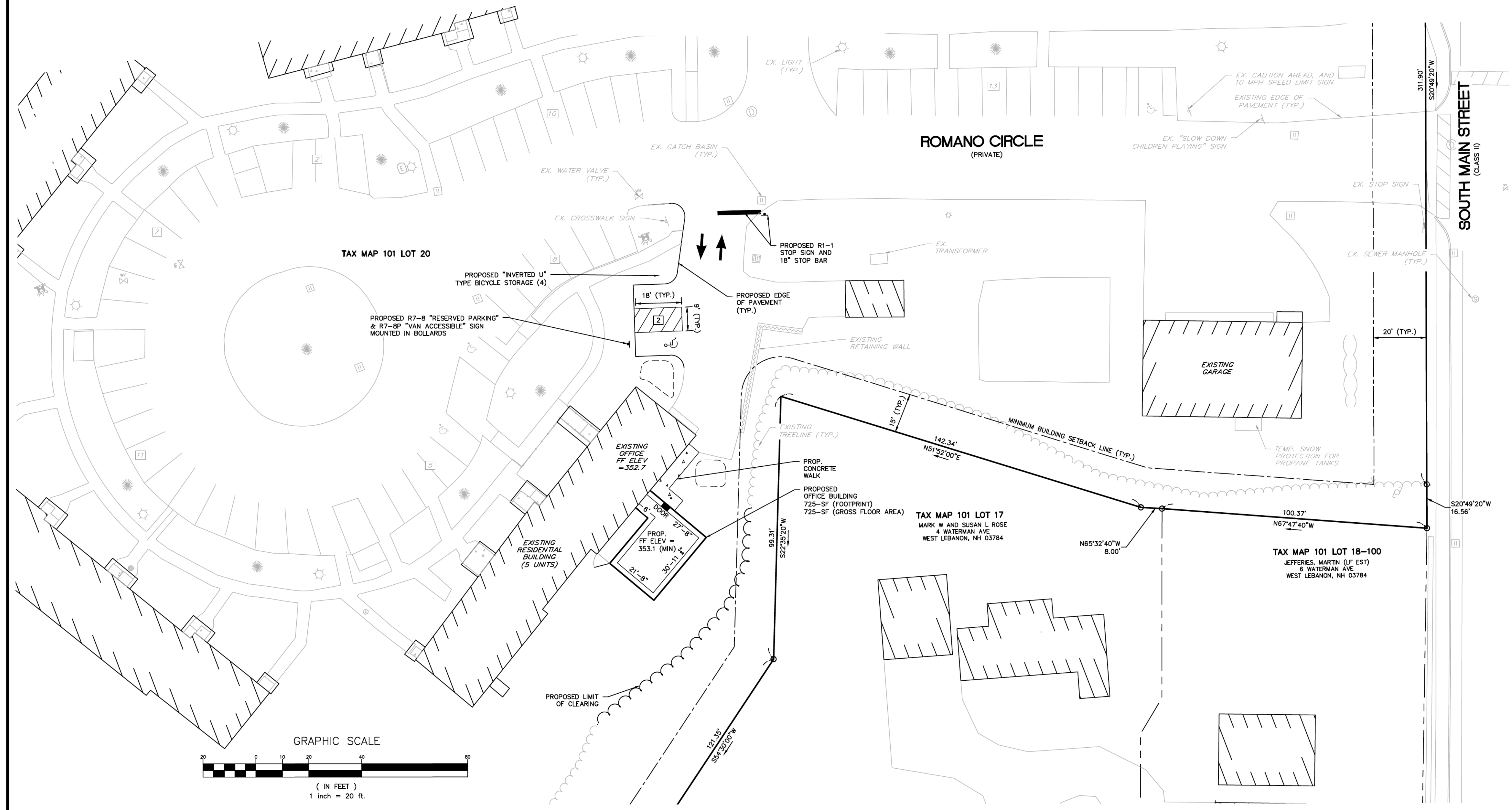


SEE SHEET 1 FOR REFERENCE PLANS AND NOTES

TABLE OF RO ZONING REQUIREMENTS			
DESCRIPTION	ALLOWED	EXISTING MAP 101 LOT 20	PROPOSED MAP 101 LOT 20
MINIMUM LOT AREA	148,000 SF*	415,120 SF	415,120 SF
MINIMUM LOT FRONTAGE	100 FT	328.46 FT	328.46 FT
MINIMUM LOT WIDTH	75 FT	328.46 FT	328.46 FT
FRONT YARD SETBACK	20 FT	47.3 FT	47.3 FT
SIDE YARD SETBACK	15 FT	15.1 FT	15.1 FT
REAR YARD SETBACK	20 FT	40.7 FT	40.7 FT
MAXIMUM LOT COVERAGE	65%	25.3%	25.6%
MAXIMUM BUILDING HEIGHT	45 FT	25 FT	25 FT
ALLOWED STORIES	2.5	2	2
BUILDING COVERAGE REMOVED	N/A	N/A	N/A
BUILDING COVERAGE ADDED	N/A	N/A	725 SF
BUILDING COVERAGE TOTALS	25%	7.41%	7.58%
IMPERVIOUS COVER REMOVED	N/A	N/A	0 SF
IMPERVIOUS COVER ADDED	N/A	N/A	1470 SF
IMPERVIOUS COVER TOTAL	N/A	104,828 SF	106,298 SF
LOADING SPACES	0	0	0
USE	N/A	46-UNIT MULTI-FAMILY DEVELOPMENT	RESIDENTIAL /ACCESSORY OFFICE
BICYCLE STORAGE SPACES	2	0	4
PARKING REQUIRED (RESIDENTIAL)	1.5 SPACES/UNIT	1.5 X 46 = 69	1.5 X 46 = 69
PARKING REQUIRED (OFFICE)	1/250 SF OF GFA	1,624 SF/250 = 6	1,624 SF/250 = 6
TOTAL PARKING REQUIRED	N/A	75	78
TOTAL PARKING PROVIDED	N/A	89	91
TOTAL MAX PARKING PERMITTED	120% OF MIN.	90	94
OVERLAY DISTRICT		RIVERBANK PROTECTION DISTRICT AND FLOODPLAIN DISTRICT	

*10,000 SF FOR FIRST 2 UNITS + 3,000 X NUMBER OF UNITS

LEGEND	
	EX. LANDSCAPING
	EX. HYDRANT
	EX./PROP. LIGHT POLE
	PROP. WALL MOUNTED LIGHT
	EX. UTILITY POLE
	EX. WATER VALVE
	EX./PROP. SIGN
	EX. LIGHT
	EX./PROP. SEWER MANHOLE
	PROP. WATER SHUT OFF
	EX. CATCH BASIN
	ABUTTER LINE
	PROPERTY LINE
	EX. EDGE OF PAVEMENT
	EX. GRAVEL
	EX. TREELINE
	PROP. TREELINE
	PROP. EDGE OF PAVEMENT
	EX. MINIMUM BUILDING SETBACK
	EXIST. RETAINING WALL
	PROP. CURB
	EX. EASEMENT
	EXIST. BUILDING
	PROP. BUILDING
	PROP. STORMWATER AREA
	100-YEAR FLOOD ZONE
	EX. CONCRETE
	PROP. CONCRETE
	PROP. DRIP EDGE



NO.	DATE	BY	COMMENTS
1	08.05.25	JDM	ADJUST PROPERTY LINE AND ADD FLOOD ELEV

OWNER/APPLICANT:
LEBANON HOUSING AUTHORITY
31 ROMANO CIRCLE
WEST LEBANON, NH 03784

GRANITE ENGINEERING
civil engineering • land planning • municipal services
150 Dow Street, Tower 2, Suite 421
Manchester, New Hampshire 03101
603.518.8030

STAMP:

LOCATION:
TAX MAP 101 LOT 20
31 ROMANO CIRCLE
WEST LEBANON, NEW HAMPSHIRE
03784
GRAFTON COUNTY

PROJECT:
LEBANON HOUSING AUTHORITY

TITLE:
ZBA SITE PLAN

PROJECT No. | DATE: 23-0508-1 | AUGUST 1, 2025 | SCALE: HORIZ. 1"=20'
SHEET: 2 OF 2

P:\3\2025081\04\Production Plans\2305081-51TE.dwg SITE 9/25/2025 9:16:55 AM, Justin.DWG To PDF.pc3, ANSI full bleed D (22.00 x 34.00 inches), 1:1

Romano Cir 1



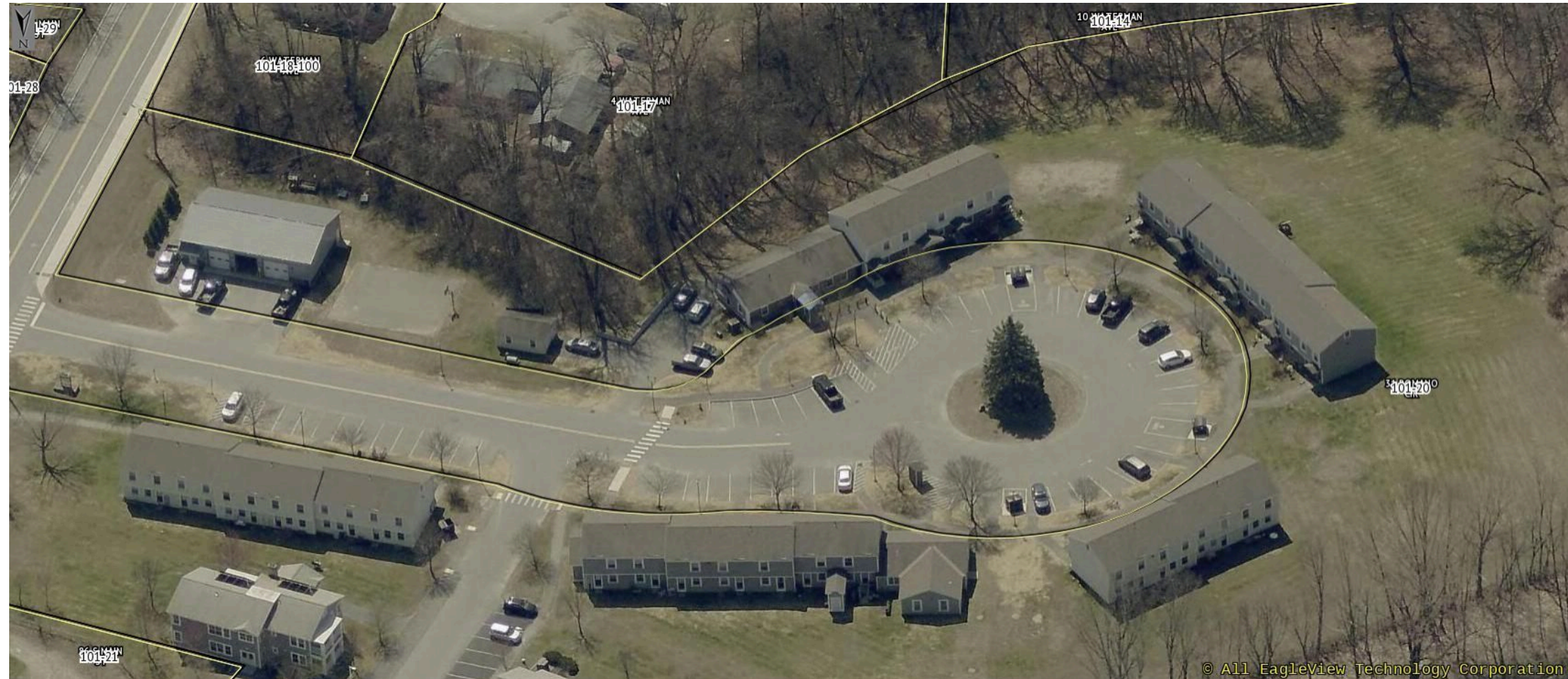
Romano Cir 2



Romano Cir 3



Romano Cir 4





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2024-24-SE
November 3, 2025 Regular Meeting
Lebanon Housing Authority
31 Romano Circle**

DRAFT MOTION for:

Agenda Item: 3.B

Case: ZB2025-24-SE

Request for Special Exception per Section §801.3

Motion made by: _____

On November 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 31 Romano Cir (Tax Map 101, Lot 20), Zoned R-O: The applicant requests a Special Exception from Section 311.2, pursuant to Section 702.5 of the Zoning Ordinance to allow the allow for the **expansion of an existing non-conforming office use** by constructing a one-story, 725 sq ft addition to the existing office building.

I. FINDINGS OF FACT

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

1. The applicant has submitted testimony addressing Section §702.5 criteria in an application received by the Planning & Development Dept. on October 13, 2025.
2. As described in the application, the applicant proposes to expand the existing non-conforming office use by constructing a one-story, 725 sq ft addition to the existing office building.
3. The subject property is improved with 8 multi-family buildings with 46 dwelling units and 1 office.
4. There are no known existing zoning violations on the property.
5. _____

6. _____

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §702.5 of the Zoning Ordinance:

- 1. The Special Exception is specifically authorized by Section §702.5 of the Zoning Ordinance.
- 2. The following criteria of Section §702.5 **have been / have not been** met:

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

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

- c. The proposed expansion shall not have a substantially different effect on the neighborhood in which the property is located.

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

- 4. In no case shall a legal non-conforming use in whole or in part be allowed to expand into a new building, or (except as allowed under subsection B) to any portion of the lot that was not occupied by the non-conforming use at the time such use became non-conforming pursuant to Section 700.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of November, 2025, hereby **GRANTS / DENIES** the requested Special Exception to allow the expansion of the existing non-conforming office use by constructing a one-story, 725 sq ft addition to the existing office building pursuant to Section §702.5 of the Zoning Ordinance to allow 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 ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2024-24-SE
November 3, 2025 Regular Meeting
Lebanon Housing Authority
31 Romano Circle**

DRAFT MOTION for:

Agenda Item: 3.B

Case: ZB2025-24-SE

Request for Special Exception per Section §801.3

Motion made by: _____

On November 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 31 Romano Cir (Tax Map 101, Lot 20), Zoned R-O: The applicant requests a Special Exception from Section 311.2, pursuant to Section 601 of the Zoning Ordinance to allow the permitting of a **Residential Multi-Family Dwelling (5 dwelling units or more)** with an accessory owner / operator office use by constructing a one-story, 725 sq ft addition to the existing office building.

I. FINDINGS OF FACT

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

1. The applicant has submitted testimony addressing Section §702.5 criteria in an application received by the Planning & Development Dept. on October 13, 2025.
2. As described in the application, the applicant proposes to expand the existing non-conforming office use by constructing a one-story, 725 sq ft addition to the existing office building.
3. The subject property is improved with 8 multi-family buildings with 46 dwelling units and 1 office.
4. There are no known existing zoning violations on the property.
5. _____

6. _____

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §702.5 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §311.2 and §601 of the Zoning Ordinance.

2. The following criteria of Section §601 **have been / have not been** met:

a. The proposed New construction **is / is not** compatible with the architectural character or the abutting properties and neighborhoods

b. The proposed parking areas existed prior to 2013 and **are / are not adequate**.

c. The impermeable coverage of the lot is less than 65%.

d. The addition **does / does not** materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of November, 2025, hereby **GRANTS / DENIES** the requested Special Exception to allow the permitting of a Residential Multi-Family Dwelling (5 dwelling units or more) with an accessory owner / operator office use 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 ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Zoning Board of Adjustment

FROM: Planning and Development Department Staff

RE: 2025-2026 Proposed Zoning Amendments

DATE: October 28, 2025

Attached is the list of proposed zoning amendments for the 2025-2026 cycle.

The purpose of the Zoning Board of Adjustment review of the amendments is to provide feedback to City Staff and City Council. A review of the amendments will also be done by the Conservation Commission and the Planning Board. Leading up to this meeting, the Planning Department Staff has held public information sessions about the map amendments and presented the amendments to the Planning Board and Heritage Commission at public meetings to get feedback. Staff has taken the feed back into account in the versions presented to City Council.

The amendments are broken up in to six categories. The first category is amendments required due to State legislative updates. The second category is map amendments. These map amendments are the result of the 120 Corridor Study that was completed in 2024. The study area was broken in to three areas for the purpose of rezoning: Centerra/Alteria, LaBombard Road, and Heater Road. The final map amendments for this area are for conservation purposes that protect an existing wildlife corridor from further development. Included in the map amendments are corresponding text amendments. The third category consists of amendments that are sponsored by City Boards. The fourth category is larger text amendments to entire sections of the Zoning Ordinance. The fifth category is smaller miscellaneous and technical amendments, such as changes to definitions. And the final category is petitioned amendments. Petitioned amendments are amendments brought forward by members of the public and not City staff or Boards.

Please note that there are two amendments proposed for Section 607.8 “Electric Vehicles”. The City Council has created a working group to navigate having multiple amendments proposed for the same topic.

Included at the end of this packet are the legal option letters from City Attorney, Matt Decker.

The amendments included in this packet include:

1. State Legislative Updates:
 - a. **Amendment 1:** HB1361: Manufactured Homes
 - b. **Amendment 2:** HB631: Multifamily Residential
 - c. **Amendment 3:** HB284: Residential Parking Requirements
 - d. **Amendment 4:** HB577: ADUs
2. Map Amendments and corresponding text amendments:
 - a. **Amendment 5:** Centerra/Altaria
 - b. **Amendment 6:** Conservation Area
 - c. Amendment 7: LaBombard Road
 - d. Amendment 8: Heater Road
 - e. Amendment 9: Wildlife Corridor Map and Text
 - f. **Amendment 10:** Northern Lebanon Use Tables & Text
3. City Board, Commission, Committee Sponsored Amendments
 - a. **Amendment 11:** Section 408: Historic District (Heritage Commission Sponsored)
 - b. **Amendment 12:** Mobile Food Service Vending Ordinance (Food Truck Task Force)
 - c. **Amendment 13:** EV Regulations Section 607.8 (LEAC Sponsored)
4. Text Amendments
 - a. **Amendment 14:** Section 608: Signs; Definitions: Window Signs & regulatory streamlining
 - b. **Amendment 15:** Section 411: Pattern Zones Overlay District
 - c. **Amendment 16:** Section 509: Cottage Cluster Developments
5. Misc & Technical Amendments
 - a. **Amendment 17:** Definition of *Care and Treatment of Animals* broken down & change of corresponding use tables.
 - b. **Amendment 18:** Section 1000
 - c. **Amendment 19:** Definition of **Lot** & Definition of **Agriculture**
 - d. **Amendment 20:** Changes to Impact Fees
6. Petitioned Amendments
 - a. **Petitioned Amendment 1: Map Amendment** Rezoning of Parcels along Old Pine Tree Cemetery Rd from RL-2 to R-3. Representative: Dan Nash, PE
 - b. **Petitioned Amendment 2: Map Amendment** Rezone Parcel 26-2 on Etna Road from IND-L and RL-3 to GC-1. Representative: Dan Nash, PE
 - c. **Petitioned Amendment 3:** Change of Light Industrial Use Table: Addition of "Vehicular Repair" to IND-L. Representative: Chip Brown
 - d. **Petitioned Amendment 4:** Amendment to the Electric Vehicle Ordinance, Section 607.8. Representative: Jon Livadas

Below is the 2025-2026 Zoning Amendment Schedule. Over the next few months, the 20 Zoning Amendments and any petitioned amendments will be reviewed by the land use boards. Any comments from the Boards will be compiled and given to City council for the review and Public Hearings in January.

Amendment	Date	Who	Staff Responsibility
2025-26 Amendments	8/18/2025	Planning Staff	Get packet to Crystal for PB meeting
2025-26 Amendments	8/25/2025	Planning Board	PB Final Consideration Meeting
2025-26 Amendments	9/2/2025	Planning Staff	Get packet to Crystal for PB meeting
2025-26 Amendments	9/8/2025	Planning Board	Extra: PB Final Consideration Meeting, if needed
2025-26 Amendments	End of Aug - Beginning of Sept	Planning Staff	Staff Complete Writing Draft Ordinances
2025-26 Amendments	9/22/2025	Planning Staff	Packet due to David for City Council Meeting
2025-26 Amendments	10/1/2025	City Council	Order to Land Use Boards
2025-26 Amendments	10/9/2025	Planning Staff	Send to Legal for Review
2025-26 Amendments	10/27/2025	Legal	Legal Review Letters Due
2025-26 Amendments	10/27/2025	Planning Staff	Get ZBA Packet to Tiffany
2025-26 Amendments	11/3/2025	ZBA	ZBA Review of Amednments
2025-26 Amendments	11/6/2025	Planning Staff	Get ConCom Packet to Crystal
2025-26 Amendments	11/13/2025	Conservation Commission	ConCom Review of Amendments
2025-26 Amendments	11/17/2025	Planning Staff	Get PB Packet to Crystal
2025-26 Amendments	11/24/2025	Planning Board	PB Review of Amendments
2025-26 Amendments	12/18/2025	Planning Staff	Due: Public Notices and RSA written and reviewed
2025-26 Amendments	12/29/2025	Planning Staff	Get Packet to David for Council Meeting
2025-26 Amendments	1/7/2026	City Council	Council call for Public Hearing
2025-26 Amendments	1/8/2026	Planning Staff	RSA Letters go out
2025-26 Amendments	1/12/2026	Planning Staff	Get Packet to David for Council Meeting
2025-26 Amendments	1/21/2026	City Council	Council Public Hearing
Planning Board Meeting			
City Council Meeting			
ZBA Meeting			
ConCom Meeting			

Amendment 1

Manufactured Homes

From: State Law Changes – 2024 HB 1361

1 The amendment is necessary to be in compliance with changes in State statute 2024 HB 1361.

2 State Change:

3 2024 HB 1361 – Manufactured Homes

4 This bill requires municipalities that adopt land use control measures to provide reasonable and
5 realistic opportunities for the siting of manufactured housing on individual lots and in
6 manufactured housing parks and subdivisions within residential districts. The bill also directs
7 municipalities to provide reasonable and realistic opportunities for expansion of existing
8 manufactured housing parks.

9

10 1 Local Land Use Planning and Regulatory Powers; Manufactured Housing. RSA 674:32, I is
11 repealed and reenacted to read as follows:

12 I.(a) Municipalities shall afford reasonable and realistic opportunities for the siting of
13 manufactured housing as required in subparagraph

14 (b) and a municipality shall not exclude manufactured housing completely from the
15 municipality by regulation, zoning ordinance or by any other police power.

16 (b) A municipality that adopts land use control measures shall allow, in its sole discretion,
17 manufactured housing to be located:

18 (1) On individual lots in most, but not necessarily all, land areas and lots in districts
19 zoned to permit residential uses within the municipality; or

20 (2)(A) In manufactured housing parks, as defined in RSA 205-A:1, II, in most, but
21 not necessarily all, land areas and lots in districts zoned to permit residential uses
22 within the municipality; and

23 (B) In subdivisions created for the placement of manufactured housing on
24 individually owned lots in most, but not necessarily all, land areas and lots in
25 districts zoned to permit residential uses within the municipality; or

26 (3) In all 3 types of locations.

27 (c) Manufactured housing located on individual lots pursuant to subparagraph (b)(1) shall
28 comply with lot size, frontage requirements, space limitations and other reasonable
29 controls that conventional single-family housing in the same district must meet. No special
30 exception or special permit shall be required for manufactured housing located on
31 individual lots pursuant to subparagraph (b)(1) or manufactured housing subdivisions
32 pursuant to subparagraph (b)(2)(B) unless such special exception or permit is required by
33 the municipality for single family housing located on individual lots or in subdivisions.

34 (d) Municipalities permitting manufactured housing parks pursuant to subparagraph
35 (b)(2)(A) shall afford reasonable and realistic opportunities for their development. In order
36 to provide such opportunities, lot size and overall density requirements for manufactured
37 housing parks shall be reasonable and realistic.

38 (e) Municipalities shall allow reasonable and realistic opportunities for the expansion of
39 manufactured housing parks existing as of July 1, 2024. For expansion of existing
40 manufactured housing parks, municipalities shall not require standards stricter than NFPA
41 501A, “Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and
42 Communities”.

43

Amendment 1

Manufactured Homes

From: State Law Changes – 2024 HB 1361

44 Proposed Zoning Changes:

45 SECTION 209 MANUFACTURED HOUSING.

46 Manufactured housing units are permitted only in manufactured housing parks or in
47 manufactured housing PURDs. See Section 503 (“MANUFACTURED HOUSING PARKS”) and
48 Section 504 (“MANUFACTURED HOUSING PURDs”). Manufactured Housing Units shall also
49 be allowed in zoning districts that allow one-family dwellings with the following conditions:

50 1. The Manufactured housing unit shall be a one-family dwelling

51 2. The Manufactured housing unit shall be on a foundation

52 3. A manufactured housing unit shall not be used as an ADU

53 4. Design elements such as landscaping, porches, pitched roofs, and stone or bricks
54 accents are encouraged

55 4.5. The manufactured housing unit shall follow all setbacks, parking, and regulations
56 of the zoning district.

57 2.6. Manufactured housing units are not eligible for the Pattern Zones Overlay District
58 zoning enhancements.

Amendment 2
Multi-family Residential Development
From: State Law Changes – 2025 HB 631

1 The amendment is necessary to be in compliance with changes in State statute HB 631.
2
3 HB 631 requires municipalities to allow multi-family residential development on commercially
4 zoned land, provided that adequate infrastructure for roads, water and sewerage systems are
5 available to support that development. Municipalities may still restrict residential development in
6 zones where industrial and manufacturing uses are permitted. Nevertheless, municipalities may
7 require that ground floor space in the commercial zone property may be required to be
8 dedicated in whole or in part to retail or similar uses. Where an existing building is being
9 repurposed to adaptive reuse for residential purposes, municipalities shall afford exemptions to
10 setbacks, height or frontage of a building, provided these dimensional elements do not change.
11 When implementing this new mandate locally, the definitions in the statute must be adhered to
12 in determining whether the proposed use must be permitted; however, municipalities are not
13 required to update their zoning ordinances with these definitions.
14 The City of Lebanon already allows for multi-family residential development in all impacted
15 zoning districts except for the MC district. MC is limited in area within the city and contains the
16 DHMC main campus. A code change for the MC district will resolve the State mandated
17 changes. The proposed use code change is as follows:

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Amendment 2

Multi-family Residential Development

From: State Law Changes – 2025 HB 631

34 SECTION 315 MEDICAL CENTER DISTRICT (MC).

35 315.2 Table of Uses.

36

<u>Permitted Uses</u>	<u>Uses by Special Exception</u> (see Section 801.3)
	1. Recovery Houses
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> 1. Essential service 2. Group day care facility per Section 604 3. Health club 4. Hospice 5. Medical center complex per Section 506 6. Medical office building 7. Medical research facility 8. Renewable energy system per Section 612 9. Retail product pickup 	<u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> 1. Drive-through facility 2. Financial institution 3. Inpatient rehabilitation facility 4. Motel 5. Hotel 6. Office 7. Parking facility 8. Personal service 9. Restaurant 10. Retail store 10-11. Multi-Family Residential <u>Planned Developments</u> <ol style="list-style-type: none"> 11-12. Commercial PUD per Section 501

37

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

1 The amendment is necessary to be in compliance with changes in State statute HB 284. The
 2 legislature and the governor are reducing the minimum parking requirements for a dwelling unit
 3 to one space per unit. The reduction in the minimum required also triggers the need to change
 4 the maximum parking spaces allowed as well.

5

6 SECTION 607 PARKING.

7 607.1 Table of Minimum Off-Street Parking Requirements.

8

9 A. Except as otherwise provided below, a **lot** shall provide the minimum number of
 10 **off-street parking spaces** as set forth in the following "Table of Minimum Off-
 11 Street Parking Requirements." For uses not listed in the table, the minimum
 12 requirement shall be that of the closest similar use as determined by the Zoning
 13 Administrator.

14

15 B. The minimum number of required **off street parking spaces** for **lots** with more
 16 than one principal use shall be determined per Section 607.6 ("Shared Parking").

17

18 C. The minimum number of required off-street parking spaces for **accessory uses**
 19 shall be calculated separately from the principal use where the minimum parking
 20 requirement for the **accessory use** is less than that required for the **principal use**.

21

22 D. For residential uses as defined in RSA 676:16-a, I, an alternative parking solution
 23 as that term is defined in RSA 676:16-a, I, may be authorized by the Planning
 24 Board notwithstanding the requirements of the Table of Minimum Off-Street
 25 Parking Requirements pursuant to RSA 676:16-a ("On Site Parking
 26 Requirements").

27

28

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
 (Rounded down to the nearest whole - See Section 607.2)

29

30

31

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
RESIDENTIAL		
Dwelling, One-family/Two-family detached and attached	Dwelling units	1.02-0
Dwelling, Studio Apartment	Dwelling units	1.0
Dwelling, Apartment, One-bedroom and up	Dwelling units	1.04-5
Senior Housing	Dwelling units	1.0

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
<i>Group residence</i>	Residents	0.33
<i>Lodging house</i>	Rental units	2.0 base + 1.0/bed
<i>Cottage Development</i>	<i>Cottage</i>	1.0
INSTITUTIONAL, ETC.		
<i>Medical center complex</i>	<i>Gross floor area</i>	1.0/425 sq. ft.
Hospital, <i>nursing home</i>	Beds & Employees on largest shift	0.33/bed & 0.33/employee
Houses of worship and other places of public assembly (i.e. theaters, auditoriums, recreational facilities, conference or meeting facilities and the like.)	Seats or <i>gross floor area</i> of assembly area if no seats	0.33/seat or 1/20 sq. ft.
Group day care	Employees and clients	1.0/employee & 1.0/8 clients
<i>Membership club</i>	<i>Gross floor area</i>	1/300 sq. ft.
SCHOOLS		
Elementary, Jr. High	Classrooms	3.0
Senior High	Classrooms	5.0
Post secondary and Voc-Ed	<i>Gross floor area</i>	1/300 sq. ft.
COMMERCIAL		
<i>Motel, hotel</i>	Rental Units	1.2 plus <i>restaurant</i> component, if applicable.
<i>Tourist home</i> , bed and breakfast	Rental units	2.0 (base) + 1.0 per unit plus <i>restaurant</i> component, if applicable.
<i>Restaurant</i>	Seats	0.33
Bowling alleys	Lane	4.0
<i>Office</i>	<i>Gross floor area</i>	1.0/250 sq. ft.
Retail	<i>Gross floor area</i>	1.0/200 sq. ft.
Retail- e.g. convenience store, bakery, take-out food establishments	<i>Gross floor area</i>	1.0/200 sq. ft.
<i>Personal service</i>	<i>Gross floor area</i>	1.0/250 sq. ft.
Banks	<i>Gross floor area</i>	1.0/250 sq. ft.

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
Furniture store, major appliance store, carpet store, vehicular sales , nursery, greenhouses	Gross floor area	1.0/600 sq. ft.
Automotive services (i.e. repair facilities, tire sales and mounting)	Service bays	4.0/Bay
Funeral home	Gross floor area in assembly rooms	1.0/75 sq. ft.
Other commercial	Gross floor area	1.0/600 sq. ft.
Alternative Treatment Center	Gross Floor Area	1.0/250 sq. ft.
Alternative Treatment Center (Cultivation Location Only)	Gross Floor Area	1.0/600 sq. ft.
INDUSTRIAL		
Warehouse (includes self-storage) and truck/ bus terminal	Gross floor area	1.0/1,000 sq. ft.
Light industry & Research lab	Gross floor area	1.0/600 sq. ft. or 1.0/employees for the largest shift (whichever is larger)
Outdoor storage and sales	Gross area of storage/sales	1.0/2,000 sq. ft.

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607.2 Reduction of Minimum Required Parking Spaces.

The Planning Board may allow by **conditional use** permit a reduction of up to 30% in the number of **off-street parking spaces** required to be built, provided an area is reserved on the approved site plan to accommodate the minimum number of required **off-street parking spaces** should they become necessary in the future. The construction of any unbuilt parking spaces shall be reviewed and approved by the Planning Board as a modification of the approved site plan.

607.3 Maximum Off-Street Parking Requirement.

A. The maximum off-street parking allowed is 120% of the minimum requirement set forth in Section 607.2. (For example, if a use or development is required to have 100 **off-street parking spaces**, then the maximum allowed for that use or development is 120 **off-street parking spaces**.) ~~The maximum parking requirement shall not apply to one-family and two-family dwellings.~~

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

50 The maximum off-street parking allowed for residential uses is 200% of the
51 minimum requirement set forth in **TABLE OF MINIMUM OFF-STREET PARKING**
52 **REQUIREMENTS.**

53
54
55 B. Off-street parking in excess of 120% but not more than 150% of the minimum
56 requirement for commercial or mixed-use properties set forth in Section 607.2 may
57 be permitted as set forth below.

58
59 1) The following categories of parking spaces shall not be counted towards
60 the 120% maximum set forth in subsection A, but shall be subject to the
61 150% cap set forth in subsection B:

- 62
63 a. Spaces provided within a **parking structure**.
64 b. Spaces dedicated for vehicles participating in a carpool, vanpool,
65 or car-share program. Such spaces shall be reserved and used only
66 for carpool, vanpool, or car-share program parking, and shall be
67 signed or marked accordingly.

68
69 2) For spaces other than those described in subsection B.1), the Planning
70 Board may approve parking in excess of the 120% maximum set forth in
71 subsection A by **conditional use** permit provided that the following criteria
72 are met:

- 73
74 a. The need for additional parking cannot reasonably be met through
75 provision of on-street parking or shared parking with adjacent or
76 nearby uses;
77 b. The proposed development demonstrates that its design and
78 intended uses will continue to support high levels of existing or
79 planned transit and pedestrian activity; and,
80 c. The site plan indicates where additional parking can be
81 redeveloped to a more intensive transit supportive use in the future.
82 d. In no case shall the Planning Board approve parking for any use or
83 development that exceeds 150% of the minimum requirement as
84 set forth in Section 607.2.

85
86 C. Exception. The maximum parking requirements set forth in subsections A and B
87 shall not apply to any change of use within an existing **building** which does not
88 require Site Plan review or where no additional parking spaces are proposed or
89 required per Section 607.1.

90 607.4 CB, LD and PB Parking.

91
92 Uses in the CB District, LD District, and the PB District are subject to the maximum off-
93 street parking requirements of Section 607.3, but are exempt from the minimum off-street

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

94 parking requirements of Section 607.1 because of the availability of public parking.
95 However, parking requirements in these districts shall be as required by the Planning
96 Board through its Site Plan Review of new uses or changes or expansion of use.

97 98 607.5 Off-Lot Parking.

99
100 Parking shall be provided on the same **lot** as the use for which the parking is accessory,
101 except as follows:

102
103 A. In the IND-L, IND-H, IND-RA, GC, GC-1, CB, LD, RO, RO-1, PB, and MC Districts,
104 the Planning Board may approve private off-lot parking as a **conditional use**
105 permit. Instead of the findings required by Section 302.4, the Board shall determine
106 that:

- 107
108 1. The minimum number of required **off-street parking spaces** as calculated
109 pursuant to Section 607.1, and per Section 607.4 for developments in the
110 CB, LD, and PB Districts, cannot feasibly be accommodated on-site.
- 111
112 2. The off-lot use to be served is an allowed use in the zoning district in which
113 the off-lot parking area will be located.
- 114
115 3. The off-lot parking area is in an appropriate location for the use served by
116 the parking and will not be detrimental to abutting properties.
- 117
118 4. Such parking arrangements are either permanently deeded and recorded
119 or conveyed by an irrevocable 99-year lease or some other legal
120 instrument, acceptable to an attorney representing the City, and submitted
121 with the Conditional Use Permit application for approval by the Planning
122 Board. Such legal agreement shall ensure that such parking arrangement
123 will remain as long as the need exists.
- 124
125 5. The off-lot parking will not constitute a hazard to traffic or pedestrians.

126
127 B. For conversions of **one-** or **two-family dwellings** to **multi-family dwellings** or
128 where adding additional **dwelling units** to an existing **multi-family dwelling**, the
129 Planning Board may approve private off-lot parking, as a **conditional use** permit.
130 Instead of the findings required by Section 302.4, the Board shall determine that:

- 131
132 1. The minimum number of required **off-street parking spaces** cannot
133 feasibly be accommodated on-site.
- 134
135 2. The off-lot parking area is on a lot that is (i) adjacent to the **dwelling**
136 involved, and (ii) located in a zoning district that allows **multi-family**
137 **dwellings** to the same extent as allowed in the zoning district where the
138 **multi-family dwelling** is located.

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

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3. The off-lot parking area is appropriately screened from abutting properties.
 4. The off-lot parking will not be detrimental to abutting properties.
 5. Such parking arrangements are permanently and irrevocably deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, and submitted with the Conditional Use Permit application for approval by the Planning Board. Such legal agreement shall ensure that such parking arrangement will remain as long as the need exists.
 6. The off-lot parking will not constitute a hazard to traffic or pedestrians

Amendment 4

Accessory Dwelling Unit

From: State Law Changes – 2025 HB 577

1 The amendment is necessary to be in compliance with changes in State statute HB577.

2

3 SECTION 610 ACCESSORY DWELLING UNIT (ADU).

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

7

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

9

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

15

16 B. ~~If attached, the appearance and character of the existing or proposed ADU shall~~
17 ~~remain single family in nature if converting a one-family dwelling to a one-family~~
18 ~~dwelling with an ADU, and shall remain two-family in nature if converting a two-~~
19 ~~family dwelling to a two-family dwelling with an ADU. If detached, the A detached~~
20 **ADU** shall maintain the primary building's architectural style, proportional mass,
21 size, and height to ensure it is not taller than the principal building on the lot. A
22 **detached ADU** may be permitted to be taller than the principal building by **special**
23 **exception**.

24

25 C. The property owner must occupy one of the **dwelling units** as their permanent
26 residence. A temporary leave of absence of no more than one (1) year by the
27 property owner is allowed, provided the owner-occupied unit is not rented or
28 occupied by anyone other than the property owner during the temporary leave or
29 absence.

30

31 Prior to the issuance of a zoning permit, the owner shall record in the Grafton
32 County Registry of Deeds an Accessory Dwelling Unit Owner Occupancy
33 Restriction, in a form satisfactory to the Zoning Administrator, in order to put
34 prospective buyers on notice of the prohibition against renting out both units. All
35 recording fees shall be the responsibility of the applicant.

36

37 D. ~~The ADU must be located in the same building as the principal dwelling unit(s)~~
38 ~~unless the lot meets or exceeds the minimum required lot size for the respective~~
39 ~~zoning district. If the lot meets or exceeds the required minimum lot size, the ADU~~
40 ~~may be located in a separate detached accessory structure such as a garage or~~
41 ~~barn, provided the existing accessory structure conforms with the minimum~~
42 ~~required yard requirements for the respective zoning district. An ADU may also be~~
43 ~~in a new structure. By special exception, the Zoning Board of Adjustment may~~

Amendment 4

Accessory Dwelling Unit

From: State Law Changes – 2025 HB 577

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 and NH RSA 674:72, V, 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** ~~shall not exceed may be no the~~ greater ~~than of~~ 750 sq. ft. or 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 beshall not exceed the no~~ greater of 750 sq. ft. or 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

Amendment 4

Accessory Dwelling Unit

From: State Law Changes – 2025 HB 577

89 Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely
90 affect the character of the neighborhood; traffic on roads and highways; safety of
91 pedestrians, and will not create a hazard or nuisance to abutting property owners.
92

93 I. In addition to the ~~two-one~~ (21) parking spaces required for each principal **dwelling**
94 **unit**, one (1) additional parking space for the **ADU** must be provided either on-site
95 or at a legally dedicated off-site location, at the property owner’s discretion.
96

97 J. An **ADU** located within the **principal building** shall have interconnected smoke
98 and carbon monoxide alarms.
99

100 A. An ADU Permit application submission shall include a minimum of the following
101 materials and exhibits demonstrating compliance with the applicable Zoning
102 Ordinance requirements:
103

104 1. Existing and proposed site conditions and parking plan.
105

106 2. Existing and proposed floor plans for all dwelling units and structures.
107 a. If applicable this floor plan shall show compliance with ADU
108 entrance, interconnection and the smoke and carbon monoxide
109 alarm plan requirements.
110

111 3. A gross living area square footage calculation which includes existing and
112 proposed floor plans, and a square footage calculation for both the primary
113 dwelling and ADU demonstrating adherence with 610.G ADU Size
114 pursuant to the definition of gross living area within Appendix A Definitions.
115

116 4. A signed, recordable “Accessory Dwelling Unit Owner Occupancy
117 Restriction”.
118

119 5. A bank or business check or money order for all recording fees made
120 payable to the Grafton County Registry of Deeds.
121

122 6. If applicable a copy of the State of NH Dept. of Environmental Services
123 Subsurface Systems Bureau Approval and plans.
124

125 7. If applicable a Water Connection Permit Application.
126

127 8. If applicable a Sewer Connection Permit Application.
128

129 9. Impact Fee Invoice Acknowledgment.
130

Amendment 4
Accessory Dwelling Unit
From: State Law Changes – 2025 HB 577

APPENDIX A DEFINITIONS

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ACCESSORY BUILDING: A *building* subordinate and customarily incidental to the main *building* on the same lot. The term "accessory building", when used in connection with *agriculture* shall include all buildings customarily used for farm purposes.

ADU-ACCESSORY DWELLING UNIT (ADU): This term shall have the meaning as set forth in RSA 674:71, I, as amended, except that an ADU may also be located on a lot containing a two-family dwelling and the definition set forth in RSA 674:71, I, shall be interpreted and applied accordingly. 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*. (See Section 610)

ADU, ATTACHED: This term shall have the meaning as "attached unit" as set forth in RSA 674:71, II, as amended.

ADU, DETACHED: This term shall have the meaning as "detached unit" as set forth in RSA 674:71, III, as amended.

Amendment 5

Northern Lebanon Map Amendment – Centerra / Altaría

From: Zoning Staff and 120 Corridor Study

1 Amendment 5 seeks to Rezone the Centerra / Altaría neighborhood to promote additional
2 development in the area. The Centerra area of the amendment reflects the existing Deed
3 Restricted uses within the neighborhood. The rezone will preserve the established use structure
4 within the Centerra neighborhood. The rezone includes changing Alaría from Ind-L to GC-1. The
5 zoning change will promote more possible housing and mixed-use development in the
6 neighborhood. Please note that the existing Industrial lots within Centerra will remain
7 unchanged as IND-L lots.

8 The Following Parcels are included:

9	Address	Parcel	Proposed Zoning	Current Zoning
10	0 Centerra Parkway	10-11-1400	CBD	IND-L
11	2 Morgan Drive	10-11-1300	CBD	IND-L
12	10 Morgan Drive	10-11-1302	CBD	IND-L
13	12 Centerra Parkway	10-11-100	CBD	IND-L
14	34 Centerra Parkway	10-11-300	CBD	IND-L
15	35 Centerra Parkway	10-11-1500	GC-1	IND-L
16	38 Centerra Parkway	10-11-400	GC-1	IND-L
17	41 Centerra Parkway	10-11-1600	GC-1	IND-L
18	46 Centerra Parkway	10-11-2000	GC-1	IND-L
19	11 Lafayette Street	10-11-2100	GC-1	IND-L
20	33 Morgan Drive	10-11-700	GC-1	IND-L
21	21 Lafayette Street	10-11-2300	GC-1	IND-L
22	20 Morgan Drive	10-11-1200	GC-1	IND-L
23	Cavendish Court	10-34	GC-1	IND-L
24	Cavendish Court	10-33	GC-1	IND-L
25	Cavendish Court	10-32	GC-1	IND-L
26	Cavendish Court	10-35	GC-1	IND-L
27	Cavendish Court	10-31	GC-1	IND-L
28	Cavendish Court	10-26	GC-1	IND-L
29	Cavendish Court	10-30	GC-1	IND-L

Amendment 5

Northern Lebanon Map Amendment – Centerra / Altaria

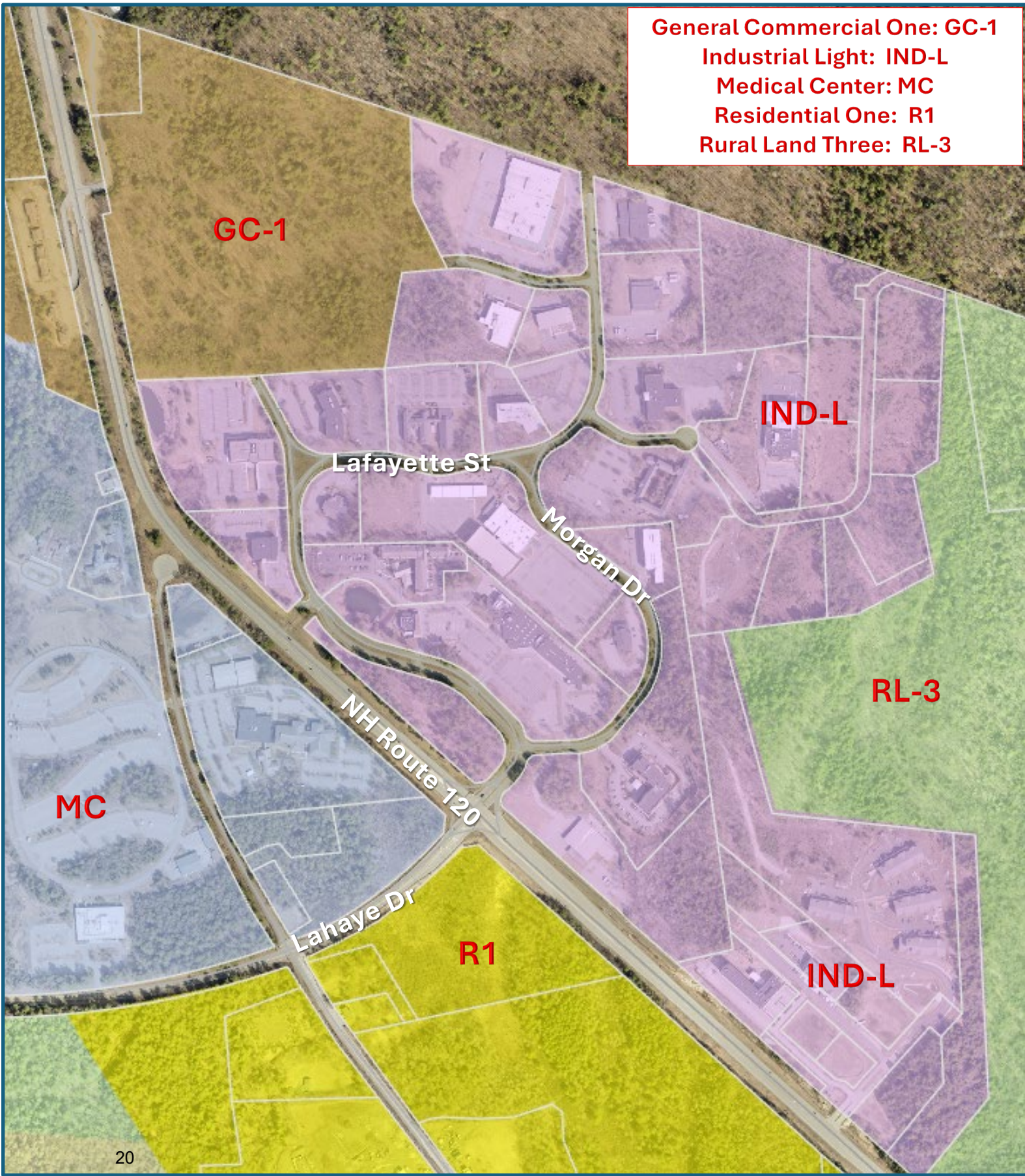
From: Zoning Staff and 120 Corridor Study

30	Cavendish Court	10-27	GC-1	IND-L
31	Cavendish Court	10-29	GC-1	IND-L
32	Cavendish Court	10-28	GC-1	IND-L
33	25 Foothill Street	24-14-100	GC-1	IND-L
34	Foothill Street	24-14-800	GC-1	IND-L
35	260 NH Route 120	24-14	GC-1	IND-L
36	14 Merchant Street	24-14-600	GC-1	IND-L
37	NH Route 120	24-16	GC-1	IND-L
38	15 Merchant Street	24-14-400	GC-1	IND-L
39	5 Merchant Street	24-14-500	GC-1	IND-L
40	6 Merchant Street	24-14-300	GC-1	IND-L
41	18 Merchant Street	24-14-200	GC-1	IND-L
42	0 Merchant Street	24-14-700	GC-1	IND-L
43	60 Alta Boulevard	10-12	GC-1	IND-L
44	Map Amendment follows:			

Amendment #5

Existing Zoning

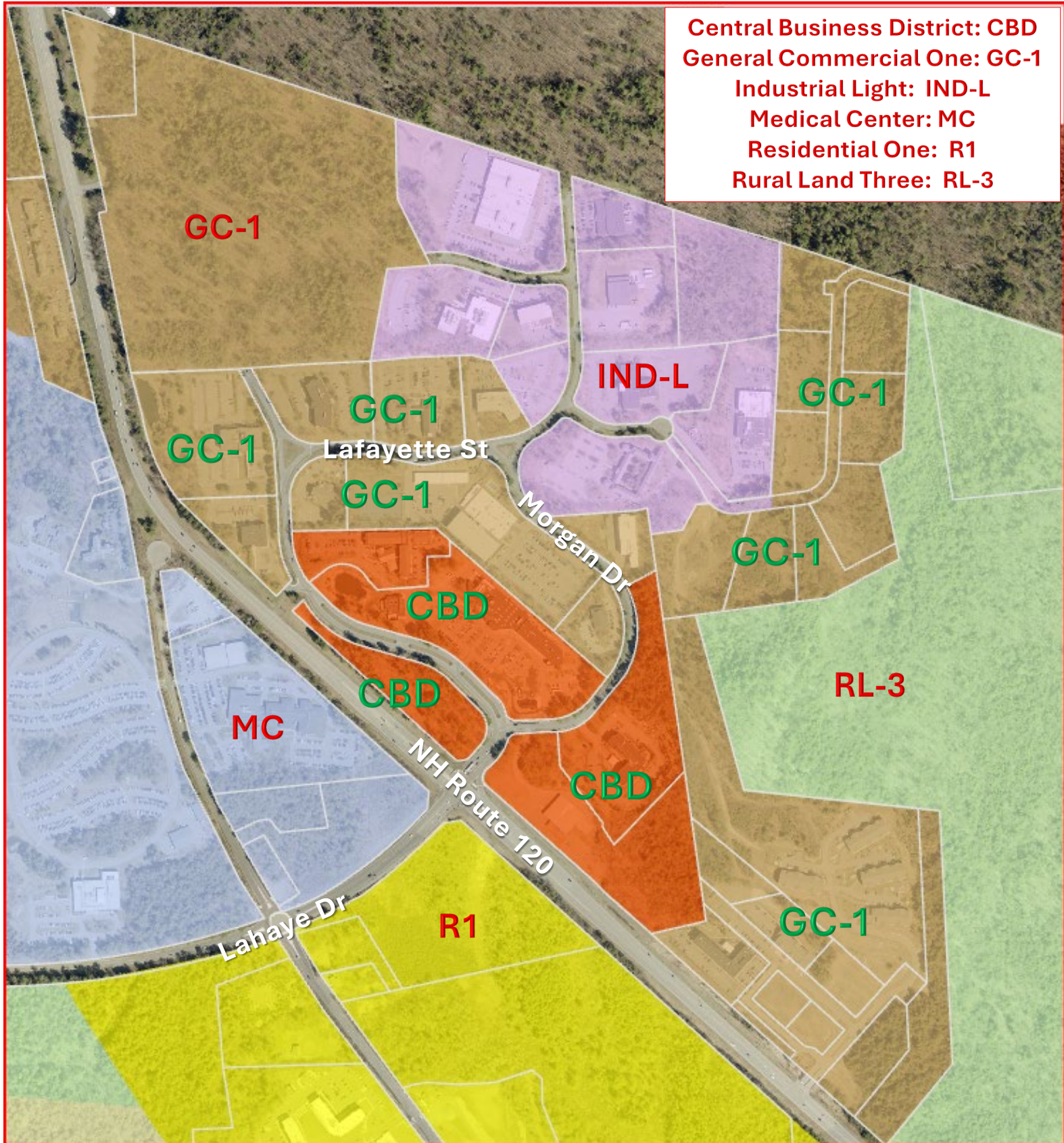
- General Commercial One: GC-1
- Industrial Light: IND-L
- Medical Center: MC
- Residential One: R1
- Rural Land Three: RL-3



Amendment #5

Proposed Zoning

(Fall 2025 Amendment)



Central Business District: CBD
General Commercial One: GC-1
Industrial Light: IND-L
Medical Center: MC
Residential One: R1
Rural Land Three: RL-3

Amendment 6

Northern Lebanon Map Amendment – Conservation Area

From: Zoning Staff and 120 Corridor Study

1 Amendment 6 seeks to Rezone the several key properties in the area due to unique geographic
2 features. Rezoning these areas to RL-3 will reduce the possible uses of the area from IND-L to
3 RL-3 and will provide steep slopes protection. RL-3 includes steep slope protection. The change
4 will target limited areas identified in studies over the years and referenced in the Northern
5 Lebanon planning conversation. The alteration of the RL-3 map area in key sensitive locations
6 allows for the Wildlife Overlay to be greatly reduced in scope by eliminating the need for wetland
7 and steep slope protections by policy. This approach is much more limited and targeted to key
8 sensitive geological and wildlife areas.

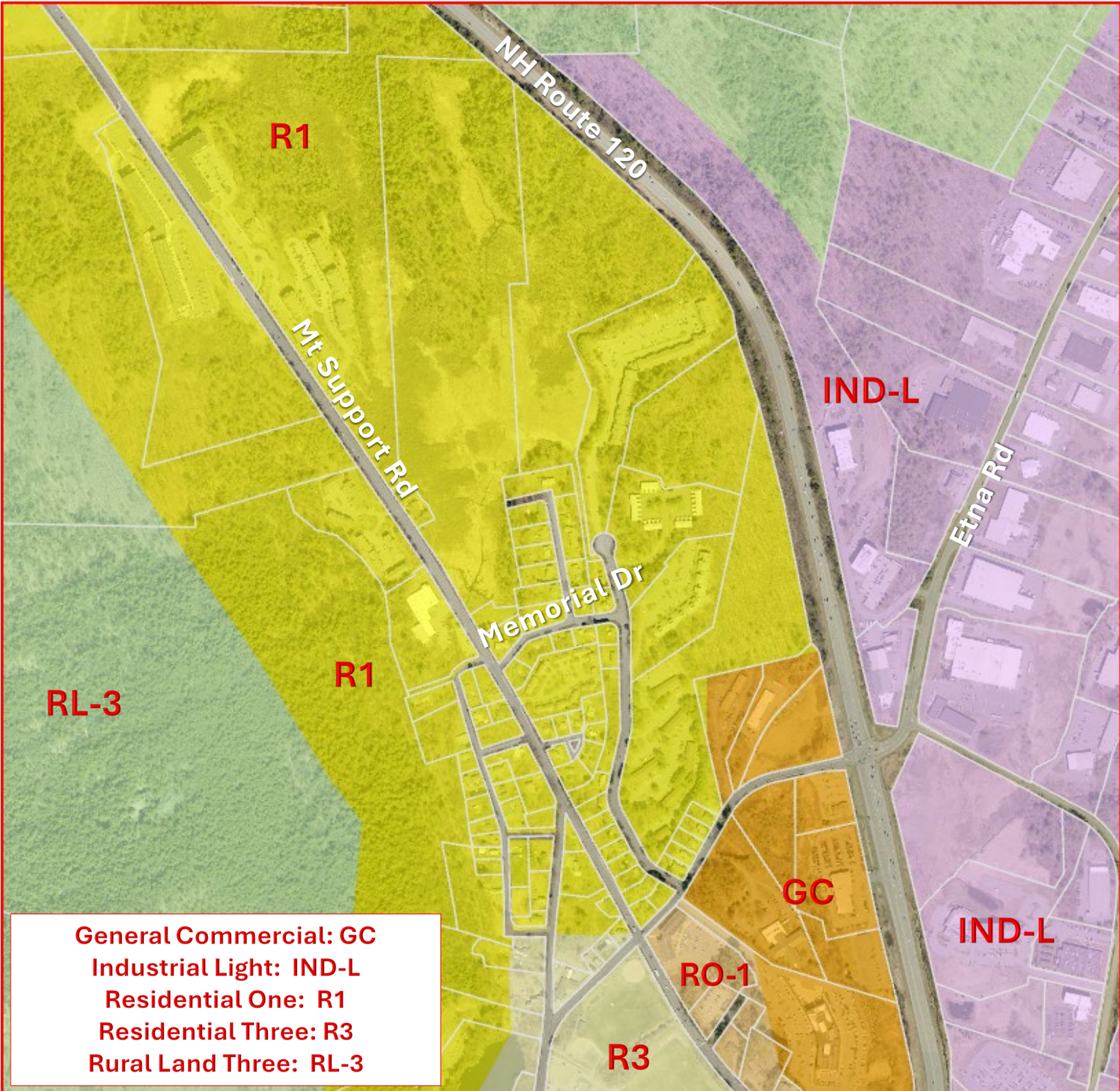
9 The Following Parcels are included:

10	Address	Parcel	Proposed Zoning	Current Zoning
11	67 – 69 Etna Road	26-2	RL-3 and IND-L Line Change	RL-3 and IND-L
12	85 Etna Road	37-4	RL-3 and IND-L Line Change	RL-3 and IND-L
13	96 Etna Road	37-5	RL-3 and IND-L Line Change	RL-3 and IND-L
14	101 Etna Road	37-7	RL-3 and IND-L Line Change	RL-3 and IND-L
15	0 Mt. Support Road	76-10	R-1 and RL-3 Line Change	RL-3 and R-1

16 Map Amendment follows:

Amendment #6

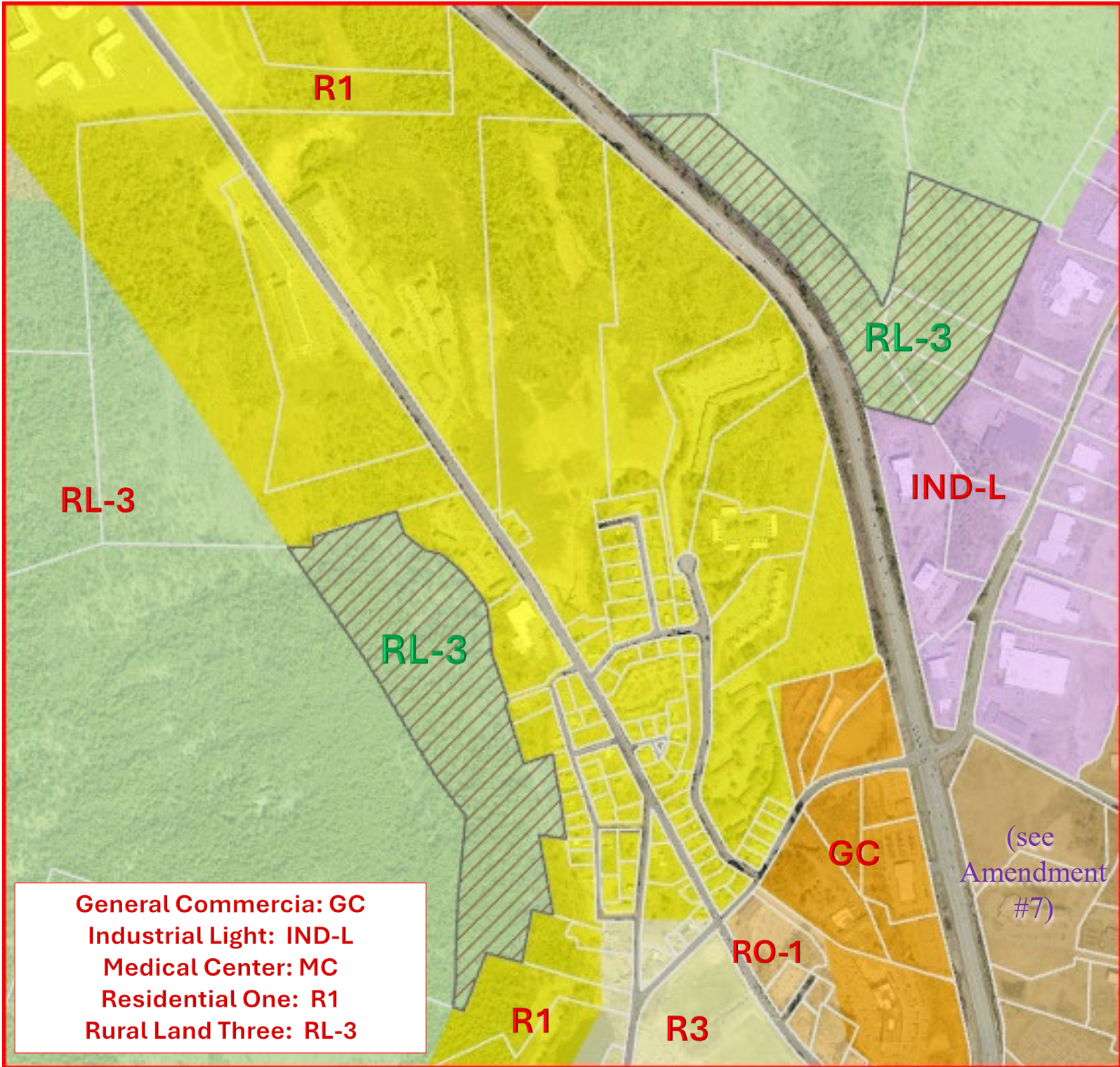
Existing Zoning



Amendment #6

Proposed Zoning

(Fall 2025 Amendment)



Amendment 7

Northern Lebanon Map Amendment – LaBombard Road Area

From: Zoning Staff and 120 Corridor Study

1 Amendment 7 seeks to Rezone the several key properties in the LaBombard Road area. There
2 are three notable inclusions and exclusions. See below for further explanation. The center of
3 this rezoning request is to bring additional residential and mixed-use development opportunities
4 into the Northern Lebanon area in the LaBombard neighborhood. The change will allow for
5 possible residential as well and mixed-use within the area. Along with the proposed use
6 changes several non-conformities are resolved.

7

8 The Etna Road area was excluded from rezoning consideration. Multiple business owners with
9 manufacturing businesses along Etna Road requested to remain IND-L. During the public
10 meetings held on the topic it was clear that the Etna Road area has been heavily built out as an
11 industrial neighborhood. Further it appears that area will remain as an industrial focused
12 neighborhood with little appetite or room to infuse residential use into the area. Thus, the Etna
13 Road was removed from the request.

14

15 Hatch Amendment. A citizen petitioned amendment from last spring to reshape and rezone the
16 zoning of 24 Labombard Road (51-21) has been included in the package. There is an
17 adjustment of the zoning district boarder on the property and well as a change in the zoning
18 district from IND-L to GC-1 along with the related properties in the LaBombard Road area.

19

20 Elks Property. The leadership of the Elks have requested a discussion about rezoning their
21 property at 150 Heater Road from RL-1 and RL-3 to GC-1 to facilitate possible additional
22 development as well as allowing their existing legal non-conforming use to be made conforming.

23 The Following Parcels are included:

24	Address	Parcel	Proposed Zoning	Current Zoning
25	150 Heater Road	51-13	GC-1	RL-1 and RL-3
26	0 LaBombard Road	64-34	GC-1	IND-L
27	174 Heater Road	64-23	GC-1	IND-L
28	13 LaBombard	64-22	GC-1	IND-L
29	25 LaBombard Road	64-25	GC-1	IND-L
30	33 LaBombard Road	51-15	GC-1	IND-L
31	24 LaBombard Road	51-12	GC-1 and RL-3	IND-L and RL-3
32	35 LaBombard Road	64-21	GC-1	IND-L

Amendment 7

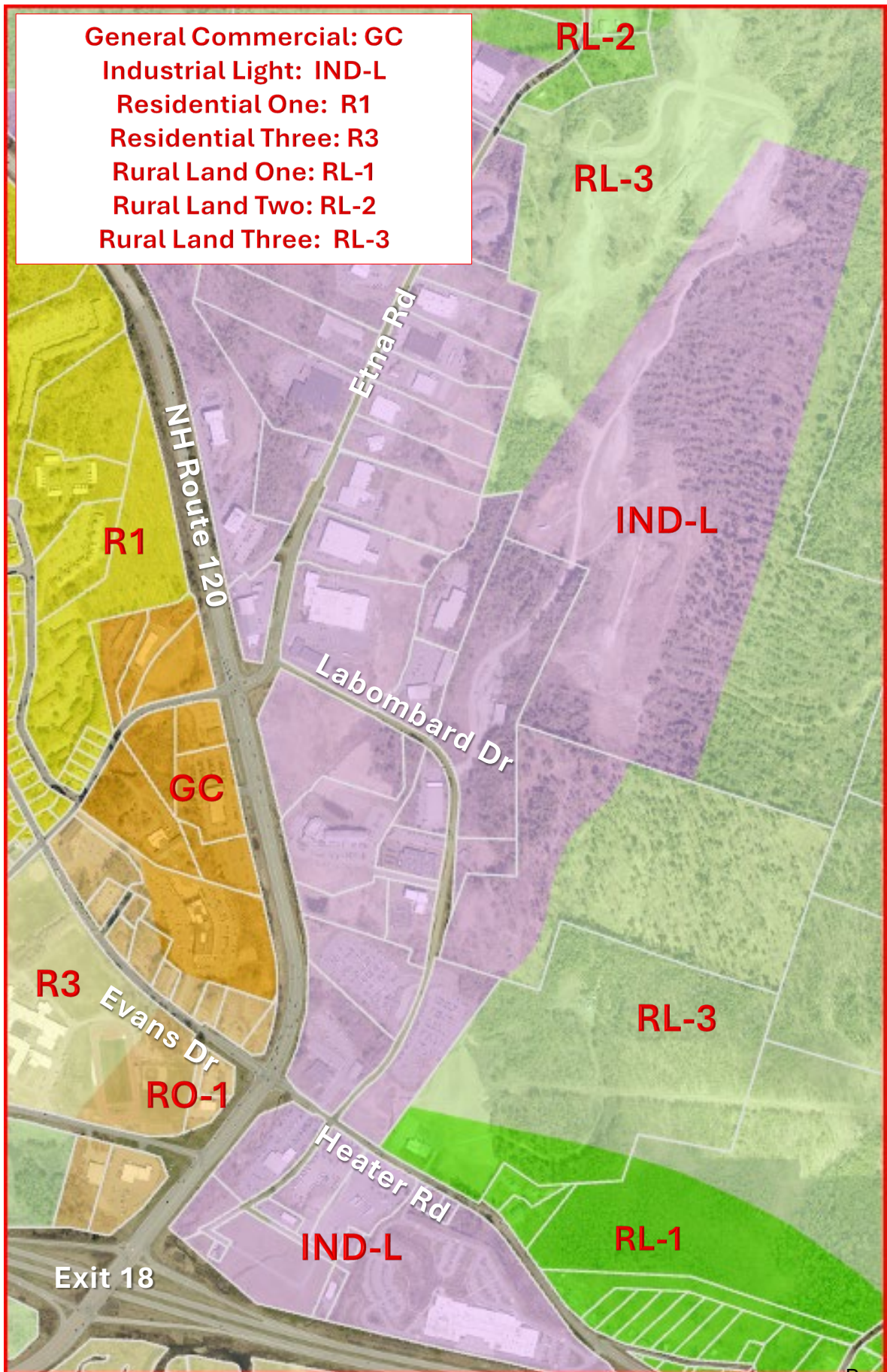
Northern Lebanon Map Amendment – LaBombard Road Area

From: Zoning Staff and 120 Corridor Study

33	39 LaBombard Road	51-14	GC-1	IND-L
34	32 LaBombard Road	51-11	GC-1	IND-L
35	41 LaBombard Road	51-1	GC-1	IND-L
36	40 N LaBombard Road	51-10	GC-1	IND-L
37	52 N LaBombard Road	51-2	GC-1	IND-L
38	0 NH Route 120	50-29	GC-1	IND-L
39	50 N LaBombard Road	51-3	GC-1	IND-L
40	0 Etna Road	26-17	GG-1 and RL-3	IND-L and RL-3
41	Map Amendment follows:			

Amendment #7

Existing Zoning

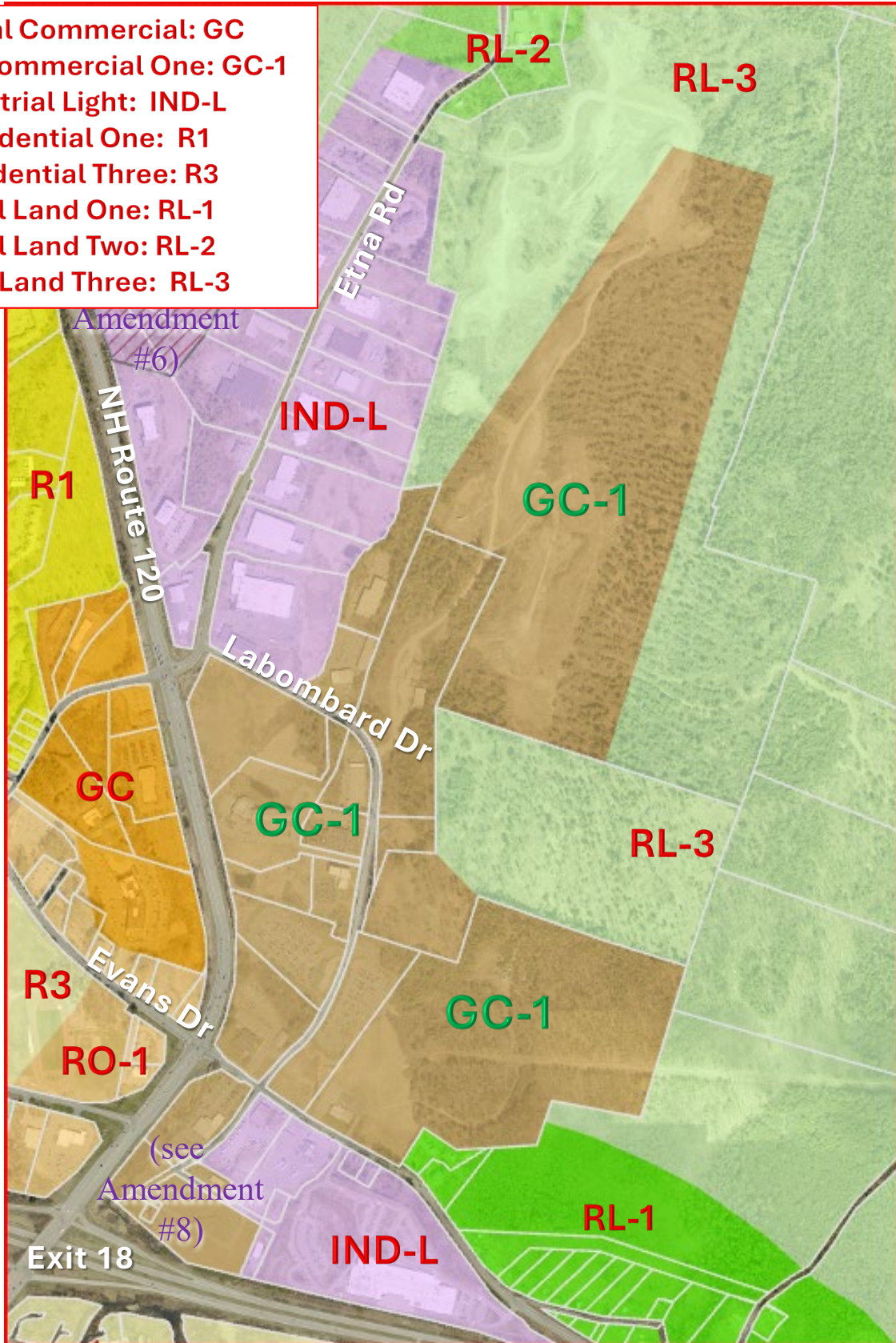


Amendment #7

Proposed Zoning

(Fall 2025 Amendment)

- General Commercial: GC
- General Commercial One: GC-1
- Industrial Light: IND-L
- Residential One: R1
- Residential Three: R3
- Rural Land One: RL-1
- Rural Land Two: RL-2
- Rural Land Three: RL-3



Amendment 8

Northern Lebanon Map Amendment – Heater Road Area

From: Zoning Staff and 120 Corridor Study

1 Amendment 8 seeks to Rezone the several properties in the Heater Road area. The area being
2 proposed to be rezoned allows for the existing uses to be retained in the area and the rezoning
3 diversifies the possible redevelopment of several vacant properties. Recently the former
4 residential neighborhood in the area has been demolished and a blank canvas of
5 redevelopment has been put into place. The direction of the possible redevelopment of this
6 neighborhood has not yet been identified. The rezoning will allow a more diverse mixed-use set
7 of uses to be conforming to the zone. Several properties, notably the truck stop and the
8 Hypertherm manufacturing facility remain unchanged.

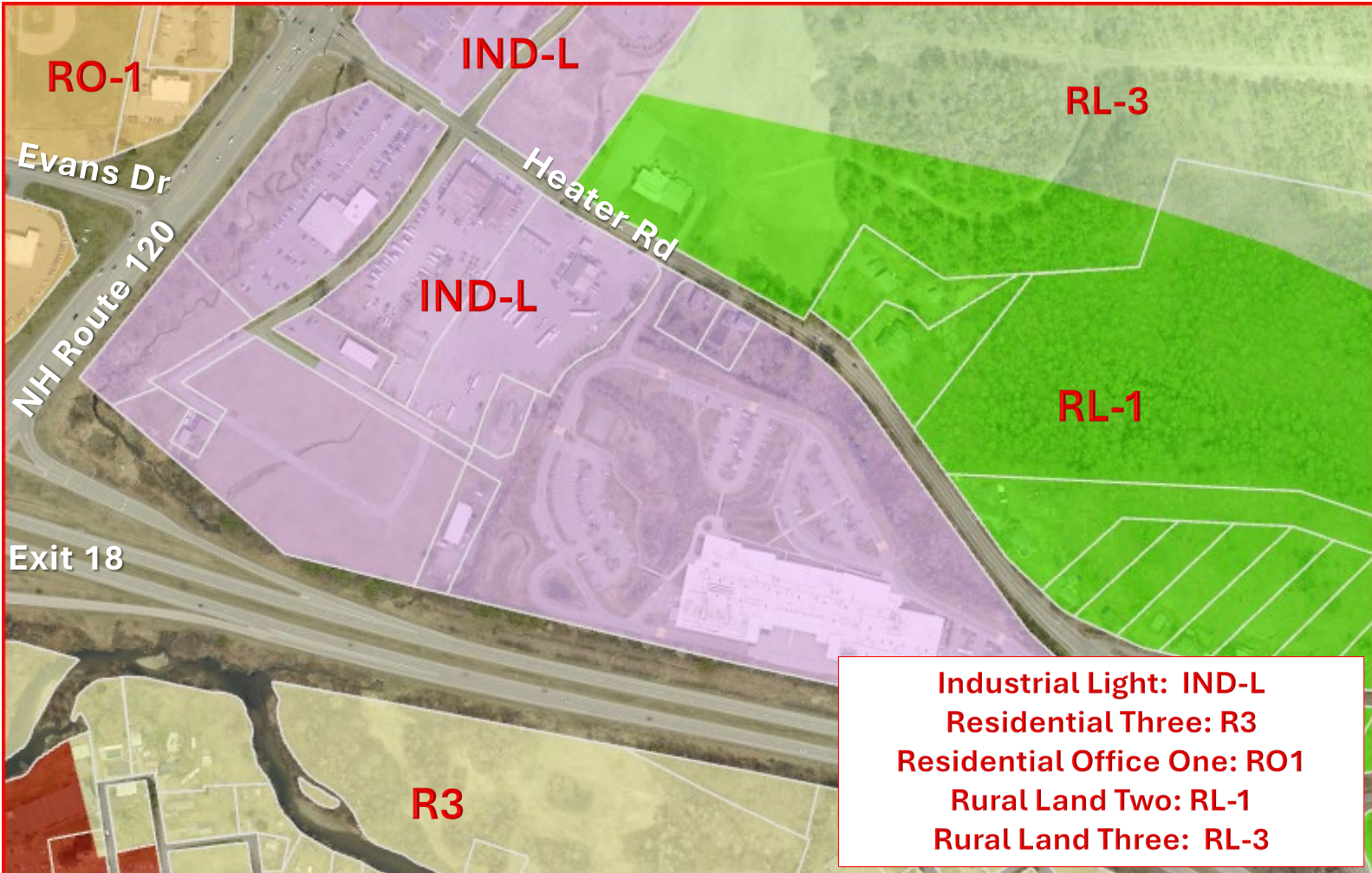
9 The Following Parcels are included:

10	Address	Parcel	Proposed Zoning	Current Zoning
11	5 Edwards	78-55	GC-1	IND-L
12	30 Little Heater Road	78-61	GC-1	IND-L
13	9 Pershing	78-48	GC-1	IND-L
14	175 Heater Road	64-30	GC-1	IND-L

15 Map Amendment follows:

Amendment #8

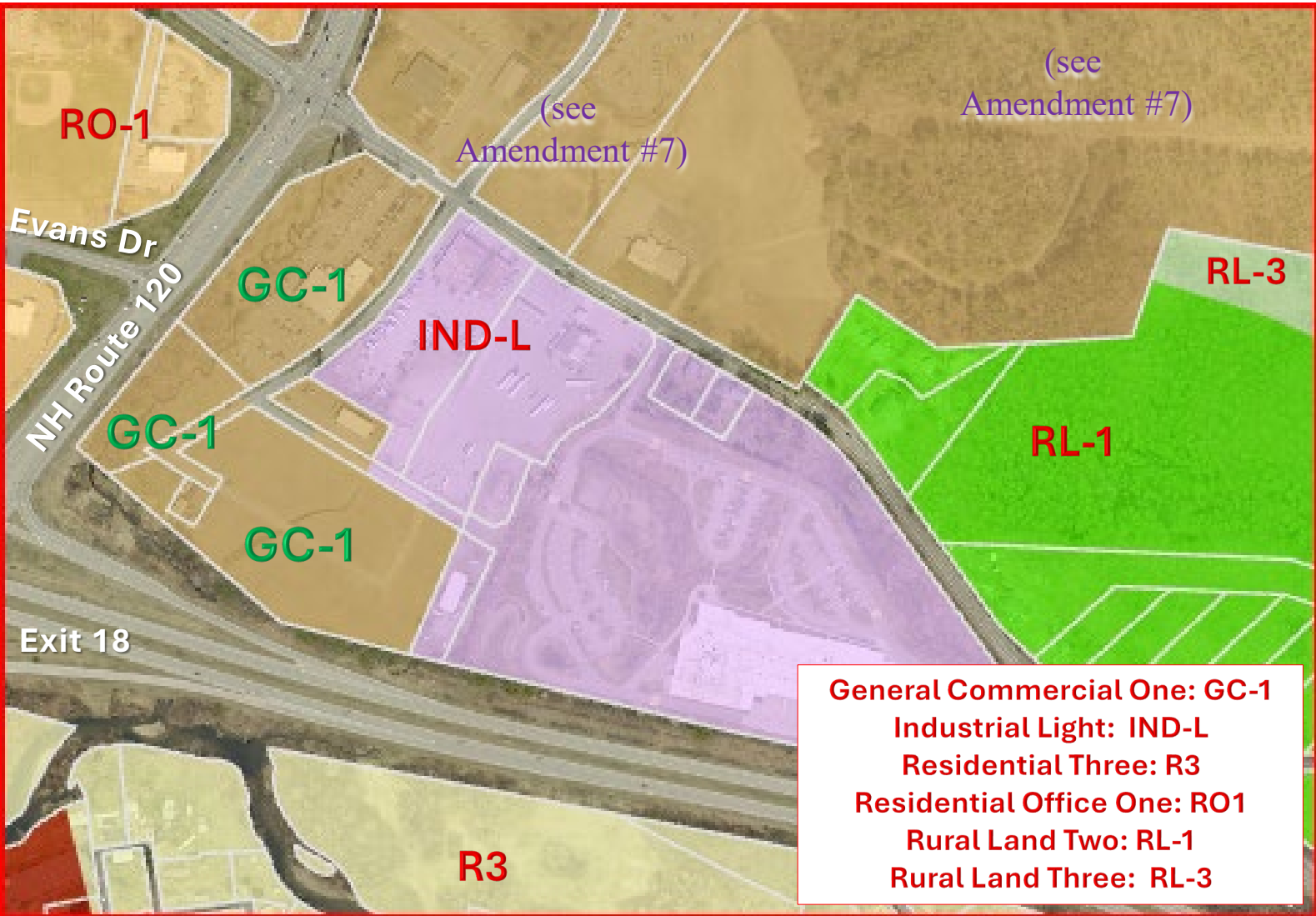
Existing Zoning



Amendment #8

Proposed Zoning

(Fall 2025 Amendment)



Amendment 9

Northern Lebanon Wildlife Overlay

From: Zoning Staff and 120 Corridor Study

The following creates a Wildlife Corridor Overlay that requires the Planning Board as a part of its deliberations on an application within the Overlay to examine the impact of the development on wildlife passage through the corridor. The proposed District is significantly reduced in scope from previous versions and now only examines wildlife movement. Amendment 9 in combination with map Amendment 6 will enhance wildlife, steep slope and environmental protection within the 120 area.

SECTION 411 Northern Lebanon Wildlife Overlay District

411.1 Purposes.

The purposes of the Northern Lebanon Wildlife Overlay District are to:

- A. Preserve and protect the integrity of the wildlife corridor and crossings that connect otherwise fragmented habitats in the Northern Lebanon ecosystem, as well as preserving and maintaining interconnected wildlife habitats for native flora and fauna more generally. Doing so is vital for enabling wildlife movement, promoting genetic diversity in wildlife populations, and maintaining the biodiversity and ecological health of the region, and furthermore prevents the need for investment in expensive restoration measures in the future.
- B. Preserve, protect, and enhance scenic, scientific, and educational values associated with the wildlife within the district.

411.2 Description of Northern Lebanon Wildlife District.

The Northern Lebanon Wildlife District includes all areas as depicted on the Official Lebanon GIS system map layer.

411.3 Permitted Uses.

Uses permitted on the respective use tables of the underlying zoning district shall be permitted.

411.4 Accessory structures and minor expansions.

An accessory structure or building addition with a footprint up to a cumulative 1000 square feet may be administratively approved pursuant to the site plan regulations.

411.5 Additional Planning Board Approval Criteria.

In passing upon any application that requires Planning Board approval, the Planning Board shall make each of the following findings:

- A. The project makes adequate accommodation for the free movement of wildlife through the corridor.
- B. The project does not create an undue hazard or nuisance to the wildlife within the district.
- C. Wildlife crossings and essential wildlife conductivity within the Northern Lebanon Wildlife District are maintained.

Overlay Map Follows:

Amendment #9

NORTHERN LEBANON

Map Printed: 9/22/2025



Proposed Zoning
Amendment #9

Natural Resource Wildlife Overlay District

 Wildlife Corridor Overlay

Amendment 10

Northern Lebanon Text Amendments

From: Zoning Staff

The following are the corresponding text amendments that go along with the proposed rezoning map amendments for the 120 Corridor. Please note the GC-1 use table is color coded based on what uses go with what map amendment. The purpose of the different uses for each map is to make sure an existing use does not become nonconforming with an approved zoning map amendment.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.4 Commercial or Industrial Planned Unit Developments.

C. Tract Size: All Commercial or Industrial PUDs shall have a minimum tract size of 10 acres.

<u>District</u>	<u>Minimum Tract Size</u>
<u>Industrial</u>	<u>10 acres</u>
<u>CB</u>	<u>10 Acres</u>
<u>GC</u>	<u>10 Acres</u>
<u>GC-1</u>	<u>10 Acres</u>

D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted or allowed by **special exception** or **conditional use** in the IND-L, CB, GC, or GC-1 Districts is allowed in a Commercial PUD. Such uses allowed by **special exception** or **conditional use** shall be considered permitted uses when included as part of a proposed Commercial PUD and shall not require separate **special exception** or **conditional use** approval.

Any non-residential use permitted or allowed by **special exception** or **conditional use** permit in the IND-L and IND-RA Districts is allowed in an Industrial PUD. Such uses allowed by **special exception** or **conditional use** shall be considered permitted uses when included as part of a proposed Industrial PUD and shall not require separate **special exception** or **conditional use** approval. Additionally, no more than 25 percent of the **gross floor area** in an Industrial PUD may be allocated to **hotels, restaurants, personal services** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

Dwelling units in **one-family, two-family** and **multi-family dwellings** or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, the density of residential uses allowed pursuant to this section shall be

determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 **dwelling units** per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such **dwelling units** may be clustered together and/or distributed within the Commercial or Industrial PUD in **mixed use buildings** at the discretion of the Planning Board.

SECTION 508 PLANNED BUSINESS PARKS.

[...]

508.2 General Requirement. A **planned business park** is allowed as a Conditional Use in the Light Industrial District, General Commercial One District, Central Business District and the Industrial Rail Access District.

508.4 Sectors, Allowed Uses.

- A. The **planned business park** shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.
- B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.
- C. Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.
 - 1. The following uses shall be permitted by right for any **planned business park** Industrial/Office Sector: **light industry; warehouse;** trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; **essential service;** outdoor storage per Section 303.4 (less than 20%); **group day care facility** per Section 604; general business offices, research facilities, medical office buildings; **health clubs,** Educational Facility, College/University; Educational Facility, Vocational School; any use allowed in the Central Business (CB) District; and **accessory uses** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by **conditional use** permit.
 - 2. The following uses shall be permitted by right for any **planned business park** Commercial Sector: **retail store(s)** up to a cumulative maximum of 20,000 sq. ft. of **gross floor area;** **personal service;** bank, branch bank; **restaurant,** sandwich shop/deli; refreshment stand; **office;** **motel;** **hotel;** movie theater;

89 **membership club; amusements (indoor);** printing (i.e. retail copy
90 store); radio or TV studio; **group day care facility** per Section 604;
91 local government use; ~~and health clubs;~~ any use allowed in the
92 Central Business (CB) District.
93

- 94 D. **Dwelling units** in **one-family, two-family** and **multi-family dwellings** or
95 appropriate mixes thereof at the discretion of the Planning Board, shall be
96 provided for in all **planned business parks**. The maximum number of
97 **dwelling units** allowed pursuant to this section shall be based on a
98 minimum of 15% and a maximum of 25% of the net land area of the park
99 not planned for open space, roads, or utilities and calculated at a density of
100 13 **dwelling units** per acre. Such **dwelling units** may be clustered together
101 and/or distributed within the Park at the discretion of the Planning Board.
102 For **planned business parks** in the GC-1 and CB District or portions
103 thereof, the density of residential uses allowed pursuant to this section shall
104 be determined by the Planning Board pursuant to Sections 305A.4 and
105 306.5, respectively.

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305A General Commercial One District
305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 9. Bus Terminal 10. Hotel 11. Health Club 12. Local Government Use 13. Plumbing, electrical or carpentry shop 14. Publishing or Printing 15. Truck Stop 16. Ware house 17. Equipment & Machinery Sales & Service 18. Outdoor Storage (less than 70%)	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store 9. Outdoor storage (more than 70%) 10. Car Wash 11. Vehicular Sales <u>Planned Developments</u> 1. Commercial PUD per Section 501 2. Manufactured Housing PURD per Section 504 3. Cottage Development 4. Industrial PUD per Section 501 5. Planned Business Park per Section 508 <div style="background-color: #cccccc; padding: 5px; text-align: center;"> <u>Special Exception</u> (see Section 801.3) </div> 1. Care and Treatment of Animals

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Etna Road Uses/Rezoning
Centerra/Alteria Rezoning

LaBombard Road Rezoning
Heater Road Rezoning

147
148
149

306 Central Business District (CBD)
306.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 306.5) 3. Senior housing complex <u>Commercial/Non-Residential</u> 4. Amusements (indoor) 5. Community center 6. Drycleaning pick-up station 7. Financial institution 8. Group day care facility per Section 604 9. Funeral home 10. Health club 11. Hotel 12. House of worship 13. Laundromat 14. Library 15. Local government use 16. Membership club 17. Motel 18. Museum 19. Office 20. Personal service 21. Radio or TV studio 22. Renewable energy system per Section 612 23. Restaurant , sandwich shop 24. Retail store 25. Social service center 26. Theater, concert hall, movie theater	<u>Commercial/Non-Residential</u> 1. Craftsman's shop 2. Drive-through facility 3. Educational facility, college/university 4. Recovery Houses <div style="background-color: #cccccc; padding: 5px; text-align: center;"> <u>Uses by Conditional Use Permit</u> (see Section 302.4) </div> <u>Commercial/Non-Residential</u> 1. Essential service 2. Other uses per Section 306.4 3. Parking facility 4. Publishing/printing 5. Recreational facility, indoor 6. Recreational facility, outdoor 7. Research Laboratory <u>Planned Developments</u> 8. Commercial <u>or industrial</u> PUD per Section 501 8-9. <u>Planning Business Park</u>

150

Amendment 11
Historic District Design Standards
From: Lebanon Heritage Commission

1 The purpose of this amendment is to provide more guidance to the Heritage Commission when
2 making decisions and to the applicant when applying for a Certificate of Approval. The
3 ordinance provides a framework for the protection of properties and the distinct characteristics
4 of the historic district to ensure they are preserved.

5
6
7
8 SECTION 408 HISTORIC DISTRICT.

9
10 408.1 Authority.

11
12 This section is enacted pursuant to RSA 674:46. The City of Lebanon Heritage Commission
13 shall have the authority granted to it by RSA 674:44-a through d, et. seq., and this Ordinance.

14
15 408.2 Purposes.

16
17 The purpose of this Ordinance is to preserve the ~~heritage-historic~~ and cultural resources of the
18 City of Lebanon and, particularly, the City's structures and places of historic, architectural and
19 community value in order to:

- 20
21 A. Establish and preserve districts in the City which reflect elements of its cultural, social,
22 economic, political, community, and architectural history;
23
24 B. Conserve property values in such districts;
25
26 C. Foster civic beauty;
27
28 D. Strengthen the local economy; and,
29
30 E. Promote the use of historic districts for the education, pleasure, and welfare of the
31 citizens of the City.

32
33 408.3 Delineation of Historic Districts.

34
35 The areas and boundaries of the Historic Districts are shown on the Historic District Map of the
36 City of Lebanon and made a part of this Ordinance and the Official Zoning Map of the City of
37 Lebanon. The Historic District Map is attached hereto as Appendix C.

38
39 408.4 Certificate of Approval Required.

40
41 A Certificate of Approval shall be obtained from the Heritage Commission in the manner set
42 forth herein prior to the commencement of any of the following activities within any Historic
43 District:

- 44
45 A. The construction of any new **building**;

Amendment 11
Historic District Design Standards
From: Lebanon Heritage Commission

46
47 B. The addition to, alteration, or repair of any existing **building, lot or structure** which
48 would require the issuance of a building permit pursuant to the provisions of the
49 Lebanon Building Code, unless such addition, alteration, or repair does not, in any way,
50 alter the exterior or appearance of such **building, lot or structure**;

51 C. The following activities, whether or not a building permit is required for such activities:

52
53
54 1. Roofing or re-roofing if it involves a change of design, materials or the roof
55 plane is changed;

56
57 2. Siding, including new and re-siding, if it involves a change of design or
58 materials;

59
60 3. Painting if applied to a previously unpainted surface;

61
62 43. Replacement of doors and windows if it involves changes in the material,
63 size, location, or number of openings in the exterior or facade of a building;

64
65 54. Replacement or enclosure of porches, decks, and patios if it involves a
66 change in size, location, design, and/or materials;

67
68 65. Replacement of exterior stairs, landings, and overhangs if it involves a
69 change in size, location, design, and/or materials;

70
71 7. Construction of or alteration to fences, walls, fountains, sculptures,
72 monuments, permanent freestanding lighting, or similar manmade features if it
73 involves a change of location, design or materials;

74
75 86. Demolition or moving of a **building** or **accessory building**.

76
77 No building permit (when applicable) shall be issued prior to the receipt of a Certificate of
78 Approval for the above-described activities.

79
80 408.5 Activities Not Requiring Certificates of Approval.

81
82 The following activities are exempt from review by the Heritage Commission, and no Certificate
83 of Approval shall be required:

84
85 A. Any repairs, alterations, or improvements that do not require a building permit
86 pursuant to the Lebanon Building Code with the exception of the activities described in
87 Section 408.4 herein;

88
89 B. Any repairs, alterations, or improvements to the interior of the **building**;

Amendment 11
Historic District Design Standards
From: Lebanon Heritage Commission

- ~~C. The re-roofing of a **building**, provided that the roof plane remains the same;~~
- ~~D. Painting or re-painting of the interior or exterior of any **building**; and,~~
- ~~E. Landscaping or fencing.~~

408.6 Criteria For Review.

In determining whether or not to grant a Certificate of Approval, the Heritage Commission shall keep in mind the purpose set forth in Section 408.2 herein and shall consider, among other appropriate factors, the following:

- A. The historical or architectural value of a **building** and its setting;
- B. In connection with additions, repair or restoration of any existing **building**, the compatibility of the exterior design, arrangement, texture, and materials proposed to be used in relationship to this existing **building**, its setting, and the Historic District as a whole; and,
- C. The size, scale, and design of proposed construction in relationship to the existing surroundings, including consideration of such factors as a **building's** overall height, width, street **frontage**, number of stories, type of roofs, facade openings (windows and doors), and **architectural details**.

When the Heritage Commission determines that it is necessary or advisable in order to preserve or protect historically and/or architecturally significant buildings, the Commission may require preservation and/or accurate reproduction of exterior architectural features. Preservation and/or reproduction measures shall be completed pursuant to the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (as of 9/3/2025):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Amendment 11
Historic District Design Standards
From: Lebanon Heritage Commission

- 132 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship
133 that characterize a historic property shall be preserved.
- 134 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity
135 of deterioration requires replacement of a distinctive feature, the new feature shall match
136 the old in design, color, texture, and other visual qualities and, where possible, materials.
137 Replacement of missing features shall be substantiated by documentary, physical, or
138 pictorial evidence.
- 139 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic
140 materials shall not be used. The surface cleaning of structures, if appropriate, shall be
141 undertaken using the gentlest means possible.
- 142 8. Significant archeological resources affected by a project shall be protected and
143 preserved. If such resources must be disturbed, mitigation measures shall be
144 undertaken.
- 145 9. New additions, exterior alterations, or related new construction shall not destroy historic
146 materials that characterize the property. The new work shall be differentiated from the
147 old and shall be compatible with the massing, size, scale, and architectural features to
148 protect the historic integrity of the property and its environment.
- 149 10. New additions and adjacent or related new construction shall be undertaken in such a
150 manner that if removed in the future, the essential form and integrity of the historic
151 property and its environment would be unimpaired.

152
153 Applications for Certificates of Approval may be denied if such denial is required to prevent
154 construction or development which would conflict with the stated purposes of Section 408.2
155 herein.

156
157 408.7 Application Procedures.

158
159 The following procedures and any rules of procedure duly adopted by the Heritage Commission
160 shall be followed in processing applications for Certificates of Approval:
161

- 162 A. Written application for Certificates of Approval shall be made no later than 12:00 noon
163 of the 15th calendar day prior to a regularly scheduled meeting of the Heritage
164 Commission (to include the meeting date of the Commission) on forms provided by the
165 Zoning Administrator, and the applicant shall pay an application fee as adopted by the
166 City Council. The application may be filed simultaneously with any other application or
167 request for City land use permits, and the issuance of a Certificate of Approval shall not
168 be a precondition to the issuance of any other City land use permit with the exception of
169 a building permit, when applicable.

Amendment 11
Historic District Design Standards
From: Lebanon Heritage Commission

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B. There shall be a public hearing on all applications for Certificates of Approval. The applicant and all **abutters** shall receive a notice of the public hearing by certified mail, and a public notice of the hearing shall be posted in at least two public places and shall be published in a newspaper of general circulation in the City of Lebanon. Said notice shall be given not less than five days, nor more than 30 days, before the date of the hearing.

C. At its meeting, the Commission shall review the application for completeness as specified in Section 408.8 herein. If the application is determined to be complete, then the Commission shall vote to accept the application and commence with the public hearing. If the application is not complete, then consideration of the application shall be suspended until it is complete.

D. The Commission shall review the application using the criteria set forth in Section 408.6 herein, and then shall act to approve, approve with conditions, or disapprove the application. In reviewing the application, the Commission may request reports and recommendations regarding the feasibility of the applicant’s proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer, and other administrative officials who may possess information concerning the impact of the proposal on the Historic District. The Commission may also seek advice from professional, educational, cultural, or other groups or persons as may be deemed necessary for the determination of a reasonable decision.

E. Within 45 calendar days from the filing of the application, unless the applicant agrees, in writing, to a longer review period, the Commission shall notify the applicant, in writing, of its action by means of the Certificate of Approval or Notice of Disapproval sent by certified mail. In case of disapproval, the Commission shall clearly set forth in a Notice of Disapproval the reasons for its action, with specific reference to standards contained in this Section.

F. Simultaneously with notifying the applicant, the Commission shall file a copy of the Certificate of Approval with the Zoning Administrator and the Building Inspector. The Building Inspector shall not issue a building permit for any activity in an Historic District requiring a Certificate of Approval until receipt of said Certificate. In the case of a disapproval, the Notice of Disapproval shall be binding on the Building Inspector or other duly delegated authority and no permit shall be issued.

G. Failure of the Commission to file said Certificate within the specified period of time shall constitute approval by the Commission.

408.8 Submittal Requirements.

Amendment 11
Historic District Design Standards
From: Lebanon Heritage Commission

215 All applications for a Certificate of Approval shall contain a written description of the work or
216 activity for which approval is requested, together with plan and elevation drawings to scale and,
217 where appropriate, photographs which, together, shall be sufficient to reasonably inform the
218 Heritage Commission as to the type or nature of the activity applied for, the location of the
219 activity, and the effect or impact on the exterior of the building(s) involved.

220
221 408.9 Removal or Demolition of Buildings.

222
223 No **building** shall be demolished or moved off its **lot** within any Historic District until, [following](#)
224 [receipt of a Certificate of Approval](#), at least one publication of notice of such demolition or
225 removal has been published by the owner in a newspaper of general circulation in the area in
226 which the **building** and **lot** are located, such notice to be published not less than 30 days prior
227 to the date of such demolition or removal.

228
229 The purpose of this provision is to further the purposes of Section 408.2 and to afford a person
230 or organization the opportunity to acquire, or to arrange for the preservation of, such **building**.

231
232 Notwithstanding the above, upon application to the City Building Inspector, any **building**
233 substantially damaged as a result of fire or other disaster or constituting a public safety hazard
234 shall be exempt from the provisions of this section.

235
236 408.10 Appeal.

237
238 Any person aggrieved by a decision of the Heritage Commission shall have the right to appeal
239 said decision to the Zoning Board of Adjustment as provided by RSA 677:17. Such appeals
240 shall be filed with the Zoning Board of Adjustment within 20 days of the filing of the Certificate of
241 Approval or Notice of Disapproval with the Building Inspector.

242
243 408.11 Enforcement.

244
245 The provisions of this Section 408 shall be enforced as provided by State law and pursuant to
246 Section 903 of this Ordinance.

Amendment 12

Mobile Food

From: Food Truck Task Force and Staff

1 The purpose of this amendments is to create a new section of the zoning ordinance that lays out the
2 rules and regulations for Mobile Food Service Vending in Lebanon. This proposed amendment is the
3 result of the work from the Lebanon Food Truck Task Force.

Mobile Food Service Vending

DEFINITIONS (APPENDIX A)

4
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9 **MOBILE FOOD SERVICE VENDING** – The preparation and/or dispensation of food or beverages
10 by a **mobile food service vendor** from a **mobile food service unit** for immediate service and/or
11 consumption.

12
13 **MOBILE FOOD SERVICE VENDOR(s)** - Any person, including an employee or agent of another,
14 who prepares and/or dispenses food or beverages from a **mobile food service unit** for immediate
15 service and/or consumption.

16
17 **MOBILE FOOD SERVICE UNIT** – Any vehicle that is (a) self-propelled or that can be pulled or
18 pushed down a street or sidewalk and (b) utilized by a **mobile food service vendor** for the
19 purpose of preparing and/or dispensing food or beverages for immediate service and/or
20 consumption.

21
22 **STAND VENDING** – The sale of food, beverages, goods, or merchandise from a **stand**.

23
24 **STAND** - Any newsstand, table, bench, booth, rack, handcart, pushcart, or any other fixture or
25 device which is not required to be licensed and registered by the NH Department of Motor Vehicles,
26 used for the display, storage, or transportation of articles offered for sale by a **stand vendor**.

27
28 **STAND VENDOR(s)** - Any person, including an employee or agent of another, who sells or offers
29 to sell food, beverages, goods, or merchandise from a **stand** with a vendor license issued by the
City.

30
31 **VENDOR(s)** - Any person who is a **mobile food service vendor** or **stand vendor**.

PERMITTED ZONING DISTRICTS (Article III)

32 CB

33 LD

34 GC

35 GC-1

36 IND-L

37 MC

38 MC-2

39
40

Amendment 12

Mobile Food

From: Food Truck Task Force and Staff

41 STANDARDS FOR USE (Article VI)

42
43 SECTION 614 MOBILE FOOD SERVICE

- 44
- 45 A. The purpose of this section is to provide opportunities for **mobile food service vending** and
- 46 **stand vending** within certain non-residential areas in the City.
- 47
- 48 B. **Mobile food service vending** and **stand vending** shall be a permitted use in the Central
- 49 Business, Lebanon Downtown, General Commercial, General Commercial-One, Light
- 50 Industrial, Medical Center and Medical Center - 2 Zoning Districts provided the following
- 51 standards are met:
- 52
- 53 C. Prior to beginning operations, property owner(s) must obtain a Zoning Permit which shall
- 54 be valid for one (1) year. An application for a Zoning Permit shall include the following:
- 55 1. A site drawing of the property identifying existing and proposed conditions.
- 56 2. The location of the **mobile food service vendors** and **stand vendors**, utility
- 57 connections, and compliance with setback requirements.
- 58 3. The location of any seating, tables garbage receptacles or similar customer
- 59 amenities.
- 60 4. A safety plan for each **mobile food service vendor** and **stand vendor**. The plan
- 61 shall include the location of barriers, caution cones, or similar safety items that are
- 62 to be deployed to ensure that patrons can safely interact with the **mobile food**
- 63 **service unit** or **stand vendor**. Safety measures shall be scaled to protect
- 64 patrons based upon traffic conditions.
- 65 5. A site parking calculation showing the total number of parking spaces on the site,
- 66 the number and location of parking spaces assigned to each of the **mobile food**
- 67 **service vendors** and **stand vendors** upon the lot.
- 68 6. Hours of operation, and days of the week and months of operation. Operation of a
- 69 **mobile food service vendor** and **stand vendor** is limited to the hours between 7:00
- 70 AM and 9:00 PM daily.
- 71 7. The location of **sandwich boards signs** if applicable.
- 72 8. Written permission of the landowner consenting to the proposed operation.
- 73 9. Identify a plan for the disposal of wastewater and garbage.
- 74 10. The landowner may reapply for a Zoning Permit on an annual basis.
- 75
- 76 D. **Mobile food service vendors** and **stand vendors** shall not:
- 77 1. Be located within 25 feet of a handicap accessible parking space, fire hydrant, fire
- 78 escape, bus stop, loading zone, driveway entrance or a **residential district**.
- 79 2. Be located in a manner that creates hazardous travel conditions or impedes the
- 80 operations of police, fire, or emergency services, or the flow of automobile traffic or
- 81 pedestrian traffic.

Amendment 12

Mobile Food

From: Food Truck Task Force and Staff

- 82 3. Block access to or occupy any portion of any handicap accessible parking space or
- 83 access ramp.
- 84 4. Utilize an open fire without permission of the property owner and a permit from the
- 85 Lebanon Fire Department.
- 86 5. Shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the
- 87 purpose of attracting attention to any goods which the **vendor** proposes to sell.
- 88 6. Inappropriately dispose of wastewater and garbage including but not limited to
- 89 dumping in open stormwater drains.
- 90

91 E. Utilities for **mobile food service units** and **stands** shall be self-contained and shall not

92 connect to City sewer and water nor dispose of waste in storm sewers. External portable

93 generators or other noise emitting equipment shall not be operated prior to 9:00 AM on

94 weekdays and Saturdays nor prior to 12:00 noon on Sundays and must not operate after

95 9:00 PM daily.

96

97 F. The maximum number of **mobile food service units** and **stands** allowed on any one **lot**

98 shall be determined by the lot size and the amount of available space on the **lot**.

- 99 1. For **lots** that require more than 40 parking spaces per Section 607, **mobile food service**
- 100 **unit(s)** and/or **stand(s)** may be located in parking areas. No more than 10 percent
- 101 (10%) of parking spaces may be utilized to locate **mobile food service units** and
- 102 **stands**. A minimum of 4 parking spaces and a maximum of 6 parking spaces per
- 103 vendor shall be provided.
- 104 2. For lots with fewer than 40 parking spaces per Section 607, one **mobile food**
- 105 **service unit and / or stand** is permitted. A minimum of 4 parking spaces must be
- 106 available to accommodate the use.
- 107 3. On lots with fewer than 40 parking spaces, one **mobile food service units and**
- 108 **stand** and shall provide a minimum of 2 off street parking spaces for patrons.
- 109

110 G. Notwithstanding the provisions of Section 608.6 (Temporary Signs), **mobile food**

111 **service units** and **stands** are limited to the placement of no more than 2 **sandwich**

112 **board signs** for each **mobile food service unit and stand** when the operation is open.

113 Feather flags, balloons, inflatables, pennants, ribbons, streamers, and spinners or other

114 similar devices which may move or swing as a result of wind pressure are prohibited.

115

116 H. Utilization of a public right of way or public property for operation of a **mobile food service**

117 **unit** or **stand** is permitted pursuant to *Chapter 179 Vendors* of the City Code. The City of

118 Lebanon Recreation, Arts and Parks Department in conjunction with the City Manager's

119 Office may permit **mobile food service units** and **stands** within the confines of a city park

120 or city recreation facility irrespective of the underlying Zoning District.

Amendment 13

EV Charging

From: Lebanon Energy Advisory Committee (LEAC)

1 These amendments incorporate knowledge gained since the Zoning Ordinance requirements for
2 EV charging at new developments were adopted in 2023. The amendments will significantly
3 reduce costs for developers and lower demand on the electrical grid while expanding residents'
4 access to EV charging.

7 **EV Regulations**

9 **APPENDIX A**

11 **Draft amendments to Zoning Ordinance (with proposed changes in red)**

13 From Zoning Ordinance pages 183-184:

15 607.8 Electric Vehicles.

17 A. Purpose. The purpose of this section is to facilitate the transition to **electric vehicle** use and
18 to expedite the establishment of convenient, cost-effective **electric vehicle infrastructure** that
19 such a transition necessitates.

21 B. Applicability. **EV charging stations** are allowed as an **accessory use** in all zoning districts.
22 When the retail charging of **electric vehicles** is proposed to be the principal use of a **lot**, then
23 the proposed **EV charging station** shall be considered a **service station** for zoning purposes.

25 C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. **EVSE-installed**
26 **spaces, EVSE-ready spaces, and EVSE-capable spaces** shall be provided as follows:

- 28 1. One- and Two-Family Dwellings. All new **one-** and **two-family dwellings** shall
29 provide at least one (1) **EVSE-Ready Low-power Level 2 charging** space per
30 **dwelling unit**.
- 32 2. All new dwellings with up to three units, including Accessory Dwelling Units (ADUs),
33 shall provide at least one (1) **EVSE-Ready Low-power Level 2 charging** space per
34 **dwelling unit**.
- 36 3. Multi-Family Dwellings (four or more units; **adding units to existing multi-family**
37 **housing triggers the requirements for the new units only**). Parking for new **multi-family**
38 **dwellings** shall include:
 - 39 a. For each residential unit with parking, **at least one EVSE-Ready Low-power**
40 **Level 2 charging space per unit** for 50% of total units with parking.
 - 41 b. **EV-Capable Low-power Level 2 spaces** for a minimum of the remaining
42 **50% of residential units with parking and 25% of the remaining off-street parking**.
- 44 4. Non-Residential Uses. Parking for uses requiring **the provision of 10 or more new or**
45 **additional off-street parking spaces** shall include:

Amendment 13

EV Charging

From: Lebanon Energy Advisory Committee (LEAC)

46 a. **EVSE-Installed Level 2 spaces** for a minimum of 2% of **new or additional off-**
47 **street parking spaces**, with a minimum of two **EVSE-Installed spaces**.

48 b. **EVSE-Ready or EVSE-Capable Level 2 spaces** for a minimum of 2% of
49 **new additional off-street parking spaces**.

50 c. For parking spaces dedicated for employee use, these requirements may be
51 replaced by a minimum of one EVSE-Ready Low-power Level 2 charging space per
52 employee for at least half of employees in the largest shift who drive to work and who
53 are offered parking

54 d. For existing (not "greenfield") non-residential developments, these
55 requirements for EV charging may be replaced by a contribution to a common fund
56 managed by the City of Lebanon for installing public EV charging stations at a separate
57 site, with the contribution amount to be determined by the City.

58 5. Where the calculations above result in a fractional parking space, it shall round up to
59 the next whole number.

60
61 6. Where the number of **EVSE-Installed spaces** provided exceeds the minimum
62 required, the excess spaces shall be deducted from the total number of required **EVSE-**
63 **Ready spaces of a similar level (Low-power Level 2, or Level 2)**.

64
65 7. Where the number of **EVSE-Ready spaces** provided exceeds the minimum required,
66 the excess **EVSE-Ready spaces** shall be deducted from the total number of required
67 **EVSE-Capable spaces of a similar level (Low-power Level 2, or Level 2)**.

68
69 8. Up to five **Level 2 EVSE-Installed spaces** may be substituted with one (1) **Level 3**
70 **EV-Installed space** (minimum 150 kW).

71
72 9. **EVSE-Installed spaces, EVSE-Ready spaces, and EVSE-Capable spaces** are to
73 be included in the calculation for both the number of minimum required and maximum
74 permitted off-street parking spaces.

75 a. Every two (2) **EVSE-Installed spaces** provided in addition to the required
76 minimum may be counted as four (4) **off-street parking spaces** as relates to Section
77 607.1 (Minimum Off-Street Parking Requirements), for reduction of total required
78 parking not greater than 10 percent of the total amount of required parking.

79 10. In each instance where EVSE Capable is required, EVSE Ready or EVSE Installed
80 may substitute. In each instance where EVSE Ready is required, EVSE Installed may
81 substitute.

82 Pages 183-184 and 187:

83 Appendix A – Definitions

84 **ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) / EV CHARGING STATION (EVCS):** The
85 apparatus installed specifically for the purpose of transferring energy between the site or
86 building wiring and the Electric Vehicle. EVSE does not include any equipment affixed to the
87 electric vehicle.
88
89

Amendment 13

EV Charging

From: Lebanon Energy Advisory Committee (LEAC)

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

93
94 **ELECTRIC VEHICLE (EV):** An automotive-type vehicle for on-road use primarily powered by an
95 electric motor, including any battery electric vehicle, ~~fuel cell electric vehicle~~, or plug-in hybrid
96 electric vehicle, that draws current from an onboard battery charged through a building or site
97 electrical service, *EVSE*, or other source of electric current.

98
99 **EVSE-CAPABLE SPACE:** An *off-street parking space* with electrical panel capacity and
100 space for a branch circuit dedicated to the parking space that is not less than ~~20-ampere and~~
101 ~~110/120-volt panel capacity for Level 1 charging, or 20-ampere and 208/240-volt for Low-Power~~
102 ~~Level 2 charging, or 40-ampere and 208/240-volt for Level 2 charging~~, and is equipped with
103 raceways, both underground and surface mounted, to enable the future installation of *EVSE*.
104 For two adjacent EV-capable spaces, a single branch circuit is permitted.

105
106 **EVSE-READY SPACE:** An off-street parking space provided with a full dedicated branch circuit
107 that includes not less than ~~20-ampere and 110/120-volt panel capacity for Level 1 charging, or~~
108 ~~20-ampere and 208/240-volt panel capacity for Low-Power Level 2 charging, or 40-ampere and~~
109 ~~208/240-volt panel capacity for Level 2 charging plus~~ conduit, wiring, receptacle, and
110 overprotection devices terminating in an outlet ~~or receptacle or junction box~~ that will support an
111 installed EVSE ~~or support attachment of a charge cord for the vehicle~~ and which is located in
112 close proximity to the location of the parking space. For two adjacent EV-Ready spaces, a
113 single branch circuit is permitted. These spaces are “ready to go” ~~as outlets for users who bring~~
114 ~~their own charging cords or~~ with the addition of an installed EV charging station (*EVCS*).

115
116 **EVSE-INSTALLED SPACE:** An *off-street parking space* with a dedicated branch circuit and
117 *EVSE*. ~~at minimum.~~

118
119 **LEVEL 1** (which is not mandated but is included here for informational purposes): Charging
120 level for *EVs* that operates on a dedicated 20-amp breaker (same kind used for conventional
121 electrical outlets in most buildings) on a 110- or 120-volt AC circuit while drawing 1.9-3.2 kW to
122 supply approximately 2-5 miles of range gained per hour of charging.

123
124 **LOW-POWER LEVEL 2:** Charging level for *EVs* that operates on a dedicated 20-amp breaker
125 on a 208- or 240-volt AC circuit while drawing 3.3-6.1 kW to supply approximately 15+ miles of
126 range gained per hour of charging.

127
128 **LEVEL 2:** Charging level for *EVs* that operates on a dedicated 40- to 100-amp breaker (same
129 kind used by a clothes dryer or stove) on a 208- or 240-volt AC circuit while drawing 6.2+ kW to
130 supply 19+ miles of range gained per hour of charging.

131
132 **LEVEL 3:** Fast or rapid charging level for *EVs* that operates on a 60-amp or higher breaker on a
133 480-volt AC electric circuit or higher ~~three-phase~~ circuit with special grounding equipment and
134 mounting on an equipment pad.

Amendment 14

Signs

From: Zoning Staff

1 The purpose of this amendment is to update the sign ordinance to mitigate issues and concerns
2 planning staff has experienced firsthand. The goals are to make this ordinance clearer to
3 understand for the sign permit applicant and easier for planning staff to enforce. One new
4 element to the ordinance is the regulation of window signs. A new sign fee is added to the
5 Zoning Ordinance. City Council will need to add the fee to Chapter 68.

6 7 SECTION 608 SIGNS.

8 608.1 Purpose and Intent.

9
10 The purpose of this Section is to create the legal framework for a comprehensive and
11 balanced system of **signs** in order to:

- 12 • further the goals of the Lebanon Master Plan;
- 13 • preserve the right of free speech and expression;
- 14 • provide easy and pleasant communication between people and their environment;
- 15 • avoid excessive levels of visual clutter or distraction that are potentially harmful to
16 property values, business opportunities, and community appearance;
- 17 • assure that public benefits derived from expenditures of public funds for the
18 improvement and beautification of streets, and other public structures and spaces,
19 are protected by exercising reasonable controls over the character and design of
20 **sign** structures;
- 21 • help to allow the free flow of traffic and protect pedestrians, bicyclists, and
22 motorists from injury and property damage caused by, or which may be fully or
23 partially attributable to cluttered, distracting, or illegible signage; and
- 24 • promote the use of **signs** which are aesthetically pleasing, of appropriate scale,
25 and integrated with surrounding **buildings** and landscape, in order to meet the
26 community's expressed desire for quality development.

27
28 With these purposes in mind, it is the intent of this Section to authorize the use of **signs**
29 that are:

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

36 37 608.2 General Provisions.

38
39 A. Signs Prohibited. **Signs** are prohibited in all zoning districts unless the **sign** is:

- 40
41 1. Constructed pursuant to a valid ~~building~~ **Sign Permit** when required under

Amendment 14

Signs

From: Zoning Staff

- 42 this Section; and
43
44 2. Authorized under this Section or the City of Lebanon Code Ch. 152, Article
45 IV and in compliance with all applicable regulations of this Section.
46
47 B. Building Sign Permit Required. A ~~building~~ **Sign** permit from the Planning
48 Department is required prior to the display and erection of any **sign**, except as
49 provided in Section 608.7 (“Signs Allowed Without a **Building Sign Permit**”). Every
50 ~~building~~ **Sign Permit** application shall include:
51
52 1. A photograph of any existing **signs** to be ~~replaced~~ **refaced**, and the **sign**
53 **area** and dimensions of each **sign** to be ~~replaced~~ **refaced**.
54
55 2. A drawing to scale of each proposed **sign**. Each rendering shall identify:
56 a. the total **sign area** in square feet;
57 b. the dimensions of the **sign** in feet and inches;
58 c. the height of the **sign**;
59 d. the proposed location of the **sign** on the **building**, if applicable;
60 e. construction materials; and
61 f. landscaping specifications, if applicable.
62
63 3. A scaled plot plan of the **lot** depicting the proposed location of any
64 **freestanding sign** and any **associated landscaping**.
65
66 4. Specifications for the construction or display of the **sign** and for its
67 illumination and mechanical movement, if any.
68
69 5. Where **internal illumination** is proposed, documentation necessary to
70 demonstrate compliance with Section 608.4.A.6 (“Illumination”).
71
72 6. **All applicable dimensions, measurements, and sign area calculations**
73 **required to support the approval of the sign permit requested**.
74
75 C. Enforcement. Any **sign** displayed or erected which is not authorized by this Section
76 and/or is not in compliance with all applicable regulations set forth herein shall be
77 removed, and shall be subject to all available enforcement options pursuant to NH
78 RSA Chapter 676.

79
80 In the course of investigating a brightness of luminance complaint, the Planning
81 and Development Department may request a certification of the brightness of
82 luminance by an independent contractor. If the investigation and certification
83 indicate that the sign exceeds any applicable brightness or luminance levels
84 specified in Section 608, the owner of the sign shall turn off the sign within twenty-
85 four (24) hours of a request to do so by the City, and the sign shall remain off until
86 the brightness or luminance of the sign is brought into compliance.

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Signs

From: Zoning Staff

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- D. Clear Vision & Movement. No **sign** may obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property. ~~and a~~ All **signs** are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections" **except when the following conditions are met an administrative approval by the Zoning Official may be made:**
1. A freestanding sign or portion thereof to be placed in a commercial or industrial district is not within ten feet of a street, sidewalk, crosswalk, driveway, driveway exit stop line, bus stop, or other similar improvement and
 2. Clear sightlines are demonstrated by a sightline drawing, and
 3. No sign or portion thereof is within the public right of way.
- E. Maintenance. All **signs** shall be maintained in good condition and repair at all times. Such maintenance shall not require a building permit unless the repairs include electrical work.
- F. Sign Setback. The requirements of ARTICLE II, "General Provisions," shall not prohibit the location of a **sign** in a **front, side or rear yard**, nor shall those minimum setbacks apply to **signs**.
- G. No Discrimination Against Non-Commercial Signs or Speech. The owner of any **sign** which is otherwise allowed under this Section and which has obtained a building permit may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of **sign area** permitted on a **lot**.
- H. Outdoor Recreational Facilities. **Outdoor recreational facilities** are exempt from this Section except that:
1. any **sign** erected on the **lot** of an **outdoor recreation facility** shall be subject to the prohibition of **non-static signs** set forth in Section 608.3.D, the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance");
 2. all **signs** shall be principally oriented towards the playing field or seating areas, except that one (1) sign having a **sign area** of no greater than thirty (30) square feet may be permitted without such restriction; and
 3. one (1) **digital sign** is allowed per **outdoor recreation facility** provided that the **digital sign** is principally oriented towards the playfield or seating

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Signs

From: Zoning Staff

132 area, and provided that a building permit is obtained in accordance with
133 Section 608.2.B (“Building Permit Required”). Such **sign** shall be
134 illuminated only during an activity or event taking place on the field, and
135 shall have no greater than 102 square feet of **sign area** and, if
136 **freestanding**, a height of no greater than twelve (12) feet.

608.3 Prohibited Signs.

The following are prohibited:

- 142 A. **Off-premise signs**, except as may be permitted per Sections 608.6.A.1 and 2. A
143 **sign advertising** an on-site use that has ceased operation or vacated the **lot** shall
144 be considered an **off-premise sign** after a period of 180 consecutive days
145 following the discontinuance of the use and shall be removed as required by
146 Section 608.8.C.3.
- 148 B. **Signs** located within **public streets**, or **rights of way** except as set forth in Section
149 608.4.A.5.b (projecting signs in the CB and LD Districts) and Section 608.6.A.5
150 (**sandwich board sign** regulations) and as may otherwise be allowed pursuant to
151 Chapter 152 (“Streets and Sidewalks”) of the Code of the City of Lebanon.
- 153 B. **Illumination of signs** except as may be permitted by and in accordance with
154 Section 608.4.A.6 (“Illumination”).
- 156 C. **Non-static signs**, except **digital signs** as may be permitted according to Section
157 608.2.H.3 and Section 608.4.A.7 (“Freestanding Digital Signs”).
- 159 D. **Portable signs**, except **temporary signs** as may permitted by Section 608.6
160 (“Temporary Signs”).
- 162 E. Feather flags, balloons, inflatables, pennants, ribbons, streamers, and spinners or
163 other similar devices which may move or swing as a result of wind pressure,
164 whether part of a **sign** or not, except as may be permitted by Section 608.6
165 (“Temporary Signs”).
- 167 F. **Signs** of a size, location, movement, coloring, or manner of illumination which may
168 be confused with or construed as a traffic control device or which hide from view
169 any traffic or street **sign** or signal.
- 171 G. **Roof signs.**
- 173 H. Laser displays.

608.4 Non-Residential Uses.

Amendment 14

Signs

From: Zoning Staff

177 A. Non-Residential Uses in Commercial and Industrial Districts. Signage for non-
178 residential uses in the **commercial** and **industrial districts** shall be subject to the
179 following requirements:

180
181 1. Maximum Permitted Sign Area.

182
183 a. Sign Area for a single occupant Principal Building. The maximum **sign**
184 **area** permitted for a **principal building** is the greater of either:

185
186 i. the product of the following formula: [linear width, or **frontage**,
187 of the **principal facade** in feet] multiplied by 0.8 = [x] square
188 feet; or

189
190 ii. the product of the following formula: [total area of the **principal**
191 **façade**] multiplied by .05 = [x] square feet.

192
193 There is no limit on the number of individual **signs** that may be affixed
194 or attached to a **principal building** provided that the total **sign area** of
195 all such **signs** combined does not exceed the maximum permitted **sign**
196 **area** determined pursuant to the above formulas.

197
198 b. Sign Area for Freestanding Signs. **Sign area** for **freestanding signs**
199 shall be determined pursuant to Section 608.4.A.4 and shall be allowed
200 in addition to the maximum permitted **sign area** for a **principal**
201 **building** determined pursuant to Section 608.4.A.1.a.

202
203 c. Sign Area for Lots Having No Buildings. A **lot** without **buildings** may
204 display up to 15 square feet of **sign area**.

205
206 d. Strip Plazas and Multi-Tenant Buildings. For purposes of calculating
207 maximum permitted **sign area per tenant** pursuant to Section
208 608.4.A.1.a, a **façade** of a **strip plaza** that faces interior to the **lot** may
209 be considered the **principal façade** in place of any other **principal**
210 **façade**. Each Tenant is allowed to have a maximum amount of signage
211 pursuant to the product of the following formula:

212 i. [linear width, or frontage, of the portion of the principal
213 facade occupied by the tenant in feet] multiplied by 0.8 = [x]
214 square feet; or

215 ii. [total area of the principal façade occupied by the tenant]
216 multiplied by .05 = [x] square feet.

217
218 e. ~~Multi-Tenant Buildings.~~ The maximum **sign area** permitted for a **multi-**
219 **tenant building** in existence as of January 20, 2021 is the greater of
220 either:
221

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Signs

From: Zoning Staff

- 222 i. ~~the total **sign area** allowed pursuant to Section 608.4.A.1.a; or~~
223
224 ii. ~~the total **sign area** of all existing legal **signs** on the **building** as~~
225 ~~of January 20, 2021. For any vacant tenant spaces as of~~
226 ~~January 20, 2021, the **sign area** utilized by the immediate prior~~
227 ~~tenant may be included in the calculation of permitted **sign area**~~
228 ~~under this subsection.~~
229
230 f. Multiple Principal Facades. Where a **building** has multiple **principal**
231 **facades**, the each **facades** or **tenant occupied portion thereof** may be
232 combined for purposes of calculating the maximum permitted shall not
233 exceed the permissible **sign area** per Sections 608.4.A.1.a or
234 608.4.A.1d.
235
236 g. Window Signs: Each business having windows shall not cover more
237 than twenty-five (25) percent of the glass area of each window with
238 signage/advertising and are subject to the following:
239
240 i. Animated illumination or effects, electronic, blinking,
241 flashing, and/or scrolling window signs shall be prohibited.
242 ii. Illuminated signs shall conform to the performance
243 requirements of 608.4.A.6 Illumination.
244 iii. Window sign square footage does not count to the sign area
245 calculation of a façade or tenant occupied portion thereof
246 per sections 608.4.A.1.a or 608.4.A.1d.
247 iv. Window signs do not require a sign permit.
248
249 2. Sign Types Permitted. The following **sign** types are permitted in the
250 **commercial** and **industrial districts**:
251
252 a. **wall signs**;
253
254 b. **freestanding signs**;
255
256 c. **projecting signs**; and
257
258 d. **Window signs**
259
260 3. Wall Signs. **Wall signs** in the **commercial** and **industrial districts** shall
261 be subject to the following regulations:
262
263 a. One or more **wall signs** may be displayed on any wall of any principal
264 **building** on a **lot**, provided that the total **sign area** displayed on any

Amendment 14

Signs

From: Zoning Staff

265 single **building** wall is limited to the total **sign area** that would be
266 permitted for that wall based on the formula set forth in Section
267 608.4.A.1.a, whether or not it is a **principal façade**.

- 268
- 269 b. The **sign area** of a **wall sign** may not exceed 100 square feet.
- 270
- 271 c. **Wall signs** shall not extend above the highest point of the main roof or
272 **parapet** of the **building** or be affixed to a **parapet** more than four feet
273 above the roof of the **building**.

274

275 4. Freestanding Signs. A **lot** in the **commercial** and **industrial districts** may
276 display one **freestanding sign** subject to the following regulations:

- 277
- 278 a. Sign Area and Height Regulations.
- 279
- 280 i. **Freestanding signs** must comply with the dimensions set forth
281 in the following table:

282

283

	Zoning District						
Maximum	<u>GC & GC-1</u>	<u>CB</u>	<u>LD</u>	<u>IND-L</u>	<u>IND-RA</u>	<u>IND-H</u>	<u>MC 2</u>
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

284

285

286 ii. Strip Plazas and Multi-Tenant Buildings. A **freestanding sign**
287 for a property improved with a **strip plaza** or **multi-tenant**
288 **building** may exceed the maximum **sign area** set forth in
289 Section 608.4.A.4.a.i by up to 50 percent, except in the CB and
290 LD Districts.

291

292 iii. Height. For purposes of measuring the height of a **freestanding**
293 **sign**, height shall mean the vertical distance measured from
294 grade at the edge of the adjacent right-of-way to the highest
295 point of the **sign** structure.

296

297 iv. The size of a **freestanding sign** may exceed the maximum
298 **sign area** set forth in Section 608.4.A.4.a.i by up to 15 percent
299 in order to accommodate numerals identifying the property
300 address or building address, or for a **freestanding sign** on a
301 property improved with a **strip plaza** or **multi-tenant building**,
302 by up to 15 percent in addition to the increase in **sign area**
303 allowed per Section 608.4.A.a.ii.

304

305 b. Design Standards.

Amendment 14

Signs

From: Zoning Staff

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- i. Landscaping. A landscaped area located around the base of a **freestanding sign** equal to two and one-half square feet for each square foot of **sign area**, is required for all **freestanding signs**. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial **ground cover** plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen **trees** installed in a manner which frames or accents the **freestanding signs** structure is encouraged.
 - ii. Spacing. **Freestanding signs** must be spaced at least 150 feet apart on **public streets** with posted travel speeds under 40 miles per hour, and at least 300 feet apart on **public streets** with posted travel speeds of 40 miles per hour and over.
 - c. A PUD or **planned business park** may have a **freestanding sign**, which **sign** shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations herein.
 - d. A lot within 100 feet of the Interstate 89 right-of-way with an existing **freestanding sign** that is legal non-conforming due to its height and which has a minimum height of 50 ft. may have one additional freestanding sign which shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations.
 - e. Freestanding Digital Signs. **Freestanding Signs** may incorporate a **digital sign** subject to the following:
 - i. **Freestanding digital signs** are only allowed in the General Commercial (GC) district on properties with frontage on the following streets:
 - Mechanic Street
 - Miracle Mile
 - Plainfield Road
 - South Main Street
 - ii. No more than one (1) display per hour shall be allowed
 - iii. Displays shall contain static messages only

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Signs

From: Zoning Staff

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- iv. **Freestanding Digital Signs** shall be programed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each **freestanding digital sign**. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.
 - vi. The **digital sign** and **freestanding digital sign** may be no larger than 50% of the **sign area** of the **freestanding digital sign**
 - vii. No **freestanding digital sign** may be located within one hundred (100) feet of a residential dwelling
 - viii. **Freestanding digital signs** shall operate with no more than 0.3 footcandles at the property line
 - ix. If a **freestanding digital sign** is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.
5. Projecting Signs.
- a. GC District, GC-1 District, and Industrial Districts. Projecting signs in the GC District and the **industrial districts** shall be subject to the following regulations:
 - i. One or more **projecting signs** may be displayed on any wall of any **principal building** on a **lot** provided that the total **sign area** displayed on any single **building** wall is limited to the total **sign area** that would be permitted for that wall based on the formula set forth in Section 608.4.A.1.a, whether or not it is a **principal façade**.
 - ii. The **sign area** of a **projecting sign** shall not exceed sixteen (16) square feet.

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Signs

From: Zoning Staff

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- iii. **Projecting signs** shall project from the wall at an angle of ninety (90) degrees.
 - iv. **Projecting signs** shall not extend above the highest point of the main roof or **parapet** of the **building** nor be affixed to a **parapet** more than four (4) feet above the roof of the **building**.
 - b. CB and LD Districts. Because of **building coverage** and development density in the CB and LD Districts, businesses located therein may not be able to erect **freestanding signs** or **projecting signs** which do not hang over a public sidewalk. Thus, within the CB and LD Districts **projecting signs** may hang over a public sidewalk, subject to the following limitations:
 - v. A **building** may have no more than one such **projecting sign** for each **building** entrance which accesses a business located at sidewalk level.
 - vi. No such **projecting sign** shall be larger in size than twelve (12) square feet if used to advertise only one business or sixteen (16) square feet if used to advertise more than one business.
 - vii. No part of any such **projecting sign** or the fixture to which it is attached shall be lower in height than eight feet six inches (8 feet 6 inches) above the sidewalk nor higher than fifteen (15) feet from the sidewalk. However, in no case shall any part of such a **sign** or fixture be located above the bottom of the second floor window sill.
 - viii. No part of any such **projecting sign** or fixture to which it is attached shall project over a public sidewalk more than the greater of three (3) feet or fifty percent (50%) of the width of the public sidewalk, but in no case shall it extend more than six (6) feet over the sidewalk.
 - ix. Such **projecting signs** shall not have **internal illumination**.
 - 6. Illumination. **Signs** may have either **external illumination** or **internal illumination**, subject to the following:
 - a. Lighting Plan. An applicant for a permit to illuminate a **sign** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.

Amendment 14

Signs

From: Zoning Staff

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- b. External Illumination. The use of floodlights or spotlights used for the **external illumination** of **signs** shall be mounted above the **sign** targeted for lighting, and illumination shall be properly focused upon and confined to the area of the **sign**.
 - c. Internal Illumination. **Internal illumination** of **signs** shall be designed with an opaque background so that only the lettering, symbols (i.e. logos), or design shall appear to be lighted.
 - d. Maximum Luminance. An illuminated sign shall operate with no more than 0.3 fc at the property line.
 - e. Glare. Fixtures used to illuminate **signs** shall be located, aimed, and shielded so as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Glare shall not be perceptible to drivers, pedestrians, bicyclists, and other passers-by within adjacent streets or rights-of-way.
 - f. Shielding. Any lighting fixture on a **sign** that is located within ten (10) feet of a **residential district**, or an existing residential use shall be (i) aimed away from the **residential district** or existing residential use; and (ii) shielded on the side closest to the **residential district** or existing residential use.
 - g. Hours of illumination. **Signs** may be illuminated any time between 6:00 a.m. and 9:00 p.m. Between 9:00 p.m. and 6:00 a.m. a sign may only be illuminated if and when the business is open to the public.

608.7 Signs Allowed Without a Building Sign Permit.

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

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A. Temporary signs allowed pursuant to Section 608.6.

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B. Any sign erected and maintained by the federal government, the State of New Hampshire, the Lebanon School District or the City of Lebanon in order to effectuate a substantial government interest.

C. Signs that are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic and pedestrian safety, complying with legal requirements, serving the requirements of emergency response, and protecting property rights or the rights of persons on property; specifically, the following:

Amendment 14

Signs

From: Zoning Staff

482 1. Traffic control devices and pavement markings installed and maintained to
483 comply with the Manual on Uniform Traffic Control Devices or other transportation
484 management guidelines adopted by the New Hampshire Department of
485 Transportation.

486 2. A lot with multiple driveways may display one directional sign at each entrance
487 or exit in order to ensure safe and efficient vehicular movement. Such signs may
488 not be more than two (2) square feet on two-lane streets or rights-of-way and on
489 any street with a posted travel speed under 35 miles per hour, and not more than
490 four (4) square feet on multi-lane streets or on any street with a posted travel speed
491 over 35 miles per hour.

492 D. Window signs pursuant to section 608.4.A.1.g

493

494 608.8 Fees

495 A. The City Council shall establish a per square foot sign permit fee in § 68-15.A
496 Enumeration of fees Zoning.

497

498 Add to Definitions:

499 **Window sign:** Any sign that is affixed to the interior or exterior of the window or
500 windowpanes or within five (5) feet of the interior of the window or windowpanes and is
501 visible from the exterior of the structure.

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

1 The purpose of the proposed changes to the Pattern Zones Overlay District is to give the residents
2 who want to participate in the program more choice. The approved ordinance required residents to
3 use the Plan Book, but several issues come up with in the first few months of approval that made
4 staff realize there needed to be more options to allow the participants to build what that want. The
5 proposed amendment will still offer a Plan Book but gives a second option for those wishing to use
6 their own designs. The second option allows participants to get their own plans approved through
7 the Heritage Commission by following design guidelines. Also, the draft Plan Book from the
8 consulting firm does not incorporate any 3 or 4 family structures, which we allow in the Pattern
9 Zones Overlay district with a Special Exception.

10 Section: 411 Pattern Zones Overlay District

11 Section 411.1 Purpose

12 The purpose of the Pattern Zone overlay district is to create additional housing that fits the
13 character of the existing neighborhood in Downtown Lebanon and Downtown West Lebanon, to
14 establish and preserve the characteristics of the historical downtown areas of Lebanon and West
15 Lebanon, and to increase density and housing choices in the district.

16 Section 411.2 Description of Pattern Zones Overlay District

17 The areas and boundaries of the Pattern Zone Overlay District are shown on the Pattern Zone
18 Overlay District Map of the City of Lebanon and made a part of this Ordinance and the Official
19 Zoning Map of the City of Lebanon. The Pattern Zone Overlay District Map is attached hereto as
20 Appendix D.

21 Section 411.3 Permitted Uses

22 The Overlay District regulations are intended to only be used for uses allowed within the Pattern
23 Zone Overlay District Table of Uses Table of Uses. Any nonresidential uses shall adhere to
24 regulations set forth in Article III based on the underlying zoning district.

25 Pattern Zone Overlay District Table of Uses

Amendment 15
 Pattern Zones Overlay District
 From: Zoning Staff

Permitted Uses	Special Exception
Residential: 1. Up to 2 One-Family Detached Dwellings 2. Two-Family Dwelling 3. Accessory Dwelling Unit per Section 610 Commercial/Non-Residential 1. Any listed in the Base Zoning District pursuant to Article III.	Residential: 1. Tri-Plex (3 units) 2. Quad-plex (4 units) 3. Townhouses / Rowhomes up to 4 units Commercial/Non-Residential: 1. Any listed in the Base Zoning District pursuant to Article III.
	Conditional Use Permit
	Residential: 1. Cottage Development per Section 509 with a minimum 20,000 sq ft lot

26

27

28 Section 411.4 Table of Areas, Dimensions, and Coverage

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Lot Coverage % of impervious surface	Height
4,000 sq ft	40' on lot that abuts a street; 15' on a flag shaped lot* and; 0' if on rear split lot *Pursuant to 411.6	10' OR pursuant to 411.11 Front Yard	5' / 7.5' (side of structure on a street frontage)	10'	60% 80% with special exception pursuant to 411.8	45'

29

30 Section 411.5 Parking

31 A minimum of one on-site parking space per dwelling unit is required.

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

32

33 Section 411.6 Creating New Lots in the Overlay District

- 34 A. Notwithstanding underlying zoning districts, new lots within the overlay may be created
35 utilizing the overlay lot dimensional requirements.
- 36 B. Creating a flag lot split shall provide 15' of frontage and meet the minimum lot area
37 requirements.
- 38 1. Front yard setback requirements shall begin at the point where the lot widens.
- 39 C. The creation of a rear lot without the street frontage required by RSA 674:41 may only be
40 approved if all of the following conditions are met:
- 41 1. A perpetual deeded easement in favor of the rear lot to use a driveway across a
42 lot which does have legally-sufficient frontage and identifying maintenance
43 responsibilities shall be submitted with the application for approval by the
44 Planning Board. If the subdivision is approved, the execution and recording of
45 the easement in the registry of deeds shall be a condition of approval.
- 46 2. The driveway shall be shown on the subdivision plan.
- 47 3. The Planning Board shall determine that the driveway is sufficient for access to
48 the rear lot.

49 Section 411.7 Shading and Buffers

- 50 A. Preservation of a property's existing trees is encouraged to maintain a natural shade canopy
51 upon the property.
- 52 B. Properties shall be landscaped to achieve a minimum of 30% **shade coverage**.
- 53 C. New houses located with the minimum 5' side yard setback from a property line must have a
54 vegetative buffer.

55

56 Section 411.8 Impervious Cover

- 57 A. Within the overlay district, impervious cover shall be limited as follows:
- 58 1. The maximum impervious cover shall be up to 60% by right.
- 59 2. Maximum impervious cover up to 80% may be permitted by Special Exception pursuant
60 to Section 801.3.
- 61 3. For purposes of this overlay district impervious cover shall be defined as: A structure or
62 land surface with a low capacity for infiltration, including but not limited to pavement, roofs,
63 roadways, and compacted soils, that has a Curve Number of 98 or greater.

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

- 64 4. Impervious cover determinations when in question shall be made by the City Engineer.
- 65 B. An applicant for a Special Exception to allow impervious cover up to 80% shall meet the criteria
66 of Section 801.3 in addition to the following:
- 67 1. A stormwater management plan shall be provided to the Board. The plan must
68 demonstrate that all stormwater is managed and treated onsite with a preference for low
69 impact development stormwater management methods. Applicants may tie into the City's
70 stormwater drain system as may be permitted by the City Code.

71

72 Section 411.9 Snow, Garbage, Fuel Tanks

- 73 A. A snow storage plan shall be submitted with the application and, if approved, shall be a
74 condition of the approval.
- 75 B. Garbage/recycling receptacle storage plan shall be submitted with the application and, if
76 approved, shall be a condition of approval.
- 77 1. Garbage/recycling shall not be stored in the front yard of the property.
- 78 2. Applicable screening shall be provided.
- 79 3. If a dumpster is used then it shall be enclosed, stored on a hard surface and meet
80 screening requirements. A dumpster shall meet setback requirements, not interfere with
81 parking, be located in the rear or side yard and beyond the front line of the structure and
82 meet the setback requirements.

83 C. Exterior fuel storage within the overlay shall:

- 84 1. Meet all zoning setback requirements.
- 85 2. Fuel storage tanks shall be located within the side or rear yard.
- 86 3. Underground fuel storage may be located in the front, side or rear yard provided they
87 meet the required yard setbacks.
- 88 4. Above ground fuel tanks may not be located in the front yard

89

90 Section 411.10 ~~Pattern Book Requirements~~ Design Requirements

91 ~~The architectural plan for a building within the overlay pursuant to these requirements shall be~~
92 ~~selected from the Pattern Zones Book (a catalog of preapproved house plans available through the~~
93 ~~Lebanon Planning and Development Department from 2025-2028).~~

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

- 94 A. Design Characteristics make sure any new development matches the existing
95 neighborhood. The following requirements should be followed:
96 1. Site changes, such as buildings, driveways, and other new features must not alter the
97 historic character of a neighborhood.
98 2. The location of new construction must be considered carefully in order to follow height
99 and setbacks of existing buildings in the neighborhood.
100 3. New Construction must not destroy character-defining attributes or features of the
101 neighborhood.
102 4. New Construction must match the scale, size, massing, and architectural features of
103 existing buildings in the neighborhood.
104 5. The Relationship between the new construction and existing structures must be
105 protected. Existing buildings must not be isolated from one another by new
106 construction.
107 6. Garages must be located at least 5' behind the front line of the residential structure.
108 7. The applicant must provide evidence that their design matches the character of other
109 residential structures on the street.
110 8. Common Characteristics found in the Overlay District:
111 a. Pitched Roof
112 b. Street-facing primary entrance.
113 c. Front porch or stoop
114 d. Non-split-level designs
115 e. Clapboard, woodlap, vinyl, and/or shingle sidings, stone, and/or brick exteriors in
116 material and/or in appearance

117 B. Review of Projects

- 118 1. Using Pre-Approved Plan Sets
119 a. an applicant may use architectural plans in the "Plan Book" free of charge but is
120 required to apply for building permits, submit a site plan, and other materials as
121 required by the Zoning Official and the Building Official.
122 2. Projects Requiring a Special Exception or CUP.
123 a. Those residential projects requiring a Special Exception or CUP (Section 411.3) will
124 have to submit architectural drawings [designed by and stamped by a licensed New](#)
125 [Hampshire design professional](#) to be reviewed by the Heritage Commission
126 pursuant to Section 408.7. The Heritage Commission will use the criteria listed in
127 [Section 411.10.A to determine the appropriateness of the design and issue a](#)
128 [written recommendation to the Zoning Board or Planning Board for their](#)
129 [consideration of the Special Exception or Conditional Use Permit.](#)
130 3. If a property owner wishes to use an architecturally designed and stamped plan set
131 not listed in the plan book for a Permitted Use then [Heritage Commission approval and a](#)
132 [Special Exception from the Zoning Board of Appeals is required. The architecturally](#)

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

133 [designed and stamped plan set and site plan shall be reviewed and deemed in](#)
134 [compliance with Section 411.10 Design Requirements by the Heritage Commission. The](#)
135 [Heritage Commission shall issue a written recommendation to the Zoning Board who shall](#)
136 [consider the plan set and site plan for a Special Exception.](#)

137
138 Section 411.11 Front Yard

- 139 A. The required front yard may be reduced to the average front yard of the existing buildings on
140 the same side of the street in the same block and located within 300 feet of the subject lot,
141 provided that there are at least 2 such buildings. This reduction shall not be allowed for lots
142 fronting on a state highway.
- 143 B. On lots with more than one frontage on an indeterminate lot, the front yard will be
144 determined by the Zoning Administrator based on the orientation of the principal structure
145 on the lot. The corner side with frontage will be considered a side yard and have a setback
146 that is the average of the established front and side setbacks).
- 147 C. On lots with no frontage, the front yard is determined by the Building Official or Zoning
148 Administrator based on the orientation of the principal structure on the lot and the access
149 easement location.

150 Section 411.12 Approved Designs

- 151 A. [The Heritage Commission shall maintain a book of architecturally designed pre-approved](#)
152 [plans available for use by the people of Lebanon. Use of a pre-approved plan set shall](#)
153 [qualify for the enhanced zoning considerations under the pattern zones overlay district.](#)
- 154
- 155 B. [Prerequisite to being listed as a preapproved plan a plan shall be:](#)
- 156 [a. Approved by the Heritage Commission.](#)
- 157 [b. Reviewed by and deemed compliant with New Hampshire State Building Code](#)
158 [requirements by the Chief Building Official.](#)
- 159 [a-c. Designed by and stamped by a New Hampshire licensed design professional.](#)

160 C. Submittal of Design for the Plan Book

161 [a. A design professional wishing to nominate a design for the plan book:](#)

162 [1. Prior to submission to the Heritage commission, submit a complete stamped](#)
163 [plan set for administrative review with Planning Department Staff and the Chief Building](#)
164 [Official and schedule a meeting to review the plans and discuss it compliance with the](#)
165 [design criteria and the building code.](#)

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

166 2. Following administrative review, submit a complete stamped plan set, with
167 amendments as required by the administrative review, to the Heritage Commission for the
168 Commissions consideration.

169 b. The Heritage Commission will use criteria listed in Section 411.10.A. to make a
170 determination if the plan should be included in the Plan Book.

171 c. The Chief Building Official shall review the Heritage Commission approved plans for
172 Building Code compliance and attach notes to the plans as needed to deem it approved.

173

174 **SHADE COVERAGE:** The percentage of land area covered by leaves, branches, and stems of
175 canopy/shade trees when viewed from above during the summer. New plantings should be
176 measured based on their size at maturity.

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

1 The purpose of this amendment is to allow greater flexibility for those wishing to build a Cottage
2 Development.

3 4 SECTION 509 COTTAGE DEVELOPMENTS.

5
6 509.1 Purpose. The purpose of this section is to provide opportunities for single family
7 housing that is small, energy-efficient, and affordable; to allow flexibility in site and
8 design standards while promoting projects that ensure compatibility with
9 surrounding land uses and existing neighborhoods; and to promote sustainability
10 and neighborhood interaction through integrated design.

11
12 Cottage developments are intended to serve as part of the City's overall housing
13 strategy to encourage affordability, innovation and variety in housing design and
14 site development while ensuring compatibility with existing neighborhoods, and to
15 promote a variety of housing choices to meet the needs of a population diverse in
16 age, income, household composition and individual needs.

17
18 509.2 Applicable Use Districts. **Cottage developments** are allowed by **conditional use**
19 on Class 1 lots in the Pattern Zones Overlay District, R-1, R-2, R-3, R-O, ~~and R-~~
20 O-1, GC-1 Districts, in accordance with Section 302.4.D and the requirements of
21 this section.

22
23 509.3 Number and Arrangement of Units. ~~Cottage developments shall contain a~~
24 ~~minimum of three (3) and a maximum of sixteen (16) Cottages shall be~~, located
25 in one or more clusters to maximize efficiency of land use and to encourage a
26 sense of community among the residents. Each cluster shall include a minimum of
27 three (3) units and a maximum of sixteen (16) units.

28
29 509.4 Lot Size. All **cottage developments** shall have a minimum lot area ~~of 20,000 sq.~~
30 ~~ft., except in the R-2 and R-3 District, where a minimum lot area of 40,000 sq. ft.~~
31 ~~shall be required—~~ specified in the underlying zoning district.

32
33 509.5 Density and Building Coverage. ~~Permitted density shall be based on 2,500 sq. ft.~~
34 ~~of lot area per each cottage. The maximum permitted building coverage shall be~~
35 ~~35%. The maximum lot coverage shall be 60%. A lot coverage of 60%-80% by~~
36 special exception pursuant to Section 411.8.

37
38 509.6 Design Standards. The following design standards are intended to define design
39 parameters to create a small community of cottages oriented around open space
40 and to achieve compatibility with adjacent uses.

41
42 A. Individual Cottage Spaces. For each detached **cottage**, the site plan approved by
43 the Planning Board shall delineate a building site for each detached **cottage** of no
44 less than 1,500 sq. ft.

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

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- B. Detached Cottages. At least 50% of the **cottages** in the development shall be detached units. The remainder shall be duplexes or rowhomes.
- C. Interior Setbacks. The minimum setback between units within a **cottage development** shall be 10 feet, measured from the nearest point of the exterior walls.
- D. Common Open Space. A minimum of 400 square feet of common open space shall be provided per **cottage** and per cluster. The common open space area for each cluster shall be contiguous and shall abut all of the **cottages** in the cluster. **Cottages** shall be oriented around and have their main entry from the common open space.
- E. Roofs and Porches.
1. The highest point of the roof of the **cottage** shall not exceed 3024 feet.
 2. **Cottages** shall have an unenclosed, covered front primary entry and porch of at least 60 square feet in size. The front porch shall be oriented toward a common open space. The intent of this porch requirement is to create outdoor space in each **cottage** that is visually and physically connected to the common open space and to other **cottages**.
- ~~F. Parking Location and Screening Requirements.~~
- ~~1. Parking areas and driveways shall comply with applicable minimum yard requirements for the underlying zone.~~
 - ~~2. Parking areas shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.~~
 - ~~3. Parking areas shall be prohibited in the minimum required front yard.~~
 - ~~4. Parking areas shall be separated from the common open space by landscaping or an architectural screen.~~
- G. Existing Dwellings. An existing detached or attached one-family dwelling that is incorporated into a cottage development and is nonconforming with respect to the standards of this section shall be permitted to remain on a site used for a cottage development and shall be considered a **cottage** for purposes of this section. However, the extent of the noncompliance may not be increased except unless the proposed change is determined by the Planning Board to be consistent in character, scale, and design with the cottage housing development.

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

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

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

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Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

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

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

1 The purpose of this amendment is to give clarification on the different types of uses that were
2 included in the **Care and Treatment of Animals** definition. The proposed changes to the use
3 tables show where the different uses may be more appropriate than others.

4
5 **CARE AND TREATMENT OF ANIMALS**: ~~A veterinary establishment, riding school or kennels.~~

6
7 **ANIMAL CLINIC, ANIMAL HOSPITAL OR VETERINARY OFFICE**: ~~Any structure, or portion thereof,~~
8 ~~that is designed or used for the medical or surgical treatment of animals in which veterinary~~
9 ~~services, including Boarding incidental to treatment, are limited to short term care. Grooming~~
10 ~~maybe provided.~~

11 **Animal Boarding Facility**: ~~a facility where domesticated pets are cared for daily or overnight on a~~
12 ~~temporary bases at the request of the owner.~~

13 **Kennels**: ~~any establishment wherein or whereupon the business of boarding or selling dogs or~~
14 ~~breeding dogs for sale is carried on, except for a pet shop~~

15 **Horse Stable**: ~~Facility that includes large animal enclosures, barns, riding arenas, corrals,~~
16 ~~paddocks, and pens used for the raising, training, rehabilitation, and riding of horses for~~
17 ~~commercial purposes.~~

18 **Riding Facility**: ~~an establishment where horsemanship and riding is taught.~~

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

31 SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).
 32 303.2 Table of Uses.
 33

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)		
<p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 1. Airport 2. Bus terminal 3. Essential service 4. Equipment and machinery sales, rental and service 5. Group day care facility per Section 604 6. Health club 7. Light industry 8. Local government use 9. Outdoor storage per Section 303.4 (less than 20%) 10. Plumbing, electrical or carpentry shop 11. Publishing/printing 12. Research laboratory 13. Renewable energy system per Section 612 14. Retail product pickup 15. Retail showroom per Section 303.5 (less than 10%) 16. Trucking terminal 17. Warehouse 18. <u>Animal Clinic, Hospital, or Veterinary Office</u> <p><u>Planned Developments</u></p> <ol style="list-style-type: none"> 19. Industrial PUD per Section 501 20. Planned business park per Section 508 	<p><u>Commercial/Non-Residential</u></p> <p style="color: red;">1. Care and treatment of animals</p> <p style="color: blue;"><u>2.1. Contractor's yard</u></p> <p style="color: blue;"><u>3.2. Educational facility</u>, college/university</p> <p style="color: blue;"><u>4.3. Educational facility, vocational school</u></p> <p style="color: blue;"><u>5.4. Recovery Houses</u></p> <tr style="background-color: #cccccc;"> <td colspan="2" style="text-align: center;"><u>Uses by Conditional Use Permit</u> (see Section 302.4)</td> </tr> <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 1. Car wash 2. Inpatient rehabilitation facility 3. Office 4. Outdoor storage per Section 303.4 (more than 20%) 5. Retail showroom per Section 303.5 (between 10-20%) 6. Vehicular sales 7. <u>Animal Boarding Facility</u> 	<u>Uses by Conditional Use Permit</u> (see Section 302.4)	
<u>Uses by Conditional Use Permit</u> (see Section 302.4)			

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

37 SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

38 305.2 Table of Uses.

39

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 305.5) <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 3. Amusements (indoor) 4. Car wash 5. Community center 6. Drive-in restaurant, refreshment stand 7. Drive-through facility 8. Drycleaning pick-up station 9. Financial institution 10. Funeral home 11. Group day care facility per Section 604 12. Health club 13. Hotel 14. House of worship 15. Laundromat 16. Local government use 17. Membership club 18. Motel 19. Movie theater 20. Office 21. Personal service 22. Publishing/printing 23. Radio or TV studio 24. Recreational facility, indoor 	<p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 1. Alternative treatment center per Section 613 2. Bus terminal 3. Educational facility, college/university 4. Essential service 5. Truck terminal 6. Recovery Houses <div style="background-color: #cccccc; text-align: center; padding: 5px;"> <p><u>Uses by Conditional Use Permit</u> (see Section 302.4)</p> </div> <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 1. Care and treatment of animals 2.1. <u>Contractor's yard</u> 3.2. <u>Craftsman's shop</u> 4.3. <u>Plumbing, electrical or carpentry shop</u> 5.4. <u>Produce stand</u> 6.5. <u>Recreational facility, outdoor</u> 7.6. <u>Warehouse</u> 8.7. <u>Wholesale sales</u> 8. <u>Research Laboratory</u> 9. <u>Animal Clinic, Hospital, Veterinary Office</u> 9.10. <u>Animal Boarding Facility</u> <p><u>Planned Developments</u></p>

Amendment 17
Care and Treatment of Animals
From: City Council and Staff

25. Renewable energy system per Section 612	40.11. Commercial PUD per Section 501
26. Restaurant , sandwich shop	
27. Retail product pickup	
28. Retail store	
29. Service station	
30. Vehicular repair	
31. Vehicular sales	

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

70 SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

71 306.2 Table of Uses.

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<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> <ol style="list-style-type: none"> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 306.5) 3. Senior housing complex 	<u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> 1. Craftsman’s shop 2. Drive-through facility 3. Educational facility, college/university 4. Recovery Houses
<u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> 4. Amusements (indoor) 5. Community center 6. Drycleaning pick-up station 7. Financial institution 8. Group day care facility per Section 604 9. Funeral home 10. Health club 11. Hotel 12. House of worship 13. Laundromat 14. Library 15. Local government use 16. Membership club 17. Motel 18. Museum 19. Office 20. Personal service 21. <u>Animal Clinic, Hospital, Veterinary Office</u> 	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> 1. Essential service 2. Other uses per Section 306.4 3. Parking facility 4. Publishing/printing 5. Recreational facility, indoor 6. Recreational facility, outdoor 7. <u>Animal Boarding Facility</u> <u>Planned Developments</u> <ol style="list-style-type: none"> 8. Commercial PUD per Section 501

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

75 SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).
 76 305A.2 Table of Uses.
 77

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 9. <u>Animal Clinic, Hospital, or Veterinary Office</u>	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store 9. Research Laboratory 9-10. <u>Animal Boarding Facility</u> <u>Planned Developments</u> 10-11. Commercial PUD per Section 501 11-12. Manufactured Housing PURD per Section 504

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

85 SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).
 86 311A.2 Table of Uses.
 87

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <p>22. One-family dwelling</p> <p>23. Two-family dwelling</p> <p>24. Multi-family dwelling (4 dwelling units or less) per Section 601</p> <p>25. Accessory dwelling unit (ADU) per Section 610</p> <p><u>Commercial/Non-Residential</u></p> <p>26. Construction of new office building (3,000 sq. ft. or less) per Section 601</p> <p>27. Conversion of a dwelling to office use per Section 601</p> <p>28. Financial institution</p> <p>29. Group day care facility per Section 604</p> <p>30. Home business per Section 600</p> <p>31. House of worship</p> <p>32. Personal service</p> <p>33. Renewable energy system per Section 612</p> <p>34. <u>Animal Clinic, Hospital, Veterinary Office</u></p> <p><u>Planned Developments</u></p> <p>35. PURD per Section 501</p>	<p><u>Residential</u></p> <p>5. Multi-family dwelling (5 dwelling units or more) per Section 601</p> <p>6. Senior housing complex</p> <p><u>Commercial/Non-Residential</u></p> <p>7. Construction of new office building (3,001 sq. ft. – 6,000 sq. ft.) per Section 601</p> <p>8. Educational facility, college/university</p> <p>9. Educational facility, primary/secondary</p> <p>10. Essential service</p> <p>11. Funeral home</p> <p>12. Group residence</p> <p>13. Health club</p> <p>14. Hospice</p> <p>15. Lodging house</p> <p>16. Public safety facility</p> <p>17. Recreational facility, indoor</p> <p>18. Recreational facility, outdoor</p> <p>19. Tourist home (or bed and breakfast facility)</p>

Amendment 17
 Care and Treatment of Animals
 From: City Council and Staff

	<u>Uses by Conditional Use Permit</u> <u>(see Section 302.4)</u>
	<u>Residential</u> 1. Cottage development per Section 509 2. <u>Animal Boarding Facility</u>

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

120 SECTION 312 RURAL LANDS ONE DISTRICT (RL-1).
 121 312.2 Table of Uses.
 122

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 1. Agriculture 2. Home business per Section 600 3. House of worship 4. Public education facility 5. Public recreation facility 6. Renewable energy system per Section 612 <u>Planned Developments</u> 7. Manufactured housing park per Section 503 8. Manufactured housing PURD per Section 504 9. PRec per Section 501 10. PURD per Section 501	<u>Commercial/Non-Residential</u> 1. Care and treatment of animals 2.1. Cemetery 3.2. Essential service 4.3. Group day care facility per Section 604 5.4. Home-based contractor's yard per Section 600A 6.5. Radio or TV tower or other communication equipment 7.6. Recreational camping park per Section 505 8.7. Recreational facility, indoor 98. Recreational facility, outdoor 9. Animal Clinic, Hospital, or Veterinar Office 10. Animal Boarding Facility 11. Kennels 12. Horse Stable 13. Riding Facility

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

130 SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).
 131 313.2 Table of Uses.
 132

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 3. Agriculture 4. Home business per Section 600 5. House of worship 6. Public recreation facility 7. Renewable energy system per Section 612 <p><u>Planned Developments</u></p> <ol style="list-style-type: none"> 8. Manufactured housing park per Section 503 9. Manufactured housing PURD per Section 504 10. PRec per Section 501 11. PURD per Section 501 	<p><u>Commercial/Non-Residential</u></p> <p>1. Care and treatment of animals</p> <p>2.1. Cemetery</p> <p>3.2. Essential service</p> <p>4.3. Group day care facility per Section 604</p> <p>5.4. Home-based contractor's yard per Section 600A</p> <p>6.5. Produce stand</p> <p>7.6. Radio or TV tower or other communication equipment</p> <p>8.7. Recreational camping park per Section 505</p> <p>9.8. Recreational facility, indoor</p> <p>10.9. Recreational facility, outdoor</p> <p>10. Excavation of natural earth materials per Section 606</p> <p>11. <u>Animal Clinic, Hospital, or Veterinary Office</u></p> <p>12. <u>Animal Board Facility</u></p> <p>13. <u>Kennels</u></p> <p>14. <u>Horse Stables</u></p> <p>14.15. <u>Riding Facility</u></p>

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

138 Section 314 Rural Lands Three District (RL-3)
 139 314.2 Table of Uses.
 140

<u>Permitted Uses</u>	<u><i>Special Exception Uses</i></u> (see Section 801.3)
<u>Residential</u> 1. Accessory use to any one-family dwelling <u>Commercial/Non-Residential</u> 2. Agriculture 3. Home business per Section 600 4. Public recreation facility 5. Renewable energy system per Section 612 <u>Planned Developments</u> 6. PRec per Section 501 7. PURD per Section 501	<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 3. Cemetery 4. Essential service 5. Home-based contractor's yard per Section 600A 6. Radio or TV tower or other communication equipment 7. Recreational camping park per Section 505 8. Recreational facility, indoor 9. Recreational facility, outdoor 10. <u>Riding Facility</u> 11. <u>Horse Stable</u> 12. <u>Kennels</u>

141

Amendment 18

Zoning Amendment Application and Notice Fees

From: Zoning Staff

1 The purpose of this amendment is to place the burden of petitioned amendments on to
2 the petitioner and allow the City to recoup fees associated with petitioned amendments.

3
4 1000.2 Source of Proposed Amendments.

5
6 Amendments may be proposed as follows:

- 7
8 A. From the City Council at any time.
- 9
10 B. From the City Council upon request by any Board or City official when the Council
11 decides that it is appropriate to go forward with such amendment.
- 12
13 C. By petition of any number of voters, provided however, that unless the petition is
14 submitted utilizing the "Citizens Binding Initiative" procedure contained in Section
15 419:23a of the Lebanon City Charter, it will be within the sole discretion of the City
16 Council as to whether or not to proceed in any way with the requested amendment.
- 17
18 D. A petitioned amendment submitted under Paragraph C above may be filed at any
19 time. However, if a petition not meeting the requirements for the Citizens Binding
20 Initiative procedure is submitted between August 1 and October 1 of any year, the
21 Council shall put the proposed amendment on its agenda and determine, prior to
22 December 1 of that year, whether or not to schedule the amendment for review
23 and hearing pursuant to Section 1000.3. The purpose of this paragraph is to enable
24 the potential filing of a Citizens Binding Initiative petition in time for the following
25 March election, in the event the Council determines not to proceed with review and
hearing.

26 1. The petitioner shall bear the responsibility of presenting the amendment
27 throughout the process described in Section 1000.3

28 2. The Petitioner shall pay RSA 675:7 notice fees and other applicable fees

29 3. City Council shall establish a Petitioner application fee in § 68-15
30 Enumeration of fees.

- 31 E. The Zoning Administrator may request persons submitting an amendment for any
32 additional information as may be necessary to put the proposal in a form consistent
33 with the remainder of the Ordinance and capable of being acted upon.

Amendment 19
Miscellaneous Definitions – Appendix A
From: Zoning Staff and State Law Conformance

1 A. Definition of “Lot Width”:
2

3 “**LOT WIDTH**: The distance measured across the rear line of the required *front yard* providing that
4 at least ~~22~~ 20 feet exist along the *street line*.”

5 The reasoning behind changing the definition of "lot width" is to align with the City's Driveway
6 Regulations (adopted by the Planning Board) which require a minimum driveway width of 12 ft.,
7 with 5 ft. setbacks from the lot lines on either side of the driveway. Lot width is relevant for zoning
8 districts that require minimum *lot width* rather than minimum *frontage*. These include the R-1, R-2,
9 R-3, R-O, R-O-1, and PB Districts. Requiring a minimum "width" in lieu of minimum "frontage" allows
10 the creation of "flag lots" or "back lots" in these districts. For reference, an example of a "flag lot"
11 (located on Bank Street) is outlined in blue in the image below:
12



13
14
15 B. Definition of “Agriculture”:
16

17 “**AGRICULTURE**: ~~Any area of land, including structures thereon, that is used for agricultural~~
18 ~~purposes including forestry. This includes the raising of cows, horses, pigs, poultry and other~~
19 ~~livestock; horticulture and orchards; logging of a forest, woodland or plantation; selling of products~~
20 ~~grown or raised directly on such land; and the building, altering or maintaining of wood roads,~~
21 ~~agricultural roads, skidways, landings, fences, drainage systems and farm ponds. This term shall~~
22 ~~have the meaning as set forth in RSA 21:34-a, II.”~~

23 The reasoning behind changing the definition of “agriculture” is to ensure that Lebanon’s
24 agricultural-related zoning regulations can be effectively enforced in line with statutory
25 requirements. Specifically, NH RSA 674:32-a, provides that, “whenever agricultural operations or
26 activities **as defined in RSA 21:34-a** are not explicitly addressed with respect to any zoning district
27 or location, such operations or activities shall be deemed to be permitted there, as either a primary
28 or accessory use”. (emphasis added) Because the current definition of agriculture in Appendix A is
29 different than the statutory definition, agriculture **as defined in RSA 21:34-a** is currently a permitted

Amendment 19

Miscellaneous Definitions – Appendix A

From: Zoning Staff and State Law Conformance

30 use in every zoning district. As such, Lebanon's current agriculture-related zoning regulations are
31 effectively unenforceable and rendered moot by the statutory requirements. Updating the definition
32 of "agriculture" to match the statutory definition will allow Lebanon to continue restricting agricultural
33 uses to the zones where agriculture is identified as a permitted use (i.e. within the Rural Lands
34 Districts). The statutory definition of agriculture is included below for reference.

35 ***Statutory Definition of "Agriculture", RSA 21:34-a, II:***

- 36 II. The words "agriculture" and "farming" mean all operations or activities of a farm, including:
- 37 (a)(1) The cultivation, conservation, or tillage of the soil.
- 38 (2) The storage and use of or spreading of commercial fertilizer, lime, wood ash, sawdust,
39 compost, animal manure, septage, and, where permitted by municipal and state rules and
40 regulations, other lawful soil amendments.
- 41 (3) The use of or application of agricultural chemicals.
- 42 (4) The husbandry of livestock which shall include but not be limited to all beef or dairy cattle,
43 steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of
44 buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*),
45 fallow deer (*Dama dama*), red deer (*Cervus elephus*), or reindeer (*Rangifer tarandus*).
- 46 (5) The husbandry, boarding, training, or riding instruction of equines.
- 47 (6) The husbandry and harvesting aquaculture products including fresh or salt water finfish,
48 shellfish, or other aquatic organisms grown for consumption or processing.
- 49 (7) The husbandry of poultry or game birds or production of eggs.
- 50 (8) The husbandry of bees or production of honey.
- 51 (9) The husbandry of domesticated strains of fur-bearing animals.
- 52 (10) The production of greenhouse crops.
- 53 (11) The production, cultivation, growing, or harvesting of any agricultural, floricultural,
54 viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey,
55 maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees
56 or tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees
57 grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested
58 extensively for profit or subsistence.
- 59 (b) Any practice or activity on the farm incident to, ancillary to, or in conjunction with such
60 farming operations, including, but not necessarily restricted to:
- 61 (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to
62 market of any products or materials from the farm.
- 63 (2) The transportation to the farm of supplies and materials.
- 64 (3) The transportation of farm workers.
- 65 (4) Forestry or lumbering operations.
- 66 (5) Marketing or selling at wholesale or retail, regardless of the manner or form of the transaction,
67 any livestock or products derived principally from the production of the farm, including, but not
68 limited to items listed in subparagraph (a), whether on-site or off-site, provided that marketing
69 such products is not specifically prohibited by local regulations. For the purposes of this section
70 marketing shall include agritourism, which means attracting visitors to a farm to attend events or

Amendment 19
Miscellaneous Definitions – Appendix A
From: Zoning Staff and State Law Conformance

- 71 activities that are accessory uses to the primary farm operation, including, but not limited to,
72 being provided a meal, making overnight stays, enjoyment of the farm environment, education
73 which shall be instruction or learning about the farm's operations, or active involvement in the
74 activities of the farm.
- 75 (6) Irrigation of growing crops from private water supplies or public water supplies where not
76 prohibited by state or local rule or regulation.
- 77 (7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a,
78 II(a)(4).
- 79 (8) The production and storage of compost and the materials necessary to produce compost,
80 whether such materials originate, in whole or in part, from operations of the farm.

Amendment 20

Impact Fees

From: Zoning Staff

1 The impact fee changes proposed will serve two purposes. Eliminate the contradictory language
2 in the Ordinance for dwelling units below 500 sq. ft. and to close the “basement loophole. The
3 500 sq. ft. contradiction says in one place in the text that no impact fees are due and in another
4 that school impact fees can be waived. Eliminating the complete exemption language as
5 proposed will ensure that Fire, Police, and Recreation impact fees will be collected for smaller
6 units. Second is the closing of the “basement loophole” currently only the area of a new home
7 that is “above grade” Is included in the square footage calculations for impact fees. A walk-out
8 basement and potentially finished basement would not be charged impact fees despite the fact
9 that they are clearly part of the Gross Living Area. Finally, there is no sunset on the fee
10 exemption for acts of nature or the replacement of a manufactured home. We proposed a time
11 limit of two years which matches the same limits in the non-conformity section of the ordinance.
12 There will be impact fee revenue enhancement that results from these changes.

13

14 SECTION 213 IMPACT FEES.

15

16 E. Development means an activity that results in:

- 17 (1) The creation of a new **dwelling unit** or units or new **manufactured housing**; or
18 (2) The conversion of a legally existing use, or additions thereto, which would result in a net
19 increase in the number of **dwelling units**; or
20 (3) Construction resulting in a new non-residential **building** or a net increase in the **gross floor**
21 **area** of any non-residential **building**; or
22 (4) The conversion of a lawful existing use to another use if such change would result in a net
23 increase in the demand on public capital facilities that are the subject of impact fee assessment.
24 (5) A net increase in a residential building’s gross floor area greater than 500 square feet.

25

26 Notwithstanding the above, new development shall not include:

- 27 ~~a. The creation of any new studio or one-bedroom accessory dwelling unit with a~~
28 ~~gross living area of 500 sq. ft. or less;~~
29 a. The replacement of an existing **manufactured housing** unit or any
30 existing **dwelling unit** if replaced within 2-years; or
31 b. The reconstruction of a **structure** that has been destroyed by fire or natural
32 disaster if replaced within 2-years where there is no change in size, density,
33 or type of use that would increase the demand on capital facilities for which
34 impact fees are assessed.

35

36

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



18 September 2025

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Map Change

Dear Mayor and Councilors:

On behalf of Rock Ridge Lebanon, LLC, this letter is being written to request a change to the city zoning map to be part of the city's annual zoning review.

Request #1. Rezone parcels along Old Pine Tree Cemetery Road to R-3 (see attached "OPTCR").

The parcels involved include 117-17, 74-1-100, 74-1-200, and numerous Rock Ridge parcels. These parcels are adjacent to the existing R-3 zoned parcels at the westerly end of OPTCR. This request seeks to extend the R-3 zone approximately 4,000' easterly to the southerly property line of Rock Ridge. The parcels proposed for re-zoning are currently zoned RL-2.

The current RL-2 zoning allows for 1Ac lots. The proposed R-3 zoning allows 0.25Ac lots. By placing the zone line 500' from OPTCR an additional 200 homes could be allowed. Under the Rock Ridge subdivision approval and the Homeowners Association documents, only 148 units can be built on the site, if zoning allows. This constraint ensures the city that an excessive amount of homes will not be built. However, this proposal fills the need for this type of housing that is missing and desperately needed to retain workers.

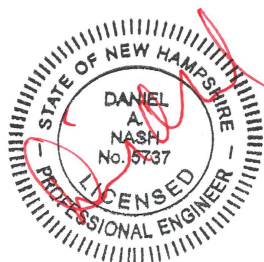
Changing the zoning for these parcels would allow for more single family homes and not cause the potential for harmful impacts from development.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE
Principal

Attachments:



City Council
Request for Zoning Change
18Sep2025

-OPTCR
-R-3
-RL-1, 2, &3

CC: Don Hirst

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R3

Expanded
R-3 Zone

RL2

R1

500'

500'-0"

GC

R3

GC

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

310.1 Purpose.

The purpose of the R-3 District is to provide areas primarily for single family residential neighborhoods.

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 3. Home business per Section 600 4. Home-based agricultural business per Section 600B.2 (lots 5 acres or more) and per Section 600B.3 (lots greater than 10 acres) 5. Home-based agricultural business per Section 600B.3.A (5–10 acre lots) 6. Home-based agricultural business per Section 600B.3.B (10+ acre lots) 7. Hospital 8. House of worship 9. Public education facility 10. Public recreation facility 11. Public safety facility 12. Renewable energy system per Section 612 <u>Planned Developments</u> 13. PURD per Section 501	<u>Residential</u> 1. Two-family dwelling by conversion of existing one-family dwelling 2. Senior housing complex <u>Commercial/Non-Residential</u> 3. Cemetery 4. Essential service 5. Group day care facility per Section 604 6. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) 7. Nursing home <div style="text-align: center;"><u>Uses by Conditional Use Permit</u> (see Section 302.4)</div> <u>Residential</u> 1. Cottage development per Section 509

310.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Maximum Height
1	10,000 sq.ft.	75'	35'
2	15,000 sq.ft.	75'	35'
3	40,000 sq.ft.	100'	35'

Minimum Yard

Class	Front	Side	Rear	Max. Building Coverage
1	20'	15'	20'	25%
2	20'	15'	20'	20%
3	25'	25'	30'	15%

310.4 Dwelling Unit Density.

For **senior housing complexes** and PURDs per Section 501.2 (“Planned Unit Residential Development (PURD)”), one (1) **dwelling unit** is permitted per each 10,000 sq. ft. of lot area. Density for **senior housing complexes** may be increased per Section 603 (“Senior Housing Complexes”).

SECTION 312 RURAL LANDS ONE DISTRICT (RL-1).

312.1 Purpose. The purpose of the RL-1 District is to provide areas of transition between the denser urban neighborhoods of the R Districts and the more sparsely settled and/or more environmentally sensitive RL-2 and RL-3 areas.

312.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 1. Agriculture 2. Home business per Section 600 3. House of worship 4. Public education facility 5. Public recreation facility 6. Renewable energy system per Section 612 <p><u>Planned Developments</u></p> <ol style="list-style-type: none"> 7. Manufactured housing park per Section 503 8. Manufactured housing PURD per Section 504 9. PRec per Section 501 10. PURD per Section 501 	<p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 3. Care and treatment of animals 4. Cemetery 5. Essential service 6. Group day care facility per Section 604 7. Home-based contractor's yard per Section 600A 8. Radio or TV tower or other communication equipment 9. Recreational camping park per Section 505 10. Recreational facility, indoor 11. Recreational facility, outdoor

312.3 Table of Area, Dimensions and Coverage.

Minimum Lot Requirements						Maximum Limitations	
Class	Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
1 or 2	1 acre	150'	40'	25'	30'	35'	15%
3	3 acres (*)	150'	40'	25'	30'	35'	15%

*The minimum lot size may be reduced to an area not smaller than one (1) acres by application of the High Intensity Soils Mapping Standards (i.e. **HIS**) of Appendix B.

SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).

313.1 Purpose.

The purpose of the RL-2 District is to provide land for low density, rural living.

313.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<p><u>Residential</u></p> <ol style="list-style-type: none"> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 3. Agriculture 4. Home business per Section 600 5. House of worship 6. Public recreation facility 7. Renewable energy system per Section 612 <p><u>Planned Developments</u></p> <ol style="list-style-type: none"> 8. Manufactured housing park per Section 503 9. Manufactured housing PURD per Section 504 10. PRec per Section 501 11. PURD per Section 501 	<p><u>Commercial/Non-Residential</u></p> <ol style="list-style-type: none"> 1. Care and treatment of animals 2. Cemetery 3. Essential service 4. Group day care facility per Section 604 5. Home-based contractor's yard per Section 600A 6. Produce stand 7. Radio or TV tower or other communication equipment 8. Recreational camping park per Section 505 9. Recreational facility, indoor 10. Recreational facility, outdoor 11. Excavation of natural earth materials per Section 606

313.3 Table of Area, Dimensions and Coverage.

Minimum Lot Requirements						Maximum Limitations	
Class	Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
1 or 2	1 acre	150'	40'	20'	25'	35'	20%
3	3 acres (*)	200'	40'	35'	30'	35'	10%

*The minimum lot size may be reduced to an area not smaller than one (1) acres by application of the High Intensity Soils Mapping Standards (i.e. **HIS**) of Appendix B.

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

314.1 Purpose.

These are areas of the City within which development should be restricted until it has been further studied and detailed plans developed. These are critical areas where slopes of over twenty-five percent (25%) may be found, **wetlands** and a seasonably high water-table exist or have poor highway access to the rest of the community. These areas almost uniformly have severe restrictions for on-site disposal of sewage and any extensive development, including **driveways**, may present problems in grades and control of erosion. The primary use of these areas should be for forestry with only limited development for single family residential purposes on large lots.

314.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Accessory use to any one-family dwelling <u>Commercial/Non-Residential</u> 2. Agriculture 3. Home business per Section 600 4. Public recreation facility 5. Renewable energy system per Section 612 <u>Planned Developments</u> 6. PRec per Section 501 7. PURD per Section 501	<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 3. Cemetery 4. Essential service 5. Home-based contractor's yard per Section 600A 6. Radio or TV tower or other communication equipment 7. Recreational camping park per Section 505 8. Recreational facility, indoor 9. Recreational facility, outdoor

314.3 Table of Area, Dimensions and Coverage.

Minimum Lot Requirements				Maximum Limitations	
Lot Area	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
10 acres	50'	50'	50'	35'	1%



30 October 2024

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of ICV of NH, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 26-2 on Etna Road to GC-1 (see attached "Lot 26-2").

Parcel 26-2 is a large, mixed use industrial parcel. It currently has an office building and an a multi-family building on it. The parcel is unsuitable for typical industrial building as it is steep and boulder. The land could support one or two more multi-family structures, if re-zoned.

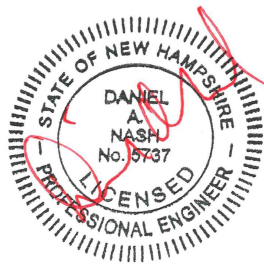
This parcel is in between the other parcels being considered for change to GC-1. It has the same characteristics as those parcels and could provide similar benefit to the city. Making this change fits with those properties. I believe this parcel was overlooked in the study process and should be included for consideration for a zone change.

Establishing this proper zoning to this parcel would be just, appropriate, and not cause the potential for harmful impacts from development.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE
Principal



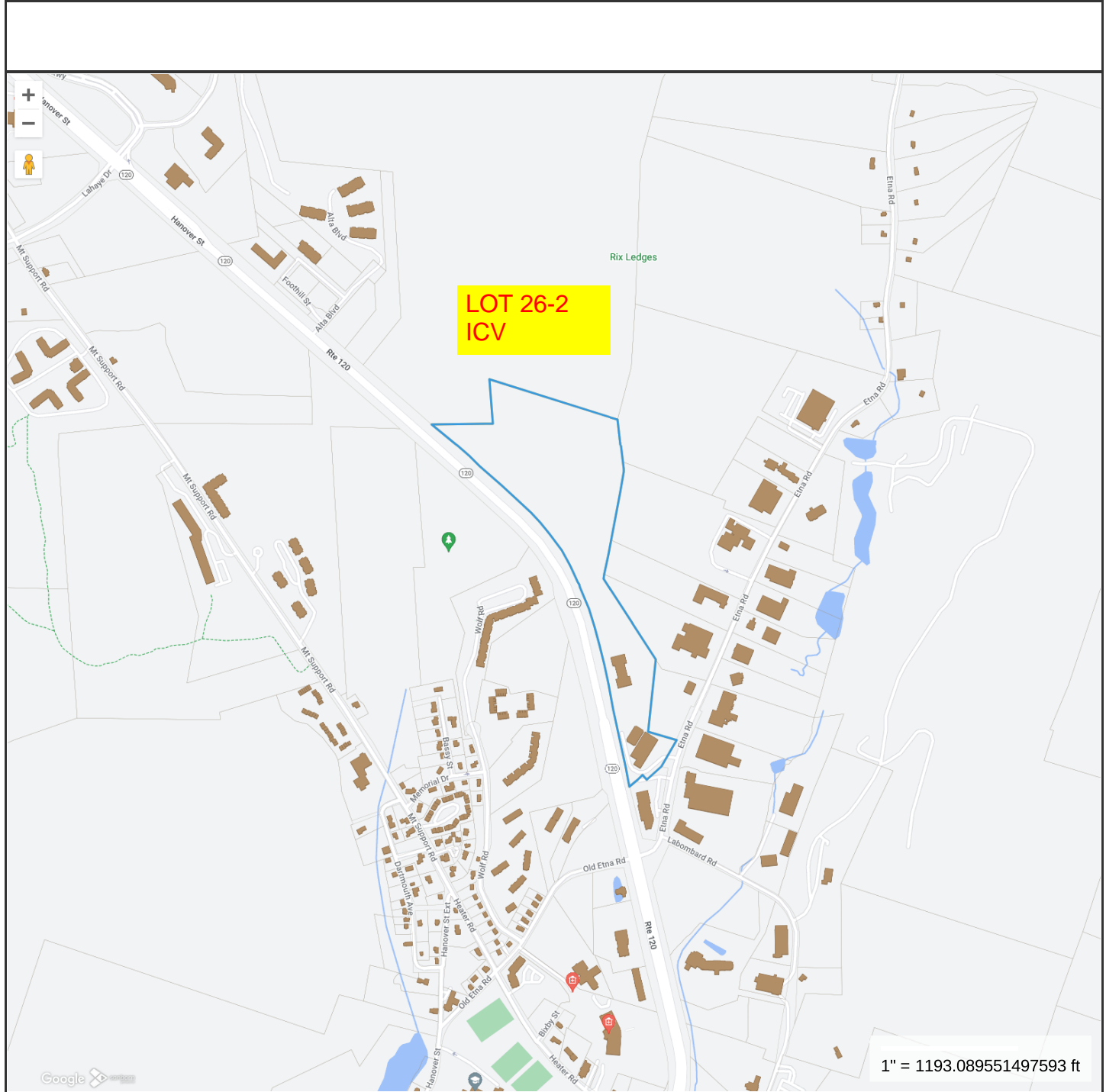
City Council
Request for Zoning Change
30Oct2024

Attachments:

- Lot 26-2
- North Lebanon zone change map
- signed petition

CC: Robert Sprayregen, ICV

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Property Information

Property ID 26-2
Location 67 ETNA RD
Owner ICV HOLDINGS OF NH 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 07/15/2024
Data updated 11/18/2018

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

The Pattern Zones Study includes three primary areas of focus:

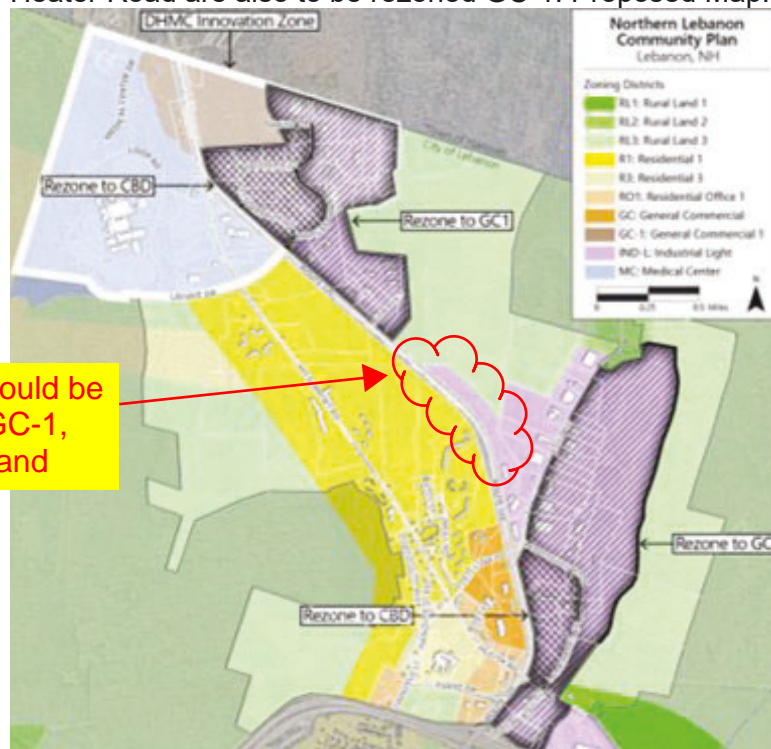
1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study area.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build a new house in the study area. The Pattern Book will be contracted for three years with Pattern Zones Co. and will be accessible online. The final stages of its approval are currently under development.
3. A sensitivity analysis, provided at the City Council meeting in September, analyzed housing market trends, zoning codes and the current neighborhood configuration to match housing opportunity with regulatory structure. The Zoning recommendations are based upon the sensitivity analysis.

B. 120 – North Lebanon Study

The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. The study included substantial public engagement with the people that live and work in the Northern Lebanon neighborhood. The study makes a series of recommendations within three categories: Conservation, Zoning, and City amenities including transportation improvements. Specific recommendations include the creation of a wildlife crossing and land use-based protections for the crossing, and the re-zoning of the area to maximize development in line with the current and future needs of the neighborhood.

1. Zoning Map changes.
 - a. The changes proposed within the study area are to rezone the areas around Centerra business park to Central Business District (CBD).
 - b. The Altaria developments and surrounding areas are to be rezoned as General Commercial One (GC-1).
 - c. The areas along Etna Road, Labombard Road, Heater Road and Little Heater Road are also to be rezoned GC-1. Proposed Map:

ICV land that should be considered for GC-1, as other IND-L land



August 21 2025
To Lebanon City Council;

I would like to ask that the City of Lebanon consider **adding “Vehicular Repair” as an allowed use within the City’s Light Industrial zone.**

Currently, the only zone that currently allows Vehicular Repair is in the General Commercial (GC) Zone. GC zoning is generically supportive of retail focused businesses that require high traffic count and visibility, and historically has supported small auto repair shops as found on Mechanic Street. However, as I have discovered in a current engagement by Key Collision (division of Key Auto), the size and nature of most GC lots are not that appropriate for larger autobody repair shops, which don’t need/want high visibility, need to be fenced for insurance and security and frequently need 3-4 acres of land, which support a large shop and significant parking.

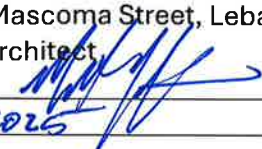
Currently, the Light Industrial Zone permits:

- 1) Vehicular sales (with Conditional Use Permit), however NOT Vehicular Repair, despite the nature of this business being more aligned with manufacturing and industry.
- 2) Equipment and Machinery (tractors, lifts, etc) sales, rental and service. These businesses are similar in nature to larger vehicular repair/autobody shops. They do not fit well in high traffic retail locations.

Given the purpose of the IND-L zone (see below) and the nature of the vehicular repair autobody shop business, it is my petition that this use should be allowed in the Light Industrial zone.

*303.1 Purpose. The purpose of the IND-L District is to provide land in appropriate locations for the establishment of manufacturing plants and other businesses of a similar nature, which improve employment opportunities and strengthen the economic base of the city. Such activities should not adversely affect the natural environment, adjacent residential areas or community facilities. A variety of manufacturing, distribution and service industries, and certain limited support activities are allowed in the district. However, in order to preserve appropriate land for such uses, residential uses and many types of commercial uses, such as retailing and **personal services**, are not allowed.*

This zoning change is supported by the following Lebanon residents:

Name: Tim Olsen
Address: 45 Mascoma Street, Lebanon, NH
Profession: Architect
Signature 
Date 8/24/2025

Name: Matt Giffin
Address: 5 Hillside Drive
Profession: Architectural Designer
Signature 
Date 8/24/2025

Sincerely
Chip Brown
BCR
chip@browncr.com

Lebanon City Council
Shaun Mulholland
Jack Wozmak
Lebanon City Hall
51 N Park St
Lebanon, NH 03766

Dear Members of the Lebanon City Council,

I am writing to formally submit a petition in accordance with Section 1000.2.C of the Zoning Ordinance on behalf of the voters who have signed the petition. This petition seeks to amend the Zoning Ordinance, specifically Section 607.8.C.2, which pertains to the regulations for electric vehicle (EV) charging in multi-family dwellings.

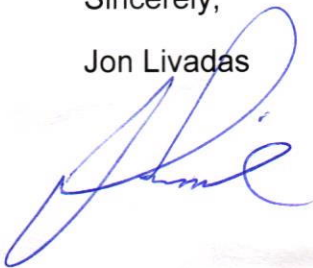
The attached document outlines the proposed amendment and our rationale for the requested changes. We believe that the current EV charging requirements are overly restrictive and financially burdensome, particularly for new developments which will further inflate the housing crisis and limit affordable housing development. By revisiting the requirement using accurate data and by allowing these decisions to be made through the site plan review process, we can ensure a more flexible and case-by-case approach that better accommodates the diverse needs of different projects within our community.

We respectfully request that this petition be reviewed and considered for adoption to promote equitable development and the effective allocation of resources.

Thank you for your attention to this matter.

Sincerely,

Jon Livadas



Petition 1000.2 C: Revising the EV Charging Mandate

607.8 Electric Vehicles.

- A. **Purpose.** The purpose of this section is to facilitate the transition to **electric vehicle** use and to expedite the establishment of convenient, cost-effective **electric vehicle infrastructure** that such a transition necessitates.
- B. **Applicability.** **EV charging stations** are allowed as an **accessory use** in all zoning districts. When the retail charging of **electric vehicles** is proposed to be the principal use of a **lot**, then the proposed **EV charging station** shall be considered a **service station** for zoning purposes.
- ~~C. **EV Infrastructure Requirements / Off-Street EV Parking Requirements.** **EVSE-installed spaces, EV-ready spaces, and EV-capable spaces** shall be provided as follows:~~
- ~~1. **One- and Two-Family Dwellings.** All new **one- and two-family dwellings** shall provide at least one (1) **EV-ready space per dwelling unit.**~~
 - ~~2. **Multi-Family Dwellings.** Parking for **multi-family dwellings** and **senior housing complexes** shall include a minimum of 65% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - ~~a. **EVSE-installed spaces** for a minimum of 5% of proposed **off-street parking spaces.**~~
 - ~~b. **EV-ready spaces** for a minimum of 20% of proposed **off-street parking spaces.**~~
 - ~~c. **EV-capable spaces** for a minimum of 40% of proposed **off-street parking spaces.**~~~~
 - ~~3. **Non-Residential Uses.** Parking for uses requiring or proposing to provide 30 or more **off-street parking spaces** shall include a minimum of 50% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - ~~a. **EVSE-installed spaces** for a minimum of 2% of proposed **off-street parking spaces**, with a minimum of two **EVSE-installed spaces.**~~
 - ~~b. **EV-ready spaces** for a minimum of 10% of proposed **off-street parking spaces.**~~
 - ~~c. **EV-capable spaces** for a minimum of 38% of proposed **off-street parking spaces.**~~~~
 4. Where the calculations above result in a fractional parking space, it shall round up to the next whole number.
 - ~~5. Where the number of **EVSE-installed spaces** provided exceeds the minimum required, the excess spaces shall be deducted from the total number of required **EV-ready spaces.**~~
 - ~~6. Where the number of **EV-ready spaces** provided exceeds the minimum required, the excess **EV-ready spaces** shall be deducted from the total number of required **EV-capable spaces.**~~
 - ~~7. Up to five (5) **Level 2 EV-installed spaces** may be substituted with one (1) **Level 3 EV-installed space** (minimum 50kW).~~
 - ~~8. **EVSE-installed spaces, EV-ready spaces, and EV-capable spaces** are to be included in the calculation for both the number of minimum required and maximum permitted off-street parking spaces.
 - ~~a. Every two (2) **EVSE-installed spaces** provided in addition to the required minimum may be counted as four (4) **off-street parking spaces** as relates to Section 607.1 (Minimum Off-Street Parking Requirements), for reduction of total required parking not greater than 10 percent of the total amount of required parking.~~~~

This document serves as a petition to remove the Electric Vehicle (EV) charging mandates from the Zoning Ordinance and instead include a simpler requirement that suits the actual projected demand in Site Plan regulations.

The current multi-tiered approach of EV charging requirements is overly cumbersome, financially prohibitive, and confusing for property owners. The existing zoning ordinance assumes that almost every tenant will have at least one electric vehicle and lacks the flexibility needed to accommodate various types of projects, forcing all properties, including affordable housing, to adhere to the same overbearing standards. There is no data supporting the current mandates and while we understand Lebanon's EV goals the requirement seems to greatly out project a realistic EV adoption rate. Furthermore, the data showing EV growth in the Lebanon seems to be inaccurate, only covers a few years, and it doesn't distinguish between EV owners who own vs those who rent their homes. This is a crucial factor, as renters have different needs and priorities compared to homeowners when it comes to their vehicle choices. Ignoring this distinction further compounds the issues with the current one-size-fits-all approach

The EV industry continues to evolve as technology changes and making decisions today under the guise of being proactive to save property owners money in 5 or 10 years seems short-sighted given the limited and inconsistent data. Below are two screen grabs from the Lebanon website discussing registered EVs in Lebanon. The first is from last year (2024) and states Lebanon had 212 EVs in 2023. The second image is currently on the website and states there were 58 in 2023 and 95 in 2024.

[News Flash Home](#)
The original item was published from 12/28/2023 11:05:00 AM to 6/2/2024 12:00:01 AM.
[Electric Vehicles](#)


Posted on: December 28, 2023

[ARCHIVED] EV Adoption Zooming Ahead

The latest vehicle registrations in Lebanon confirm a rapid rise in the number of electric vehicles (EVs), which includes all-electric cars or trucks and plug-in hybrids. The same acceleration is happening in Grafton County, across the State of New Hampshire, and in the United States as a whole, Lebanon's [Electric Vehicle \(EV\) Subcommittee](#) reports.

Compared with December 2022, the number of EVs registered in Lebanon increased by 70% in December 2023. And compared with 2016, when the first long-range EVs became available (other than Teslas), EV registrations in Lebanon increased by 278% in 2023. The absolute numbers still are small locally -- we are up to 212 EVs in Lebanon -- but the trend toward more EVs is happening in all parts of the state and the country.

[CNN reports](#) that in 2023 for the first time, U.S. consumers bought more than 1 million EVs in a single year, accounting for around 8% of car sales. A [recent presentation](#) by the New Hampshire Department of Environmental Services (DES) showed increased EV registrations in every county, with Grafton being the fourth most EV-popular county in the state:



Why EVs?

- EVs are fun to drive!
- Throughout New England, transportation emits carbon dioxide (a greenhouse gas) more than any other sector of society. The same is true in Lebanon. According to the 2012 Lebanon Master Plan, Lebanon's commercial sector is the largest carbon emitter here, and 70% of that is commute vehicle emissions.
- EVs can run on clean, affordable, domestic electricity.
- EVs save money in the long run. Although purchase prices for some EVs can be higher than for some internal-combustion vehicles, costs for fuel and maintenance are dramatically lower with EVs, producing considerable savings overall.
- EVs are good for business. [Installing EV charging stations increased sales at nearby businesses by an average of 13% in a four-year study of 273 stores, restaurants, hotels, and other retail businesses.](#) In a [separate study](#) of 4,000 EV charging stations and 140,000 business establishments, installing EV charging increased annual spending at nearby businesses by 2.7% in 2019 and 3.2% in 2021-2023.
- The U.S. auto industry is shifting to EVs. The number of plug-in vehicles registered in Lebanon increased by 58% between December 2023 and December 2024 (from 58 to 95 EVs and plug-in hybrids). Plug-in vehicles comprised 3.5% of vehicles in Lebanon in 2024, up from 0.5% in 2020. Also view [a town-by-town breakdown of 2020 EV registrations](#) (PDF).

So which number is correct? We would be surprised if EV ownership has gone down, and we are not arguing the industry isn't growing, but we do believe a more balanced approach is necessary. One that aligns with the actual needs of the community while forecasting a realistic adoption rate based on defensible, local data rather than nationwide statistics or only pro EV articles. Requiring 65% or more parking spaces to be EV/EV ready when there is no data to support that number is an overreach. For instance, The Lebanon Woolen Mill (LWM) multi-family development, has 240 parking spaces and is required to 156 EV parking spaces mixed across the different levels. LWM, will have almost three times more EV ready spaces than there are registered EVs in Lebanon. Furthermore, the development is private, and the chargers will not be accessible to non-residents. Would we be better served by focusing on public charging stations accessible to everyone?

Imposing the current EV charging requirements is financially burdensome for property owners. The significant upfront costs will not yield short-term or long-term value, as technology and market demands evolve rapidly, and future value does not lower the cost of building today. These additional costs will result in less development of both market rate and affordable housing. We need housing units OF ALL KIND - the more supply the more rent relief the market will see.

As it stands, the EV ordinance does not offer the adaptability needed to address the unique circumstances of different developments. By moving EV requirements to the site plan review process, decisions can be made on a case-by-case basis just as parking requirements are managed today. This would allow for a more tailored approach,

ensuring that the needs of each project are adequately met without imposing unnecessary financial burdens on specific projects such as affordable housing.

Lastly, the EV mandate seems to not have thought about the impact it will have on the power grid if all the proposed developments get built. We understand charging will mostly happen during the night when tenants are home but still, the grid must be able to support the power being brought to the site. Were utility companies consulted regarding the additional load these requirements would impose and if that type of power could be provided? Using the Lebanon Woolen Mill project as an example, the switchgear needed to power just the EV aspect could power a 100-unit building. Many designated EV spaces won't have chargers installed as laid out in the requirements, yet our site will still need three switchgears. This is creating a scenario where the power infrastructure is significantly expanded without any guarantee of utilization while potentially lowering the load potential elsewhere. These are all issues California is dealing with today due to their overly aggressive EV requirements.

We believe that rescinding the EV charging mandate, right sizing it for the community future need, and moving it to the Site Plan Regulations will foster a more economically viable development landscape while motivating smaller property owners to invest in their assets to bring more housing on a smaller scale to Lebanon. By enabling a flexible approach through site plan review, we can ensure that each project is evaluated on its own merits and specific needs, similar to how parking requirements are handled.

If you support the above, please sign below:

Name: Karen A. Slayton
Signature: Karen A. Slayton Date: May 20, 2025

Name: Robert E. Slayton
Signature: Robert E. Slayton Date: May 20, 2025

Name: Gordon Bailey
Signature: Gordon Bailey Date: May 20, 2025

Name: SIAMANTHA MEDINA
Signature: Samantha Medina Date: May 21 2025

Name: Tracy Packard
Signature: Tracy Packard Date: May 21 2025

Name: Cote Swenson
Signature: Cote Swenson Date: May 21 2025

Name: Kim Davis

Signature: Kimberlee Davis

Date: 5/21/25

Name: Michelle Hammond

Signature: Michelle Hammond

Date: 5/21/2025

Name: Mary Mayes

Signature: Mary Mayes

Date: 5/21/2025

Name: Don Talburt

Signature: Don Talburt

Date: 5/21/2025

October 27, 2025

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 N. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

RE: Twenty 2025-2026 Proposed Zoning Amendments

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning twenty (20) amendments to the zoning map or the text of the zoning ordinance proposed by the planning board, planning staff, or the city council. I have reviewed a staff memorandum packet dated September 22, 2025 which includes informational materials for each of the twenty amendments.

The ZO requires this legal review to cover: (a) whether such amendment is within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendment can be administered and enforced.

With respect to the twenty (20) proposed amendments described in the September 22, 2025 Planning and Development Department Staff Memo, my general answer to the three questions in Section 1000.3.B(2) is “yes”, subject to specific comments as to appropriate form set forth below. With the exception of my comments below, I discern no significant legal or administrative issues of concern with these proposed amendments. If I do not reference a specific amendment below, then I have no comments as to its form.

1. **Amendment 1: 2024 HB1361: Manufactured Homes**

As amended by 2024 HB1361, RSA 674:32, I(b) specifies that municipalities must afford opportunities for siting of manufactured housing in one or more specific areas: (1) on individual lots, in districts zoned to permit residential uses; **OR** (2)(A) in manufactured housing parks in districts zoned to permit residential uses and (2)(B) in subdivisions created for the placement of manufactured housing on individually-owned lots, in districts zoned to permit residential uses; **OR** (3) in all three types of locations listed in (b)(1), (b)(2)(A) and (b)(2)(B).

Section 209 in its current form allows manufactured housing in manufactured housing parks ((2)(A) above) and in manufactured housing PURDs (which, per Sections 500, 501 and 504 of

the ZO, are a type of “subdivision” for purposes of (2)(B)). Therefore, Lebanon’s ZO appears to already be in compliance with the amended RSA 674:32, I.

I note that RSA 674:32, I(c) now specifies that “[n]o special exception or special permit shall be required for... manufactured housing subdivisions pursuant to subparagraph (b)(2)(B) unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions. Under ZO section 504, I note that a manufactured housing PURD requires a conditional use permit. This appears to be appropriate because ZO section 501.1.B specifies that *all* PUDs, including PURDs, require a conditional use permit.

The proposed amendment to also allow manufactured housing on individual lots in districts where one-family dwellings are permitted is in accord with RSA 674:32, I, (b)(1) and (b)(3), as it allows manufactured housing units in “most” areas zoned for “residential uses”. I recommend the following edits to the proposed addition to Section 209, to conform more closely with the statute.

Manufactured ~~H~~housing ~~U~~units shall also be allowed on individual lots in zoning districts that allow one-family dwellings with the following conditions:

1. The ~~M~~manufactured housing unit shall be a one-family dwelling.
2. The ~~M~~manufactured housing unit shall be on a foundation.
3. A manufactured housing unit shall not be used ~~an~~ as an ADU.
4. Design elements such as landscaping, porches, pitched roofs, and stone or bricks accents are encouraged.
5. The manufactured housing unit shall ~~follow~~ comply with lot size, frontage requirements, space limitations, and all setbacks, parking, and regulations of the zoning district.
6. Manufactured housing units are not eligible for the Pattern Zones Overlay District zoning enhancements.

2. Amendment 3: SB284: Residential Parking Requirements

Note that the state law requiring this amendment is 2025 Senate Bill (SB) 284, not a House Bill (HB).

The proposed amendment to ZO section 607.3(A) deletes an exception to maximum parking requirements for one- and two-family dwellings, and appears to insert a maximum off-street parking cap of 200% (double) the minimum requirement from the Table of Minimum Off-Street Parking Requirements. In its current form, the Table requires a minimum of 2.0 parking spaces per one-family or two-family dwelling unit. The proposed amendments would now seem to cap the number of parking spaces at 2.0 per one-family or two-family dwelling unit (by reducing the minimum to 1.0 spaces and only allowing 200% of the minimum).

Unless I am misunderstanding the intent of the maximum parking language, I recommend that a carve-out for one- and two-family dwellings be restored. It would be difficult to administer and enforce a maximum limit of two off-street parking spaces for residential homes.

3. **Amendments 5-9: Map Amendments – A note on Spot Zoning**

Amendments 5-9 propose re-zoning various lots up and down the Route 120 corridor. It is of course within the City’s authority to change its zoning map and to change the zoning district designation of land. A hallmark of zoning is that regulation is by district and not by individual lots, so whenever a proposed change would affect a relatively limited area, it is important to consider whether that change meets the legal standard for zoning.

A change to a zoning map may be problematic “spot zoning” if it is singled out for treatment different from that of surrounding land which cannot be justified on the basis of health, safety, morals, or general welfare of the community and if the change is not in accordance with a comprehensive plan. See Miller v. Town of Tilton, 139 N.H. 429 (1995). The mere fact that an area is small, is rezoned at the request of a single owner, and is of greater benefit to that owner than to others does **not** necessarily constitute spot zoning if there is a public need for it or a compelling reason for it. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren’t being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren’t being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community’s development goals.

In this case, I do not discern any “spot zoning” issues with respect to the proposed map amendments.

4. **Amendment 11: Section 408: Historic District**

The proposed amendment to reference the “Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings”, specifically “as of 9/3/2025”, and listing out those standards, means that these standards in Lebanon’s ZO will not automatically update and change as the Secretary of the Interior’s standards and guidelines may change. On the one hand, explicitly spelling out the standards may be helpful for readers. On the other hand, if/when in the future the standards are updated by the Dept. of the Interior, ZO Section 408.6 will need to be manually updated with further amendments to the ordinance.

5. **Amendment 12: Mobile Food Service Vending Ordinance**

I reviewed an earlier version of this ordinance in a letter dated April 4, 2025. I observe that the current version of the proposed ordinance appears to have addressed my questions and concerns.

October 27, 2025

Page 4

6. **Amendment 17: Care and Treatment of Animals**

The proposed revisions to definitions include a definition for “Animal Clinic, Animal Hospital, or Veterinary Office” (emphasis added). The proposed revisions to the use tables add “Animal Clinic, Hospital, or Veterinary Office” to various zoning districts. To avoid confusion, the use tables should be updated to reference “Animal Clinic, Animal Hospital, or Veterinary Office”.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive style.

Matthew C. Decker

October 24, 2025

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 N. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

RE: Four 2025-2026 Petitioned Zoning Amendments

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning four petitioned amendments to the zoning map or the text of the zoning ordinance. I have reviewed a staff memorandum packet dated September 22, 2025 which includes the materials submitted in support of the four petitioned amendments.

The four petitioned amendments I have reviewed are as follow:

- **Petitioned Amendment 1:** Map Amendment: Rezoning of Parcels along Old Pine Tree Cemetery Road from RL-2 to R-3.
- **Petitioned Amendment 2:** Map Amendment: Rezone parcel 26-2 on Route 120, accessed via Etna Road, from IND-L and RL-3 to GC-1, in connection with an anticipated re-zoning to GC-1 of other nearby parcels to the north along Route 120 and to the south along the east side of Etna Road.
- **Petitioned Amendment 3:** Change of IND-L use table to add “vehicular repair” as a permitted use.
- **Petitioned Amendment 4:** Amendment to Electric Vehicle Ordinance, Section 607.8.

The ZO requires this legal review to cover: (a) whether such amendment is within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendment can be administered and enforced.

With respect to the four petitioned amendments described above, my answer to the three questions in Section 1000.3.B(2) is “yes” and, with the exception of my comments below concerning the possibility of spot zoning, I discern no significant legal or administrative issues of concern with this proposed amendment.

1. Proposed Zoning Map Change, 67 Etna Rd., Parcel 26-2:

This proposal would affect one lot consisting of approx. 37 acres, currently split-zoned between the IND-L and RL-3 districts. The property owner appears to have asked for the entire lot to be re-zoned to GC-1 (although the owner may have only intended that the current IND-L area be re-zoned to GC-1, leaving the RL-3 area unchanged).

It is of course within the City's authority to change its zoning map and to change the zoning district designation of land. A hallmark of zoning is that regulation is by district and not by individual lots, so whenever a proposed change would affect a relatively limited area, it is important to consider whether that change meets the legal standard for zoning.

A change to a zoning map may be problematic "spot zoning" if it is singled out for treatment different from that of surrounding land which cannot be justified on the basis of health, safety, morals, or general welfare of the community and if the change is not in accordance with a comprehensive plan. See Miller v. Town of Tilton, 139 N.H. 429 (1995). The mere fact that an area is small, is rezoned at the request of a single owner, and is of greater benefit to that owner than to others does **not** necessarily constitute spot zoning if there is a public need for it or a compelling reason for it. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

In this case, while only one lot is referenced, I see from the petitioner's cover letter an intent that the lot "should be included for consideration for a zone change" in connection with other nearby lots "being considered for change to GC-1". Therefore, to avoid a spot zoning concern, this amendment should be reviewed and considered in connection with the other referenced changes, and not as a stand-alone amendment. (I also note that the desire to re-zone all or part of this lot to GC-1 is in conflict with the amendment #6 being put forward by the City, which would re-zone the northern half of the IND-L section of this lot to RL-3 while the southern portion remains IND-L.)

2. Proposed Amendment to Electric Vehicle Ordinance, Section 607.8:

The proposed amendment appears to request deletion of 607.8 (C) parts 1-3 and 5-8, but not part 4. I do not see a function or purpose for part 4 left standing alone, and if this amendment is implemented, I would recommend the deletion of part 4 along with the rest of part (C).

October 24, 2025
Page 3

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker