



**LEBANON PLANNING BOARD
JANUARY 29, 2026 - 5:30 PM
MEETING ROOM 1, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

To participate in this meeting, please join live via Microsoft Teams or call 929-229-9356 (Access Code: 347 511 094#). If you have trouble accessing this meeting, please [email Tim Corwin](mailto:tim.corwin@lebanonnh.gov).

1. Call to Order

2. Study Items

- A. Presentation on the Housing Task Force's Preparation of an Updated Master Plan Chapter 7 (Housing) - *To be postponed to the February 23, 2026, work session*
- B. Presentation on and Review of Draft Update to Master Plan Chapter 11 (Historic Resources) - *To be postponed to the February 23, 2026, work session*
- C. Presentation on and Review of Draft Update to Master Plan Chapter 13 (Energy) - *To be postponed to the February 23, 2026, work session*
- D. The Preparation of a Concise Statement Associated with Proposed Zoning Amendment #17 – Care and Treatment of Animals.

The Planning Board shall prepare a concise statement to appear on the March ballot with regard to the Proposed Zoning amendment, in accordance with section 1000.4.D of the Zoning Ordinance. The statement will indicate the Commission's approval/disapproval of the proposed amendment and state reasons for such

- E. Capital Improvement Program (CIP) –
 - Discussion re: Policies and Procedures for 2027-2032 CIP
 - Review 2024-2026 Capital Budgets to Commence 2027-2032 CIP process and Prepare Preliminary CIP Project List
- F. Review Draft Amendments to the Site Plan Review Regulations re: Phased Development, Plan Expiration, and Exemption Periods - Sections 4.8, 4.9, 4.10, 4.11, 4.12 (new), 5.1, & 8.4

3. Other Business

4. Approval of Minutes

- A. January 12, 2026

5. Adjournment

The order of agenda items is subject to change.

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

Lebanon Planning Board Agenda
January 29, 2026

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.

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

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

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

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

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

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

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

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

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).

303.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> - Airport Bus terminal Essential service Equipment and machinery sales, rental and service Group day care facility per Section 604 Health club Light industry Local government use Outdoor storage per Section 303.4 (less than 20%) - Plumbing, electrical or carpentry shop - Publishing/printing - Research laboratory Renewable energy system per Section 612 Retail product pickup - Retail showroom per Section 303.5 (less than 10%) - Trucking terminal Warehouse <u>Animal Clinic, Hospital, or Veterinary Office</u> <u>Planned Developments</u> - Industrial PUD per Section 501 Planned business park per Section 508	<u>Commercial/Non-Residential</u> Care and treatment of animals <u>2.1.</u> Contractor's yard <u>3.2.</u> Educational facility, college/university <u>4.3.</u> Educational facility, vocational school <u>5.4.</u> Recovery Houses <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> - Car wash Inpatient rehabilitation facility Office Outdoor storage per Section 303.4 (more than 20%) - Retail showroom per Section 303.5 (between 10-20%) Vehicular sales <u>Animal Boarding Facility</u>

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 305.5)	<u>Commercial/Non-Residential</u> Alternative treatment center per Section 613 Bus terminal Educational facility, college/university Essential service Truck terminal Recovery Houses
<u>Commercial/Non-Residential</u> Amusements (indoor) - Car wash Community center Drive-in restaurant, refreshment stand Drive-through facility - Drycleaning pick-up station Financial institution - Funeral home Group day care facility per Section 604 Health club Hotel - House of worship - Laundromat Local government use Membership club Motel - Movie theater Office Personal service - Publishing/printing - Radio or TV studio Recreational facility, indoor	<u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 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> <u>Planned Developments</u>

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

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

306.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 306.5) Senior housing complex	<u>Commercial/Non-Residential</u> Craftsman's shop Drive-through facility Educational facility, college/university Recovery Houses
<u>Commercial/Non-Residential</u> Amusements (indoor) Community center - Drycleaning pick-up station Financial institution Group day care facility per Section 604 - Funeral home Health club Hotel - House of worship - Laundromat - Library Local government use Membership club Motel - Museum Office Personal service <u>Animal Clinic, Hospital, Veterinary Office</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> Essential service - Other uses per Section 306.4 Parking facility - Publishing/printing Recreational facility, indoor Recreational facility, outdoor <u>Animal Boarding Facility</u> <u>Planned Developments</u> - Commercial PUD per Section 501

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).
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. <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

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

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

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

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

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

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

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

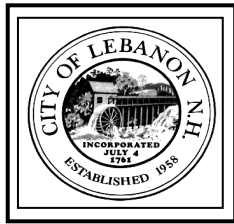
SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).
313.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610	<u>Commercial/Non-Residential</u> Care and treatment of animals 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. Produce stand 7.6. Radio or TV tower or other communication equipment 8.7. Recreational camping park per Section 505 9.8. Recreational facility, indoor 10.9. Recreational facility, outdoor 10. Excavation of natural earth materials per Section 606 11. Animal Clinic, Hospital, or Veterinary Office 12. Animal Board Facility 13. Kennels 14. Horse Stables 14.15. Riding Facility
<u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 - House of worship Public recreation facility Renewable energy system per Section 612	
<u>Planned Developments</u> Manufactured housing park per Section 503 Manufactured housing PURD per Section 504 - PRec per Section 501 - PURD per Section 501	

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

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

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>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>



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Tim Corwin, Deputy Planning & Development Director

RE: Draft Amendments to the Site Plan Review Regulations
Phased Development, Plan Expiration, and Exemption
Periods January 29, 2026 (rescheduled from January 26, 2026)
Work Session - Agenda Item 2.E

MEMO DATE: January 21, 2026

HB 413, enacted last year and effective as of July 1, 2025, extends the vesting time periods set forth in RSA 674:39 that protect approved subdivision and site plans from changes in local planning and zoning regulations. Currently, approved plans are vested from subsequently enacted local zoning and planning amendments if active and substantial work commences within 24 months of approval, and the development project is substantially completed within 5 years of approval. HB 413 extends these time periods so that substantial work shall commence within 3 years of approval, and the project shall be substantially completed within 7 years of approval. The 7-year and 3-year exemption periods shall apply to any planning board approval granted on or after July 1, 2023.¹

To comply with HB 413, the exemption periods set forth in Lebanon's Site Plan Review Regulations – currently 3 years for active and substantial development and 5 years for substantial completion – need to be updated to 5 and 7 years, respectively. These proposed changes can be found on pages 7 and 8 of the attached redline (see Sections 8.4.A.2 and 8.4.B.2).

The changes necessitated by HB 413 also present an opportunity for broader updates to the Site Plan Review Regulations with respect to other related topics, including phased developments, plan expiration, extensions of approvals, and extensions of the active and substantial development deadline. Many of these current regulations are substantially vague and unclear and have proved to be vexatious for both the Planning Board and applicants (as well as staff in trying to administer these confusing regulations fairly and consistently).

To that end, the attached draft amendments were prepared by staff and were reviewed and endorsed by the Development Regulations Subcommittee at its meeting on January 5, 2026. As such, the amendments are now presented to the full Planning Board for review and consideration. Should the Board choose to move forward with adoption of the proposed amendments either as presented or as amended by the Board, staff recommends that the Board schedule a public hearing on the proposed amendments for the February 23, 2026, work session. Note that prior to the public hearing, staff will request review by the City's legal counsel.

Attachments:

- RSA 674:39 – Seven-Year Exemption
- Redline of the Site Plan Review Regulations - §§4.8, 4.9, 4.10, 4.11, 4.12 (new), 5.1, 8.4

¹ Summary of HB413 borrowed from "Changes to Planning & Zoning Laws in 2025 - A Guide for Municipalities - Revised August 13, 2025," published by the New Hampshire Municipal Association.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:39

674:39 Seven-Year Exemption. –

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

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 3 years after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

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

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

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

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

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

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

Source. 1983, 447:1. 1989, 266:17, 18. 1991, 331:1, 2. 1995, 43:5; 291:7, 8. 2004, 199:1. 2009, 93:1. 2011, 215:1, eff. June 27, 2011. 2025, 186:1, eff. July 1, 2025.

SITE PLAN REVIEW REGULATIONS
PHASED DEVELOPMENT, PLAN EXPIRATION, AND EXEMPTION PERIODS
DRAFT AMENDMENTS

ARTICLE IV – PROCEDURE

[...]

Section 4.8 – Procedure for Site Plan Review

[...]

D. Notice of Action

[...]

The Notice of Action shall set forth the following:

[...]

7. A reminder of the time limits set forth in Section 4.10 ~~of these Regulations~~, and where appropriate, any additional time parameters, such as deadlines within which particular conditions must be fulfilled, the threshold levels of work which shall constitute “active and substantial development” or “substantial completion” for purposes of RSA 674:39, or a phased development phasing schedule timetable pursuant to Section 4.9, which shall be referenced and attached as an exhibit of these Regulations.

[...]

Section 4.9 – Phased Developments

The review and approval procedure for phased developments shall be as follows:

- A. ~~For purposes of these Regulations, “P~~phased development” shall mean a project which the applicant intends to construct in phases over a total period of time which may be in excess of the time limits set forth in Sections 4.10, 8.43.AB, or 8.43.BG ~~of these Regulations~~ or those in RSA 674:39. ~~Phased development may also include a project for which the Planning Board has imposed a phasing requirement pursuant to Sections 501.1(D) or 502.2(D) of the Zoning Ordinance, or otherwise, in order to mitigate the impact of a development on community facilities, services, or utilities.~~

[...]

C. The applicant shall submit with the application a proposed phasing schedule, which, if approved by the Board, shall be included as part of any approval. The phasing schedule shall include the following information, for each phase:

1. A ~~written~~ specification of all improvements, on-site or off-site, to be installed as part of that phase.
2. ~~A~~The deadline for the posting of any ~~required~~ security for that phase ~~that may be required pursuant to Sections 8.3.B or C;~~
- ~~3. A deadline for the completion of such improvements subsequent to the posting of such security, and;~~
43. ~~A~~The date by which a Building Permit ~~or, if a Building Permit is not required for the phase, a Zoning Permit,~~ must be obtained to prevent the approval for that phase from being considered void pursuant to Section 4.10.A.1 ~~of these Regulations. The deadline for obtaining a Building Permit for the first phase shall be no later than two (2) years from the date of the Planning Board's approval. The deadline for obtaining Building Permits for each subsequent phase may be no later than two (2) years following the substantial completion deadline for the prior phase.~~
- ~~4. The deadline for achieving active and substantial development or building of that phase pursuant to RSA 674:39 and Section 8.4.A. The deadline for achieving active and substantial development or building of the first phase shall be three (3) years from the date of the Planning Board's approval. The deadlines for achieving active and substantial development or building of each subsequent phase may be no later than three (3) years following the substantial completion deadline for the prior phase.~~
5. ~~The deadline for achieving substantial completion of that phase pursuant to RSA 674:39 and Section 8.4.B. The deadline for achieving substantial completion of the first phase shall be seven (7) years from the date of the Planning Board's approval. The deadlines for achieving substantial completion of each subsequent phase may be no later than seven (7) years following the substantial completion deadline for the prior phase.~~

~~A phasing plan sheet graphically depicting the boundaries of each phase shall be included as part of the plan set per Section 5.1.E.25. The phasing schedule may be included on the phasing plan sheet or, if a separate document, shall reference the phasing plan sheet and shall be attached to the Notice of Action as an exhibit.~~

~~The phasing schedule may also specify threshold levels of work and time lines which must be completed, in order for the project, as a whole, or particular phase(s) of the project, to be considered "vested" pursuant to RSA 674:39, or the New Hampshire common law of vested rights.~~

~~The approval for a particular phase shall not be considered "final" under RSA 676:4, I(i), nor shall any plan of that phase be recorded in the Grafton County Registry of Deeds, until the security for the improvements which are part of that~~

~~phase has been properly posted with the City or until such required improvements have been completed, inspected, and approved by the City.~~

[...]

- E. Prior to obtaining a Building Permit for each later phase, the applicant shall submit to the Planning Director a copy of the Building Permit application. The Planning Director shall then determine whether the application is in accordance with the approved phasing schedule, and whether any required security for that phase has been provided to the City.

~~If the development is proceeding in accordance with the approved phasing schedule, the later phase(s) shall normally be presumed to be “vested” against changes in City land use ordinances and regulations, except as otherwise specified by the Board as part of its approval. However, the Planning Director may determine that, due to specific circumstances, including but not limited to non-compliance with applicable regulations or conditions of approval, a later phase or phases should not be considered “vested” under RSA 674:39 or the New Hampshire common law of vested rights. In such a case, the Planning Director may forward to the Planning Board a recommendation to initiate proceedings, using the procedures of RSA 676:4 as applicable, to revoke approval of an unbuilt phase or phases.~~

- F. Expiration of Phasing Schedule.

1. If the applicant fails to meet any such deadline set forth in the phasing schedule, or any extension thereof or as may be amended, then the approval of that phase and all subsequent phases shall be considered void, and such phase(s) shall no longer be presumed “vested.”

2. **Phasing Schedule Amendment.** If the applicant anticipates being unable to meet any time deadline(s) set forth in the approved phasing schedule with respect to any phase, the applicant may apply to the Planning Board to amend the phasing schedule if the requested changes could have been approved by the Planning Board pursuant to the requirements of Sections 4.9.C.3, 4, and 5 at the time the phasing schedule was originally approved.

Requests for amendments received after the date proposed to be amended will not be considered by the Board. A phasing schedule amendment may be granted only after a public hearing with notice as provided in Section 4.8.

In determining whether to grant such an amendment, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant’s neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision. The Board shall grant no more than one phasing schedule amendment unless it

determines, based on legal advice, that such amendment is required in order to prevent a violation of constitutional rights.

3. Phasing Extensions.

- a. If the applicant anticipates being unable to meet any Building Permit deadline with respect to any phase, the he or she applicant may apply to the Planning Board for a ~~two (2) year~~ extension of up to two years for the particular phase, pursuant to Sections 4.10.A.2 and A.3 of these Regulations. In accordance with Section 4.10.A.3, the Board shall grant no more than one such extension for each phase. The request for an extension shall be submitted to the Planning and Development Department prior to the expiration of the deadline(s) involved.
- b. If the applicant anticipates being unable to meet any deadline for achieving active and substantial development or building with respect to any phase, the applicant may apply to the Planning Board for an extension of up to two (2) years for the particular phase, pursuant to Sections 8.4.A.3 and 4. In accordance with Section 8.4.A.4, the Board shall grant no more than one such extension for each phase.

~~If the applicant fails to meet any such deadline, or extension thereof, then the approval of that phase and all subsequent phases shall be considered void, and such phase(s) shall no longer be presumed "vested." However, the applicant may resubmit the application for such phase(s) to the Board for further review and re-approval in light of changes in ordinances, regulations, or other material circumstances which have occurred in the City of Lebanon since the original approval.~~

Section 4.10 – Expiration of Site Plan Approval

A. Building Permit.

1. Any approved site plan for which a Building Permit ~~or, if a Building Permit is not required for the project, a Zoning Permit,~~ has not been obtained within two (2) years of the date of the ~~original Planning Board's~~ approval shall be considered void; however, the Board may, for good cause, specify in the original Notice of Action some alternative time limit for obtaining a Building Permit. ~~The voiding of an approval under this paragraph shall terminate the vesting of the application against changes in regulations, as set forth in RSA 676:12, VI and RSA 674:39.~~
- 2B. Notwithstanding paragraph A above, the Board may grant an extension of up to two (2) additional years beyond the original expiration date. ~~A request for such an extension must be submitted by the Applicant to the Planning and Development Department prior to such expiration date, and R~~requests for extension of the site plan approval received after the expiration date will not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 ~~of these Regulations.~~

- 3C. In determining whether to grant such an extension, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions-precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision ~~on an extension request under this Section~~. The Board shall grant no more than one (1) extension ~~for any site plan~~, unless it determines, based on legal advice, that such extension is required in order to prevent a violation of constitutional rights.
- 4D. For applications subject to both Site Plan and Subdivision review, expiration of Board approvals shall occur as set forth in the Subdivision Regulations.
- 5E. For approved phased developments, the deadlines for obtaining a Building Permit for each phase, as stated in the approved phasing schedule in accordance with Section 4.9.C ~~(43) of these Regulations~~, shall be substituted for the time limitation set forth in Section 4.10 ~~(A.1)~~. Any request for an extension of time for a particular phase, as described in Section 4.9.F ~~3.a of these Regulations~~, shall only apply to the particular phase, and such extension shall not automatically apply to any later phases of the development.

B. Active and Substantial Development or Building.

Any approved site plan for which active and substantial development or building per Section 8.4.A.1 has not been achieved within three (3) years of the date of the Planning Board's approval shall be considered void, unless extended pursuant to Section 8.4.A.3, in which case the approved site plan shall be considered void if active and substantial development or building per Section 8.4.A.1 has not been achieved within five (5) years of the date of the Planning Board's approval.

C. Substantial Development Completion.

Any approved site plan for which substantial completion per Section 8.4.B has not been achieved within seven (7) years of the date of the Planning Board's approval shall be considered void.

Section 4.11 – Reapproval of Expired Site Plan Approval

For any site plan approval that has expired pursuant to Section 4.10, the applicant may resubmit the application to the Board for re-approval. The resubmitted application, including the plan set and supporting materials, shall be updated as needed to comply with current ordinances and regulations and to address any changes in material circumstances which have occurred in the City of Lebanon since the original approval that may impact the proposed development.

*[**TBD - Submission requirements for a "reapproval"**]*

Section 4.11-12 – Permission to Visit Property

[...]

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

[...]

An application for Site Plan Review shall include the following information:

[...]

- E. Paper copies of the proposed Site Plan drawing (the number to be determined by the Planning and Development Department on an as-needed basis).

[...]

Site Plan drawings shall include the following information (NOTE: The submission requirements described in paragraphs E.1 through E.4 below shall not be waivable under the procedures set forth in Article VII - “Waiver Procedure” ~~of these Regulations~~):

[...]

25. A phasing plan sheet shall be provided for any phased development per Section 4.9.C.

[...]

ARTICLE VIII – CONSTRUCTION, COMPLETION, AND BONDING

[...]

Section 8.4 – Active and Substantial Development and Substantial Completion

As provided for in RSA 674:39, III, the Board may specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

A. Active and Substantial Development or Building

1. ~~UFor purposes of these Regulations, u~~unless modified by the Board at the time of approval of a specific application, the completion of all of the following shall imply “Active and Substantial Development or Building” when inspected and approved by the Reviewing Engineer:
 - a. Construction of and/or installation of basic infrastructure to support the development (including all of the following: roadways, access ways, parking lots, etc. to a minimum gravel base; and water and wastewater lines and other utilities placed in underground conduit

ready for connection to proposed buildings/structures) in accordance with the approved plans; and,

- b. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.) in accordance with the approved plans; and,
- c. Placement and maintenance of all erosion control measures on the site as specified on the approved plans.

Movement of earth, excavation, or logging of a site without completion of items a, b, and c above, shall not be considered "Active and Substantial Development or Building." Plans approved in phases shall be subject to this definition for the phase or phases currently being developed.

- 2. Unless otherwise specified by the Board, Active and Substantial Development or Building shall be achieved within ~~two~~ three (23) years from the date of the Planning Board's approval.
- 3. The Planning Board may extend the time for completion of Active and Substantial Development or Building by an additional two (2) years may be extended for upon demonstration of good cause by the ~~Planning Board~~. Requests received after the expiration date will not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8.
- 4. In determining whether to grant such an extension, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision. The Board shall grant no more than one extension, unless it determines, based on legal advice, that such extension is required in order to prevent a violation of constitutional rights. A request for an extension of time within which to complete such Active and Substantial Development or Building shall be submitted by the Applicant to the Planning and Development Department prior to such expiration date for review in accordance with the provisions of Section 4.10 of these Regulations. Requests for extension of time to complete Active and Substantial Development or Building received after the expiration date shall not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.

~~In no event shall the time for completion of Active and Substantial Development or Building be extended to more than five (5) years from the date of the Planning Board's approval, unless the development has been~~

~~approved for completion in phases in accordance with Section 4.9 of these Regulations.~~

5. ~~For approved phased developments, the deadlines for achieving Active and Substantial Development or Building for each phase shall be as set forth in the approved phasing schedule in accordance with Section 4.9.C.5. Any request for an extension of time for a particular phase, as described in Section 4.9.F.3.b, shall only apply to the particular phase, and such extension shall not automatically apply to any later phases of the development.~~

6. In the event the Planning Board approves an extension request, the Applicant shall be required to update any Security Agreements or other documents, as necessary, to reflect the dates of the extended approval.

B. Substantial Completion

1. ~~U~~~~For purposes of these Regulations, u~~nless modified by the Board at the time of approval of a specific application, Substantial Completion shall be deemed to have occurred when all on-site and off-site improvements specified in the Site Plan approval have been constructed or installed by the Applicant and inspected and approved by the Reviewing Engineer, except for those improvements which are explicitly deferred by vote of the Board.

In the event that the City calls a performance security for such improvements and the funds are paid to the City, Substantial Completion of the improvements ~~in the subdivision~~ shall be deemed to have occurred.

2. Unless the Site Plan has been approved for completion in phases in accordance with Section 4.9 ~~of these Regulations~~, or as otherwise specified by the Board, Substantial Completion shall be achieved within ~~five~~ seven (~~5~~7) years from the date of the Planning Board's approval. [...]

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, JANUARY 12, 2026 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Kellen Appleton, Don Collins, Patrick Kennelly, Wes Achord, Karen Zook (City Council Rep), Kathie Romano (alt) (REMOTE)

MEMBERS ABSENT: Richard Ford Burley, Steven Cole (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures. Ms. Romano said she is participating remotely because she is out of town. She said no one was in the room with her during the meeting. Chair Faunce included Ms. Romano in voting during the meeting.

Chair Faunce said **Item 2 Election of Officers** will be addressed at the end of the meeting, which is out of the order of the meeting agenda.

3. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before January 12, 2026:

- **LVM Residential, LLC, 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: Pursuant to Section 9.1 of the Site Plan Review Regulations, applicant requests modifications to a previously approved Site Plan (PB2022-36-SPR & PB2023-38-SPA & PB2024-35-SPA) for a proposed 148-unit multi-family housing development. Applicant proposes revised parking and site configurations and the removal of approved modifications to the structure at 43 Mechanic Street, together with related modifications to utilities, landscaping, grading, and other site improvements. PB2026-04-SPA**
- **Brickyard One Nominee Trust, Hanover Street Ext (Tax Map 48, Lot 1), zoned R-1, R-O-1, R-3 & RL-3: Applicant received Site Plan approval on December 17, 2024 (PB2024-22-SPRCUP) for a phased 474-unit multi-family Planned Unit Residential Development (PURD). Applicant now requests an extension of the phasing plan timelines for obtaining building permits and for constructing required site improvements. PB2026-05-SPA**
- **Greg Kutvirt (applicant), TLL Realty LLC (property owner), 41 N Labombard Road (Tax Map 51, Lot 1), zoned IND-L: Applicant requests a partial waiver of an impact fee**

1 associated with a proposed change of use from a Federal Express facility to pickleball
2 courts. PB2026-06-AAD

- 3 • Robert J. Oakes, Laplante Road (Tax Map 138, Lot 27), zoned R-3, RL-1 & RL-2:
4 Applicant requests a Conditional Use Permit, Final Major Subdivision approval and
5 Site Plan Review for a proposed Planned Unit Residential Development (PURD)
6 containing 13 detached dwelling units together with related site improvements. PB2026-
7 07-FMAJ

8
9 Mr. Corwin said Staff recommends the applications do not have the potential for regional impact.

10
11 *A MOTION was made by Andrew Faunce that the applications of LVM Residential, LLC, 1*
12 *Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34),*
13 *PB2026-04-SPA; Brickyard One Nominee Trust, Hanover Street Ext (Tax Map 48, Lot 1),*
14 *PB2026-05-SPA; Greg Kutvirt (applicant), TLL Realty LLC (property owner), 41 N*
15 *Labombard Road (Tax Map 51, Lot 1) PB2026-06-AAD; and Robert J. Oakes, Laplante Road*
16 *(Tax Map 138, Lot 27), PB2026-07-FMAJ do not have the potential for regional impact. The*
17 *MOTION was seconded by Don Collins.*

18
19 **The MOTION was approved (6-0).*

20 21 22 4. PUBLIC HEARING ITEMS

- 23
24 A. Execusuite, LLC, 22 School Street (Tax Map 92, Lot 2), zoned R-O: Applicant
25 requests Site Plan Review to add seven (7) additional dwelling units within the
26 existing building, together with associated site improvements. PB2026-02-SPR - To
27 be postponed to February 9, 2026

28
29 Chair Faunce said this application has been postponed to the February 9, 2026 Planning Board
30 meeting. Mr. Corwin said the reason for the delay is the applicant needs to obtain a special
31 exception by the Zoning Board of Approvals for part of the project before the site plan
32 application can be reviewed by the Planning Board.

33 34 5. CONCEPTUAL REVIEW

- 35 A. SPNH Mount Support, LLC, Mount Support Road (Tax Map 24, Lot 1, Plot 100),
36 zoned R-1 & RL-3: Applicant requests conceptual review per Section 4.3.B of the
37 Site Plan Review Regulations of a proposed 260-unit residential development
38 consisting of three (3) 4-story multi-family dwellings. PB2025-42-CON

39
40 Mr. Don Smith (Saxon Partners) and Mr. Dave Fenstermacher (VHB) were present on behalf of
41 the applicant.

42
43 Mr. Smith reviewed the proposed revised conceptual plan, which he said included changes made
44 based on feedback received after the previous conceptual review at a September 2025 Planning
45 Board meeting. He said this revised plan includes central green areas and other amenities for the
46 residential community, reconfigured parking areas, and a new location of the access
47 road/driveway into the development. He said the building has been relocated about 85 feet back
48 from the previous plan, which increases setbacks from the road. He said the new plan results in

1 about 2,500 fewer square feet of wetlands that are impacted. He also said the plans include a
2 townhouse concept which he said may be considered in the future on this site.

3
4 The group discussed wetlands concerns and impacts to the wildlife crossing that is near the
5 project side. They discussed the revised parking lot locations and ways to provide additional
6 parking spaces and areas. The group discussed whether a walkway could be added between the
7 future townhomes and the parking area to provide a safe place for children to walk to the car.

8
9 Mr. Smith said the project has not been completely engineered. He said the next step is to have
10 NHDES review the plan. He said if they receive NHDES approval, they will re-engineer the plan
11 and the submit the project for site plan approval.

12
13 Ms. Sarah Riley (Chair of Conservation Commission) said she has concerns that the new plan's
14 long driveway is encroaching into the protected open space area, which she said provides
15 wildlife connectivity from the west side to the east side of the property. She asked the Planning
16 Board to review this proposal carefully and review the impact on the wildlife corridor. She said
17 the Conservation Commission has asked the project team and Planning Board to reconsider the
18 size of the development because it includes more than 10,000 square feet of impacted wetlands.
19 Chair Faunce said he'd like to know the extent of the wildlife corridor and more convincing data
20 to support the argument to make the change to extend the driveway. Mr. Smith said the new
21 location of the driveway was the team's response to previous concerns expressed by the
22 Conservation Commission, but they can move it back to its original location if it is not a good
23 solution.

24
25 Chair Faunce asked if more information could be provided to the Board regarding the wildlife
26 corridor. Mr. Smith said they would include that information as a separate report with the plan
27 when they apply for site plan approval.

28
29 Ms. Riley said it seems like the new plan for the development locates it further west and into a
30 larger open space area that she referred to as the "greater Boston Lot." She said it is better to
31 keep projects like this closer to the road than up the slope and into the woods. She said any
32 movement of the development to the west is problematic. She said sometimes projects are too
33 large for the site. Ms. Appleton acknowledged that the relocation of the project was done in
34 response to feedback that it was too close to the road, but they said it is better for pedestrian
35 access to keep the project as close to the road as possible.

36
37 The group discussed the applicant's request to change the conditions of the protected wildlife
38 corridor. Mr. Corwin said Attorney Philip Hastings provided his opinion that the Board has the
39 authority to make changes requested by the applicant. Mr. Corwin said Attorney Hastings'
40 opinion should be reviewed by the City's legal counsel.

41
42 Mr. Corwin noted that Section 4.7.E.2 - *Additional Fees for Special Investigative Studies and*
43 *Expenses* of the Site Plan Review Regulations provides that the Board has the right to require the
44 applicant to pay necessary and reasonable fees sufficient to cover the City's expenses for the cost
45 of special investigative studies, review of documents, extraordinary or unusual legal expenses,
46 etc. Mr. Corwin said the cost for legal review of Attorney Hastings' opinion should be borne by
47 the applicant (as opposed to taxpayers). Chair Faunce said the expense should be borne by the
48 applicant because they are requesting the change in conditions of the protected wildlife corridor.

1 Attorney Philip Hastings (Cleveland, Waters, and Bass) said he drafted three previous wildlife
2 corridor restrictions that are similar to this one. He said this type of request is relatively new to
3 Lebanon. He said the developer/owner can make changes to the wildlife corridor with the
4 approval of the Planning Board as a condition of site plan approval. He agreed that the City's
5 legal counsel should review his opinion.

6
7 Mr. Corwin suggested Dr. Rick Van de Poll, of Ecosystem Management Consultants, could
8 review this proposal as well. He asked VHB to prepare a document for Dr. Van de Poll to review
9 at a future meeting.

10
11 [At 7:38pm Ms. Zook left the meeting.]
12
13

14 **6. STUDY ITEMS**

15 16 **A. Review of and Discussion re: Master Plan Update and Implementation Process**

17
18 Mr. Corwin said Staff has suggested this item should be discussed at a future meeting.
19
20

21 **2. ELECTION OF OFFICERS – Chair and Vice Chair**

22
23 *A MOTION was made by Kathie Romano to nominate Andrew Faunce as the Chair of the*
24 *Lebanon Planning Board. The MOTION was seconded by Wes Achord.*

25
26 **The MOTION was approved (6-0).*
27

28 Chair Faunce said Dr. Ford Burley (current Vice Chair) has declined to be nominated as Vice
29 Chair.
30

31 *A MOTION was made by Andrew Faunce to nominate Wes Achord as the Vice Chair of the*
32 *Lebanon Planning Board. The MOTION was seconded by Don Collins.*
33

34 **The MOTION was approved (6-0).*
35
36

37 **7. APPROVAL MINUTES – November 24, 2025 and December 08, 2026**

38
39 The Board members said they had small, typographical edits, which they gave to Mr. Corwin to
40 give to the recording secretary.
41

42 *A MOTION was made by Andrew Faunce to approve the November 24, 2025 and December*
43 *08, 2025 Planning Board Meeting minutes as amended. The MOTION was seconded by*
44 *Patrick Kennelly.*
45

46 **The MOTION was approved (6-0).*
47
48
49

8. ADJOURNMENT

A MOTION was made by Kellen Appleton to adjourn the meeting at 7:43pm. The MOTION was seconded by Patrick Kennelly.

**The MOTION was approved (6-0).*

The meeting adjourned at 7:43pm.

Respectfully submitted,

Paula Roux

Recording Secretary