



**LEBANON CITY COUNCIL
FEBRUARY 4, 2026 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 482 668 119#). If you have trouble accessing this meeting, please [email David Brooks](#).

1. Call to Order

The February 4, 2026 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.**

4. Open Council Discussion

5. Open to the Public

6. Recognitions: None

7. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the February 4, 2026 agenda packet.

8. Appointments

- A. Arts and Culture Commission, Gail Dokucu (Alternate Member)
Heritage Commission, Roxanne Benzel (Alternate Member)

9. Public Hearing Items

- A. Proposed Amendments to the Zoning Ordinance for Council Adoption
Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

- Amendment #5 – To rezone certain properties within the Centerra Planned Business Park from IND-L to CB, including Tax Map/Lots 10-11-100, 10-11-300, 10-11-1300, 10-11-1302, and 10-11-1400; and to rezone certain properties within the Centerra and Altaria Planned Business Parks and the Altaria Planned Unit Development from IND-L to GC-1, including Tax Map/Lots 10-11-400, 10-11-700, 10-11-1000, 10-11-1200, 10-11-1500, 10-11-1600, 10-11-2000, 10-11-2100, 10-11-2300, 10-26, 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-12, 24-14-100, 24-14-200, 24-14-300, 24-14-400, 24-14-500,

- 24-14-600, 24-14-700, 24-14-800, and 24-16. (Zoning Map Amendment)
- Amendment #6 – To rezone portions of certain properties along Etna Road from IND-L to RL-3, including Tax Map/Lots 26-2, 37-4, 37-5, and 37-7; and to rezone a portion of Tax Map/Lot 76-10 along Mt. Support Road from R-1 to RL-3. (Zoning Map Amendment)
 - Amendment #7 – To rezone certain properties along Labombard Road from IND-L to GC-1, including Tax Map/Lots 50-29, 51-1, 51-2, 51-3, 51-10, 51-11, 51-14, 51-15, 64-21, 64-22, 64-23, 64-25, 64-34, and part of 26-17; to rezone Tax Map/Lot 51-13 from RL-1 and RL-3 to GC-1; and to rezone Tax Map/Lot 51-12 from IND-L and RL-3 to GC-1 and RL-3. (Zoning Map Amendment)
 - Amendment #8 – To rezone certain properties along Little Heater Road from IND-L to GC-1, including Tax Map/Lots 64-30, 78-48, 78-55, and 78-61. (Zoning Map Amendment)
 - Amendment #9 – To establish a new Northern Lebanon Wildlife Overlay District to preserve and protect the integrity of the wildlife corridor and crossings in the vicinity of Route 120, as well as preserving, protecting, and enhancing the values associated with wildlife within the district. (Zoning Ordinance Section: (new) 412, and Zoning Map Amendment)
 - Amendment #10 – To amend Section 501, Planned Unit Development (PUD), and Section 508, Planned Business Parks, and to amend the CB and GC-1 District Use Tables, to align uses within the zoning districts impacted by Amendments #5-9. (Zoning Ordinance Sections: 305A.2, 306.2, 501, and 508)
 - Amendment #14 – To amend Section 608, Signs, to clarify application requirements and regulation and enforcement procedures, and to authorize a new sign fee. (Zoning Ordinance Section: 608)
 - Amendment #15 – To amend Section 411, Pattern Zones Overlay District, to expand flexibility and opportunities for utilization of the overlay district provisions. (Zoning Ordinance Section: 411)
 - Amendment #16 – To amend Section 509, Cottage Developments, to clarify requirements and review criteria, and provide greater flexibility for utilization of the cottage development provisions. (Zoning Ordinance Section: 509)
 - Petitioned Amendment #1 – To rezone certain parcels along Old Pine Tree Cemetery Road, including Tax Map/Lots 117-17, 74-1-100, and 74-1-200, and parcels within the Rock Ridge residential development that are currently zoned RL-2, from RL-2 to R-3. (Zoning Map Amendment)
 - Petitioned Amendment #2 – To rezone Tax Map/Lot 26-2 along Etna Road from IND-L and RL-3 to GC-1. (Zoning Map Amendment)
 - Petitioned Amendment #3 – To amend the IND-L District Use Table to add Vehicular Repair as a permitted use. (Zoning Ordinance Section 303.2)

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

B. Ordinance #2026-01

A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to amend the City Clerk fees in §68-15.D, amend the Ambulance fees in §68-15.E, and to add new Zoning fees in §68-15.A

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions and Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

10. Old Business: None

11. New Business

A. Request to Authorize the City Manager to Enter into Negotiations

Request to Authorize the City Manager to Enter into Negotiations with the Lebanon School District, SAU-88, and the Boys and Girls Club of Central and Northern NH, for a lease of City-owned property at 6 Aldrich Ave, West Lebanon, Tax Parcel 86-25-100

B. Discussion of City Code Chapter A191-15, Council Appointments to City Boards, Committees, Commissions

C. Ordinance #2026-02

Discussion and Set Public Hearing for February 18, 2026: Ordinance #2026-02, Amendments to City Code Chapter 179, Vendors

D. Ordinance #2026-03

Discussion and Set Public Hearing for February 18, 2026: Ordinance #2026-03, Amendments to City Code Chapter 46, Cemeteries

E. NH RSA 21-I:112-116

Discussion of NH Department of Justice Memorandum RE: NH RSA 21-I:112-116, Prohibition on Diversity, Equity, and Inclusion

12. City Manager Report

13. Non-Public Session: None

14. Adjournment

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.

Lebanon City Council Agenda
February 4, 2026

Future Board/Committee/Commission Appointments:

Board/Committee: Conservation Commission

Position: Alternate

Applicant: L. Madsen

City Councilor: To be Assigned

Assigned Date: 12/04/2025

Board/Committee: Conservation Commission

Position: Alternate

Applicant: P. Lee

City Councilor: To be Assigned

Assigned Date: 11/28/2025

Board/Committee: Lebanon Housing Authority

Position: Regular

Applicant: T. Foor

City Councilor: To be Assigned

Assigned Date: 12/10/2025

Proposed Future Agenda Items: Dates may be tentative, and this list is not considered all-inclusive.

February 18, 2026

Public Hearing Items:

A. Potential Establishment of Social Districts – Public hearing pursuant to NH RSA 178:34 for the purpose of receiving public input on a question to be placed on the March 10, 2026 municipal ballot regarding whether to authorize the establishment of Social Districts in Lebanon.

B. Operation of Keno Games in Lebanon – Public hearing pursuant to NH RSA 284:51 for the purpose of receiving public input on a question to be placed on the March 10, 2026 municipal ballot regarding whether to prohibit the operation of Keno games in Lebanon.

C. Ordinance #2026-02 – Public hearing for the purpose of receiving public input and taking action to adopt Ordinance #2026-02 to amend City Code Chapter 179, Vendors.

D. Ordinance #2026-03 – Public hearing for the purpose of receiving public input and taking action to adopt Ordinance #2026-03 to amend City Code Chapter 46, Cemeteries.

New Business:

A. Discussion and Authorization for City Manager to Prepare and Execute Documents for the Sale or Exchange of Lands between City of Lebanon and Anne and Gerald Rader for City-Owned Property at 0 Winter Street, Tax Parcel 77-82, Lebanon

B. Discussion and Set Public Hearing for March 18, 2026: Supplemental Appropriation for Construction of Mechanic Street Sidewalk Segment from Slayton Hill Road to American Legion

C. Discussion of Status of Barrows Street Cottage Development Project and Authorization to Proceed with Project; Set Public Hearing for February 18, 2026: Supplemental Appropriation to Fund Construction and Sale of Barrows Street Cottage Units

D. Council Agenda Item submitted by Councilor McNamara – Discussion regarding establishing a Special Assessment District for the Route 12A area

E. Vote to Make Public Previously Sealed Non-Public Session Minutes of the City Council

F. Discussion RE: Strategic Plan Direction

March 4, 2026

New Business:

A. Discussion and Vote on City Manager Compensation based on 6-month review

**Agenda
Lebanon City Council
February 4, 2026**

7. Acceptance Of Minutes:

Minutes To Be Accepted

- January 21, 2026

MOVED, to approve the minutes as presented in the February 4, 2026 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
SPECIAL MEETING MINUTES
Thursday, January 21, 2026 6:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Douglas Whittlesey, Assistant Mayor Devin Wilkie, Erling Heistad, Nicole Ford Burley, Timothy McNamara, Laurel Stavis, Christian Simon, and George Sykes

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Andrew Hosmer, Deputy City Manager David Brooks, Director of Planning and Development Nathan Reichert, Lebanon Fire Chief/Emergency Management Director Jim Wheatley, City Clerk Jaseya Ewing, Finance Director Alesia Williams, Associate Planner Catheryn Hembree

1. CALL TO ORDER: Mayor Whittlesey called the meeting to order at 6:00 p.m.

- City Manager Andrew Hosmer announced the meeting criteria for attendees.

2. PLEDGE OF ALLEGIANCE: Mayor Whittlesey led the Council in the Pledge.

3. BOARDS and COMMITTEE REPORTS (4th Quarter 2025)

ARTS & CULTURE (A&C) COMMISSION: Assistant Mayor Wilkie

Assistant Mayor Wilkie updated the Council on the following:

- Tunnel Art – almost complete
- Poetry Stamping on sidewalks/Poetry from the community contest
- Membership recruitment
- 2026 opportunities to build partnerships with other Art Organizations
- Mayor Whittlesey thanked the A&C for the new tunnel mural

CONSERVATION COMMISSION (ConCom): Chair Riley

Chair Riley updated the Council on the following:

- Hypertherm Employees and community volunteers: Helped with Managing invasive species and overgrown trails
- Land Donation of 22 acres on Stevens Road
- Mascoma Lake Watershed Management Plan Grant Report: Publication of report will most likely take place in February of 2026
- Visit from wetland scientist representing the Lebanon Woolen Mill Project ARM Fund Application: ConCom endorsed this project

DIVERSITY, EQUITY AND INCLUSION (DEI): Assistant Mayor Wilkie

Assistant Mayor Wilkie updated the Council on the following:

- Working on a response to State Legislative
- New DEI Task Force approved by Council

ECONOMIC DEVELOPMENT COMMISSION (EDC):

- While there was no formal report, Deputy City Manager Brooks noted they spent the September and October meetings reviewing Zoning Amendments.

HERITAGE COMMISSION: Chair and Councilor Nicole Ford Burley

Chair N. Ford Burley updated the Council on the following:

- One application was reviewed for a Certificate of Approval.
- Updating the Historic Resources Chapter of the Master Plan: Has been completed
- Minor revisions to the Historic District Zoning Ordinance
- Membership
- Plan for 2026 is more outreach to residents/property owners/local schools and more educational opportunities

LEAC (LEBANON ENERGY ADVISORY COMMITTEE): Council Appointed Member Clifton Below
Mr. Below updated the Council on the following:

- Focus on looking at energy over the next year and if there is anything that should go into the Capital Improvement Project (CIP) this upcoming year
- Exploring projects that would not require a significant amount of taxpayer funds or could potentially pay for themselves
- Bicycle charging station: Some funding came through
- Worked on Zoning Ordinances/Electric Vehicle (EV) requirements
- Regional Energy Committees Meeting
- Clean Energy New Hampshire
- Community Power Coalition and the legislative work with this coalition

LEBANON HOUSING TASK FORCE: Councilor/Chair McNamara

Councilor/Chair McNamara updated the Council on the following:

- Community Housing Report: Report should be issued in the next month or two

SCHOOL/CITY TASK FORCE: Mayor Whittlesey

Mayor Whittlesey updated the Council on the following:

- Focus has been on working with the School District to look at uses for the property in and around the SAU and how we might be able to partner with the Boys & Girls Club to build a Child Care Facility. This is in the early stages and is a critical need within the City & Upper Valley area.

WEST LEBANON REVITALIZATION ADVISORY COMMITTEE (WLRAC): Councilor Stavis

Councilor Stavis updated the Council on the following:

- Sad News: Saluted a member of this committee who has recently passed away unexpectedly

4. PUBLIC FORUM: Mayor Whittlesey made the Public Forum announcement.

5. OPEN COUNCIL DISCUSSION:

Assistant Mayor Wilkie made the following announcements:

- Homelessness Awareness Day Community Gathering tomorrow (1/22/26) at 4:30PM, Upper Valley Haven
- Annual Point-in-Time Count Meeting on January 28: This attempts to figure out how many people are living on the streets in communities across the county. Volunteers will be out on January 29-30, 2026 to collect data. For anyone who is living outdoors/homeless, please feel free to visit or contact, one of the “Pit Stops” at Kilton Library in West Lebanon, TLC Family Resource Center, LISTEN Dining Hall in White River Junction, VT; and the LISTEN Food

Pantry on Hanover Street in Lebanon, NH. The Point-in-Time Count determines who is able to receive Federal Financial benefits.

6. OPEN TO PUBLIC: NO ONE CAME FORTH

7. RECOGNITIONS:

- RESOLUTION HONORING BILL KOPPENHEFFER

WHEREAS, the Zoning Board of Adjustment plays a vital role in ensuring that decisions affecting the rights of property owners and the integrity of the community's zoning standards are made fairly, impartially, and with deep regard for due process; and

WHEREAS, Bill Koppenheffer was appointed to the Zoning Board of Adjustment in 2009 and has served the residents of the City of Lebanon for 16 years through conscientious participation in public hearings, deliberations, and decisions that reflect the board's mission; and

WHEREAS, the Planning Board is responsible for reviewing proposed new construction and subdivisions of land, ensuring that land use projects comply with local and state land use codes and regulations; and

WHEREAS, Bill Koppenheffer was appointed to the Planning Board in 1994 and served the residents of the City of Lebanon for 6 years bringing steady judgment and careful review to planning matters and helping guide decisions that supported sound, consistent land use; and

WHEREAS, Bill's service has exemplified the spirit of volunteerism and has strengthened the City's land-use decision-making process; and

WHEREAS, Bill is retiring after more than 22 years of volunteer service with the City, leaving a legacy of steady leadership, fairness, and commitment to public service.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lebanon that the sincere appreciation of the City is hereby extended to Bill Koppenheffer for his long-standing commitment, leadership, and valuable service and contributions to the community as a member and Chair of the Planning Board and the Zoning Board of Adjustment.

BE IT FURTHER RESOLVED that this Resolution be written upon the minutes of the Lebanon City Council meeting.

Dated this 21st day of January 2026.

Douglas Whittlesey, Mayor
on behalf of the Lebanon City Council

Mr. Koppenheffer was present to accept this written Resolution and spoke about his years of volunteer service with Planning Board and Zoning Board of Adjustment.

8. ACCEPTANCE OF MINUTES:

Adjustment to the December 17, 2025 FINAL Budget Public Hearing Minutes (RESOLUTION 1):

Deputy City Manager Brooks noted that an AMENDMENT #6 TO RESOLUTION #1 was inadvertently

1 left out of those December 17, 2025 minutes. It was caught by our Finance Department, and this
2 information is very important and should be added to, and reflected in these minutes as follows:

- 3
4 **(6) COUNCILOR SIMON MOVED to decrease the General Fund budget by \$385,000 for the purpose**
5 **of reducing the DPW budget for paving.**

6
7 **SECONDED BY COUNCILOR MCNAMARA.**

8
9 **After the Council held discussions about the pros/cons to this amendment the following took place:**

10
11 **“COUNCILOR SIMON AMENDED HIS MOTION to change the reduction from \$385,000 to**
12 **\$200,000.”**

13
14 **SECONDED BY COUNCILOR MCNAMARA, who agreed with the amendment.**

15
16 **VOTE ON THE AMENDMENT was 7-1-1. Opposed: Counselor Sykes. Abstained: Assistant**
17 **Mayor Wilkie.**

18
19 **While the Council has already approved the December 17, 2025 minutes, this change will be**
20 **reflected in tonight’s minutes as having been discussed and will get captured, along with the**
21 **discussion of minutes that are on tonight’s agenda.**

22
23 **January 7, 2026 (Regular Meeting)**

24 **Amendments:**

- 25 • **Page 11, Lines 12-14 should read as follows: *Assistant Mayor Wilkie withdrew his nomination***
26 ***for Gail Dokucu (Alternate Member) to the Arts & Culture Commission until she has attended***
27 ***one meeting of the Arts & Culture Commission and the Council agreed to postpone the vote. He***
28 ***wanted to also revisit this requirement for Alternate Members.***
29 • **Page 20, line 5: Change City Manager to “Deputy City Manager”**
30 • **Page 10, lines 11; Should read as follows: *The NOMINATION for Roxanne Benzel as an***
31 ***Alternate Member to the Heritage Commission was postponed by N. Ford. Burley until Ms.***
32 ***Benzel has attended one Heritage Commission meeting. Councilor***

33
34 ***Councilor McNamara MOVED to approve the January 7, 2026 minutes as amended and presented in***
35 ***the January 21, 2026 City Council agenda packet.***

36 ***Seconded by Councilor Heistad.***

37
38 ****The Vote on the Motion was approved (7-0). Councilor Sykes was not present at the time this vote***
39 ***was taken.***

40
41 **9. APPOINTMENTS: NONE**

42
43 **10. PUBLIC HEARING ITEMS:**

44 **A. Proposed Amendment to the Zoning Ordinance for 2026 Municipal Ballot - Public**
45 **hearing for the purpose of receiving public input and taking action to place proposed zoning**
46 **amendments on the 2026 Municipal Ballot, as follows:**

- 47 • **Amendment #17 – To amend the RL-1, RL-2, and RL-3 Zoning District Use Tables in**
48 **relation to uses formerly defined under “*Care and Treatment of Animals*”. (Zoning**

1 **Ordinance Sections: 312.2, 313.2, and 314.2)**

2
3 Included in the agenda packet: (All supportive documents and information can be found on pages 22-30,
4 Council agenda packet. Minutes do not include screenshots, graphs, or images.)

- 5 1. January 12, 2026 memorandum from the Planning & Development Department regarding
6 “Proposed Zoning Amendment #17: Care and Treatment of Animals”.

7
8 Not Included, but Available:

- 9 2. [January 7, 2026 Agenda Packet for Proposed Zoning Amendments for 2026 Municipal](#)
10 [Ballot and for Council Adoption](#)

11
12 Director Reichert and Catheryn Hembree (Associate Planner) reviewed the background behind the
13 changes made to Amendment #17.

14
15 **BACKGROUND**

16 On October 1, 2025, the City Council was presented with a number of proposed amendments to the Zoning
17 Ordinance. The Council acted to accept the amendments as presented and forwarded them for review and
18 comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment as required
19 by Section 1000 of the Zoning Ordinance. Legal review has been obtained, and all land use boards have
20 completed their review.

21
22 A follow-up presentation was held with the City Council on January 7, 2026, at which time the following
23 proposed amendment was scheduled for a public hearing. In accordance with Section 1000.4(A) of the
24 Zoning Ordinance, a portion of proposed Amendment #17, listed below, requires voter approval before it
25 can take effect:

26
27 **Mayor Whittlesey opened the Public Hearing. Hearing no comments from the public, the Public**
28 **Hearing was closed.**

29
30 Following the public hearing on the proposed amendment listed above, the City Council was asked to take
31 action to have the amendment placed on the March 10, 2026 Municipal Ballot for consideration by Lebanon
32 voters.

33
34 **Council/Staff Comments:**

35 Councilor McNamara noted the statement as previously stated is too broad and this (statement) makes it
36 clear about what type of animal treatment and care is allowable and in what district.

37
38 **ACTION:**

39 ***Councilor Stavis MOVED, that the Lebanon City Council hereby requests that the City Clerk place a***
40 ***portion of Amendment #17, involving amendments to the Rural Lands One (RL-1), Rural Lands***
41 ***Two (RL-2), and Rural Lands Three (RL-3) zoning district use tables, onto the March 10, 2026***
42 ***Municipal Ballot for consideration by Lebanon voters.***

43 ***Seconded by Councilor Simon.***

44
45 ****The Vote on the Motion was approved (7-0). Councilor Sykes was not present at the time this vote***
46 ***was taken.***

47
48 **B. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing**

1 for the purpose of receiving public input and taking action on proposed zoning amendments
2 for adoption by the City Council, as listed below:

3
4 Included in the agenda packet: (All supportive documents and information can be found on pages 31- 93,
5 Council agenda packet. Minutes do not include screenshots, graphs, or images.)

6
7 Included in agenda packet:

- 8 1. Memo titled "2025-2026 Proposed Zoning Amendments Schedule", dated December
9 23, 2025, including the following:
 - 10 a. "Proposed Zoning Amendments 1-4: State Legislative Updates", dated December
11 22, 2025.
 - 12 b. "Proposed Zoning Amendments 11-13: City Board, Commission, Committee
13 Sponsored Amendments", dated December 23, 2025.
 - 14 c. "Proposed Zoning Amendments 17-20: Misc & Technical Amendments",
15 dated December 23, 2025.
 - 16 d. "Proposed Zoning Amendment 21: Electric Vehicle, Section 607.8", dated
17 December 23, 2025, including December 3, 2025 opinion letter from Attorney
18 Matthew Decker.

19
20 Not Included in agenda packet, but Available:

- 21 1. [January 7, 2026 Agenda Packet for Proposed Zoning Amendments for 2026 Municipal Ballot](#)
22 [and for Council Adoption](#)

23
24 **Mayor Whittlesey noted the Council's plan was to take these in chunks as follows:**

- 25 • **Amendments #1 through #4, which are State Mandated.**
- 26 • **Amendments #11 & 12.**
- 27 • **Amendments # 17, #18, #19 and #20, and then lastly**
- 28 • **Amendment #21.**

29
30 **Councilor Sykes arrived at approximately 6:36PM.**

31 **BACKGROUND**

32 On October 1, 2025, the City Council was presented with a number of proposed amendments to the Zoning
33 Ordinance. The Council acted to accept the amendments as presented and forwarded them for review and
34 comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment as required
35 by Section 1000 of the Zoning Ordinance. Legal review has been obtained, and all land use boards have
36 completed their review.

37
38
39 A follow-up presentation was held with the City Council on January 7, 2026, at which time the proposed
40 amendments listed below were scheduled for this public hearing. (It is noted that the remaining zoning
41 amendments were scheduled for public hearing on February 4th.)

42
43 Planning Director Reichert and Catheryn Hembree reviewed the background behind the changes made
44 to Amendments #1, #2, #3, and #4. These are Amendments that are effectively brought to us by our
45 friends in Concord, NH, who have decided to change State Law relative to these areas of the City's
46 Ordinance.

- 47 • **Amendment #1 – To amend Section 209, Manufactured Housing, to allow manufactured housing**
48 **units in zoning districts that allow one-family dwellings, as required by state law. (Zoning**
49 **Ordinance Section: 209):**

50 This is a holdover from the 2024 Legislative Session that allows for manufactured housing units

1 in all the Zoning Districts where one-family dwellings are allowed. We seek to do two things
2 with this amendment: 1) To comply with the State Regulation, and 2) To have some design
3 criteria that will go with allowing mobile homes to be in a broader area but must meet some
4 architectural impact requirements should they be in certain neighborhoods.

- 5
6 • **Amendment #2** – To amend the MC Zoning District Use Table to allow *Multi-Family Residential*
7 uses, as required by state law. **(Zoning Ordinance Section: 315.2)**
8 This is another response to State Law Change. This would allow Dartmouth Health to add
9 housing to their campus.
- 10
11 • **Amendment #3** – To amend Section 607, Parking, to reduce minimum and maximum parking
12 requirements for residential uses, as required by state law. **(Zoning Ordinance Section: 607)**
13 This would allow one (1) parking space per unit. In order to comply and keep our ratios in order,
14 we have both a minimum and a maximum parking requirement and also added in that R-1 and R-
15 2 (single- and two-family homes) are exempt from this and would be allowed to have a minimum
16 on one (1) parking space, but they would not have a maximum number of parking spaces.
- 17
18 • **Amendment #4** – To amend Section 610, Accessory Dwelling Unit (ADU), to allow ADUs in
19 zoning districts that allow one-family or two-family dwellings and amend and add definitions
20 related to Accessory Dwelling Units, as required by state law. **(Zoning Ordinance Sections: 610**
21 **and Appendix A).** This deals with allowing ADUs within any place the City allows one (1) and
22 two (2) family dwellings. It also allows ADUs to be more accessible throughout the community.

23 24 **Council/Staff Comments:**

- 25 • Assistant Mayor Wilkie spoke about his concerns with Amendments #1 and #3 and #4, noting that
26 the language may need to be cleared up and explained his reasoning. Ms. Hembree noted that the
27 word “only” needed to be deleted in Amendment #1. For setback in the Zoning District **(Zoning**
28 **Ordinance Section: 315.2).** Director Reichert noted we have a framework for permitting Mobile
29 Home Parks and we see them as a valuable tool for housing options. Keeping that structure in
30 place is something we want to continue to do. We do have the ability to allow for existing parks
31 to potentially expand. We have to follow all the Zoning rules (i.e., having a full foundation. etc.).
32 There are differences in how a Mobile Home Park vs. a Manufactured Home (on a single-family
33 lot) will function.
- 34 • Councilor McNamara expressed his concerns in #5 of Section 209: Manufactured Housing and
35 asked if this should come out of this section. In response to Assistant Mayor Wilkie’s response,
36 he felt this was an important clarification.

37 38 **Mayor Whittlesey opened the Public Hearing on Amendments #1 through #4.**

- 39 • Mr. Clifton Below (Ward-3): He spoke about his reasons why he felt Amendment #4 should be
40 approved as written.

41 42 **Hearing no further comments from the public, the Public Hearing was closed.**

43 44 **ACTION:**

45 *Assistant Mayor Wilkie MOVED that the Lebanon City Council hereby approved Zoning Amendments*
46 *#1 through #4 as fully described and presented in the January 21, 2026 City Council Agenda Packet*
47 *with the deletion of the word “only” in Amendment #1, first line after Manufactured Housing Units*
48 *are permitted.....*

49 *Seconded by Councilor N. Ford Burley.*

1
2 **The Vote on the MOTION was approved (8-0).*

3
4 Director Reichert noted that Amendments #11 through #13 come from various Boards/Commissions.

- 5
6
 - **Amendment #11** – To amend Section 408, Historic District (Design Regulations), to clarify application requirements and review criteria for development within the historic district(s). (Zoning Ordinance Section: 408). Catheryn Hembree noted that the purpose of this Amendment is to provide more guidance to the Heritage Commission when making decisions and to the applicant when applying for a Certificate of Approval. wanted to clear up the language, as depicted in the Council agenda packet, pages 54-58. Councilor N. Ford Burley also spoke about the language changes made in Section 408, Historic District Design Standards and gave examples.

14
15 Councilor Stavis requested to see the map depicting the City’s Historical District(s). Councilor N. Ford Burley said the map was not included in agenda packet because there have been no changes to it. Director Reichert presented a screenshot of the Historic Districts GIS Overlay Map, noting this has not been updated in a while. The National Historic Districts have expanded but these changes can be viewed on the City’s GIS Mapping System.

20
21 Assistant Mayor Wilkie requested that on page 54, line 71 the word “man-made” be changed to “human made.” Councilor N. Ford Burley had no problem with making that change.

- 23
24
 - **Amendment #12** – To establish a new section for the regulation of mobile food service vending (a.k.a. food trucks), with associated new definitions. (Zoning Ordinance Section: (new) 615 and Appendix A). Director Reichert noted this (Amendment) creates a zoning process that allows for private landowners through the community to have Food Trucks available on their property and explained his reasonings and gave examples.
 - **Amendment #13** – This was an Electric Vehicle (EV) Amendment that was rescinded at the request of Lebanon Energy Advisory Committee (LEAC).

32
33 **Mayor Whittlesey opened the Public Hearing on Amendments #11 & #12.**

- 34
 - Mr. Clifton Below (Ward-3): He noted he served on the Food Truck Task Force and spoke about his reasons why he felt Amendment #12 should be approved.

36
37 **Hearing no further comments from the public, the Public Hearing was closed.**

38
39 **Council/Staff Comments: NONE**

40
41 *Assistant Mayor Wilkie MOVED that the Lebanon City Council hereby approves Zoning Amendment #11 through #12 as fully described and presented in the January 21, 2026 City Council agenda packet with the addition to Amendment #11, Line 72, page 2 (page 54 in agenda packet) to change “man-made” to “human made.”*

44
45 *Seconded by Councilor N. Ford Burley.*

46
47 **The Vote on the Motion was approved (8-0)*

48
49 **Director Reichart noted that Amendments #17-#20 are all Staff-driven amendments.**

- 50
 - **Amendment #17** – To amend the definition of “Care and Treatment of Animals”, and to amend

1 the IND-L, GC, GC-1, CB, and RO-1 Zoning District Use Tables in relation to uses formerly
2 defined under “*Care and Treatment of Animals*”. (**Zoning Ordinance Sections: 303.2, 305.2,**
3 **305A.2, 306.2, 311A.2, and Appendix A**)
4

5 Ms. Hembree noted the Planning Staff came across issues they would like to be corrected. Also, the
6 second half of (Amendment) #17 is a change in definitions and the Use Tables for the commercial and
7 other residential Lebanon Districts that do not have to go before the City for a vote. She explained where
8 the changes were made. (Please refer to pages 66 – 73 where changes are reflected in red.)
9

10 Director Reichert also noted and spoke about the existing businesses throughout our community that
11 would fit under this Use Code.
12

13 Assistant Mayor Wilkie noted Amendment #17 was not necessarily a Staff request. Changes were made
14 to fix an existing problem that Councilors had made previously.
15

- 16 • **Amendment #18** – To amend Section 1000.2, Source of Proposed Amendments, to clarify
17 petitioner’s responsibility for amendment process and applicable fees. (**Zoning Ordinance**
18 **Section: 1000.2.D**)
19

20 Director Reichert explained the purpose of this Amendment is to place the burden of petitioned
21 Amendments onto the petitioner and allow the City to recoup fees associated with the petitioned
22 amendments. He also noted that the City currently does not charge fees and this would allow us to charge
23 an applicable fee charge for the cost of notices (i.e., in the newspaper and those that go out through the
24 mail.) (Please refer to changes, as highlighted in red, on page 74, agenda packet.)
25

- 26 • **Amendment #19** – To amend the definitions of “*Lot Width*” and “*Agriculture*”. (**Zoning**
27 **Ordinance Section: Appendix A**)

28 Director Reichert noted this amendment was brought forth by Tim Corwin (Deputy Director of Planning
29 and Development and changes to Definition of Agriculture as reference in State Law, along with other
30 miscellaneous definitions. (Please refer to the changes made on pages 75-77, agenda packet.)
31

- 32 • **Amendment #20** – To amend Section 213 relative to new development that triggers the
33 assessment of impact fees. (**Zoning Ordinance Section: 213**)

34 Director Reichert noted that we are trying to eliminate and close the loophole in the contradictory
35 language in this Ordinance for dwelling units below 500 sq. ft. and to close the basement loophole. He
36 also spoke about the time limit for replacing a structure (2-year replacement) and gave examples. (Please
37 refer to the details as listed on page 78, Council agenda packet, where changes are highlighted in red.)
38

39 **Council/Staff Comments:**

40 In response to Councilor Stavis’ question, Director Reichert explained that the thinking on an ADU is
41 something that the City Council wanted to see in order to create an incentive for owner-occupied ADUs.
42 These owner-occupied ADUs will have a positive impact on the community and further explained his
43 reasoning.
44

45 Councilor McNamara also explained that a finished basement is typically part of a living space in a home
46 and is not considered an Accessory Dwelling Unit (ADU).
47

48 Councilor Stavis spoke about her reasons why she would like to revisit ADUs from time-to-time.
49

50 Councilor Simon spoke about his reasons why a structure replacement timeline should be changed from 2

1 years to a 3 to 4-year timeline and gave examples (i.e., how long it may take an insurance company to
2 close a claim, especially in the case of fire or a natural disaster, etc.).

3
4 Councilor McNamara concurred with Councilor Simon and suggested this timeline be changed to 4 years.

5
6 **Mayor Whittlesey opened the Public Hearing on Amendments #17 through #20.**

- 7 • Mr. Clifton Below (Ward-3): He spoke about his concerns about insulation for basements in the
8 Building Code and gave examples. He also spoke about freestanding ADUs (1-bedroom or
9 studios) noting the exemption should be raised to 700 sq. ft. and presented graphs showing
10 examples of what 500 sq. ft. floor plan looks like vs. a 700 to 750 sq. ft. floor plan.

11
12 **Hearing no further comments from the public, the Public Hearing was closed for Amendments #17**
13 **through #20.**

14
15 **Council/Staff Comments:**

16 The Council discussed their reasons (for/against) raising the square footage from 500 sq. ft. to 750 sq. ft.
17 Councilor Simon noted he was just talking about the reconstruction of a structure (as defined in (b.) on page
18 78, lines 31-34, agenda packet.).

19
20 Director Reichert shared a screenshot of Section 213.8.B.2: Section 213: Impact Fees that were not included
21 in the agenda packet.

22
23 **ACTION:**

24 *Assistant Mayor Wilkie MOVED that the Lebanon City Council hereby approves Zoning Amendments*
25 *#17 through #20, as fully described and presented in the January 21, 2026 City Council agenda packet*
26 *with the change in Amendment #20, Section 213, E. (b-2), which is on line 32 of the Council packet*
27 *presentation changing 2-years to 4-years, only in the event where reconstruction is of a structure that*
28 *has been destroyed by fire or natural disaster.*
29 *Seconded by Councilor McNamara.*

30
31 *Councilor McNamara offered an Amendment to Section 213. E. (b-2) to read: "An assessed property*
32 *may apply for a full partial waiver of Public-School Impact Fees for those Accessory Dwelling Units*
33 *(ADUs) for the gross living area of 750 sq. ft. or less and including only studio and 1-bedroom*
34 *apartments."*

35 *Seconded by Councilor Simon.*

36
37 *Vote on the Amendment (by Councilor McNamara) was approved (8-0).*

- 38
39 • **Amendment #21** – To amend Section 607.8, Electric Vehicles, to modify the requirements for
40 electric vehicle charging for multi-family residential and non-residential developments. (**Zoning**
41 **Ordinance Section: 607.8).** (Please refer to pages 79- 93, Council agenda packet for detailed
42 proposed changes to this Amendment.)

43
44 **Council/Staff Discussions:**

45 In response to Councilor McNamara's question, Director Reichart explained that if there is a 1, 2 or 3
46 family dwelling and an ADU, you only need to add one ADU space. Councilor McNamara spoke about
47 his reason why he felt an amendment needed to be added that would exempt 1 & 2 family dwellings and
48 ADUs from this Amendment.

1 Mayor McNamara suggested adding Owner-Occupancy and spoke about his reasons.

2
3 The Council and Director Reichert continued deliberations on what the costs would be to add an EV
4 Charging Station when a building is being constructed vs. retrofitting older buildings; how EV Charging
5 Stations should be a personal owner's decision; the advantages of having a 220-amp wattage outlet; how
6 this felt like overreach; and the effects of having EV Charging Stations placed on rental properties, etc.

7
8 **Mayor Whittlesey opened the Public Hearing on Amendment #21.**

- 9
- 10 • **Mr. Clifton Below (Ward-3):** He spoke about his reasons why he was in favor of Amendment
11 #21 noting this Amendment is only calling for an EV-ready, low power level 2 charging space
12 per dwelling unit. This does not require any special equipment. It just means a dedicated 20 AMP
13 circuit that has 240 volts needs to be installed and further explained his rational on how the
14 language could be changed in this amendment by adding "subject to Site Plan Review."
 - 15 • **Ms. Sherry Boschert (Ward-2):** She spoke about her reasons why she felt this Amendment
16 should be approved. The whole point is to get EV Charging for all dwellings. We are just talking
17 about an outlet by a parking space if there is parking and the cost is not prohibitive.
 - 18 • **Ms. Sarah Riley (Ward-2):** She spoke about her reasons (and the Conservation Commission
19 reasons) why this Amendment should be approved as written.
 - 20 • **Mr. Clifton Below (Ward-3):** Spoke again on how the language in this amendment could be
21 changed, noting the cost could be as low as \$50.00.
 - 22 • **Mr. Jon Livadas (Ward-2):** He spoke about his reasons why he felt this amendment should be
23 approved as written.

24 **Hearing no further comments from the public, the Public Hearing was closed on Amendment #21.**

25
26 **Further Council/Staff Comments:**

27
28 Assistant Mayor Wilkie and Councilors Sykes, N. Ford Burley, and Mayor Whittlesey spoke about their
29 reason why they supported Amendment #21 moving forward as presented in agenda packet. Councilor
30 McNamara and Director Reichert discussed their reasons for continuing this discussion at the February 4,
31 2026 Council meeting.

32
33 **ACTION:**

34 *Assistant Mayor Wilkie MOVED that the Lebanon City Council hereby approves Amendment #21 as*
35 *fully described and presented in the January 21, 2026, City Council agenda packet.*
36 *Seconded by Councilor Sykes.*

37
38 *Councilor McNamara offered the following amendment to #1 by adding: "All new one- and two-family*
39 *dwellings shall be subject to a Site Plan Review and shall provide at least one EV-ready low power level*
40 *2 charging space per unit.) He also suggested that for #2 (page 89, Council agenda packet) be removed.*
41 *Seconded by Councilor Simon*

42
43 **The Vote on Amendment as proposed by Mayor McNamara to amend 607.8 (c) sub paragraph 1 to*
44 *include "subject to site plan review" and eliminate sub paragraph 2.*

45
46 **The Vote on the Amendment by Councilor McNamara failed (4-4).*

47 *In favor: Councilors Simon, Hested, Stavis, McNamara*

48 *Opposed: Councilors Ford Burley and Sykes and Assistant Mayor Wilkie & Mayor Whittlesey*

1
2 **The Vote on the Motion as presented in the Council agenda packet passed (6-2)*
3 *In favor: Councilors Heisted, Ford Burley, Sykes: Assistant Mayor Wilkie and Mayor Whittlesey*
4 *Opposed: Councilors Simon and Stavis*
5

6 **11. OLD BUSINESS**

- 7 **A.** Discussion of Placing a Question of Whether to Authorize the Establishment of
8 Social Districts per NH RSA 178:33 – 38, on the March 10, 2026 Municipal Ballot,
9 and Set Public Hearing for February 18, 2026
10

11 Included in the agenda packet: (All supportive documents and information can be found on pages 94-99,
12 Council agenda packet) Minutes do not include screenshots, graphs, or images.)

- 13 1. NH RSA 178:33 – 38, *et. seq.*
14 2. Draft Voter Information Handout for Social Districts
15

16 Deputy City Manager Brooks reviewed the background and the process/steps that need to be taken in
17 order to have the Question of Whether to Authorize the Establishment of Social Districts placed on the
18 March 10, 2026 Municipal Ballot.
19

20 **BACKGROUND**

21 On September 5, 2025, new state legislation took effect allowing communities to designate “social districts”
22 subject to local voter approval. In the statute, social districts are defined as outdoor areas in which a person
23 may consume alcoholic beverages sold by a licensee that is located within or contiguous to the social
24 district.
25

26 The legislation requires that social districts must be marked with conspicuous signage; that boundary maps,
27 management plans, and days and hours of operation of the district must be adopted and posted on the City’s
28 website; and clearly labeled containers specific to each licensee and each district must be used. Individuals
29 are not permitted to bring outside alcohol into the district and may not carry alcohol outside the district.
30

31 To allow the operation of one or more social districts, the question must first be placed on the City’s official
32 ballot for voter consideration at any regular municipal election. The legislation specifies that the wording
33 of the question shall be as follows: “Shall we allow the operation of social districts within the City of
34 Lebanon?” As proposed, the ballot question would only apply to granting authority to (but would not
35 require) the City Council to establish one or more social districts within the City. The ballot question would
36 not have the effect of immediately establishing any such district.

37 A “yes” vote in favor of the ballot question signifies that the voter wishes to authorize the City Council to
38 establish one or more social districts within the City. A “no” vote against the ballot question signifies that
39 the voter wishes to prohibit the City Council from establishing any social districts within the City.
40 Regardless of the outcome, the City may choose to reconsider this issue at any future municipal election.

41 If the question is placed on the official ballot, the City Council is also required to hold a public hearing on
42 the question at least 15 days, but not more than 30 days, before the question is to be voted upon. **The only**
43 **Council meeting that fits into this schedule to hold a Public Hearing would be the February 18th, 2026**
44 **Council Meeting.**
45

46 The Lebanon Police Chief has stated that the Department takes no specific position for or against the
47 establishment of social districts. However, the Chief noted that the City should clarify who will be
48 responsible for enforcement of the district operations, including any necessary monitoring of the entry and

1 exit points and other boundaries, ensuring that drinks are disposed of before people exit the designated
2 areas, and ensuring that outside alcohol is not brought into the social district.

3
4 In addition, the Finance Department has received feedback from Primex, the City's risk pool coverage
5 provider. Primex also does not take any position with respect to whether or not to allow social districts,
6 but they are open to discussing risks and risk management. The statute specifically states that "the social
7 district shall be maintained in a manner that protects the health and safety of the general public." However,
8 there is nothing in the statute that would limit the liability of the municipality or private entities serving
9 alcohol. In the event of any injury or incident, the operation of a social district on public property could
10 open the City to potential claims.

11
12 **Council/Staff Comments:**

13 Mayor Whittlesey clarified that the vote to put this on the ballot is not to create Social Districts but to
14 simply allow Lebanon to have the authority to create those Social Districts at a later date.

15
16 Councilors McNamara, Simon and Wilkie spoke about their reasons why they would like to see this topic
17 placed on the March Ballot, with Councilor McNamara noting that for the Public Hearing, we put forward
18 as much clear information to the public as possible.

19
20 Councilor McNamara also noted that on page 95, Council agenda packet, there is nothing in the Statute
21 that would limit the liability to the municipality and quoted the following: In the event of any injury or
22 incident, the operation of a social district on public property could open the City to potential claims. For
23 him this was a benefit risk issue that could open the City up to potential claims. If this is put before the
24 voters, this has to be very clear.

25
26 Deputy City Manager Brooks noted that on page 99, there is a sample of the language that could
27 potentially be used as a voter handout.

28
29 **ACTION:**

30 *Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby orders that the following*
31 *question: "Shall we allow the operation of social districts within the City of Lebanon?", shall be*
32 *placed on the ballot for voter consideration at the next municipal election to be held on March 10,*
33 *2026.*

34
35 *BE IT FURTHER MOVED, that the Lebanon City Council hereby schedules a public hearing for*
36 *Wednesday, February 18, 2026, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via*
37 *the City's Virtual Platform, for the purpose of receiving public input, as required by NH RSA 178:34,*
38 *I(b), on a question relative to allowing the operation of social districts within the City of Lebanon, which*
39 *has been placed on the ballot for voter consideration at the next municipal election to be held on March*
40 *10, 2026.*

41 *Seconded by Councilor Simon.*

42
43 **The Vote on the Motion was approved (8-0).*

- 44
45 **B.** Discussion of Placing a Question of Whether to Prohibit the Operation of Keno Games in
46 Lebanon per NH RSA 284:41 – 51-a, on the March 10, 2026 Municipal Ballot, and Set
47 Public Hearing for February 18, 2026

48
49 Included in the agenda packet: (All supportive documents and information can be found on pages 100-
50 108, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. NH RSA 284:41 – 51-a, *et. seq.*
2. Draft Voter Information Handout for Keno Games

Deputy City Manager Brooks reviewed the background behind this topic.

BACKGROUND

On July 1, 2017, state legislation went into effect authorizing municipalities to allow the operation of Keno games in their community subject to local voter approval. Under the 2017 legislation, Keno was only permitted to be operated in communities that had voted to allow it.

Following the enactment of the 2017 legislation, the City Council held multiple hearings and discussions to consider whether or not to place a question about allowing Keno games on the ballot for voter consideration. Public discussions were held on January 3, 2018, February 6, 2019, and January 8, 2020. Following each such discussion, the City Council voted not to place the question onto the municipal ballot.

In 2025, new state legislation (Laws of 2025, Chapter 288 – House Bill 737) took effect, which amended or repealed and reenacted portions of RSA 284:41 – 51-a which address Keno games. Under the 2025 legislation, Keno games will become permitted in every municipality as of June 1, 2027, except those municipalities which have voted to expressly prohibit such games.

If the City wishes to prohibit the operation of Keno games, the City Council must vote to place the question on the official ballot for voter consideration at any regular municipal election. The legislation specifies that the wording of the question shall be as follows: “Shall we prohibit the operation of Keno games within the City of Lebanon?”

A “yes” vote to this question signifies that the voter wishes to prohibit the operation of Keno games within the City. A “no” vote to this question signifies that the voter wishes to allow the operation of Keno games within the City. Regardless of the outcome, the City may choose to reconsider this issue at any future municipal election.

If the question is placed on the official ballot, the City Council is also required to hold a public hearing on the question at least 15 days, but not more than 30 days, before the question is to be voted upon.

Based on discussions with administrators from a community where Keno games have been allowed, there appear to be no direct benefits or costs to the municipality. The Town Manager of Enfield indicated that the Town derives no direct income from the State or from any business that operates Keno within the Town. Also, the operation of such games within the community does not impose any direct costs for oversight, enforcement, or other purposes. According to the statute, the licensee is responsible for all costs, management, and reporting requirements associated with the Keno operation.

Council/Staff Comments:

In response to Councilor Stavis’ recommendation on the language that could be used as a public educational tool, Deputy City Manager Brooks noted there is a Draft of the proposed language on page 108, Council Agenda packet. Councilor Stavis suggested removing the second paragraph.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby orders that the following question: “Shall we prohibit the operation of Keno games within the City of Lebanon?”, shall be placed on the ballot for voter consideration at the next municipal election to be held on March 10, 2026.

BE IT FURTHER MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 18, 2026, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input, as required by NH RSA 284:51, I(b), on a question relative to prohibiting the operation of Keno games within the City of Lebanon, which has been placed on the ballot for voter consideration at the next municipal election to be held on March 10, 2026.

Seconded by Councilor Stavis.

****The Vote on the Motion was approved (8-0).***

12. NEW BUSINESS

- A.** Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

Included in the agenda packet: (All supportive documents and information can be found on pages 109-111, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. January 1, 2026 Letter from Josh Tuohy, Salt hill Pub
2. Location Map of Outdoor Seating Areas for Salt hill Pub

Deputy City Manager Brooks reviewed the background behind this annual request from Salt hill Pub.

BACKGROUND

Salt hill Pub is requesting renewal of their exemption to serve alcohol in their outdoor seating areas, to include those expanded areas approved since 2020. Please see the attached letter from Josh Tuohy.

City Administration has no objection to the closure of the parking area for use by Salt hill Pub as has been done since 2020.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, "Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis." Whereas the current request is for the alcohol exemption/permit to cover the entire year period from January through December, Council approval is required pursuant to §14-5 above.

Council/Staff Comments:

The Council discussed parking spaces during the summer that are being blocked off for extra seating for Salt hill Pub, and how Court Street is being blocked off for extra seating for Three Tomatoes; how the extra seating has become under-utilized over the last couple of years; the pros/cons of potentially expanding seating on the Mall; what the benefit is to City's taxpayers; how there is very little convenient parking left for parking during the summer; how these parking areas bring vitality to the City even though there is a perception of not having enough parking; how the owner of Salt hill Pub was not able to be present for this discussion so the Council should postpone taking action on this tonight until Mr. Josh Tuohy can be present to answer the Council's questions; and the elimination of the Handicapped Parking Spaces during the summer.

1 City Manager Hosmer noted the written lease for Salt hill Pub's tent ends in 2027. This request is just a
2 permit to serve alcoholic beverage on City Property.

- 3
- 4 • Ms. Sarah Riley (Ward-2) came forth and spoke about her reasons why she was in favor of
5 keeping the outdoor seating areas.
- 6

7 **ACTION:**

8 **Councilor McNamara MOVED, that the Lebanon City Council hereby grants an exemption to Salt**
9 **hill Pub pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic**
10 **beverages on the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on**
11 **the map included in the January 21, 2026 City Council Agenda Packet. The exemption shall be**
12 **valid beginning January 22, 2026 and shall expire on December 31, 2026.**

13 ***Seconded by Assistant Mayor Wilkie.***

14

15 ****The Vote on the Motion was approved (8-0)***

16

- 17 **B.** Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14,
18 Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- 19

20 Included in the agenda packet: [\(All supportive documents and information can be found on pages 112-](#)
21 [115, Council agenda packet\) Minutes do not include screenshots, graphs, or images.\)](#)

- 22 1. January 7, 2026 Letter from Louise Clark, Co-owner of Three Tomatoes
- 23 2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria
- 24

25 Deputy City Manager Brooks reviewed the background behind the request from Three Tomatoes.

26

27 **BACKGROUND**

28 Three Tomatoes is requesting renewal of their exemption to serve alcohol in their designated areas on
29 the Pedestrian Mall. Please see the attached letter from co-owner Louise Clark.

30

31 In addition, the City Manager recently met with the restaurant owners to discuss the potential closure
32 of a portion of Court Street for use by Three Tomatoes as has been done since 2020. Ms. Clark indicated
33 that they were willing to forgo the use of Court Street for restaurant seating if additional area could be
34 provided on the Pedestrian Mall. The City Administration has no objection to providing additional
35 restaurant seating area on the Pedestrian Mall, which would allow Court Street to remain open to
36 vehicular traffic throughout the year.

37

38 City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, "Any person, publicly
39 recognized organization, organized group, family group or business may be exempted from the
40 provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining
41 permission from the City Manager after consultation with and approval by the Chief of Police. For a
42 period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the
43 Lebanon City Council and reviewed on an annual basis." Whereas the current request is for the alcohol
44 exemption/permit to cover the entire year period from January through December, Council approval
45 is required pursuant to §14-5 above.

46

47 Louise Clark (Ward-2), Co-owner of Three Tomatoes, came forward and explained her request as
48 listed above, noting they were not interested in having a tent on Court Street during the summer.

1
2 **ACTION:**

3 ***Councilor McNamara MOVED, that the Lebanon City Council hereby grants an exemption to Three***
4 ***Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic***
5 ***beverages on the Lebanon Pedestrian Mall as shown on the map included in the January 21, 2026***
6 ***City Council Agenda Packet. The exemption shall be valid beginning January 22, 2026 and shall***
7 ***expire on December 31, 2026.***

8 ***Seconded by Councilor Simon.***

9
10 ****The Vote on the Motion was approved (8-0)***

- 11
12 **C.** Request from Black Magic Mexican for an Exemption (per §14-5) of City Code Chapter
13 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

14
15 Included in the agenda packet: [\(All supportive documents and information can be found on pages 115-](#)
16 [117, Council agenda packet\) Minutes do not include screenshots, graphs, or images.\)](#)

- 17 1. January 12, 2026 Request from Heath Gosselin and Thao Nguyen, Black Magic Mexican
18 2. Map depicting outdoor seating area for Black Magic Mexican

19
20 Deputy City Manager Brooks reviewed the request from Black Magic Mexican restaurant.

21
22 **BACKGROUND**

23 Black Magic Mexican restaurant is requesting renewal of their exemption to serve alcohol in their outdoor
24 seating areas on City-owned property. Please see the attached letter from Heath Gosselin and Thao Nguyen.

25
26 City Administration has no objection to the continuation of the outdoor seating arrangement with Black
27 Magic Mexican.

28
29 City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly
30 recognized organization, organized group, family group or business may be exempted from the provisions
31 of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the
32 City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12
33 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and
34 reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to cover the
35 entire year period from January through December, Council approval is required pursuant to §14-5 above.

36
37 **ACTION:**

38 ***Councilor Stavis MOVED, that the Lebanon City Council hereby grants an exemption to Black Magic***
39 ***Mexican restaurant pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve***
40 ***alcoholic beverages on the Lebanon Pedestrian Mall within the area shown on the maps included in***
41 ***the January 21, 2026 City Council Agenda Packet. The exemption shall be valid beginning January***
42 ***22, 2026, and shall expire on December 31, 2026.***

43 ***Seconded by Councilor McNamara.***

44
45 ****The Vote on the Motion was approved (8-0).***

- 46
47 **D.** Release of Collected Public School Impact Fees (4th Quarter 2025)

1 Included in the agenda packet: (All supportive documents and information can be found on pages 118-
2 122, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

- 3 1. Impact Fee Report as of 12/31/2025
- 4 2. November 22, 2021, Memorandum of Understanding between the City of Lebanon and
5 The Lebanon School District, SAU#88

7 **BACKGROUND**

8 A Memorandum of Understanding (MOU) was developed in 2010 between the City and the Lebanon
9 School District for the quarterly transfer of collected Public School Impact Fees to the District for
10 application toward the debt payments on the (then) new Lebanon Middle School.

11 On October 12, 2021, the Planning Board authorized a broader use of Public-School Impact Fees to include
12 construction, renovation, improvement, or expansion of K-12 school buildings and related building
13 systems, equipment, and furnishings. A revised MOU was developed and signed on November 22, 2021.

14 To date \$1,101,777.25 in impact fees have been disbursed to the Lebanon School District.

15 The current request is for the City Council to authorize the disbursement of \$7,057.04 in collected Public
16 School Impact Fees (10/1/2025 through 12/31/2025) to the Lebanon School District.

17 **ACTION:**

18 *Councilor McNamara MOVED, that in accordance with Section 213.10 (Administration of Impact*
19 *Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding*
20 *between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby*
21 *authorizes the disbursement of \$7,057.04 in collected Public School Impact Fees to the Lebanon*
22 *School District to be applied toward the construction, renovation, improvement, or expansion of K-12*
23 *school buildings and related building systems, equipment, and furnishings.*
24 *Seconded by Councilor Stavis*

25
26 **The Vote on the Motion was approved (8-0)*
27

28 **E. Review and Discussion of 2025 3rd Quarter Budget Report**

29
30 Included in the agenda packet: (All supportive documents and information can be found on pages 122-
31 155, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

- 32 1. Memorandum from Finance Department RE: 3rd Quarter Financial Report (September 30, 2025)

33
34 Finance Director Alesia Williams reviewed the 2025 3rd Quarter Budget Report, noting that nothing
35 really stands out on this report. It is very similar to the recent numbers put out.

36 37 **BACKGROUND**

38 The Budget Report presents, in summary form, year-to-date activity for both expenditures and revenues.
39 City Charter §6.09, Budget Control, requires financial information to be presented to the City Council for
40 each quarterly period of the year. City Administration typically provides required financial information on
41 a monthly basis during the 4th quarter.

42
43 **ACTION: This agenda item is for informational purposes only. No action was required by the Council.**

- 44 **F. Preparation of Concise Explanation Stating the City Council's Position on the Zoning**
45 **Amendment to Appear on the March 2026 Municipal Ballot**

Included in the agenda packet: (All supportive documents and information can be found on pages 156-157, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. January 13, 2026 memorandum from the Planning & Development Department regarding “Proposed Concise Statement for Amendment 17”.

Director Reichert reviewed the background behind the topic listed above.

BACKGROUND

In accordance with Section 1000.4(C)(2) of the Zoning Ordinance, the City Council, Planning Board, and Conservation Commission must prepare a brief and concise explanation of their positions on zoning amendments being placed on the municipal ballot for voter consideration. To assist this process, the Planning & Development Department has prepared a draft statement for the Council’s consideration. The Council is free to modify or completely rewrite the statement in any way it sees fit. The Planning Board and Conservation Commission will prepare concise statements at their upcoming meetings.

As a reminder, the proposed amendment to be placed on the March 10, 2026 ballot is as follows:

- **Amendment #17** – To amend the Rural Lands One (RL-1), Rural Lands Two (RL-2), and Rural Lands Three (RL-3) Zoning District Use Tables in relation to uses formerly defined under “*Care and Treatment of Animals*”. (**Zoning Ordinance Sections: 312.2, 313.2, and 314.2**)

Please see memo on page 157, agenda packet, from the Planning & Development Department for more detailed information.

ACTION:

Councilor McNamara MOVED, that The Lebanon City Council approves of and endorses the amendment of the Use Tables of the Rural Lands One (RL-1) and Rural Lands Two (RL-2) Zoning Districts to allow “Animal Clinic, Animal Hospital or Veterinary Office”, “Animal Boarding Facility”, “Kennels”, “Horse Stable” and “Riding Facility” by special exception and to remove “Care and treatment of animals” within each district’s Table of Uses. Further, the City Council approves of and endorses the amendment of the Use Table of the Rural Lands Three (RL-3) Zoning District to allow “Riding Facility”, “Horse Stable” and “Kennels” by special exception and to remove “Care and treatment of animals” within the district’s Table of Uses. The purpose of this amendment is to further define uses currently allowed under the “Care and treatment of animals” definition and permit the new definitions in appropriate districts. Within the Rural Lands Districts there is no change in the currently permissible uses.
Seconded by Councilor Stavis.

**The Vote on the Motion was approved (7-0-1). Assistant Mayor Wilkie opposed.*

- G. Discussion and Set Public Hearing for February 4, 2026: Ordinance #2026-01 to Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to Revise Zoning Fees, City Clerk Fees, and Ambulance Fees

Included in the agenda packet: (All supportive documents and information can be found on pages 158-168, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. Proposed Ordinance #2026-01
2. December 23, 2025 memorandum from Fire Chief Jim Wheatley, regarding EMS

- 1 Billing Rates
2 3. January 12, 2026 memorandum from Planning & Development Director Nate
3 Reichert, regarding proposed fee amendments for signs and petitioned zoning
4 amendments
5

6 **BACKGROUND**

7 The City Administration is proposing Ordinance #2026-01 to recommend changes to certain fees set forth
8 in City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, including the
9 following:

- 10 • Changes to the City Clerk fees set forth in §68-15.D;
11 • Changes to the Ambulance fees set forth in §68-15.E;
12 • Addition of new Zoning fees to §68-15.A. City Clerk Fees:

13 **City Clerk Fees: City Clerk Jaseya Ewing reviewed the changes behind the new City Clerk Fees.**

14 Under NH RSA 261:74-d, the State limits the municipal agent fee to a maximum of \$3.00,
15 which is collected on motor vehicle registration transactions conducted by the City Clerk.
16 However, §68-15.D(1) currently imposes an additional fee of \$1.00 for the City to process the
17 State portion of motor vehicle transactions.

18 Consistent with guidance from the New Hampshire Department of Safety, and the practices of
19 other municipalities, including Portsmouth, Manchester, Franklin, Bedford, Gilmanton, and
20 Atkinson, the City Clerk recommends that the City separately identify and re-establish the
21 \$1.00 fee as a data processing fee in order to offset costs associated with generating motor
22 vehicle renewal notices and related mailing expenses.

23 **Ambulance Fees: Lebanon Fire Chief Wheatley reviewed the background behind this topic as listed** 24 **below, noting a Cost Study will be done.**

25 During the 2025 New Hampshire legislative session, Senate Bill 245 was passed and went into
26 effect on January 1, 2026. The new legislation prohibits surprise ambulance billing and
27 regulates ground ambulance reimbursement.

28 As summarized in the attached memorandum from Fire Chief Jim Wheatley, the legislation
29 requires commercial insurance carriers to reimburse “in-network” ground ambulance services
30 at 325% of the Medicare rate. To qualify for the enhanced reimbursement, EMS agencies must
31 be considered “in-network” with commercial insurers, which the City has already addressed,
32 and the agencies must align their billing fee schedule with the regulated reimbursement
33 structure, which is the basis of the current proposal to amend the ambulance fees outlined in
34 §68-15.E

35 **Zoning Fees: Director Reichert reviewed the Planning and Development Department’s Zoning Fee** 36 **recommendations as listed below.**

37 The Planning and Development Department is recommending two additional fees be added to City Code
38 Chapter 68 in conjunction with two proposed amendments to the Lebanon Zoning Ordinance. Specifically,
39 the Department recommends that a new fee structure be created for the regulation, permitting, and
40 enforcement of signage in association with proposed amendments to Zoning Ordinance Section 608, Signs.

1 In addition, the Department recommends that fees be assessed for petitioned zoning amendments. NH RSA
2 675:7, I-b, states that in the case of a petitioned zoning amendment, “the petitioners shall be responsible for
3 the cost of notice by mail” when required under that statute. However, there are other administrative costs
4 associated with the zoning amendment process, including the required legal review, for which the City is
5 currently not reimbursed by petitioners.

6
7 **ACTION:**

8 *Assistant Mayor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for*
9 *Wednesday, February 4, 2026, beginning at 6:00 pm, in Council Chambers, City Hall, and Remote via*
10 *City’s Virtual Platform, for the purpose of receiving public input and taking action on proposed*
11 *Ordinance #2026-01, as presented in the January 21, 2026 City Council Agenda Packet, to amend City*
12 *Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize the*
13 *following changes:*

- 14 *1. Re-adoption of the \$1.00 fee set forth in §68-15.D(1) as a data processing fee for the City Clerk to*
15 *generate and mail motor vehicle renewal notices; and*
- 16 *2. Increases to the Ambulance fees set forth in §68-15.E pursuant to approved 2025 New Hampshire*
17 *legislation; and*
- 18 *3. The addition of new Zoning fees set forth in §68-15.A for Sign Permits and Petitioned Zoning*
19 *Amendments.*

20 *Seconded by Councilor McNamara.*

21
22 **The Vote on the Motion was approved (8-0).*

23
24 **13. City Manager Report:**

25 City Manager Hosmer updated the Council on the following:

- 26 • Citizens Academy Status
- 27 • Homeless Shelter Status and registration procedure for those seeking shelter.
- 28 • Joint City Council/School District Task Force: He was looking for Council authorization to start
29 negotiations on an agreement with the SAU and the Boy’s/Girl’s Club, to start the process of
30 establishing a Child Care Center at Seminary Hill. The proposed Child Care Center would
31 include 50 spots for children, will include infants 6-weeks and older, and will be owned by the
32 School District. (**Note:** The feasibility of establishing a Child Care Center at the airport has been
33 dropped.)

34
35 ***A Straw Poll was taken by the Council to begin negotiations to begin with the SAU and**
36 **Boys/Girls Club for a Child Care Center was approved (8-0).**

37
38 City Manager Hosmer spoke about the NH Department of Justice’s (DOJs) letter regarding DEI that he
39 sent to the Council, which is a prohibition on Diversion, Equity and Inclusion. This letter was discussed
40 extensively by Lebanon’s DEI Commission this week. The NH DOJ requires the City to review our
41 existing contracts “for the presence of DEI-related provisions”. This document is in the hands of all
42 Department Heads right now, noting that the City is in the process of reviewing existing contracts for the
43 presence of DEI-related provisions.

44
45 Mayor Whittlesey also noted he has passed around a standard questionnaire to those essentially charged
46 with governance (i.e., Select Boards, Town Councils, City Councils). Questions he cannot answer (on this
47 questionnaire) are #’s 1-4 on page 1 and question #7 on page 2. He requested the Council fill out these

1 questions and send them directly to the auditor only. It should not go to the City. (NOTE: These two
2 documents were not included in the agenda packet but can be made available upon request.)

3
4 Deputy City Manager Brooks noted the City received a check from Revo Casino in the amount of \$64K.

5
6 **14. NON-PUBLIC SESSION: NONE**

7
8 **15. ADJOURNMENT:**

9
10 *Assistant Mayor Wilkie MOVED for adjournment.*

11 *Seconded by Councilor Heistad*

12
13 **The Vote on the MOTION was unanimously approved (8-0)*

14
15 **The meeting was adjourned at 9:30 PM.**

16
17 Respectfully submitted,

18 Dona E. Gibson

19 Recording Secretary

**Agenda
Lebanon City Council
February 4, 2026**

8. Appointments:

Appointments

Board/Committee Appointments as presented by City Clerk/Tax Collector.

- Arts and Culture Commission, Gail Dokucu (Alternate Member)
- Heritage Commission, Roxanne Benzel (Alternate Member)

Included in this Section:

1. Memo from City Clerk / Tax Collector Jaseya Ewing dated February 4, 2026.



MEMORANDUM

DATE: February 4, 2026
TO: The Honorable Mayor & City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment.

Note: nominations do not need to be seconded.

Arts & Culture Commission

1. **Gail Dokucu** – Appointment as an Alternate Member of the Arts & Culture Commission for a three-year term.

Term: 2/2026 – 2/2029

Heritage Commission

2. **Roxanne Benzel** – Appointment as an Alternate Member of the Heritage Commission for a three-year term.

Term: 2/2026 – 2/2029

Applicant Information

First Name

Gail

Last Name

Dokucu

Contact Phone Number

Contact Email

Mailing Street Address

Mailing City, State, Zip

How long have you resided in Lebanon?

0-1 Year

--

2-5 years

6-15 years

true

--

15 or more years

--

Board/Committee/Commission Information

Is this application for a reappointment?

Yes, this is for reappointment.

--

No, this is not for a reappointment.

true

For which board, committee, or commission are you applying?

Please note that City Council positions are elected positions. **Those interested in serving on the City Council must file with the City Clerk’s office during the designated filing period prior to the March election of each year.** The filing period information will be listed on the Elected Position Filing Information (<https://lebanonnh.gov/1835/Elected-Position-Filing-General-Informat>) page.

Arts & Culture Commission

Board of Cemetery Trustees

true

--

Class VI Roads Advisory Committee

Conservation Commission

--

--

Diversity, Equity, and Inclusion Commission

Economic Development Commission

--

--

Downtown Lebanon TIF Advisory Board

Heritage Commission

--

--

Lebanon Airport-Tech Park TIF Advisory Board

Lebanon Energy Advisory Committee

--

--

Library Board of Trustees

Pedestrian & Bicyclist Advisory Committee

--

--

Planning Board

Tree Advisory Board

--

--

West Lebanon Revitalization Advisory Committee

Zoning Board of Adjustment

--

--

Interest to Volunteer

Briefly describe your qualifications and your reasons for seeking an appointment to this board/committee/commission

Current Arts & Culture Commission member, Claire Geno, let me know that a spot on the commission was open and asked if I'd like to apply. I'm applying for one of the resident member seats as a way to get more involved with the community and help fill a gap.

I'm new to the area and have been volunteering at AVA for the last several months. I'm originally from Chicago, where I was an active member and administrator of Urban Sketchers Chicago. In that role I organized events for the group and was head of the Sponsorship Committee. I also served for approximately 3 years on the board of my homeowners' association.

Policy Acknowledgement

If appointed as a member of a City of Lebanon Board, Committee or Commission, I acknowledge I have read and understand City Council Policy, CC-108, Ethics and Conflict-of-Interest for Elected and Appointed Officials.

true

If appointed as a member of a City of Lebanon Board, Committee or Commission, I acknowledge I have read and understand City Council Policy, CC-104 and City Code Chapter 185, Welcoming Lebanon.

true

Signature

Basic Requirements to Volunteer on a Board/Committee/Commission:

Lebanon/West Lebanon resident (except for those boards/committees/commissions whose membership makeup includes non-resident)

Willingness to learn

Commitment to attend meetings

Treat people fairly

Consider the best interest of the community as a whole when making decisions

Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board

I hereby certify that I meet the basic requirements for applying to a City of Lebanon board/committee/commission.

Signature

true

Councilor Interview Report Form

Councilor Name: Devin R. Wilkie

Date of Interview: 12/8/2025

Applicant Name: Gail Dokucu

Board(s) to Which Applied: Arts & Culture Commission

☐ Regular Seat

☐ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? ☐ Yes ☒ No

(If yes, indicate date of meeting.) Date: _____

Recommend Appointment: ☒ Yes ☐ No

☐ Regular Seat ☒ Alternate Seat

General Comments: Gail is interested in getting involved in the commission, having been recruited by another commission member. She is new to the community and does not know much about the commission but is looking forward to learning. I would gladly recommend her to an alternate seat.

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

Wants to learn more! (We discussed, and the purpose as I understand it sounds good to her.)

2) Are you familiar with the meeting dates and time commitments of this Board/Committee?
Would you be available for additional meetings, site visits, or other official events when necessary?

yes

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Homeowners association board in Chicago, and Chicago chapter of Urban Sketchers Global.

4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes

5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

no

6) What do you think are the key challenges for this Board/Committee?

Unsure as yet

7) What do you think are the key opportunities for this Board/Committee?

Unsure as yet

8) What would you like to see this Board/Committee accomplish in the next year?

Learn more about the commission and get involved.

Applicant Information

First Name

Roxanne

Last Name

Benzel

Contact Phone Number

Contact Email

Mailing Street Address

Mailing City, State, Zip

How long have you resided in Lebanon?

0-1 Year

--

2-5 years

6-15 years

true

--

15 or more years

--

Board/Committee/Commission Information

Is this application for a reappointment?

Yes, this is for reappointment.

--

No, this is not for a reappointment.

For which board, committee, or commission are you applying?

Please note that City Council positions are elected positions. Those interested in serving on the City Council must file with the City Clerk’s office during the designated filing period prior to the March election of each year. The filing period information will be listed on the Elected Position Filing Information (<https://lebanonnh.gov/1835/Elected-Position-Filing-General-Informat>) page.

Arts & Culture Commission

Board of Cemetery Trustees

--

--

Class VI Roads Advisory Committee

Conservation Commission

--

--

Diversity, Equity, and Inclusion Commission

Economic Development Commission

--

--

Downtown Lebanon TIF Advisory Board

Heritage Commission

--

true

Lebanon Airport-Tech Park TIF Advisory Board

Lebanon Energy Advisory Committee

--

--

Library Board of Trustees

Pedestrian & Bicyclist Advisory Committee

--

--

Planning Board

Tree Advisory Board

--

--

West Lebanon Revitalization Advisory Committee

Zoning Board of Adjustment

--

--

Interest to Volunteer

Briefly describe your qualifications and your reasons for seeking an appointment to this board/committee/commission

Hello Madame City Clerk Ewing and City of Lebanon Representatives:

I am writing to express my sincere interest in serving on the City's Heritage Commission. With more than 30 years of professional experience in the Defense and Automotive industries, I bring a deep background in structured problem-solving, project leadership, and organizational excellence.

In addition to my professional career, my service as President of the Board of Trustees and service with the Hopkinton Historical Society for 20+ years strengthened my understanding of historical preservation, community engagement, and nonprofit governance. This combination of industry expertise and hands-on heritage leadership has prepared me well to contribute thoughtfully and effectively to the Commission's mission.

I am passionate about preserving and promoting the history and character of our storied community, and I would welcome the opportunity to support the Commission's work through dedicated, collaborative service.

Additionally, I am submitting this application on this date, 25 November 2025, as it is the cut-off date to apply for a Commission position. I plan to attend the scheduled Heritage Commission meeting on 10 December 2025.

Thank you for your consideration,
Roxanne Benzel

Policy Acknowledgement

If appointed as a member of a City of Lebanon Board, Committee or Commission, I acknowledge I have read and understand City Council Policy, CC-108, Ethics and Conflict-of-Interest for Elected and Appointed Officials.

true

If appointed as a member of a City of Lebanon Board, Committee or Commission, I acknowledge I have read and understand City Council Policy, CC-104 and City Code Chapter 185, Welcoming Lebanon.

true

Signature

Basic Requirements to Volunteer on a Board/Committee/Commission:

Lebanon/West Lebanon resident (except for those boards/committees/commissions whose membership makeup includes non-resident)
Willingness to learn

I hereby certify that I meet the basic requirements for applying to a City of Lebanon board/committee/commission.

Signature

true

Commitment to attend meetings

Treat people fairly

Consider the best interest of the community as a whole when making decisions

Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board

Councilor Interview Report Form

Councilor Name: Nicole Ford Burley Date of Interview: 12/19/25

Applicant Name: Roxanne Benzel

Board(s) to Which Applied: Heritage Commission

 Regular Seat X Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? X Yes No

(If yes, indicate date of meeting.) Date: Jan 2026

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments:

Roxanne is enthusiastic about Lebanon's history and promoting it to the public, and brings extensive experience with NH historical organizations. She would be a great addition to the HC.

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

To preserve the community's history and protect historical neighborhoods/buildings, as well as local stories and events. It also plays a part in balancing preservation with responsible growth, and in supporting growth while respecting the history of the community. Also educating the population and raising awareness

2) Are you familiar with the meeting dates and time commitments of this Board/Committee?
Would you be available for additional meetings, site visits, or other official events when necessary?

Yes and yes

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Yes - President of the Hopkinton Historical Society. Also on the board of the Lebanon Opera House and a Lebanon ward moderator.

4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes

5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

No

6) What do you think are the key challenges for this Board/Committee?

Potentially maintaining a full and active membership. Also the challenge of interpreting historical significance and balancing preservation with development.

7) What do you think are the key opportunities for this Board/Committee?

To make the Commission more visible, promoting the Commission and what it does.

8) What would you like to see this Board/Committee accomplish in the next year?

More public awareness, education about the history and historic structures of Lebanon, and celebration of cultural heritage past and present.

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

1) Have you ever appeared before a zoning board, personally or through a representative?

2) Do you have any personal or professional knowledge or background in the area of zoning law?

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted Zoning Ordinance?

4) Zoning Board decisions can be controversial. The Board is bound by law to work within the current zoning regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Planning Board:

1) Have you ever appeared before a planning board, personally or through a representative?

2) Do you have any personal or professional knowledge or background in the area of planning law?

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted site plan and subdivision regulations, as well as the Zoning Ordinance?

4) Planning Board decisions can be controversial. The Board is bound by law to work within the current site plan and subdivision regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Conservation Commission:

- 1) Have you ever appeared before a conservation commission, personally or through a representative?

- 2) The Conservation Commission's advisory role in New Hampshire environmental permitting can be controversial. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Agenda

Lebanon City Council

February 4, 2026

9. Public Hearing Items:

9.A – Proposed Amendments to the Zoning Ordinance For City Council Adoption

A public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council.

The City Council scheduled this public hearing at its January 7, 2026 regular meeting. The public hearing was properly noticed in the *Valley News* on January 24, 2026 in accordance with City Code and State Law.

Background

On October 1, 2025, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council accepted the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment as required by Section 1000 of the Zoning Ordinance. Legal review has been obtained, and all land use boards have completed their review.

A follow-up presentation was held with the City Council on January 7, 2026, at which time the proposed amendments listed below were scheduled for this public hearing. (It is noted that a public hearing for other zoning amendments was held on January 21st.)

- **Amendment #5** – To rezone certain properties within the Centerra Planned Business Park from IND-L to CB, including Tax Map/Lots 10-11-100, 10-11-300, 10-11-1300, 10-11-1302, and 10-11-1400; and to rezone certain properties within the Centerra and Altaria Planned Business Parks and the Altaria Planned Unit Development from IND-L to GC-1, including Tax Map/Lots 10-11-400, 10-11-700, 10-11-1000, 10-11-1200, 10-11-1500, 10-11-1600, 10-11-2000, 10-11-2100, 10-11-2300, 10-26, 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-12, 24-14-100, 24-14-200, 24-14-300, 24-14-400, 24-14-500, 24-14-600, 24-14-700, 24-14-800, and 24-16. **(Zoning Map Amendment)**
- **Amendment #6** – To rezone portions of certain properties along Etna Road from IND-L to RL-3, including Tax Map/Lots 26-2, 37-4, 37-5, and 37-7; and to rezone a portion of Tax Map/Lot 76-10 along Mt. Support Road from R-1 to RL-3. **(Zoning Map Amendment)**
- **Amendment #7** – To rezone certain properties along Labombard Road from IND-L to GC-1, including Tax Map/Lots 50-29, 51-1, 51-2, 51-3, 51-10, 51-11, 51-14, 51-15, 64-21, 64-22, 64-23, 64-25, 64-34, and part of 26-17; to rezone Tax Map/Lot 51-13 from RL-1 and RL-3 to GC-1; and to rezone Tax Map/Lot 51-12 from IND-L and RL-3 to GC-1 and RL-3. **(Zoning Map Amendment)**
- **Amendment #8** – To rezone certain properties along Little Heater Road from IND-L to GC-1, including Tax Map/Lots 64-30, 78-48, 78-55, and 78-61. **(Zoning Map Amendment)**
- **Amendment #9** – To establish a new Northern Lebanon Wildlife Overlay District to preserve and protect the integrity of the wildlife corridor and crossings in the vicinity

of Route 120, as well as preserving, protecting, and enhancing the values associated with wildlife within the district. **(Zoning Ordinance Section: (new) 412, and Zoning Map Amendment)**

- **Amendment #10** – To amend Section 501, Planned Unit Development (PUD), and Section 508, Planned Business Parks, and to amend the CB and GC-1 District Use Tables, to align uses within the zoning districts impacted by Amendments #5-9. **(Zoning Ordinance Sections: 305A.2, 306.2, 501, and 508)**
- **Amendment #14** – To amend Section 608, Signs, to clarify application requirements and regulation and enforcement procedures, and to authorize a new sign fee. **(Zoning Ordinance Section: 608)**
- **Amendment #15** – To amend Section 411, Pattern Zones Overlay District, to expand flexibility and opportunities for utilization of the overlay district provisions. **(Zoning Ordinance Section: 411)**
- **Amendment #16** – To amend Section 509, Cottage Developments, to clarify requirements and review criteria, and provide greater flexibility for utilization of the cottage development provisions. **(Zoning Ordinance Section: 509)**
- **Petitioned Amendment #1** – To rezone certain parcels along Old Pine Tree Cemetery Road, including Tax Map/Lots 117-17, 74-1-100, and 74-1-200, and parcels within the Rock Ridge residential development that are currently zoned RL-2, from RL-2 to R-3. **(Zoning Map Amendment)**
- **Petitioned Amendment #2** – To rezone Tax Map/Lot 26-2 along Etna Road from IND-L and RL-3 to GC-1. **(Zoning Map Amendment)**
- **Petitioned Amendment #3** – To amend the IND-L District Use Table to add *Vehicular Repair* as a permitted use. **(Zoning Ordinance Section 303.2)**

In accordance with Section 1000.4(B) of the Zoning Ordinance, the City Council has the authority to act on any proposed amendments that do not require a referendum vote. Following the public hearing on the proposed amendments listed above, the City Council will be asked to take action to adopt the amendments.

Action:

If the Council decides to adopt the proposed amendments listed above, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby approves zoning amendments #5-10, #14-16, and Petitioned Amendments #1-3, as fully described and presented in the February 4, 2026 City Council Agenda Packet.

Included in this Section:

1. Memo titled “2025-2026 Proposed Zoning Amendments Schedule”, dated December 23, 2025, including the following:
 - a. “Proposed Zoning Amendments 5-10: Route 120 Corridor”, dated December 23, 2025.
 - b. “Proposed Zoning Amendments 14-16: Text Amendments”, dated December 23, 2025.
 - c. “2025-2026 Petitioned Amendments 1 and 2”, dated December 23, 2025.
 - d. “2025-2026 Petitioned Amendment 3: IND-L Use Table Addition”, dated December 23, 2025, including October 24, 2025 opinion letter from Attorney Matthew Decker addressing petitioned amendments.
2. December 22, 2025 letter from Miriam Voran, opposing Amendments #5, 7, and 8.

3. December 22, 2025 letter from Dan Nash, opposing Amendment #6 as proposed.
4. December 22, 2025 letter from Dan Nash, additional support for Petitioned Amendment #2.
5. Notice of Public Hearing as Published in the January 24, 2026 edition of the *Valley News*

Not Included in this Section, but Available:

1. [January 7, 2026 Agenda Packet for Proposed Zoning Amendments for 2026 Municipal Ballot and for Council Adoption](#)
2. [Interactive GIS tool for 2026 Proposed Zoning Amendments](#)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and Lebanon City Council

FROM: Planning and Development Department Staff

RE: 2025-2026 Proposed Zoning Amendments Schedule

DATE: December 23, 2025

City of Lebanon Planning and Development Department has prepared 19 amendments for City Council to review and set for public hearing. On top of these City sponsored amendments, there are 3 additional petitioned amendments that will also require public hearings. At the request of City Council, Planning staff have prepared to break the amendments into two groups and have them heard at separate Council meetings, January 21st and February 4th.

Changes since Council ordered the Amendments to the Land Use Boards include the withdrawal of Amendment 13 and Petitioned Amendment 4, both proposing changes to the EV Regulations. Amendment 21 passed by the EV Task Force proposes changes to the EV Regulations and replaces the now withdrawn LEAC Amendment 13 and Petitioned Amendment 4.

City Staff recommends Council moving forward with the proposed public hearing schedule.

January 21st Amendments:

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. 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)
3. Misc & Technical Amendments
 - a. **Amendment 17:** Definition of **Care and Treatment of Animals** broken down & change of corresponding use tables. (*Ballot Initiative Required)
 - b. **Amendment 18:** Section 1000
 - c. **Amendment 19:** Definition of **Lot** & Definition of **Agriculture**
 - d. **Amendment 20:** Changes to Impact Fees
4. Electric Vehicles

- a. **Amendment 21:** EV Regulation reforms Section 607.8 (Electric Vehicles Regulations Task Force)

February 4th Amendments:

- 1. 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 Amendments
- 2. 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
- 3. Petitioned Amendments
 - a. **Petitioned Amendment 1: Map Amendment** Rezoning of Parcels along Old Pine
 - i. 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
 - i. 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
 - i. "Vehicular Repair" to IND-L. Representative: Chip Brown

*Amendments Requiring Referendum Vote:

The City of Lebanon Zoning Ordinance lays out specific criteria that determine if a zoning amendment requires a referendum vote.

"Amendment of the Zoning District Boundaries Requiring Referendum Vote: Any amendment which alters the zoning map in such a way as to change the zoning district designation of any area which is within the R-1, R-2, R-3, RL-1, RL-2 or RL-3 districts, and whose size exceeds ten times the minimum lot size for a Class 3 lot for the respective district as currently zoned, or which alters the Article III Table of Uses which are permitted or allowed by special exception or conditional use permit, or which alters the Table of Area, Dimensions and Coverage, for one or more of the above-listed districts, shall be placed on the ballot at the annual City election in March. This paragraph shall not apply to textual changes in the zoning ordinance which do not alter the boundaries or districting shown on the zoning map and which do not alter the Article III Tables of Uses or alter the Table of Area, Dimensions and Coverage, applicable to those districts." (City of Lebanon Zoning Ordinance, Section 1000.4A)

City staff have determined that a portion of Amendment 17, Definition of **Care and Treatment of Animals** broken down & change of corresponding use tables, meets the criteria. There are changes to the Use Table in the Rural Lands Zoning Districts.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning and Development Department Staff

RE: Proposed Zoning Amendments 5-10; Route 120 Corridor

DATE: December 23, 2025

Zoning Amendments 5-10 are the proposed changes to the Northern Lebanon / Route 120 Corridor. The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. In January of 2025, similar amendments were brought before Council. At the request of Council, City Planning Staff continued working with the business community, neighborhood constituents and members of the public to create a consensus rezoning proposal parties can generally agree upon. After multiple meetings the proposed package emerged as the consensus choice for the package. Despite the consensus, some interests continue to oppose elements of the package.

The original study along with the consensus recommendations propose a series of recommendations with two main goals: Conservation and Neighborhood Housing. Specific recommendations include the creation of a wildlife crossing and land use-based consideration for the crossing, and the re-zoning of the area to maximize mixed-use development including housing in line with the current and future needs of the neighborhood. The rezoning of the Centerra Planned Business Development aligns with the City's goals as well as the deed restrictions and goals of the businesses located there.

Amendments 5-8 include Zoning Map Amendments generally changing the existing IND-L to GC-1. Amendment 9 is the creation of the "Northern Lebanon Wildlife Overlay District". Amendment 10 is corresponding text amendments required to keep current uses conforming to the CG-1 zoning district.

These proposed amendments were presented to Council at the October 1, 2025, meeting. The proposed amendments were sent to further review to the Land Use Boards, Planning Board, Zoning Board of Adjustment, and Conservation Commission, pursuant to the process outlined in Section 1000 of the Zoning Ordinance. As well as being reviewed at public land use board meetings, Planning Staff also held two public information sessions on December 2nd at City Hall, and December 16th at the Kilton Library. A discussion session with the Economic Development Commission was also held.

Staff proposes that the Northern Lebanon / 120 amendment group public hearing be held by Council at the February 4, 2026 City Council Meeting.

Amendment 5: Centerra/Altaria Map Amendment

This amendment proposes the rezoning of the Centerra/Altaria neighborhood to promote additional development in the area including housing. The map amendments reflect the deed restrictions within the existing neighborhood. The rezoning change will promote more residential development and mixed-use development possibilities within an existing neighborhood that is served by water and sewer.

Amendment 6: Conservation Area

This amendment proposes the rezoning of key natural areas due to their unique geographic features and locations within the wildlife crossing. Rezoning these areas from IND-L to Rural Lands-3 (RL-3) will reduce the permissible uses allowed in the area and extend protections under the Steep Slopes ordinance.

Amendment 7: LaBombard Road

This amendment proposes the rezoning of several properties along LaBombard Road. The 120-study originally looked at rezoning sections of Etna Road as well, but after working with the business owners in the area, it was agreed upon to leave the area IND-L to match the existing uses.

Last year, a Petitioned Amendment was submitted, dubbed the “Hatch Amendment”, to reflect the property owner’s request. Staff is included the “Hatch Amendment” rezoning in the City’s proposed changes due to an overwhelming consensus.

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

The motivation of this rezoning request is to bring additional residential and mixed-use development opportunities, increase housing development opportunities and bring current uses into conformity within the Northern Lebanon area in the LaBombard neighborhood.

Amendment 8: Heater Road

This amendment proposes the rezoning of several properties in the Heater Road area. The area being proposed to be rezoned allows for the existing uses to be retained in the area and the rezoning diversifies the possible redevelopment of several vacant properties. The rezoning will allow a more diverse mixed-use set of uses to be conforming to the zone. Several properties, notably the truck stop and the Hypertherm manufacturing facility, remain unchanged as IND-L. The re-zoning will allow a more diverse set of redevelopment options for the now open lots nestled between the Volvo dealership and I89.

Amendment 9: Northern Lebanon Wildlife Overlay District

This amendment creates the Northern Lebanon Wildlife Overlay District. The proposed District is significantly reduced in scope from previous versions and now only seeks to preserve wildlife movement between the Boston Lot, Ricks Ledges and Signal Hill. Amendment 9 in combination with map Amendment 6 will enhance wildlife, steep slope and environmental protection within the 120 area.

Amendment 10: Northern Lebanon Text Amendment

Amendment 10 encompasses the text amendments that go along with the above map amendments. Please note the GC-1 Use Table is color coordinated based on what uses will 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. The uses colored Green are no longer relevant because it was agreed Etna Road would no longer be part of the rezoning efforts. Amendments to Section 501 "Planned Unit Development" and Section 508 "Planning Business Park" are also up for consideration.

If Amendment 5: Centerra /Alteria Rezoning passes, then the following use codes must be added to the CG-1 Zoning District:

Permitted Uses: Hotel, Health Club, Local Government Use

Planned Developments: Cottage Development, Industrial PUD per Section 501, Planned Business Park per Section 508.

If Amendment 5: Centerra /Alteria Rezoning passes, then the following use codes must be added to the CBD Zoning District

Planned Developments: Industrial PUD per Section 501, Planned Business Park

If Amendment 7: LaBombard Road Rezoning passes, then the following use codes must be added to the GC-1 Zoning District:

Permitted Uses: Bus Terminal, Hotel, Health Club, Warehouse.

Planned Developments: Cottage Development, Industrial PUD per Section 501, Planned Business Park per Section 508.

If Amendment 8: Heater Road Rezoning passes, then the following use codes must be added to the GC-1 Zoning District:

Conditional Use Permit Commercial/Non-Residential: Car Wash, Vehicular Sales

Approval Procedure:

As drafted, the proposed Council Amendments will not alter the zoning district designations or alter the Table of Uses or the Table of Area, Dimensions, and Coverage for a Residential or Rural Lands zoning districts within the City. As a result, no referendum vote is required for the proposed Council Amendments pursuant to Section 1000.4.A

Adoption of the proposed Council Amendments is recommended at this time in accordance with the procedures outlined in Section 1000.4.B as follows:

Article X, 1000.4 Action Upon Proposed Zoning Amendments.

Any proposed zoning amendment shall be acted upon and adopted or rejected as follows:

B. Action by the Council: The Council shall act on any proposed Zoning amendment not requiring a referendum vote in which case adoption of the Zoning Amendment shall require a majority vote of five members of the City Council; or alternatively, the Council may decide that such an amendment shall be submitted to the voters at the annual City election, even though such a referendum is not required.

Included in this Packet:

1. Route 120 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
2. Comments and Minutes from the Land Use Boards' Reviews
3. Comments from the Public
4. Legal Opinion Letter for City Sponsored Amendments

Amendment 5

Northern Lebanon Map Amendment – Centerra / Altaría

From: Zoning Staff and 120 Corridor Study

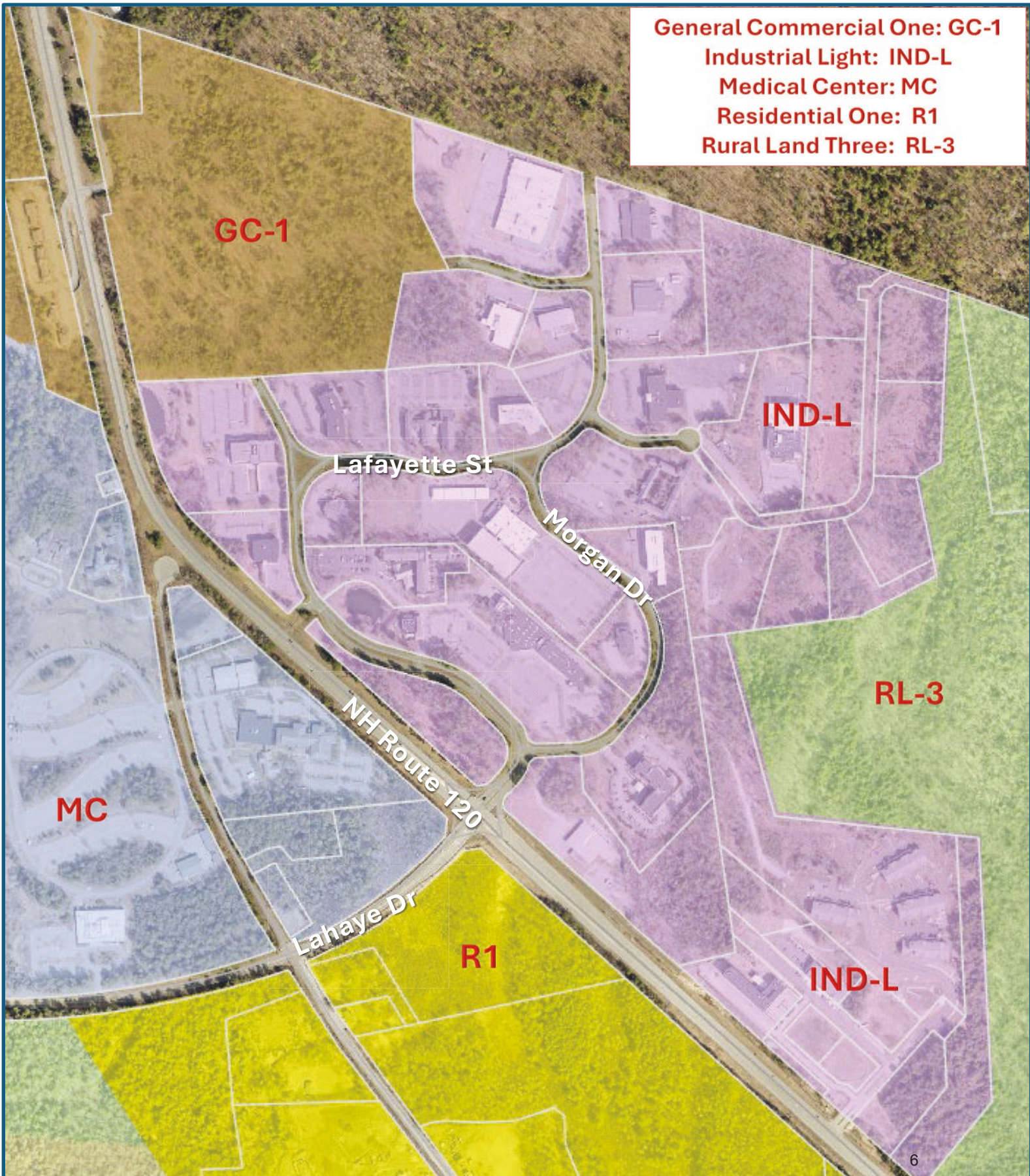
Amendment 5 seeks to Rezone the Centerra / Altaría neighborhood to promote additional development in the area. The Centerra area of the amendment reflects the existing Deed Restricted uses within the neighborhood. The rezone will preserve the established use structure within the Centerra neighborhood.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

The Following Parcels are included:

Address	Parcel	Proposed Zoning	Current Zoning
0 Centerra Parkway	10-11-1400	CBD	IND-L
2 Morgan Drive	10-11-1300	CBD	IND-L
10 Morgan Drive	10-11-1302	CBD	IND-L
12 Centerra Parkway	10-11-100	CBD	IND-L
34 Centerra Parkway	10-11-300	CBD	IND-L
35 Centerra Parkway	10-11-1500	GC-1	IND-L
38 Centerra Parkway	10-11-400	GC-1	IND-L
41 Centerra Parkway	10-11-1600	GC-1	IND-L
46 Centerra Parkway	10-11-2000	GC-1	IND-L
11 Lafayette Street	10-11-2100	GC-1	IND-L
33 Morgan Drive	10-11-700	GC-1	IND-L
21 Lafayette Street	10-11-2300	GC-1	IND-L
20 Morgan Drive	10-11-1200	GC-1	IND-L
Cavendish Court	10-34	GC-1	IND-L
Cavendish Court	10-33	GC-1	IND-L
Cavendish Court	10-32	GC-1	IND-L
Cavendish Court	10-35	GC-1	IND-L
Cavendish Court	10-31	GC-1	IND-L
Cavendish Court	10-26	GC-1	IND-L
Cavendish Court	10-30	GC-1	IND-L

Amendment #5

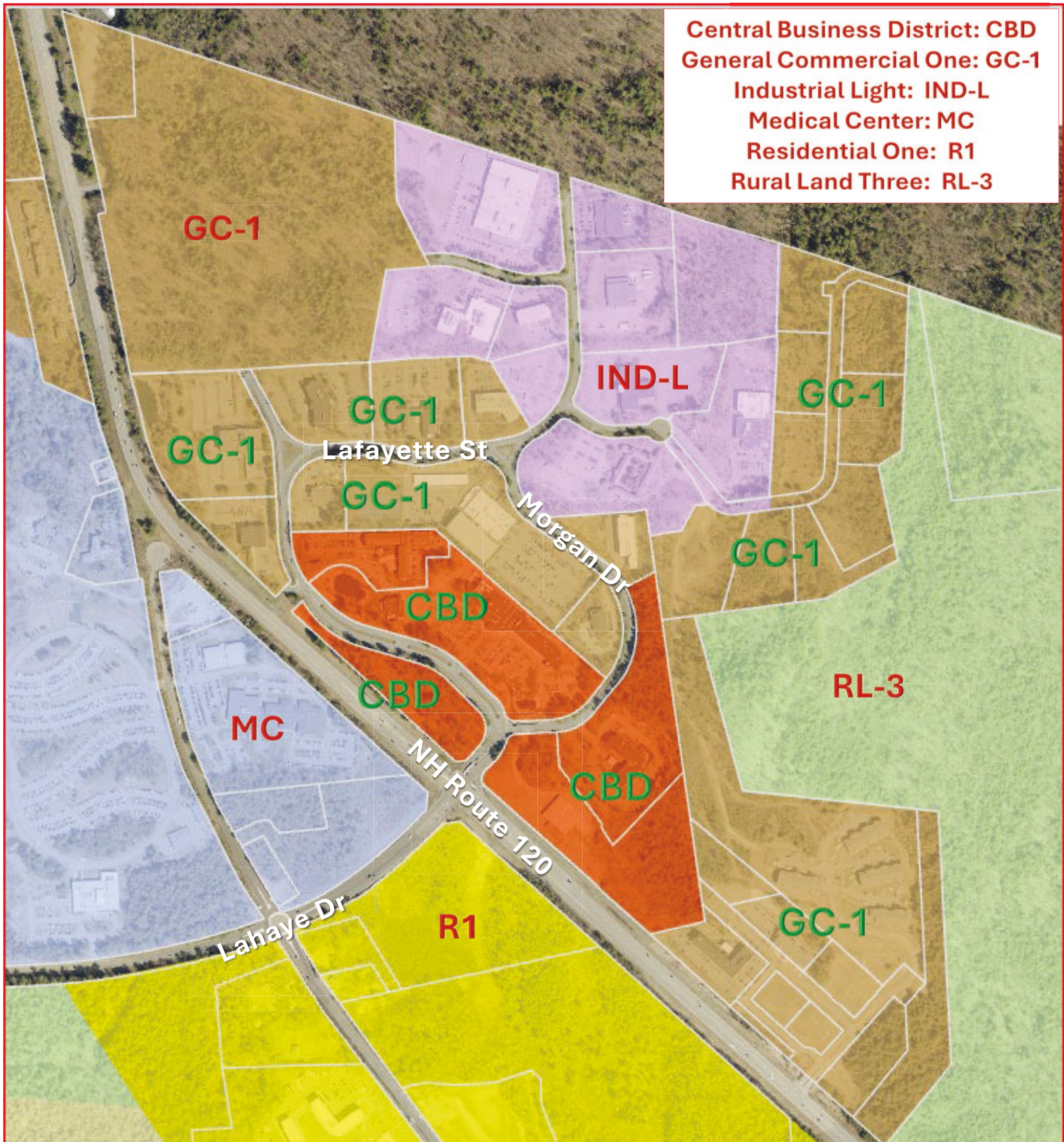
Existing Zoning



Amendment #5

Proposed Zoning

(Fall 2025 Amendment)



Amendment 6

Northern Lebanon Map Amendment – Conservation Area

From: Zoning Staff and 120 Corridor Study

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

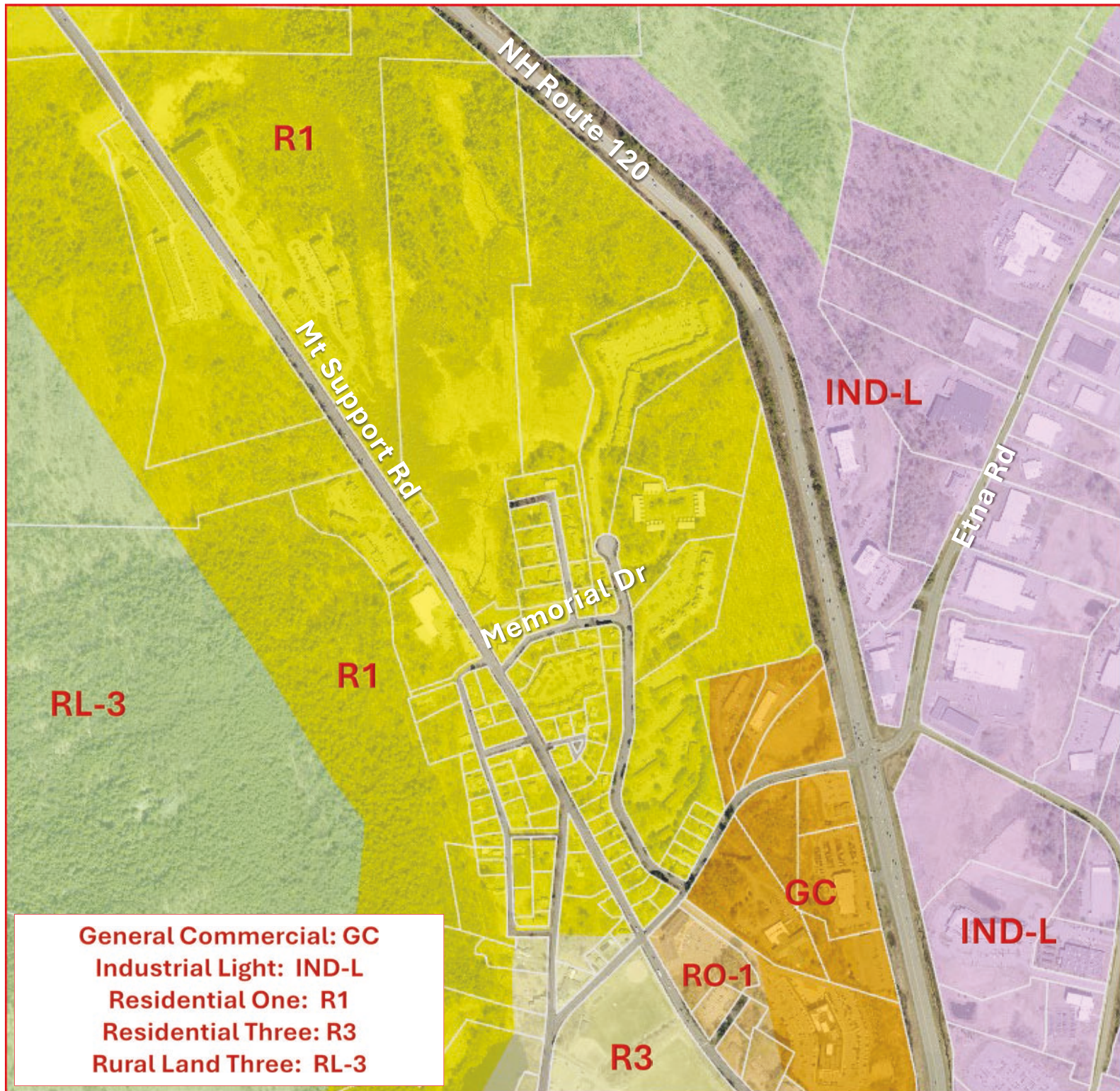
The Following Parcels are included:

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

Map Amendment follows:

Amendment #6

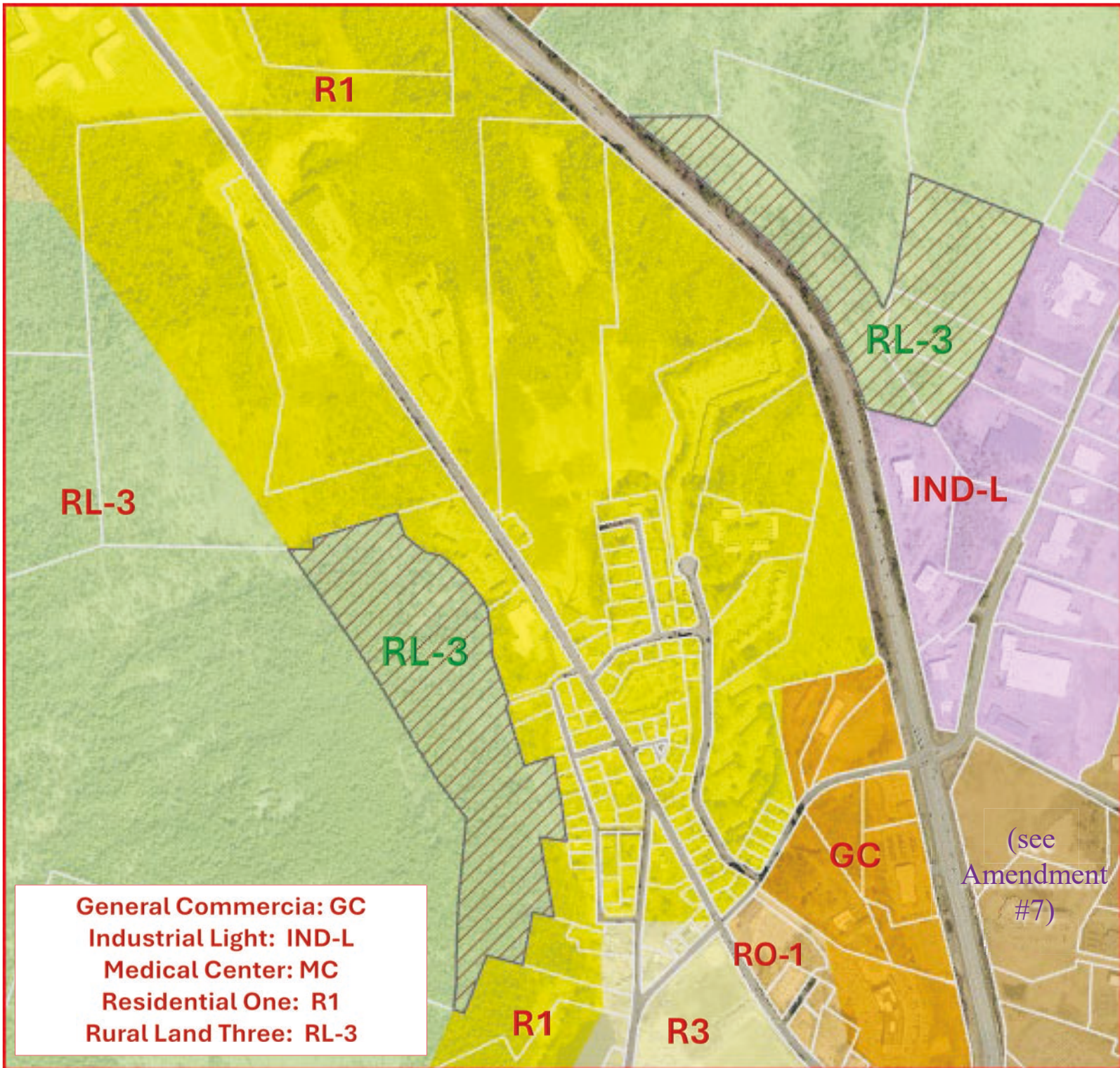
Existing Zoning



Amendment #6

Proposed Zoning

(Fall 2025 Amendment)



Amendment 7

Northern Lebanon Map Amendment – LaBombard Road Area

From: Zoning Staff and 120 Corridor Study

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

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

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

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

The Following Parcels are included:

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

Amendment 7

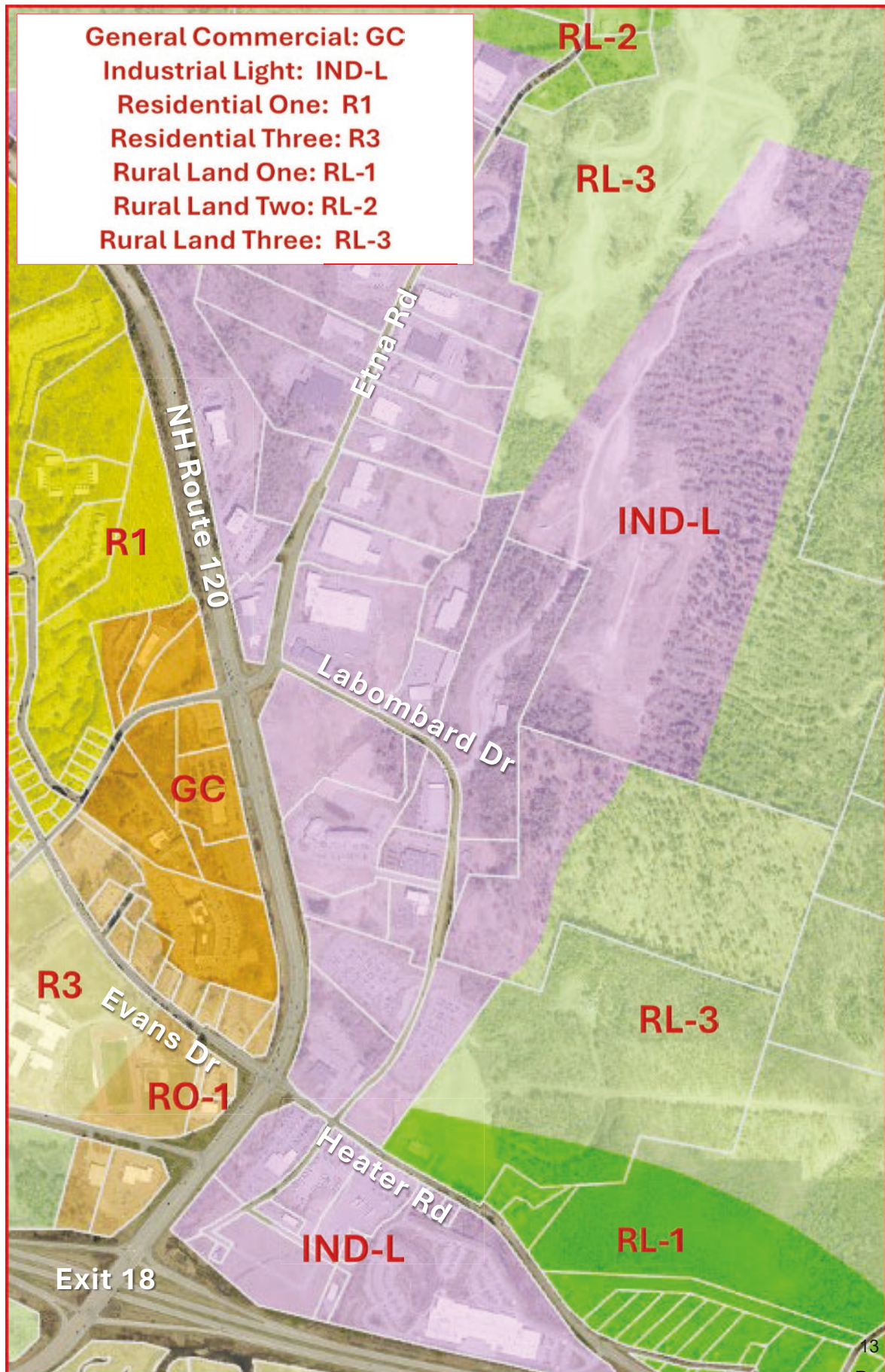
Northern Lebanon Map Amendment – LaBombard Road Area

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

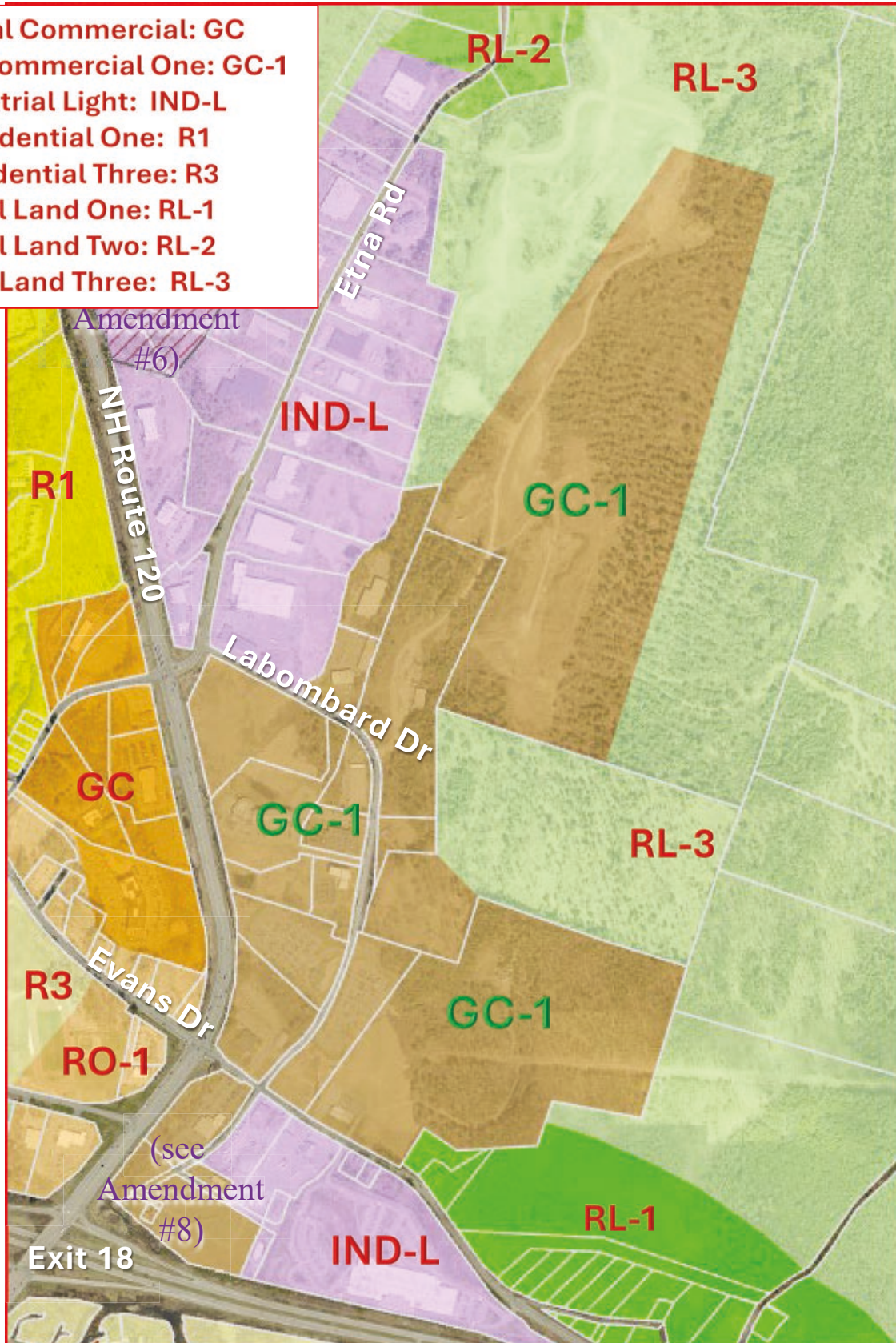


Amendment #7

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

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

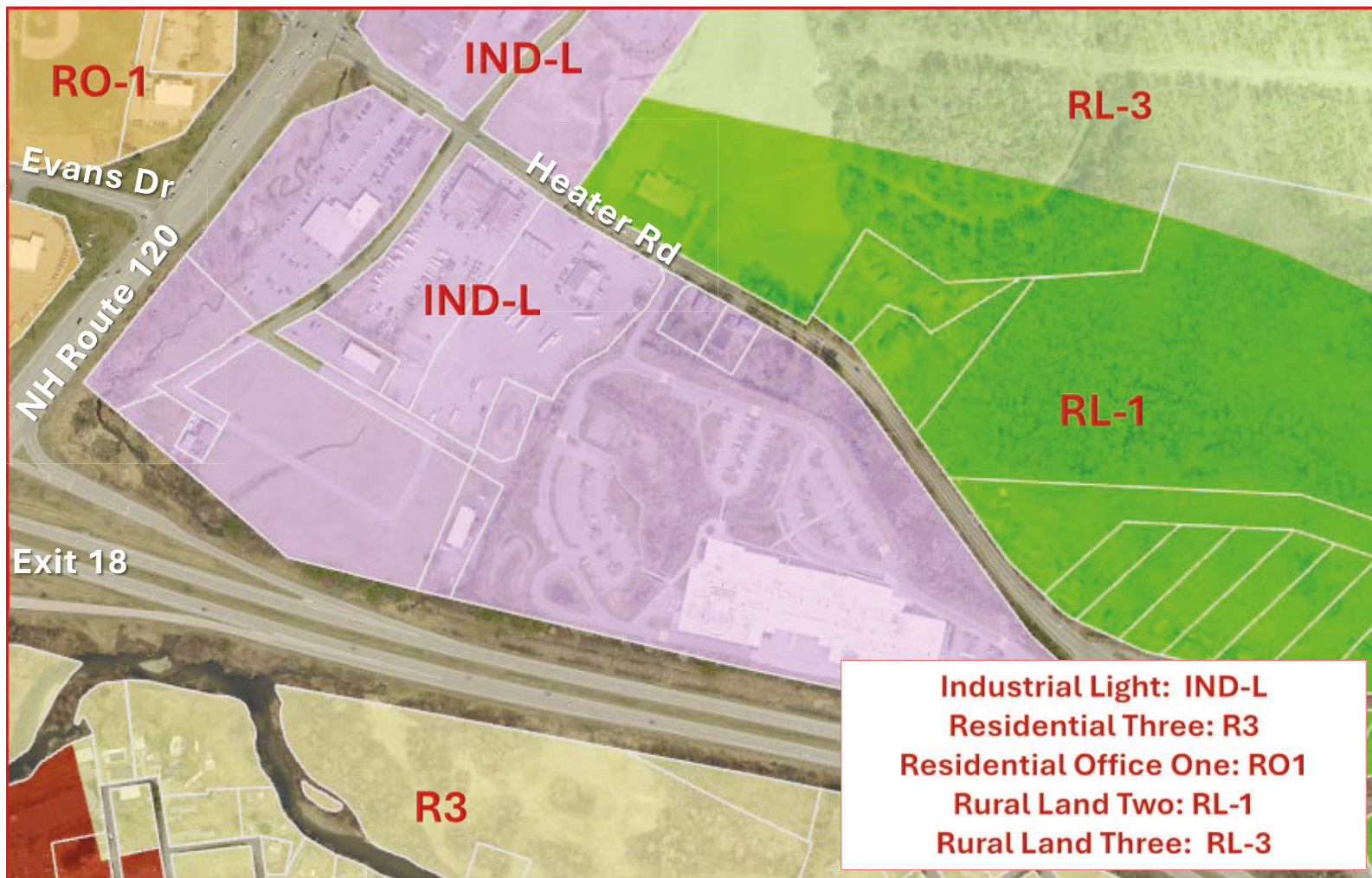
The Following Parcels are included:

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

Map Amendment follows:

Amendment #8

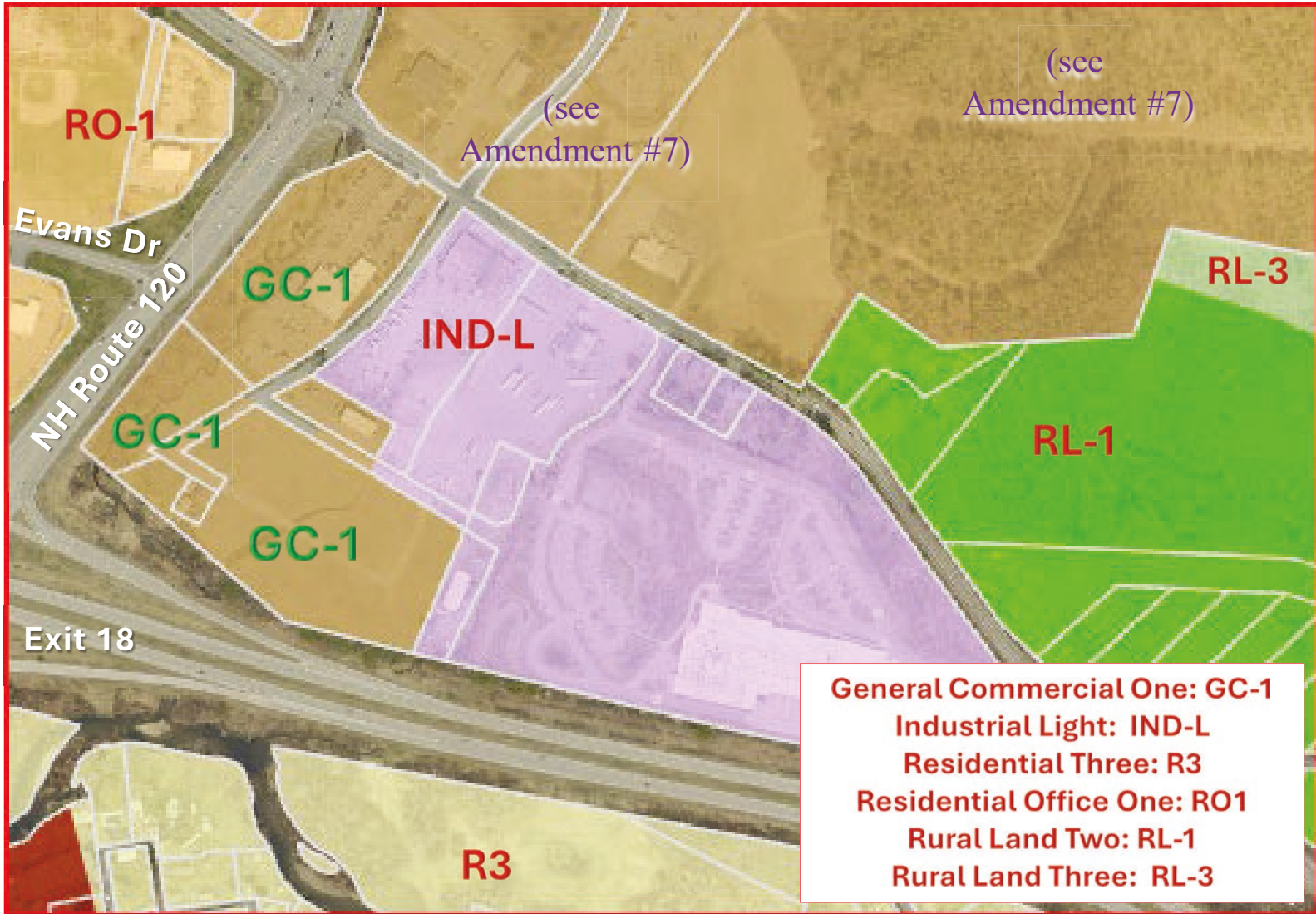
Existing Zoning



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.

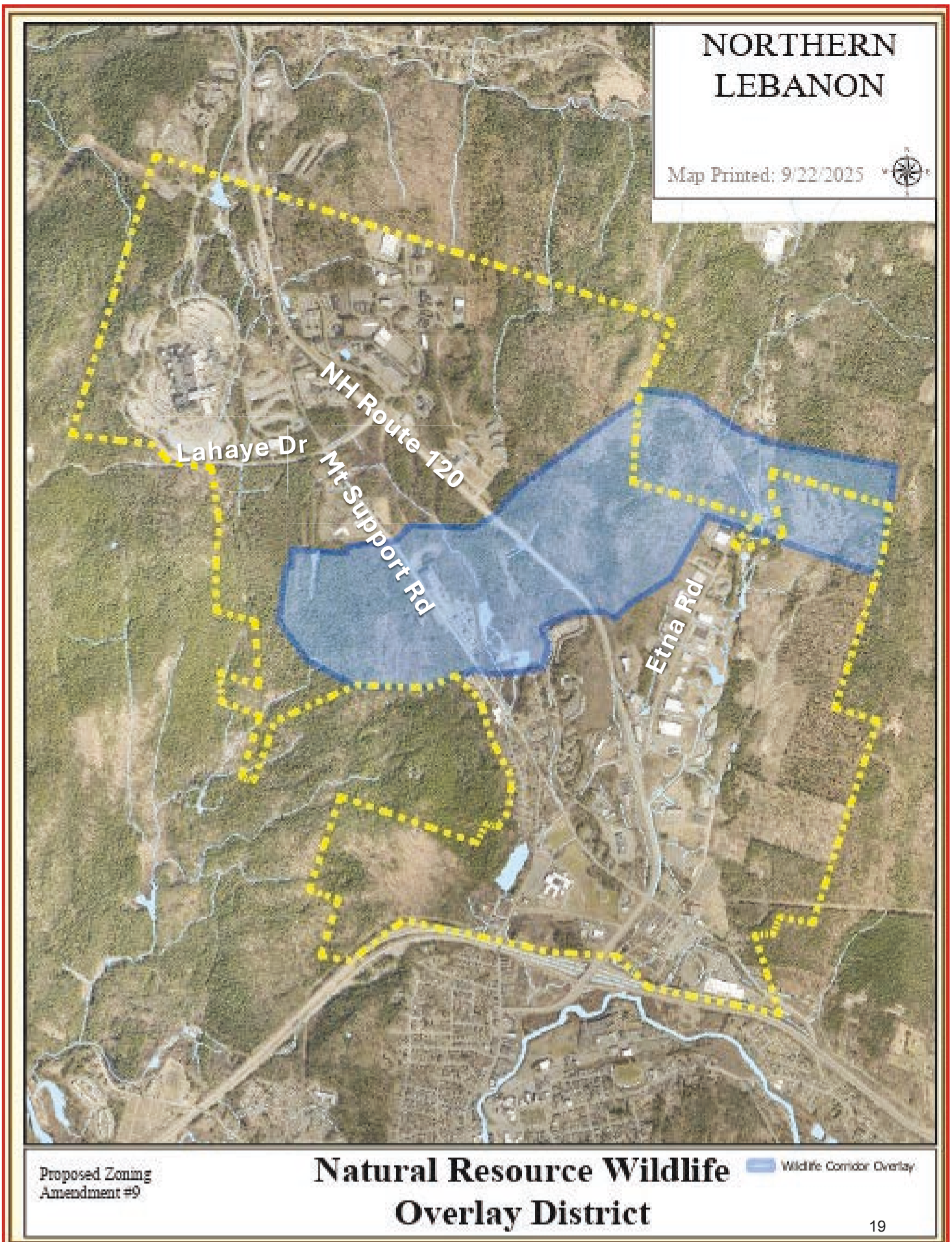
411.5 Additional Planning Board Approval Criteria.

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



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.

District	Minimum Tract Size
Industrial	10 acres
CB	10 Acres
GC	10 Acres
GC-1	10 Acres

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.

106
107 [...]

<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. Warehouse 14. Truck Stop 15. Plumbing, electrical or carpentry shop 16. Publishing or Printing 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. Car Wash 10. Vehicular Sales 11. Outdoor storage (more than 70%) <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 <u>Special Exception</u> (see Section 801.3) 1. Care and Treatment of Animals

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~~Etna Road Uses/Rezoning~~
Amendment 5: Centerra/Alteria Rezoning

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

Amendment 7: LaBombard Road Rezoning
Amendment 8: Heater Road Rezoning

<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> 1. Craftsman's shop 2. Drive-through facility 3. Educational facility, college/university 4. Recovery Houses
<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>Uses by Conditional Use Permit</u> (see Section 302.4)
	<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 or Industrial PUD per Section 501 9. Planned Business Park



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning and Development Department Staff

RE: Proposed Zoning Amendments 14-16; Text Amendments

DATE: December 23, 2025

Zoning Amendments 14-16 are the proposed amendments that are brought before City Council from Lebanon Planning Staff. The origin of these amendments come from “lived experience”. These are to correct problem areas in the Zoning Ordinance staff discovered from the lived experience using the Zoning Ordinance in real life applications.

These proposed amendments were presented to Council at the October 1, 2025, meeting. The proposed amendments were sent to further review to the Land Use Boards, Planning Board, Zoning Board of Adjustment, and Conservation Commission, pursuant to the process outlined in Section 1000 of the Zoning Ordinance. As well as being reviewed at public land use board meetings, Planning Staff also held two public information sessions on December 2nd at City Hall, and December 16th at the Kilton Library.

Staff propose these amendments be heard by Council and the public at the February 4, 2026 City Council Meeting.

Amendment 14: Section 608: Signs; Definitions: Window Signs & regulatory streamlining

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

Amendment 15: Section 411: Pattern Zones Overlay District

The purpose of the proposed changes to the Pattern Zones Overlay District is to give the residents who want to participate in the program more choice. The approved ordinance required residents to use the Plan Book, but several issues came up within the first few months of approval that made staff realize there needed to be more options to allow the participants to build what they desire. The proposed amendment requires the creation of a Plan Book by the Heritage Commission and gives an option for those wishing to use their own designs. The second option allows participants to get their own plans approved through the Heritage Commission by following design guidelines. Also, the proposed

flexibility with the Plan Book creates an approval process for 3 or 4 family structures, which are permitted in the Pattern Zones Overlay district with a Special Exception.

Amendment 16: Section 509: Cottage Cluster Developments

The purpose of this amendment is to allow greater flexibility for those wishing to build a Cottage Development. The amendments are derived from the lived experience of the Barrows Street City project which followed the regulations on its pathway to approval. One public comment was made regarding Cottage Court Developments:

- Any consideration given to making the higher lot coverage allowed by CUP instead of by Special Exception? Might eliminate a trip to the ZBA.

The reference was to allow for greater lot coverage between 60% and 80% by Conditional Use Permit rather than Special Exception. Above 80% lot coverage will remain as a variance. The recommended change has been incorporated into the final proposed changes. Making this swap will streamline approvals with one land use board rather than requiring two.

Approval Procedure:

As drafted, the proposed Council Amendments will not alter the zoning district designations or alter the Table of Uses or the Table of Area, Dimensions, and Coverage for a Residential or Rural Lands zoning districts within the City. As a result, no referendum vote is required for the proposed Council Amendments pursuant to Section 1000.4.A

Adoption of the proposed Council Amendments is recommended at this time in accordance with the procedures outlined in Section 1000.4.B as follows:

Article X, 1000.4 Action Upon Proposed Zoning Amendments.

Any proposed zoning amendment shall be acted upon and adopted or rejected as follows:

B. Action by the Council: The Council shall act on any proposed Zoning amendment not requiring a referendum vote in which case adoption of the Zoning Amendment shall require a majority vote of five members of the City Council; or alternatively, the Council may decide that such an amendment shall be submitted to the voters at the annual City election, even though such a referendum is not required.

Included in this Packet:

1. Larger Text Amendments:
 - a. **Amendment 14**: Section 608 "Signs"
 - b. **Amendment 15**: Section 411 "Pattern Zones Overlay District"
 - c. **Amendment 16**: Section 509 "Cottage Developments"

2. Comments and Minutes from the Land Use Boards' Reviews
3. Legal Opinion Letter for City Sponsored Amendments

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.

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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

this Section; and

2. Authorized under this Section or the City of Lebanon Code Ch. 152, Article IV and in compliance with all applicable regulations of this Section.

B. Building Sign Permit Required. A building **Sign** permit from the Planning Department is required prior to the display and erection of any **sign**, except as provided in Section 608.7 ("Signs Allowed Without a Building Sign Permit"). Every building **Sign Permit** application shall include:

1. A photograph of any existing **signs** to be replaced **refaced**, and the **sign area** and dimensions of each **sign** to be replaced **refaced**.
2. A drawing to scale of each proposed **sign**. Each rendering shall identify:
 - a. the total **sign area** in square feet;
 - b. the dimensions of the **sign** in feet and inches;
 - c. the height of the **sign**;
 - d. the proposed location of the **sign** on the **building**, if applicable;
 - e. construction materials; and
 - f. landscaping specifications, if applicable.
3. A scaled plot plan of the **lot** depicting the proposed location of any **freestanding sign** and any associated landscaping.
4. Specifications for the construction or display of the **sign** and for its illumination and mechanical movement, if any.
5. Where **internal illumination** is proposed, documentation necessary to demonstrate compliance with Section 608.4.A.6 ("Illumination").
6. All applicable dimensions, measurements, and sign area calculations required to support the approval of the sign permit requested.

C. Enforcement. Any **sign** displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed, and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676.

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

Amendment 14

Signs

From: Zoning Staff

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

608.3 Prohibited Signs.

The following are prohibited:

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

608.4 Non-Residential Uses.

Amendment 14

Signs

From: Zoning Staff

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

1. Maximum Permitted Sign Area.

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

- i. the product of the following formula: [linear width, or **frontage**, of the **principal facade** in feet] multiplied by 0.8 = [x] square feet; or
- ii. the product of the following formula: [total area of the **principal facade**] multiplied by .05 = [x] square feet.

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

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

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

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

- i. [linear width, or frontage, of the portion of the principal facade occupied by the tenant in feet] multiplied by 0.8 = [x] square feet; or
- ii. [total area of the principal facade occupied by the tenant] multiplied by .05 = [x] square feet.

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

Amendment 14

Signs

From: Zoning Staff

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- i. ~~the total **sign area** allowed pursuant to Section 608.4.A.1.a; or~~
- ii. ~~the total **sign area** of all existing legal **signs** on the **building** as of January 20, 2021. For any vacant tenant spaces as of January 20, 2021, the **sign area** utilized by the immediate prior tenant may be included in the calculation of permitted **sign area** under this subsection.~~
- f. Multiple Principal Facades. Where a **building** has multiple **principal facades**, the each **facades** or **tenant occupied portion thereof** may be combined for purposes of calculating the maximum permitted shall not exceed the permissible **sign area** per Sections 608.4.A.1.a or 608.4.A.1d.
- g. Window Signs: Each business having windows shall not cover more than twenty-five (25) percent of the glass area of each window with signage/advertising and are subject to the following:
- i. Animated illumination or effects, electronic, blinking, flashing, and/or scrolling window signs shall be prohibited.
 - ii. Illuminated signs shall conform to the performance requirements of 608.4.A.6 Illumination.
 - iii. Window sign square footage does not count to the sign area calculation of a façade or tenant occupied portion thereof per sections 608.4.A.1.a or 608.4.A.1d.
 - iv. Window signs do not require a sign permit.
2. Sign Types Permitted. The following **sign** types are permitted in the **commercial** and **industrial districts**:
- a. **wall signs**;
 - b. **freestanding signs**;
 - c. **projecting signs**; and
 - d. **Window signs**
3. Wall Signs. **Wall signs** in the **commercial** and **industrial districts** shall be subject to the following regulations:
- a. One or more **wall signs** may be displayed on any wall of any principal **building** on a **lot**, provided that the total **sign area** displayed on any

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Signs

From: Zoning Staff

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**.

b. The **sign area** of a **wall sign** may not exceed 100 square feet.

c. **Wall signs** shall not extend above the highest point of the main roof or **parapet** of the **building** or be affixed to a **parapet** more than four feet above the roof of the **building**.

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

a. Sign Area and Height Regulations.

i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District						
Maximum	GC & GC-1	CB	LD	IND-L	IND-RA	IND-H	MC 2
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.

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

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

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

b. Design Standards.

Amendment 14

Signs

From: Zoning Staff

- 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

Amendment 14

Signs

From: Zoning Staff

- 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.

Amendment 14

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.

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"):

A. Temporary signs allowed pursuant to Section 608.6.

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

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

Section: 411 Pattern Zones Overlay District

Section 411.1 Purpose

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

Section 411.2 Description of Pattern Zones Overlay District

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

Section 411.3 Permitted Uses

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

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

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'

Section 411.5 Parking

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

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

Section 411.6 Creating New Lots in the Overlay District

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

Section 411.7 Shading and Buffers

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

Section 411.8 Impervious Cover

- A. Within the overlay district, impervious cover shall be limited as follows:
 - 1. The maximum impervious cover shall be up to 60% by right.
 - 2. Maximum impervious cover up to 80% may be permitted by Special Exception pursuant to Section 801.3.
 - 3. For purposes of this overlay district impervious cover shall be defined as: A structure or land surface with a low capacity for infiltration, including but not limited to pavement, roofs, 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

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

B. Review of Projects

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

Amendment 15

Pattern Zones Overlay District

From: Zoning Staff

designed and stamped plan set and site plan shall be reviewed and deemed in compliance with Section 411.10 Design Requirements by the Heritage Commission. The Heritage Commission shall issue a written recommendation to the Zoning Board who shall consider the plan set and site plan for a Special Exception.

Section 411.11 Front Yard

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

Section 411.12 Approved Designs

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

C. Submittal of Design for the Plan Book

a. A design professional wishing to nominate a design for the plan book:

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

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

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

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

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

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

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

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

SECTION 509 COTTAGE DEVELOPMENTS.

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

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

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

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

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

509.5 Density and Building Lot Coverage. ~~Permitted density shall be based on 2,500 sq. ft. of lot area per each cottage. The maximum permitted building coverage shall be 35%. The maximum lot coverage shall be 60%. A lot coverage of 60%-80% may be allowed by Conditional Use Permit pursuant to Section 801.3.~~

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

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

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

- 45
- 46 B. Detached Cottages. At least 50% of the **cottages** in the development shall be
- 47 detached units. The remainder shall be duplexes or rowhomes.
- 48
- 49 C. Interior Setbacks. The minimum setback between units within a **cottage**
- 50 **development** shall be 10 feet, measured from the nearest point of the exterior
- 51 walls.
- 52
- 53 D. Common Open Space. A minimum of 400 square feet of common open space shall
- 54 be provided per **cottage** and per cluster. The common open space area for each
- 55 cluster shall be contiguous and shall abut all of the **cottages** in the cluster.
- 56 **Cottages** shall be oriented around and have their main entry from the common
- 57 open space.
- 58
- 59 E. Roofs and Porches.
- 60
- 61 1. The highest point of the roof of the **cottage** shall not exceed 3024 feet.
- 62
- 63 2. **Cottages** shall have an unenclosed, covered front primary entry and porch
- 64 of at least 60 square feet in size. The front porch shall be oriented toward
- 65 a common open space. The intent of this porch requirement is to create
- 66 outdoor space in each **cottage** that is visually and physically connected to
- 67 the common open space and to other **cottages**.
- 68
- 69 ~~F. Parking Location and Screening Requirements.~~
- 70
- 71 ~~1. Parking areas and driveways shall comply with applicable minimum yard~~
- 72 ~~requirements for the underlying zone.~~
- 73
- 74 ~~2. Parking areas shall be screened from public streets and adjacent~~
- 75 ~~residential uses by landscaping or architectural screening.~~
- 76
- 77 ~~3. Parking areas shall be prohibited in the minimum required front yard.~~
- 78
- 79 ~~4. Parking areas shall be separated from the common open space by~~
- 80 ~~landscaping or an architectural screen.~~
- 81
- 82 G. Existing Dwellings. An existing detached or attached one-family dwelling that is
- 83 incorporated into a cottage development and is nonconforming with respect to the
- 84 standards of this section shall be permitted to remain on a site used for a cottage
- 85 development and shall be considered a **cottage** for purposes of this section.
- 86 However, the extent of the noncompliance may not be increased except unless the
- 87 proposed change is determined by the Planning Board to be consistent in
- 88 character, scale, and design with the cottage housing development.
- 89

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

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.~~



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

FROM: Planning and Development Department Staff

RE: 2025-2026 Petitioned Amendments 1 and 2

DATE: December 23, 2025

Attached is the record for Petitioned Amendments 1 and 2 at of 23 December 2025.

Section 1000.2 of the City of Lebanon Zoning Ordinance allows residents to bring forth Zoning Amendments. These amendments are required to go through the same process and follow the same schedule as the staff proposed amendments.

The petitioned amendments included in this packet include:

1. Petitioned Amendment 1: Rezoning of Parcels along Old Pine Tree Cemetery Rd from RL-2 to R-3. Representative: Daniel Nash, PE

Attachment 1: 19 September 2025

Attachment 2: 2 December 2025

Attachment 3: 10 December 2025

Attachment 4: 18 December 2025

Petitioned Amendment 1 has been revised by the applicant under a submission received by the Planning Office on 18 December 2025. (Attachment 4) The proposed amendment has evolved from its original submission in September (Attachment 1). The Amendment's evolution (Attachment 2, 3 and 4) is based up on ongoing discussions with the Land Use Boards and staff. The applicants' final revisions were received by staff on 22 December (Attached 4).

Attachment 4 was immediately forwarded to the City's Legal Counsel for review. This memo was written on 23 December. The Legal Counsel's opinion letter has not been received. With the Holidays the Legal Opinion letter may not be available by the time the January 7th City Council packet must be published. Planning staff is out until the New Year returning on January 5th.

Staff recommend that City Council at their January 7th 2026, meeting consider several options:

Option A: Immediately sends the initiative back to the Boards. (schedule follows)
Option B: Delay consideration of the Amendment until Fall 2026 for the 2026-27 cycle.

Option C: If Council wish not to act upon the idea of the Amendment, they can decline a public hearing and pass on the amendment.

Option A: Order Petitioned Amendment 1 - Attachment 4 back to the Boards and for a new Legal Opinion. The Boards can consider the amendment in due time and report back to City Council with recommendations. Further, City's Legal Counsel must create an opinion to accompany the Board's consideration. The proposed schedule would be as follows:

7 Jan 2026 – City Council orders the revised application to be sent for legal opinion and Board consideration.

14 Jan 2026 – Legal Opinion is Due.

19 Jan 2026 – Planning Board Consideration.

5 Feb 2026 – Zoning Board consideration.

12 Feb 2026 – Conservation Commission's consideration

4 March 2026 – City Council orders Public Hearing

18 March 2026 – City Council Public Hearing

Please note that if the application is determined to trigger a Referendum, then it will be delayed until the March 2027 ballot.

2. Petitioned Amendment 2: Rezone parcel 26-2 on Etna Road from IND-L and RL-3 to GC-1. Representative: Daniel Nash, PE

Conflict:

Petitioned Amendment 2 is in direct conflict with Amendment 6. Both Amendments concern the same parcel and its potential zoning. There are two versions of the Petitioned Amendment 2. Attachment 5 was received in September. Attachment 6 was received on 18 December. Legal Counsel and the Land Use Boards considered only Attachment 5.

Versions:

Petitioned Amendment 2 – Attachment 5 received in September contemplates rezoning the entirety of 67 – 69 Etna Road Plat 26 Lot 2 from Dual Zoned IND-L and RL-3 to All GC-1.

Petitioned Amendment 2 – Attachment 6 received 18 Dec 2026 contemplated rezoning only the IND-L portion of 67-69 Etna Road Plat 26 Lot 2 to GC-1.

Again, City Council is at a point of Decision.

Option 1: Consider Petitioned Amendment 2 - Attachment 5 in concert with Amendment 6. If Amendment 6 is preferable, then Petitioned Amendment 2 – Attachment 5 requires Council not vote to hold a public hearing and Amendment 6 be ordered for Public Hearing on February 4th 2026.

Option 2: Consider Petitioned Amendment 2 – Attachment 5 in concert with Amendment 6. If Petitioned Amendment 2 – Attachment 5 is preferable, then Amendment 6 requires Council not vote to hold a public hearing and Petitioned Amendment 2 – Attachment 5 should be ordered for Public Hearing on February 4th 2026.

Option 3: Order both Petitioned Amendment 2 – Attachment 5 and Amendment 6 for public hearing on February 4th 2026 and vote for or against each at the conclusion of the public hearings.

Option 4: If Petitioned Amendment 2 – Attachment 6 is preferable, then Council should order it back to the Boards and for revised Legal Opinion pursuant to the following schedule:

7 Jan 2026 – City Council orders the revised application to be sent for legal opinion and Board consideration.

14 Jan 2026 – Legal Opinion is Due.

19 Jan 2026 – Planning Board Consideration.

5 Feb 2026 – Zoning Board consideration.

12 Feb 2026 – Conservation Commission's consideration

4 March 2026 – City Council orders Public Hearing

18 March 2026 – City Council Public Hearing

Staff propose that the Petitioned Amendments 1 and 2 group public hearing be held by Council at the February 4, 2026, City Council Meeting.

Petition Amendment 1: Attachment 1



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:

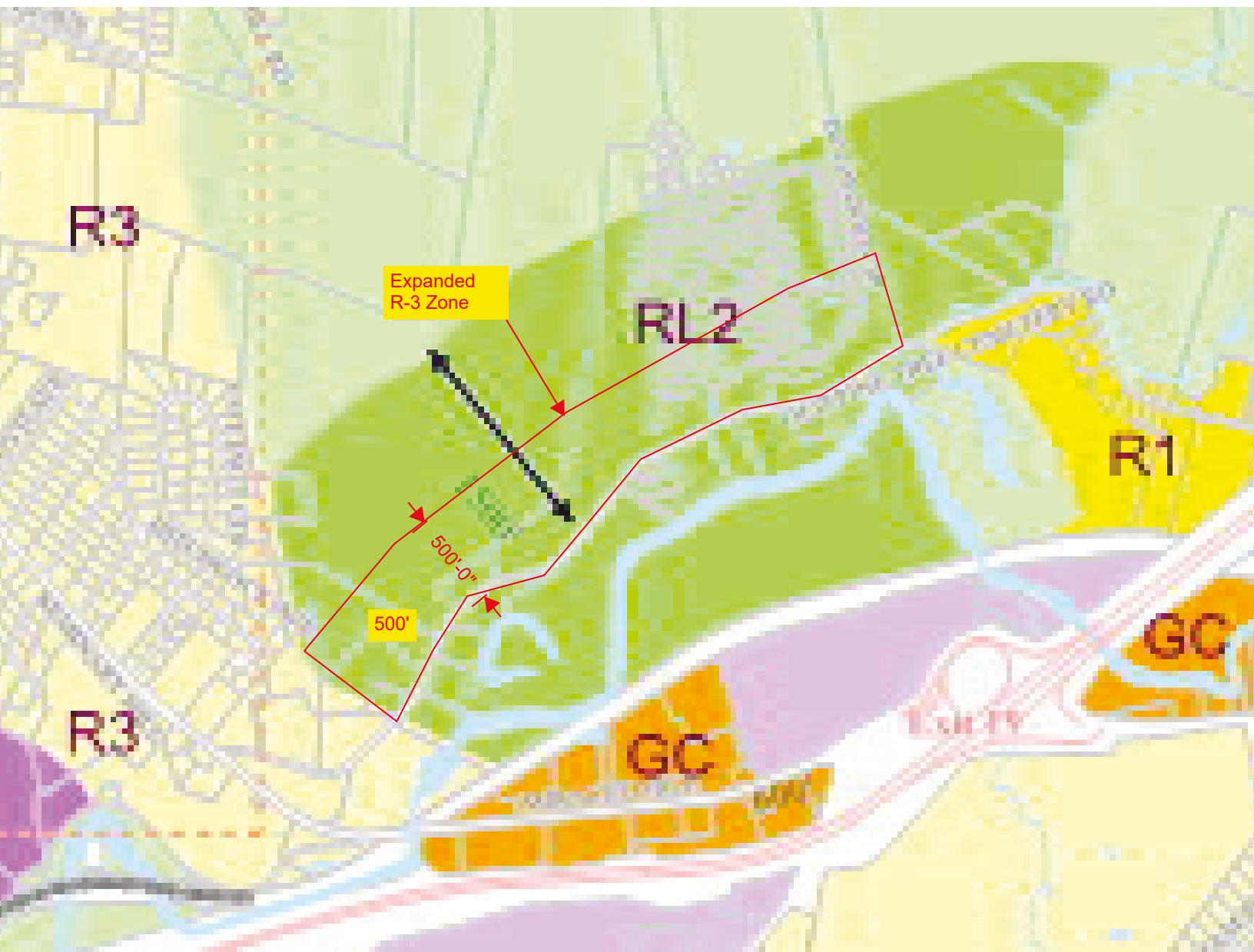


City Council
Request for Zoning Change
18Sep2025

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

CC: Don Hirst

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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>Residential</u> 1. Two-family dwelling by conversion of existing one-family dwelling 2. Senior housing complex
<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>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
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Planned Developments</u> 13. PURD per Section 501	<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. <i>Building Coverage</i>
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)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610	<u>Commercial/Non-Residential</u> Care and treatment of animals - Cemetery Essential service Group day care facility per Section 604 Home-based contractor's yard per Section 600A - Radio or TV tower or other communication equipment - Recreational camping park per Section 505 Recreational facility, indoor Recreational facility, outdoor
<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	

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)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610 <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	<u>Commercial/Non-Residential</u> Care and treatment of animals - Cemetery Essential service Group day care facility per Section 604 Home-based contractor's yard per Section 600A Produce stand - Radio or TV tower or other communication equipment - Recreational camping park per Section 505 Recreational facility, indoor Recreational facility, outdoor 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%

Petition for Zoning Changes along Old Pine Tree Cemetery Road

(Old Pine Tree Cemetery Road)

18 September 2025

Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning map.

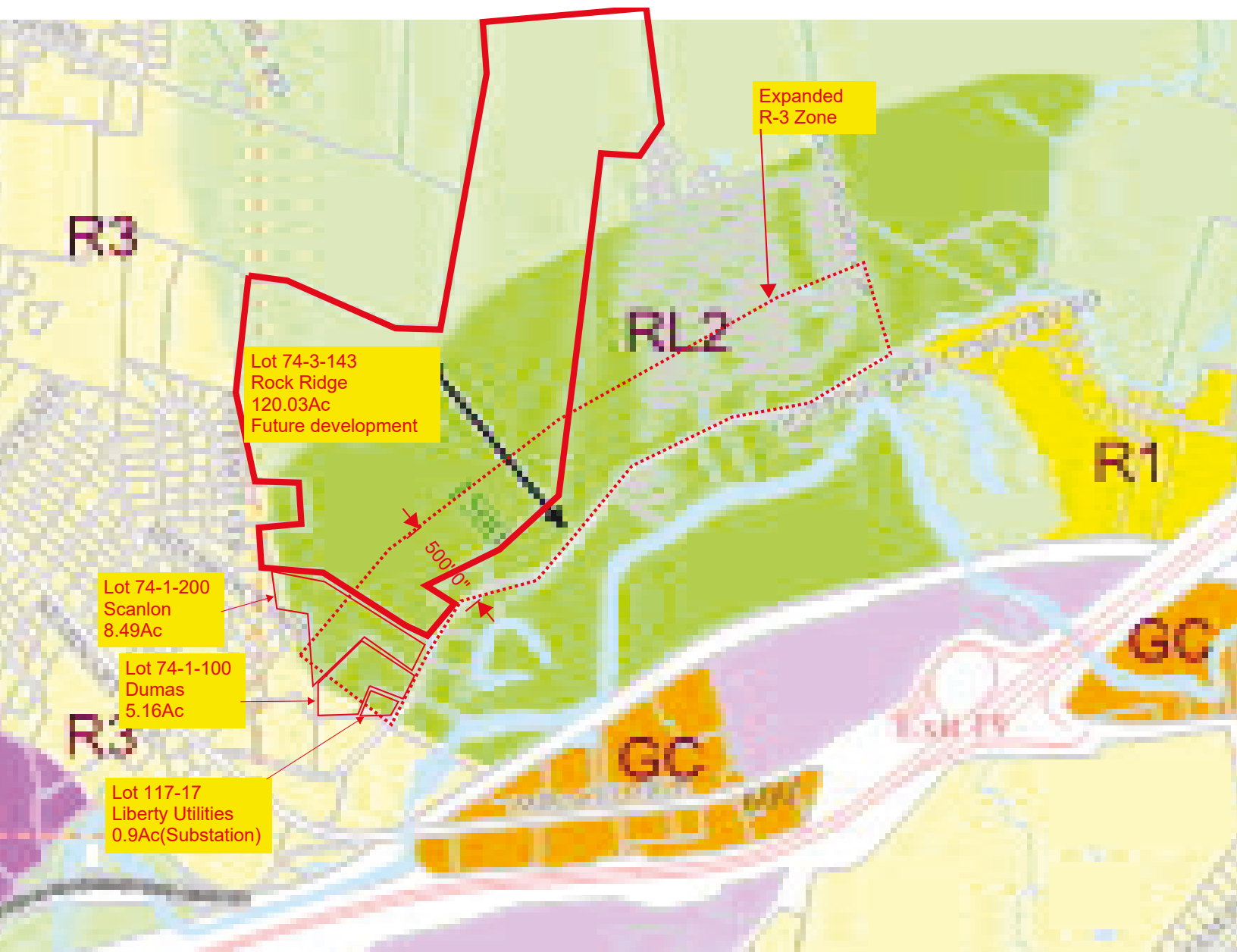
-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 18Sep25

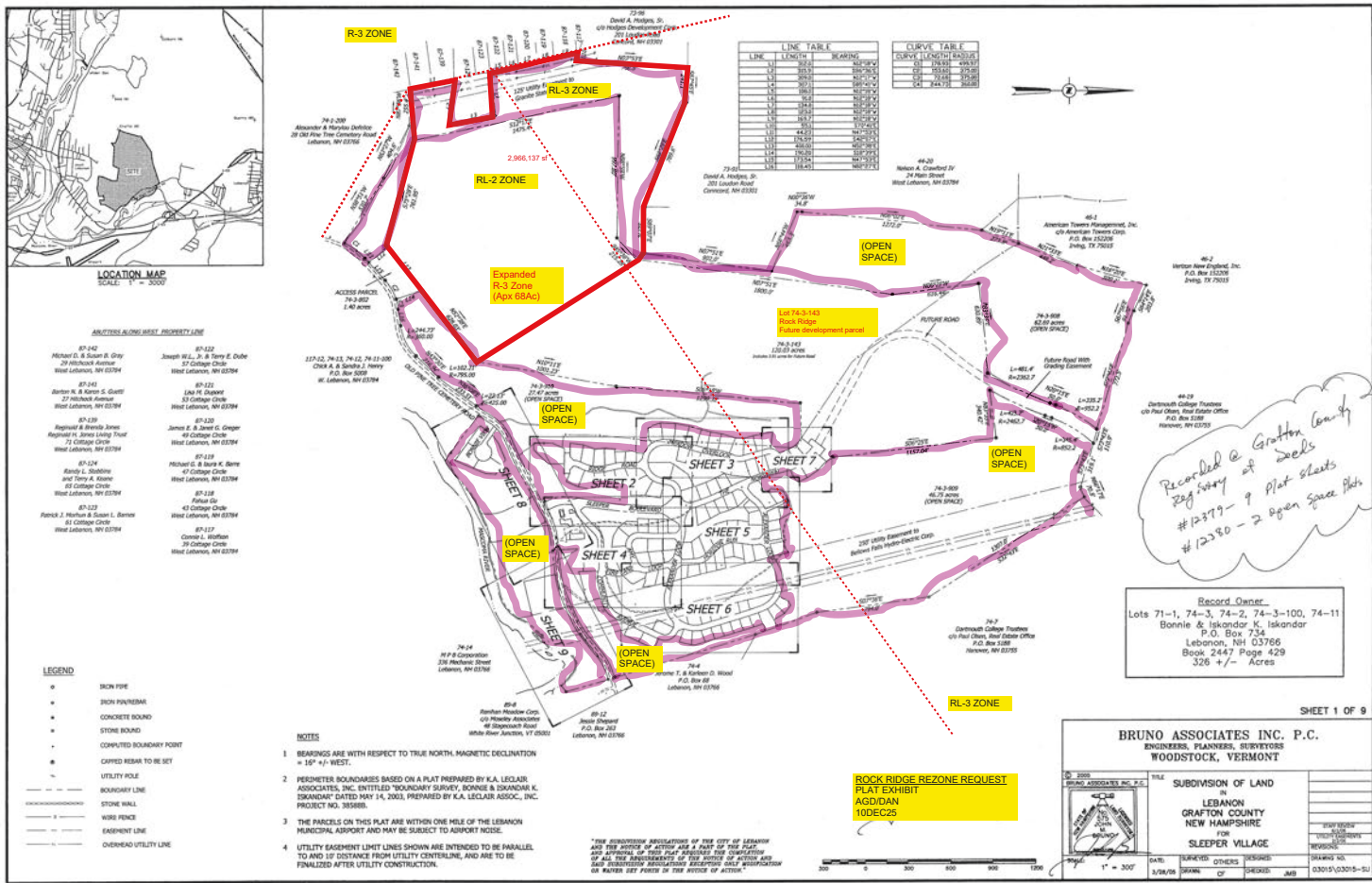
We, the voters, call on the City of Lebanon to make these changes to allow for more single family homes to be built on these properties.

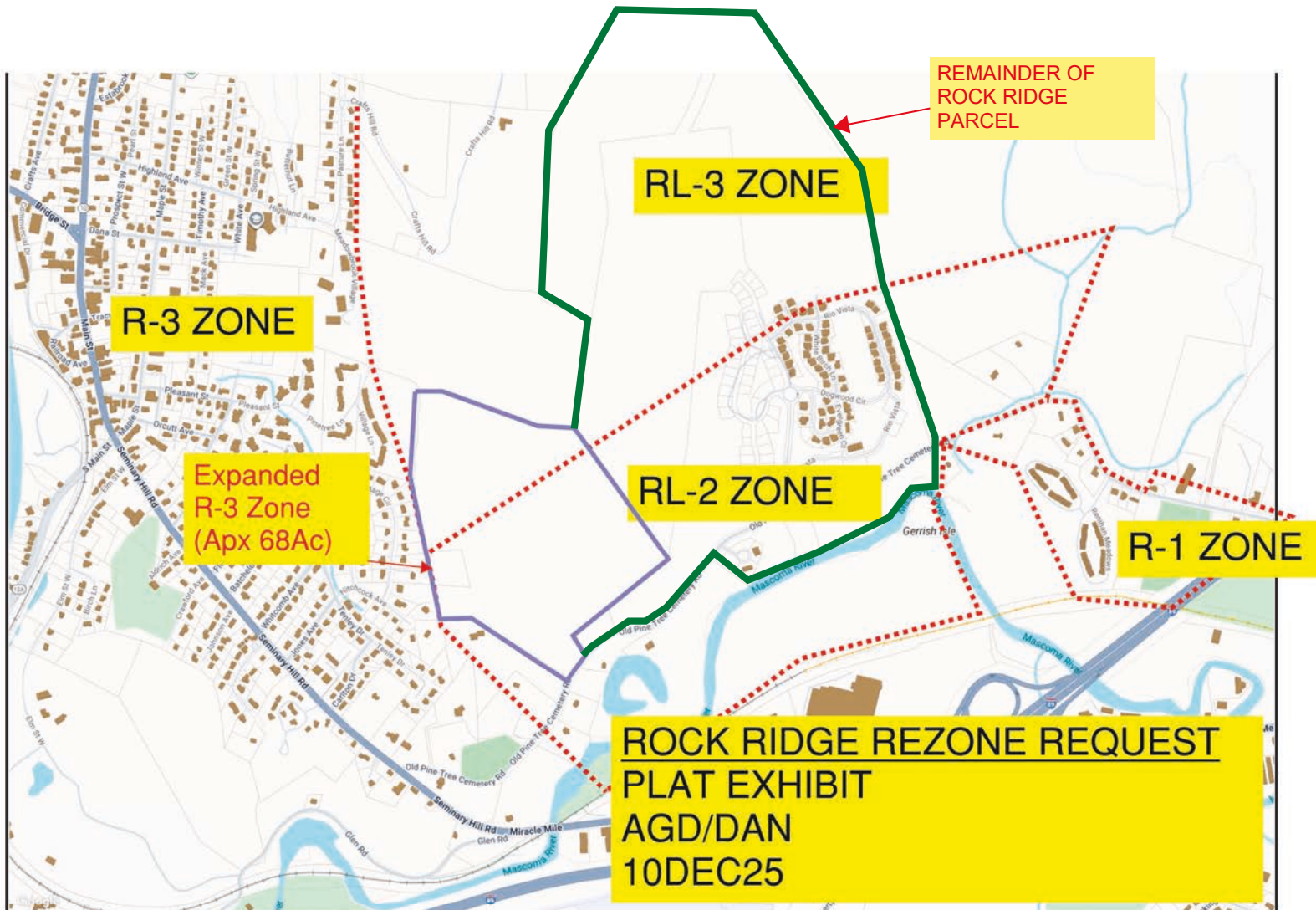
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Petitioned Amendment 1: Attachment 2



Petitioned Amendment 1: Attachment 3





Petitioned Amendment 1: Attachment 4

Petitioned Amendment 2: Attachment 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



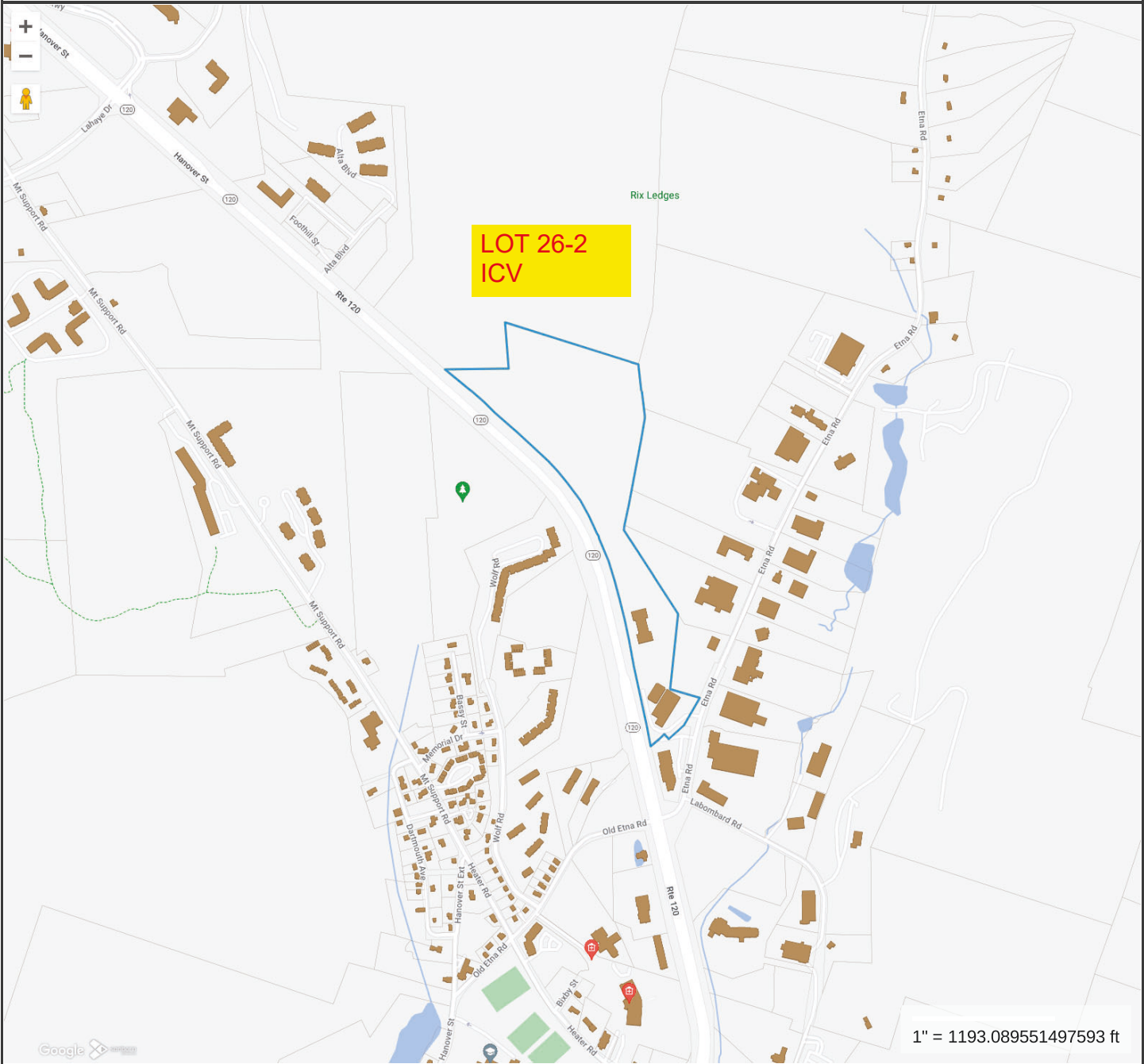
City Council
Request for Zoning Change
30Oct2024

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.

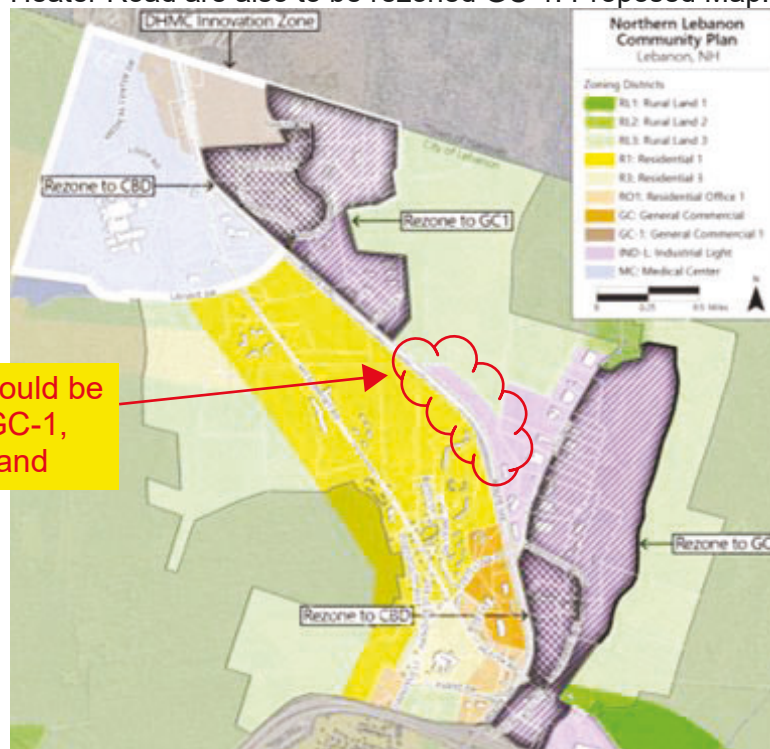
B. 120 – North Lebanon Study

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



Petition for Zoning Change to LD zone

(Mechanic Street)

21 October 2024

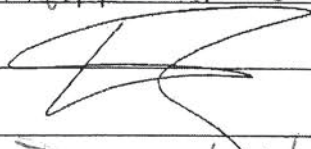
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 21Oct24

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Daynel Parri's	Daynel Parri's	200 Maccoma St 603-378-6543	10/30
Jennifer Labrie	Jennifer Labrie	8 Forster Street 603-252-5149	10/30
Brenna Labrie	Brenna Labrie	603-790-3165	10/30
	Robert Oakes	603-443-0492	10/30
Daniel Nash	Daniel Nash	603-448-6023	30 Oct 24

Petitioned Amendment 2: Attachment 2



22 December 2025

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

Re: Additional Support for Petitioned Amendment #2, Lot 26-2

Dear Mayor and Councilors:

Amendment #2. This amendment requests the city rezone a portion of parcel 26-2 on Etna Road to GC-1 (see attached "Lot 26-2"). There may have been some confusion in the initial request and review. The initial review considered the request as one for the entire parcel, when in actuality, it was only a portion of the parcel designated IND-L to be changed to GC-1. (see attached sketch)

Parcel 26-2 is a large, mixed use industrial parcel. It currently has an office building and a multi-family building on it. The parcel is unsuitable for typical industrial building as it is steep and bouldery. The land could support one to three more multi-family structures, if re-zoned. A concept sketch is attached.

We request the zone change to allow for more multi-family buildings to be constructed. We request the change for the following reasons:

- The whole purpose of the lengthy and involved North Lebanon Zoning project was to find means to fit in additional housing for the community. This land is well suited to provide housing, as exists in the Treetops Condominium on this parcel.
- The parcel has water, sewer, power, and communications. It is also adjacent to employment centers that desperately need the housing. It would be a shame to convert such valuable land to conservation.
- The IND-L portion of Lot 26-2 could support 3 more buildings of 125 units each. See Future concept plan.
- This zone change meets the city's intent and purpose to create more housing. (argument against spot zoning).
- Placing housing units here decreases the commuting traffic demand for I-89 and Exit 18.
- As the city struggles with tax increases, one of the best ways to keep increases small, is to grow the grand list. ICV units have historically been of high value and add much to the grand list.

In summary, we respectfully request that the noted portion of ICV Lot 26-2 be re-zoned to GC-1, as indicated.

City Council
Additional Support for Zoning Amendment Request #2
22Dec2025

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

Sincerely,

Daniel A. Nash, PE
Principal

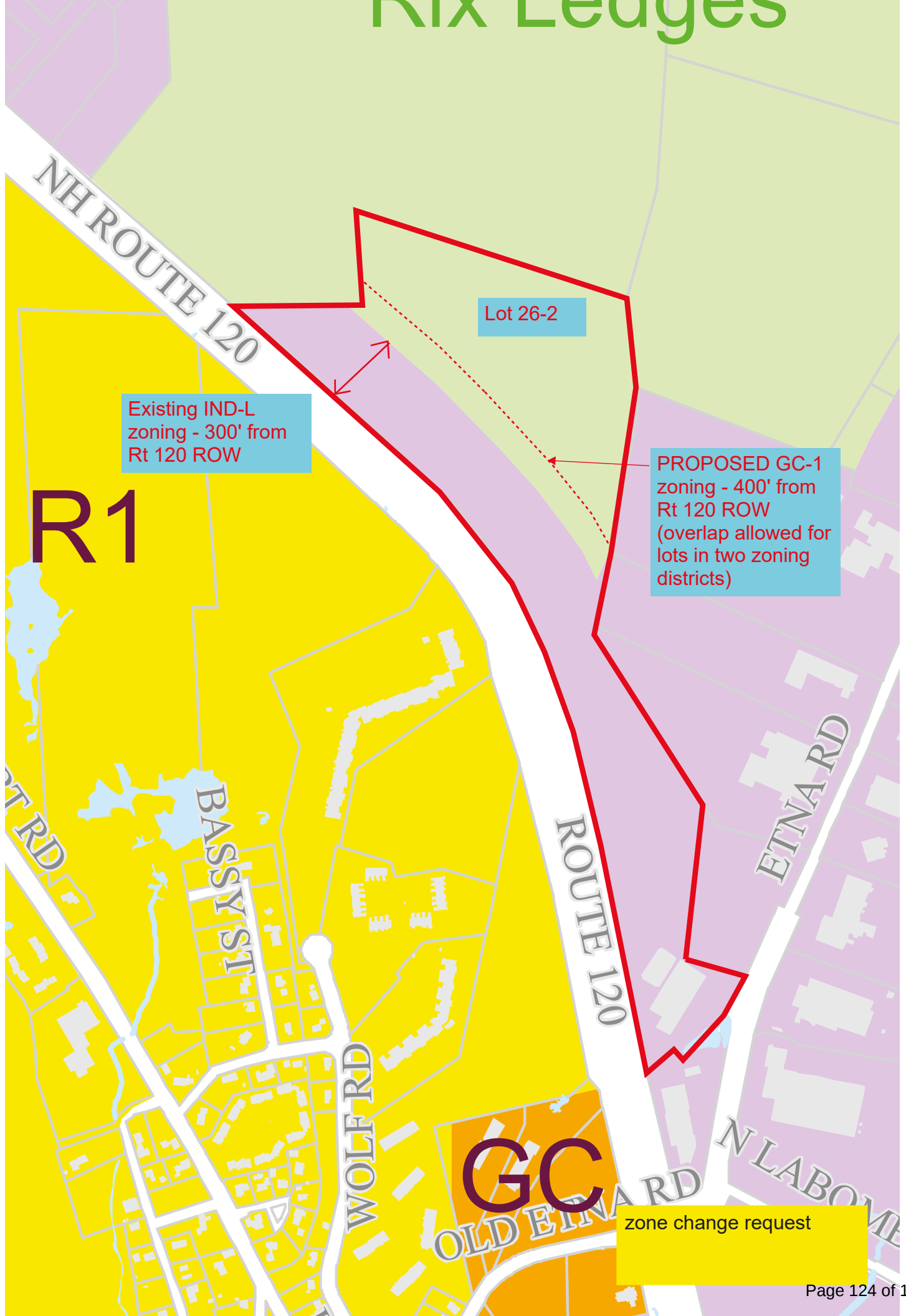


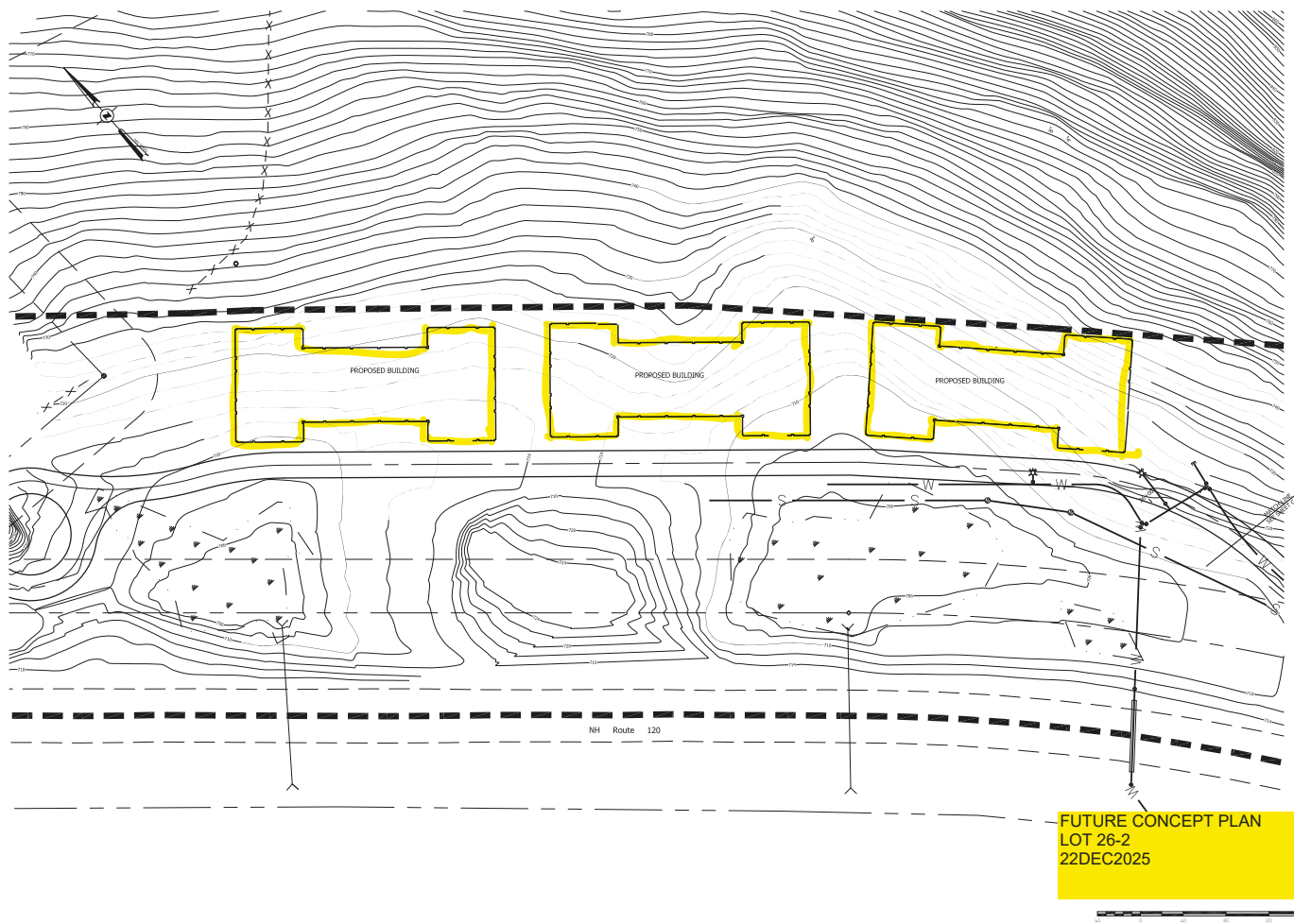
Attachments:

- Zone change request sketch
- Future Concept Plan

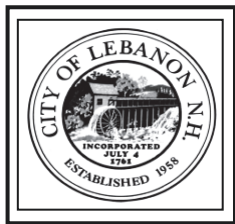
CC: Nathan Reichert, Director of Planning and Zoning
Robert Sprayregen, ICV

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DATE	
REVISIONS	
NO.	
DESCRIPTION	
CONCEPT SITE PLAN FOR ICV PHASE III IN LEBANON, NEW HAMPSHIRE	
ADVANCED GEOMETRICS & DESIGN 118 BANK STREET - PO BOX 512 LEBANON, NEW HAMPSHIRE 03366 PHONE: (603) 448-6295 FAX: (603) 448-8531 E-MAIL: info@advancedgeometrics.com	
DRAWN BY: GDS	
DESIGNED BY: GDS	
CHECKED BY: BMS	
DATE: 12/02/2025	
ICV PHASE III	
CONCEPT SITE PLAN	
C-1	
2025	
ADVANCED GEOMETRICS & DESIGN	
(PWS: 26000-24000-AL-1)	



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and Lebanon City Council

FROM: Planning and Development Department Staff

RE: 2025-2026 Petitioned Amendment 3: IND-L Use Table Addition

DATE: December 23, 2025

On September 22, 2025, Petitioner Chip Brown submitted a letter requesting consideration of a proposed zoning amendment. The City of Lebanon Zoning Ordinance, Section 1000.2, allows petitioned amendments to be submitted and the Council determines whether to schedule the amendment for review and hearing pursuant to Section 1000.3. The petitioned amendments are required to go through the same process and follow the same schedule as the staff proposed amendments. Staff proposes Council hold a public hearing for this petitioned amendment at their February 4, 2026 meeting.

This petitioned amendment is asking to add the use of **Vehicular Repair** to the IND-L use table, Section 303.2, under permitted uses. The definition of vehicular repair exists in Appendix A "Definitions":

VEHICULAR REPAIR: *The repair or maintenance of motor vehicles, motorcycles, recreational vehicles, manufactured homes, boats, heavy equipment and farm machinery. No retail sale of gasoline or oil is permitted.*

Currently, vehicular repair is allowed in the General Commercial District.

Approval Procedure:

As drafted, the proposed Council Amendments will not alter the zoning district designations or alter the Table of Uses or the Table of Area, Dimensions, and Coverage for a Residential or Rural Lands zoning districts within the City. As a result, no referendum vote is required for the proposed Council Amendments pursuant to Section 1000.4.A

Adoption of the proposed Council Amendments is recommended at this time in accordance with the procedures outlined in Section 1000.4.B as follows:

Article X, 1000.4 Action Upon Proposed Zoning Amendments.

Any proposed zoning amendment shall be acted upon and adopted or rejected as follows:

B. Action by the Council: The Council shall act on any proposed Zoning amendment not requiring a referendum vote in which case adoption of the Zoning Amendment shall require a majority vote of five members of the City Council: or alternatively, the Council may decide that such an amendment shall be submitted to the voters at the annual City election, even though such a referendum is not required.

Included in this packet:

1. Change of Light Industrial District Use Table: Addition of "Vehicular Repair" to IND-L.
Representative: Chip Brown
2. Legal Opinion Letter: Petitioned Amendments

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.

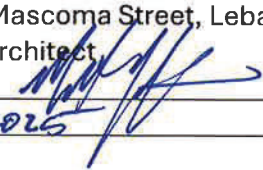
*303.1 Purpose. The purpose of the IND-L District is to provide land in appropriate locations for the establishment of manufacturing plants and other businesses of a similar nature, which improve employment opportunities and strengthen the economic base of the city. Such activities should not adversely 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

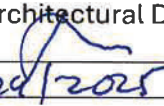
Signature 

Date 8/24/2025

Name: Matt Giffin

Address: 5 Hillside Drive

Profession: Architectural Designer

Signature 

Date 8/24/2025

Sincerely
Chip Brown
BCR
chip@brownocr.com

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,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive style with a clear, legible font.

Matthew C. Decker

36 Oak Ridge Road
West Lebanon, NH 03784

December 22, 2025

Lebanon City Council
51 North Park Street
Lebanon, NH 03766

Dear City Councilors,

I am writing to urge your vote against the proposed map amendments (5, 7, and 8) that will upzone Northern Lebanon to residential and mixed-use development. Instead, I urge your support of a study to answer the questions: What are the limits to Lebanon's growth? What is a right-sized population that Lebanon can sustain? What needs to change in our planning to achieve and maintain that population?

Lebanon is adding housing at an unprecedented rate. The city tracks growth in housing units by decade. With the new housing built since 2020 and the 1482 additional units approved, we're headed for a decade of growth that's more than *double* what we've ever seen. Wouldn't it be prudent to pause, absorb our unprecedented growth, and consider what's best for Lebanon **long-term**? Here are specific concerns.

Crowding. Daily, we experience Lebanon's growing congestion. Crowding occurs when population density blocks effective functioning, forces stimulus overload, and creates feelings of helplessness. Think of your last drive out Route 12A. Crowding is associated with increased stress (Schmidt and Keating 1979) and increased risk of mental illness (Gruebner et al 2017). It increases risk of infectious disease. Remember the COVID refugees who fled urban crowding? The sad truth is that Lebanon's relentless growth threatens to destroy what made us, in 2014, one of the 10 best small towns in America.

Resource Scarcity. What is the city's capacity to provide water and sewer to more residents? This past summer we had extreme drought and restrictions on city water use. Climate change will bring ever-more extreme weather that strains our infrastructure. Has Lebanon modeled how a growing population will fit with an increasingly inhospitable environment?

Affordability. Already, Lebanon residents face high property taxes. Some argue that residential development will improve affordability. But repeatedly, municipalities find the opposite. Municipalities build out, over-estimating the increased revenue and under-estimating the actual costs of a growing population. Might Lebanon's present affordability crisis suggest that we don't accurately calculate the cost of our growth?

I recognize that we face a housing shortage. Many view the proposed upzoning as the solution. But this is short-term thinking. We can't keep growing forever. We can find other ways to maintain an economically-diverse community, like Community Land Trusts that ensure affordable home-ownership.

In the past, we've assumed growth was inevitable and desirable. But times have changed. Climate change is but one symptom that we're in trouble. We've had drought and repeated flooding--there will be more to come. Ecologists warn that humanity has overshoot what Earth can support. Globally, we use the resources of 1.87 Earths each year. Human well-being is expected to decline drastically during this century, starting as early as 2050 ([Bradshaw et al 2021](#)). Communities will likely be forced to rely on local resources. To prepare for these changes, resilient communities will move towards populations right-sized for the region's food system.

Of course, Lebanon can't build a moat and out-law all growth. But cities should be able to plan based on their resources and on a commitment to keep city services affordable. Zoning is one of the few tools NH gives municipalities to regulate growth. Let's use it thoughtfully and judiciously.

There is an alternative to Lebanon's outdated plan of inevitable growth. It's the plan of a thriving economically-diverse community that fits within ecological limits. There's a lot at stake with your vote. Thank you for your consideration of these concerns.

Sincerely,

Miriam Voran

References

[Bradshaw, Corey J.A. et al. 2021. "Underestimating the Challenges of Avoiding a Ghastly Future." *Frontiers in Conservation Science* 1 \(January\): 615419.](#)

Gruebner, O. et al. 2017. "Cities and Mental Health." *Dtsch Arztabl Int* 114, 121-7.

Schmidt, D.E. and Keating, J.P. 1979. "Human Crowding and Personal Control: An Integration of the Research." *Psychological Bulletin* 86 (4), 680-700.

Limits to Lebanon's Growth?

Lebanon is at a crossroads. On January 7 the City Council will vote on proposed amendments to upzone Northern Lebanon along the Route 120 corridor. If approved, these zoning changes will open the door to additional residential and mixed-use development, including more mid-rise apartment complexes.

Last year, many residents attended Planning Board meetings to oppose the Brickyard, a 474-unit apartment complex. Residents were frustrated and disappointed when, despite their concerns, they couldn't significantly influence the project. The Planning Board explained that the apartment complex was an "allowable use", given the zoning. The lesson learned is that residents need to take an up-stream interest in land use regulations, to influence what gets built.

This is the up-stream moment. If the zoning changes go through, we'll be in the same situation again. Once land is up-zoned, we can't stop an allowable use. This is the moment to speak up and ask: What are the limits to Lebanon's growth? When should we say "enough"?

We used to assume that growth was inevitable and desirable. Times have changed. Climate change is but one symptom that we're in trouble. We can't keep growing forever. This past summer we experienced extreme drought and restrictions on city water use. We've had flooding; our neighbors in central VT had severe floods two of the last three years. Ecologists warn that things will change drastically during this century, starting as early as 2050. Communities will likely be forced to rely on local resources. To prepare for these changes, resilient communities will move towards populations right-sized for the region's food system.

Of course, municipalities can't build moats and out-law all growth. But they can make plans based on their water and sewer capacity and on limits that keep city services affordable. Lebanon's up-stream moment gives us the opportunity to plan for a resilient, sustainable community, for us and for future generations. We should urge City Council to support such efforts. As a first step, the city could study two questions: What is a right-sized population that Lebanon can sustain? What needs to change in our planning to achieve and maintain that population?

Here are steps we can all take.

Attend the Dec 16 Zoning Amendments Q&A, Kilton Library, 5-6pm.

Write a letter to City Council. Letters sent to the Planning Department by Dec 23 will be forwarded to the City Council along with the proposed amendments.

Voice your views at the Jan 7 City Council meeting, City Hall, 7pm.

There is an alternative to Lebanon's outdated plan of inevitable growth. It's the plan of a thriving community that fits within ecological limits. There's a lot at stake this January.

Miriam Voran



22 December 2025

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

Re: Request for Change to Amendment #6, Lot 26-2

Dear Mayor and Councilors:

Amendment #6. This amendment proposes to rezone a portion of parcel 26-2 on Etna Road to RL-3 (see attached "Lot 26-2").

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

We request the zone change area be revised to not include the existing IND-L land on ICV property. See attached exhibit, Amendment #6 map, revised.

We request the change for the following reasons:

- The change does not meet the criteria of the other lands being so zoned. Other parcels contain steep slopes and those portions are being changed to RL-3 to provide steep slope protection. On the attached steep slope exhibit, the portion of the ICV parcel that contains steep slopes are already protected by RL-3 zoning.
- Changing the zoning to RL-3 would rob ICV of the potential for future development. The whole purpose of the lengthy and involved North Lebanon Zoning project was to find means to fit in additional housing for the community. Such rezoning would be counter to the purposes of the North Lebanon project; the purpose was not to rob potential projects of the opportunity to provide housing.
- The IND-L portion of Lot 26-2 could support 3 more buildings of 125 units each. See Future concept plan.
- The proposed change is approximately 14Ac of IND-L changing to RL-3. This will have a small, perhaps negligible enhancement to the already conserved lands over 300Ac in size. However, it will have a devastating impact on the landowners ability to use his land.

In summary, we respectfully request that the ICV Lot 26-2 portion of Amendment #6 be eliminated.

City Council
Request for Change to Zoning Amendment #6
22Dec2025

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

Sincerely,

Daniel A. Nash, PE
Principal



Attachments:

- Amendment #6 map, revised
- Areas ICV, Lot 26-2
- Steep slope exhibit
- Future Concept Plan
- Conserved lands

CC: Nathan Reichert, Director of Planning and Zoning
Robert Sprayregen, ICV

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Amendment 6

Northern Lebanon Map Amendment – Conservation Area

From: Zoning Staff and 120 Corridor Study

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

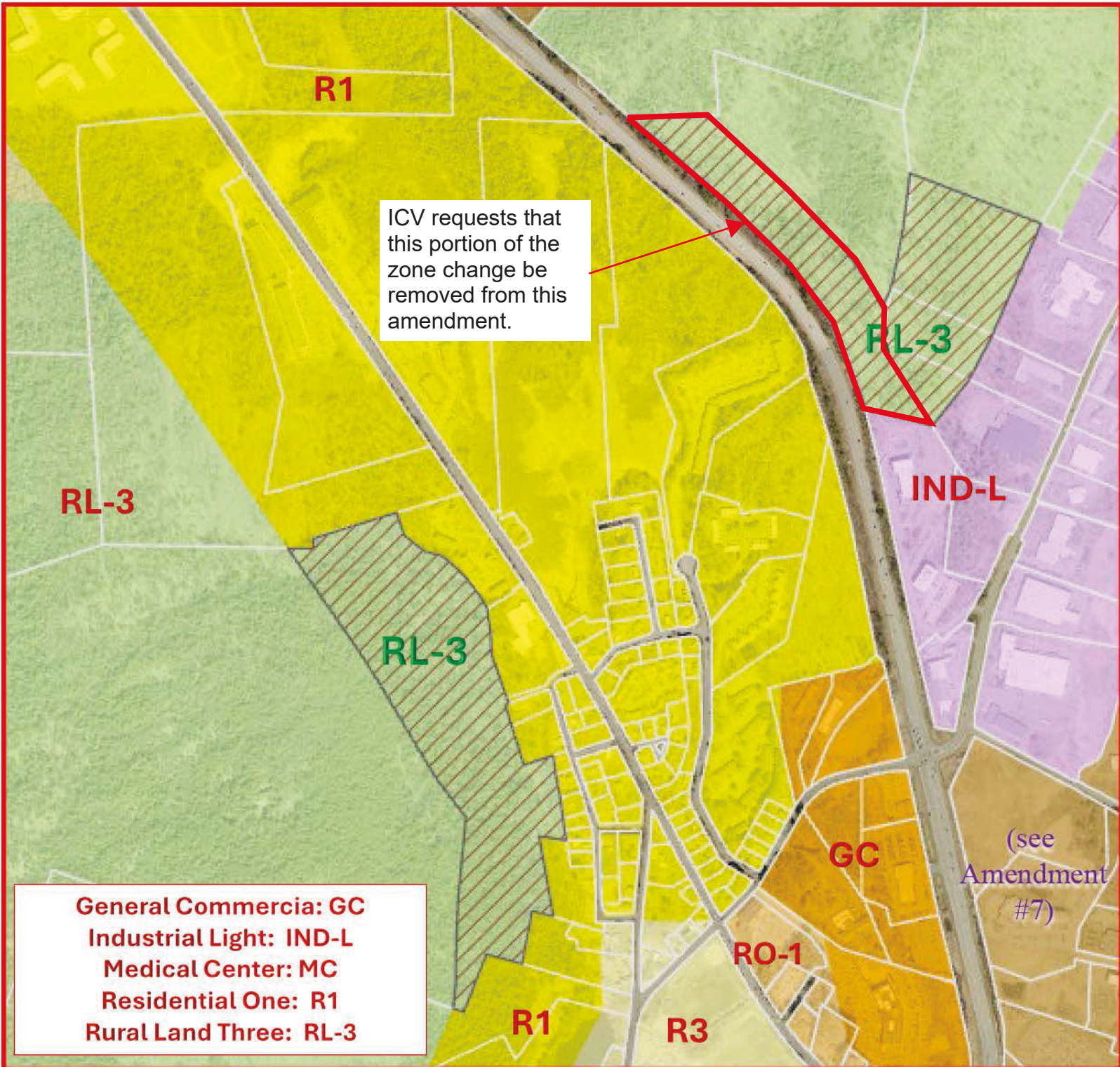
The Following Parcels are included:

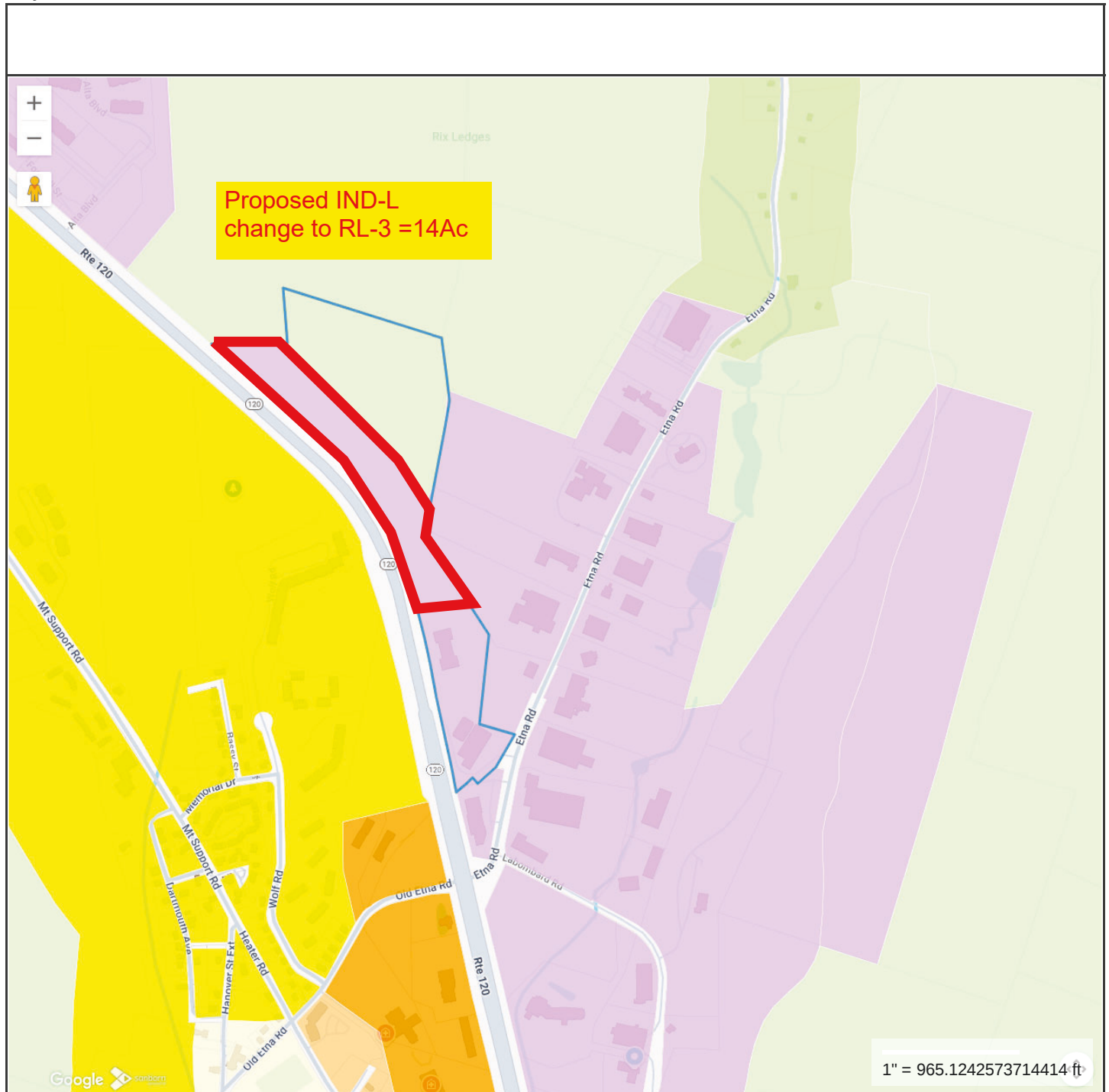
Address	Parcel	Proposed Zoning	Current Zoning	
67 – 69 Etna Road	26-2	RL-3 and IND-L Line Change	RL-3 and IND-L	REMOVE
85 Etna Road	37-4	RL-3 and IND-L Line Change	RL-3 and IND-L	
96 Etna Road	37-5	RL-3 and IND-L Line Change	RL-3 and IND-L	
101 Etna Road	37-7	RL-3 and IND-L Line Change	RL-3 and IND-L	
0 Mt. Support Road	76-10	R-1 and RL-3 Line Change	RL-3 and R-1	
Map Amendment follows:				

Amendment #6

Proposed Zoning

(Fall 2025 Amendment)



**Property Information**

Property ID 26-2-306
Location 69 ETNA RD #306
Owner SIDASH, STANISLAV

**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.

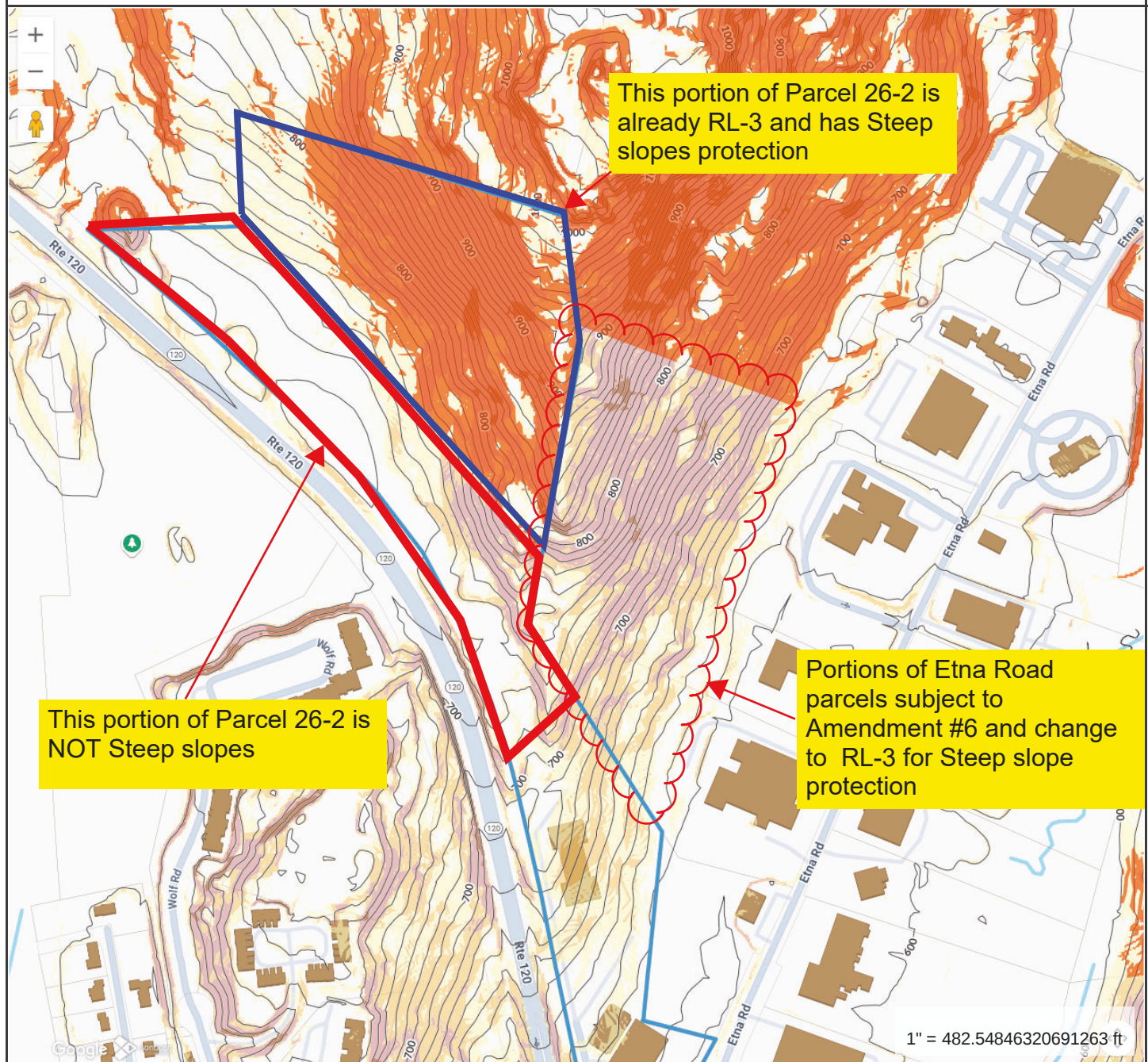
Geometry updated 12/08/2025
Data updated 11/18/2018

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

Map Theme Legends

Zoning District

- RL3 - RURAL LAND 3
- RL2 - RURAL LAND 2
- RL1 - RURAL LAND 1
- R1 - RESIDENTIAL 1
- R2 - RESIDENTIAL 2
- R3 - RESIDENTIAL 3
- RO - RESIDENTIAL OFFICE
- RO1 - RESIDENTIAL OFFICE 1
- GC- GENERAL COMMERCIAL
- GC-1 - GENERAL COMMERCIAL 1
- CB - CENTRAL BUSINESS
- IND-L - INDUSTRIAL LIGHT
- IND-RA - INDUSTRIAL RAIL ACCESS
- IND-H - INDUSTRIAL HEAVY
- MC - MEDICAL CENTER
- PB - PROFESSIONAL BUSINESS
- LD - LEBANON DOWNTOWN

**Property Information**

Property ID 26-2-306
Location 69 ETNA RD #306
Owner SIDASH, STANISLAV



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

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Geometry updated 12/08/2025
 Data updated 11/18/2018

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

**STEEP SLOPE EXHIBIT
22Dec25**

Map Theme Legends

Steep Slope Protection Areas

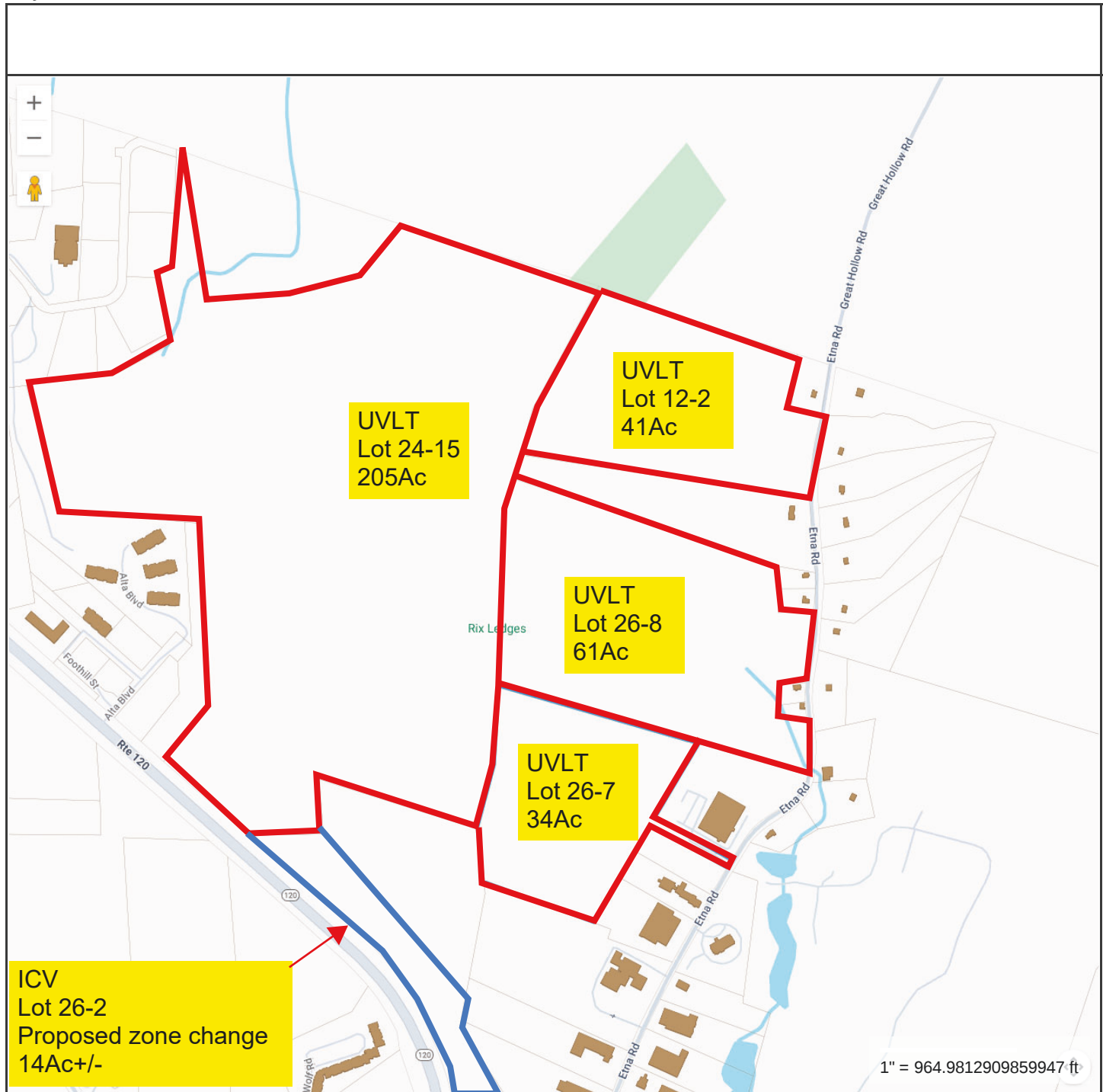
Steep Slope Protection Areas

Topography

- MAJOR INDEX CONTOUR
- MINOR CONTOURS
- 15% - 25% SLOPE
- 25% - 35% SLOPE
- 35% - 60% SLOPE
- > 60% SLOPE



CONCEPT SITE PLAN FOR ICV PHASE III IN LEBANON, NEW HAMPSHIRE		DATE
ADVANCED GEOMETRICS & DESIGN		REVISIONS
18 BANK STREET - PO BOX 512 LEBANON, NEW HAMPSHIRE 03366 PHONE: (603) 448-6295 FAX: (603) 448-8531 E-MAIL: info@advancedgeometrics.com		
DRAWN BY: GDS	DATE: 12/22/2025	
CHECKED BY: DMS	DATE: 12/22/2025	
ICV PHASE III		
CONCEPT SITE PLAN		
C-1		
2025		
ADVANCED GEOMETRICS & DESIGN		
(PWS: 26000-26000-AL-1)		



Property Information

Property ID 26-7
Location 0 ETNA RD
Owner UPPER VALLEY LAND TRUST INC

Conserved lands

Lot 24-15 205Ac
Lot 26-7 34Ac
Lot 26-8 61Ac
Lot 12-2 41Ac
Total 341Ac



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 12/08/2025
Data updated 11/18/2018

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

Conserved lands Exhibit
22Dec25



22 December 2025

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

Re: Additional Support for Petitioned Amendment #2, Lot 26-2

Dear Mayor and Councilors:

Amendment #2. This amendment requests the city rezone a portion of parcel 26-2 on Etna Road to GC-1 (see attached "Lot 26-2"). There may have been some confusion in the initial request and review. The initial review considered the request as one for the entire parcel, when in actuality, it was only a portion of the parcel designated IND-L to be changed to GC-1. (see attached sketch)

Parcel 26-2 is a large, mixed use industrial parcel. It currently has an office building and a multi-family building on it. The parcel is unsuitable for typical industrial building as it is steep and bouldery. The land could support one to three more multi-family structures, if re-zoned. A concept sketch is attached.

We request the zone change to allow for more multi-family buildings to be constructed. We request the change for the following reasons:

- The whole purpose of the lengthy and involved North Lebanon Zoning project was to find means to fit in additional housing for the community. This land is well suited to provide housing, as exists in the Treetops Condominium on this parcel.
- The parcel has water, sewer, power, and communications. It is also adjacent to employment centers that desperately need the housing. It would be a shame to convert such valuable land to conservation.
- The IND-L portion of Lot 26-2 could support 3 more buildings of 125 units each. See Future concept plan.
- This zone change meets the city's intent and purpose to create more housing. (argument against spot zoning).
- Placing housing units here decreases the commuting traffic demand for I-89 and Exit 18.
- As the city struggles with tax increases, one of the best ways to keep increases small, is to grow the grand list. ICV units have historically been of high value and add much to the grand list.

In summary, we respectfully request that the noted portion of ICV Lot 26-2 be re-zoned to GC-1, as indicated.

City Council
Additional Support for Zoning Amendment Request #2
22Dec2025

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

Sincerely,

Daniel A. Nash, PE
Principal

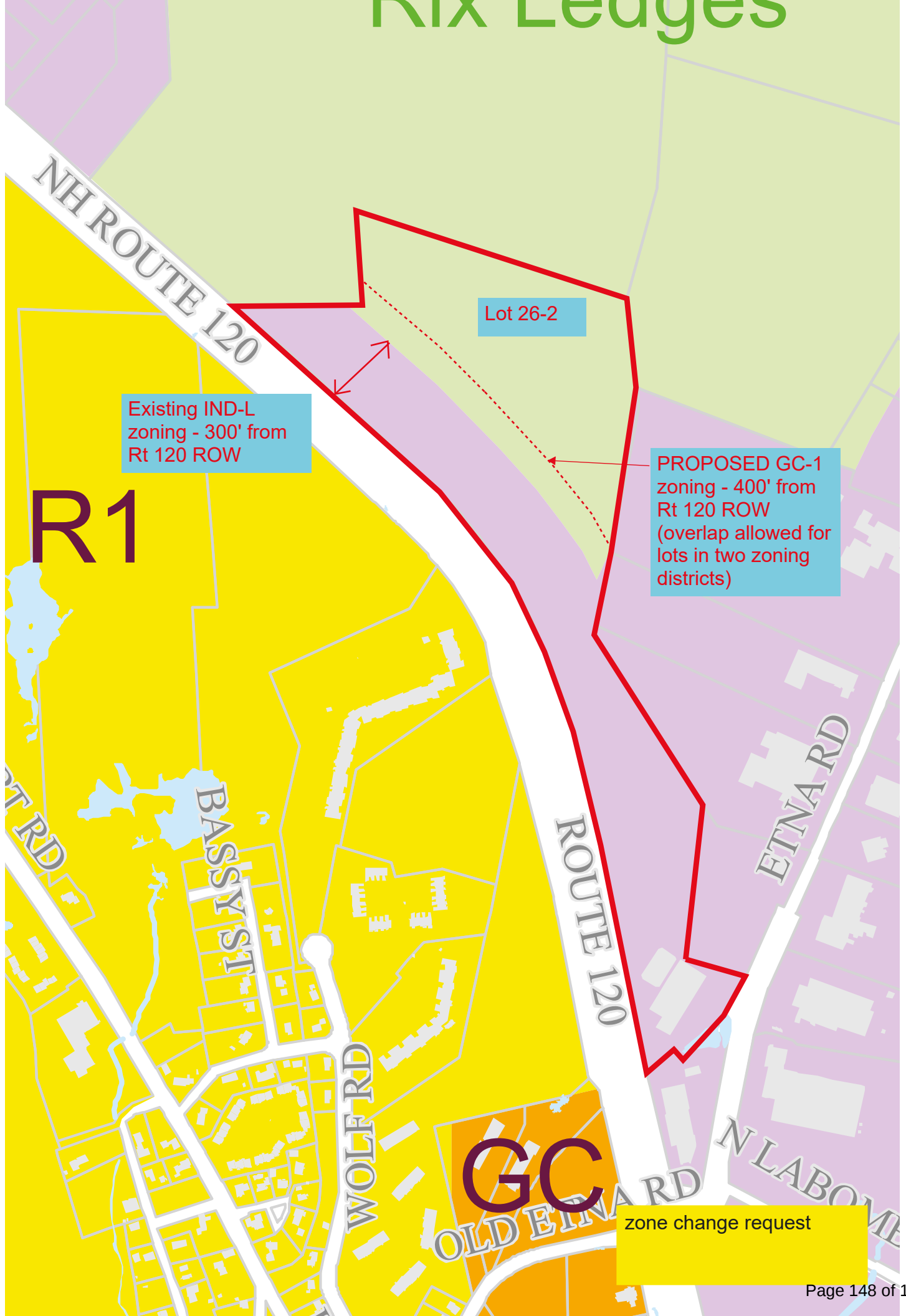


Attachments:

- Zone change request sketch
- Future Concept Plan

CC: Nathan Reichert, Director of Planning and Zoning
Robert Sprayregen, ICV

M:\2024_projects\24-016\letter_22dec25_gc1\letter_col_22Dec2025.docx





CONCEPT SITE PLAN FOR ICV PHASE III IN LEBANON, NEW HAMPSHIRE		REVISIONS	DATE
ADVANCED GEOMETRICS & DESIGN			
118 BANK STREET - PO BOX 512 LEBANON, NEW HAMPSHIRE 03366			
PHONE: (603) 448-6295 FAX: (603) 448-8531			
E-MAIL: info@advancedgeometrics.com			
DRAWN BY: GSE	DESIGNED BY: GSE		
CHECKED BY: BMS	DATE: 12/02/2025		
ICV PHASE III			
CONCEPT SITE PLAN			
C-1			
2025			
ADVANCED GEOMETRICS & DESIGN			
(PWS: 10000-12000-AL-1)			

Agenda

Lebanon City Council

February 4, 2026

9. Public Hearing Items:

9.B – Ordinance #2026-01, to Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to amend City Clerk fees in §68-15.D, to amend the Ambulance fees in §68-15.E, and to add new Zoning fees in §68-15.A

A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2026-01 to amend certain fees set forth in City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, including the following:

- Changes to the City Clerk fees set forth in §68-15.D;
- Changes to the Ambulance fees set forth in §68-15.E;
- Addition of new Zoning fees to §68-15.A.

The City Council scheduled this public hearing at its January 21, 2026 regular meeting. The public hearing was properly noticed in the *Valley News* on January 24, 2026 in accordance with City Code and State Law.

Background

The City Administration is proposing Ordinance #2026-01 to recommend changes to certain fees set forth in City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, including the following, as further described below:

- Changes to the City Clerk fees set forth in §68-15.D;
- Changes to the Ambulance fees set forth in §68-15.E;
- Addition of new Zoning fees to §68-15.A.

City Clerk Fees:

Under NH RSA 261:74-d, the State limits the municipal agent fee to a maximum of \$3.00, which is collected on motor vehicle registration transactions conducted by the City Clerk. However, §68-15.D(1) currently imposes an additional fee of \$1.00 for the City to process the State portion of motor vehicle transactions.

Consistent with guidance from the New Hampshire Department of Safety, and the practices of other municipalities, including Portsmouth, Manchester, Franklin, Bedford, Gilmanston, and Atkinson, the City Clerk recommends that the City separately identify and re-establish the \$1.00 fee as a data processing fee in order to offset costs associated with generating motor vehicle renewal notices and related mailing expenses.

Ambulance Fees:

During the 2025 New Hampshire legislative session, Senate Bill 245 was passed and went into effect on January 1, 2026. The new legislation prohibits surprise ambulance billing and regulates ground ambulance reimbursement.

As summarized in the attached memorandum from Fire Chief Jim Wheatley, the legislation requires commercial insurance carriers to reimburse “in-network” ground ambulance services at 325% of the Medicare rate. To qualify for the enhanced reimbursement, EMS agencies must be considered “in-network” with commercial insurers, which the City has already addressed, and the agencies must align their billing fee schedule with the regulated reimbursement structure, which is the basis of the current proposal to amend the ambulance fees outlined in §68-15.E

Zoning Fees:

The Planning & Development Department is recommending two additional fees be added to City Code Chapter 68 in conjunction with two proposed amendments to the Lebanon Zoning Ordinance. Specifically, the Department recommends that a new fee structure be created for the regulation, permitting, and enforcement of signage in association with proposed amendments to Zoning Ordinance Section 608, Signs.

In addition, the Department recommends that fees be assessed for petitioned zoning amendments. NH RSA 675:7, I-b, states that in the case of a petitioned zoning amendment, “the petitioners shall be responsible for the cost of notice by mail” when required under that statute. However, there are other administrative costs associated with the zoning amendment process, including the required legal review, for which the City is currently not reimbursed by petitioners. The attached memorandum from Planning & Development Director Nate Reichert further discusses the recommended fees.

Action:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2026-01, as presented in the February 4, 2026 City Council Agenda Packet, to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize the following changes:

- 1. Re-adoption of the \$1.00 fee set forth in §68-15.D(1) as a data processing fee for the City Clerk to generate and mail motor vehicle renewal notices; and***
- 2. Increases to the Ambulance fees set forth in §68-15.E in accordance with approved 2025 New Hampshire legislation; and***
- 3. The addition of new Zoning fees set forth in §68-15.A for Sign Permits and Petitioned Zoning Amendments.***

Included in this Section:

1. Proposed Ordinance #2026-01
2. December 23, 2025 memorandum from Fire Chief Jim Wheatley, regarding EMS Billing Rates
3. January 12, 2026 memorandum from Planning & Development Director Nate Reichert, regarding proposed fee amendments for signs and petitioned zoning amendments
4. Notice of Public Hearing as Published in the January 24, 2026 edition of the *Valley News*

**CITY OF LEBANON
ORDINANCE #2026-01**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees, to amend the City Clerk fees in §68-15.D, amend the Ambulance fees in §68-15.E, and to add new Zoning fees in §68-15.A.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, as follows:

§68-15.D City Clerk's Office

- (1) The data processing fee associated with generating and mailing motor vehicle renewal notices to process the state portion of all motor vehicle transactions shall be \$1.
- (2) The fee to license a dog shall be \$1.
- (3) The fine for having an unlicensed dog in the City of Lebanon on or after October 1, of each calendar year shall be \$10.
- (4) Landlord's Agent Registry.
 - a. The fee to file a statement with the City Clerk to designate an agent for service of process in accordance with NH RSA 540:1-b shall be \$15.
 - b. The penalty for the failure to file a statement designating an agent for service of process as required under NH RSA 540:1-b shall be \$100.

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, as follows:

§68-15.E Ambulance Fees shall be as follows:

- (1) Basic Life Support, Emergency Base Rate-resident: \$716.431,505.30.
- (2) Basic Life Support, Non-Emergency Base Rate-nonresident: \$798.19940.81.
- (3) Advanced Life Support-4, Non-Emergency Base Rate-resident: \$1,318.131,128.99.
- (4) Advanced Life Support 1, Emergency Base Rate-nonresident: \$1,415.471,787.57.
- (5) Advanced Life Support 2, Emergency Base Rate-resident: \$1,978.832,587.26.

~~(6) Advanced Life Support 2, nonresident: \$2,119.31.~~

~~(7)(6) Specialty Care Transport: \$2,585.66~~3,057.63.

~~(8)(7) Mileage: \$17.23~~29.25.

~~(9) Co-pay Waiver, resident: \$134.88.~~

~~(10)(8) Advanced Life Support, no transport: \$606.96~~95.

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to add new language as follows:

§68-15.A Zoning. Zoning fees shall be as follows:

(1) Zoning Board of Adjustment fees:

(a) Filing fees:

- [1] Administrative appeal per Section 801.1 of the Zoning Ordinance or per Code § 74-18 (Floodplain Appeal Board): \$300.
- [2] Variance per Section 801.2 of the Zoning Ordinance or per Code § 74-18 (Floodplain Appeal Board): \$300.
- [3] Special exception per Section 801.3 of the Zoning Ordinance: \$300.
- [4] Equitable waiver of dimensional regulations per Section 801.4.B of the Zoning Ordinance: \$300.
- [5] Rehearing requests per Section 802.5 of the Zoning Ordinance: \$100.
- [6] Rehearing: \$300. Should the Zoning Board grant a rehearing request, the party initiating the rehearing request shall be responsible for all fees associated with the rehearing. The application fee of \$300 shall be waived if the Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision.

(b) Advertising fees and legal notification fees shall be determined by the City Manager pursuant to § 68-14, Miscellaneous nonscheduled fees.

(2) Zoning verification letter administrative fee: The fee for issuing a zoning verification letter prepared by the Planning and Development Department shall be \$100.

(3) Sign Permit Fee: Signs equal to or greater than 64 square feet shall be \$8.00 per square foot. Signs less than 64 square feet shall be \$4.00 per square foot.

(a) If work requiring a sign permit under this chapter is commenced or completed prior to the issuance of such permit(s), the applicable sign permit fee shall be doubled for the landowner's, company's, or individual's first such occurrence; tripled for the second occurrence; and quadrupled for any subsequent occurrence.

(b) If a sign permit includes structural, electrical, or other required building inspection(s), a unified sign and building permit may be issued. The fee for the structural component review and inspection shall be \$75.00. The fee for the electrical component review and inspection shall be \$75.00. The fee for any other required review and building inspection shall be \$75.00

~~(3)~~(4) Zoning Ordinance Amendment Petition Fee: \$300.00

Section 4: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

Section 5: Effective Date

This ordinance shall become effective upon passage.



LEBANON FIRE DEPARTMENT
MEMORANDUM

To:	David Brooks, Deputy City Manager
From:	Jim Wheatley, Fire Chief
Date:	12/23/2025
Subject:	EMS Billing Rates

During the 2025 New Hampshire legislative session, House Bill 245 (HB245) — *Prohibiting surprise ambulance billing and regulating ground ambulance reimbursement* — was adopted and takes effect January 1, 2026.

HB245 was initiated in response to the rapid dissolution of private and small-town EMS providers in New Hampshire and nationally. These failures are driven primarily by reimbursement rates that do not reflect the actual cost of providing EMS services. Passage of HB245 represents a critical first step toward stabilizing an extremely fragile EMS system at both the state and regional levels. Additional stabilization efforts are underway across the state, including in Grafton County, where the Lebanon Fire Department is viewed as a core regional EMS provider.

What HB245 Does

- Requires commercial insurance carriers to reimburse in-network ground ambulance services at 325% of the Medicare rate
- Eliminates surprise balance billing statewide
- Applies only to commercial insurance (Medicare and Medicaid already prohibit balance billing)

In practical terms, once insurance pays the regulated amount, no additional billing is permitted, regardless of the actual cost of service.

Impact to Lebanon Fire Department

- 66% of Lebanon's EMS payer mix is Medicare, which is unchanged by this law
- Approximately 19% of the payer mix is commercial insurance, which *is* impacted by HB245

This legislation therefore affects a limited but meaningful portion of transports, creating a new, predictable reimbursement floor for commercially insured patients.

Revenue Stabilization Opportunity

HB245 does not create new charges. Instead, it:

- Guarantees reimbursement at a defined multiple of Medicare
- Reduces underpayment risk
- Improves revenue predictability for municipal EMS providers

Based on payer mix alone, roughly one in five transports may see improved reimbursement once billing rates align with the new fee schedule. This additional revenue will help offset the true cost of delivering 24/7 emergency medical services, potentially reducing reliance on tax subsidy and operational overtime.

Required Actions for Eligibility

To qualify for enhanced reimbursement:

- EMS agencies must be in-network with commercial insurers
 - This step has already been completed by the City of Lebanon
- Agencies must align their billing fee schedule with the regulated reimbursement structure
 - This is the final required step

Fee Schedule

The Lebanon Fire Department currently maintains separate EMS billing rates for residents and non-residents; however, this distinction provides no meaningful financial benefit to Lebanon residents and adds unnecessary administrative complexity. Under state and federal billing rules, insurance reimbursement — not the posted rate — determines what is actually paid for ambulance services, and this is true for Medicare, Medicaid, and now commercial insurance under House Bill 245. As a result, resident rates do not reduce out-of-pocket costs, nor do non-resident rates increase them. Eliminating this distinction and adopting a single, uniform EMS rate improves transparency, ensures equal treatment for all patients regardless of residence, and aligns the City's billing practices with how EMS reimbursement actually works, without increasing costs for insured residents or creating new charges.

Recommendation

The proposed fee schedule update aligns Lebanon Fire Department billing practices with state law and ensures the city can capture revenue now guaranteed under HB245, helping stabilize EMS operations without reducing service levels.



Ambulance Billing Service

8 Turcotte Memorial Drive, Rowley, MA 01969
Ph: 800-742-3001 FAX: 978-356-3721

LEBANON (NH) FIRE DEPARTMENT 2025 Rate Change Form

Charges	2025 Medicare	325% of Medicare	Current Rates	New Rates
	Fee Schedule Allowed Amounts			Effective On:
BLS EMERGENCY BASE RATE	\$463.17	\$1,505.30	\$798.19	\$ 1505.30
BLS NON-EMERGENCY BASE RATE	\$289.48	\$940.81	\$798.19	\$ 940.81
ALS NON-EMERGENCY BASE RATE	\$347.38	\$1,128.99	\$1,415.46	\$ 1128.99
ALS1 EMERGENCY BASE RATE	\$550.02	\$1,787.57	\$1,415.46	\$ 1787.57
ALS2 EMERGENCY BASE RATE	\$796.08	\$2,587.26	\$2,119.42	\$ 2,587.26
SPECIALTY CARE TRANSPORT	\$940.81	\$3,057.63	\$2,585.77	\$ 3057.63
MILEAGE	\$9.00	\$29.25	\$17.22	\$ 29.25
MILEAGE - RESIDENT	\$9.00	\$29.25	\$17.22	
ALS NON-EMER. RATE - RESIDENT	\$0.00	\$0.00	\$1,317.90	
ALS1 EMERGENCY RATE - RESIDENT	\$0.00	\$0.00	\$1,317.90	
ALS2 EMERGENCY RATE - RESIDENT	\$0.00	\$0.00	\$1,978.31	
BLS EMERGENCY RATE - RESIDENT	\$0.00	\$0.00	\$716.42	
BLS NON-EMER. RATE - RESIDENT	\$0.00	\$0.00	\$716.42	
CARE WITHOUT TRANSPORT	\$0.00	\$0.00	\$606.95	\$ 606.95

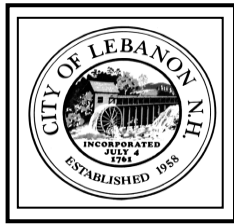
Signature -- Authorized Signer

Date

Printed Name -- Authorized Signer

Title -- Authorized Signer

Please scan and email completed Rate Change form to:
ratechange@comstarbilling.com



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning and Development Department Staff

RE: Proposed Fees Amendments Signs and Petitioned Zoning Amendment Application Fee

DATE: January 12, 2026

The Planning and Development staff reviews our fee structure from time to time. As a result of our 2025 analysis the Staff recommends creating two new application fees:

Sign Permit Fees (Concurrent with Zoning Amendment 14)
Private Petitioned Zoning Amendment Fee.

Consideration of the following Fee increase should be done concurrently with Zoning Ordinance:

Amendment 14 Section 608: Signs, Definitions: Window Signs and regulatory streamlining.

Amendment 18 Section 1000.

Sign Permit Fees:

Zoning Amendment 14 – Signs calls for City Council to establish a per square foot fee for a Sign Permit. Staff propose the following fee structure:

Signs equal to or greater than 64 square feet \$8.00 per square foot.

Signs less than 64 square feet \$4.00 per square foot.

Signs erected on a property without the benefit of permits will have enhanced permitting fees. The first offense the fee doubles, the second triples and there after quadruples.

A Sign Permit will include the Building Permit fees as a flat fee per the need for inspections. \$75.00 for each separate component be it structural, electrical or other.

Currently signs are charged only for a Building Permit fee. The fee does not cover the costs to administrate the sign ordinance nor building code review and inspection.

A good example is the sign package building permit fee for a large, big-box store on 12A last summer was slightly less than \$200.00. Planning and Zoning staff time was never compensated. Building staff time for review and inspection fell far short of the costs expended by the Department. A simple cost and time estimate based on necessary resources to complete the sign permit process is reflected in the proposed fee structure.

Currently, the amount of staff time dedicated to overseeing and enforcing sign regulations far exceeds the revenue being generated by the current fee structure. No Zoning fee is currently

charged, while sign permits can consume an enormous amount to Planning and Zoning Staff time. Enforcement efforts have risen in recent times, with countless hours of uncompensated staff time being expended. Establishing a Zoning Sign Permit Fee along with enhanced enforcement provisions will allow staff time to be more reasonably accounted for by those who are required to permit a sign or signs. Those landlords, businesses or individuals who require extraordinary levels of staff time and effort to be brought into compliance should face enhanced permitting fees, but also in extreme cases be subject to legal enforcement action. Only continued enforcement pressure can change the culture into one of compliance.

The proposed fee structure encourages a culture of compliance and has a built-in incentive for permitting smaller signs. Landlords and tenants who continue to ignore the sign ordinance will do so with enhanced permitting fees as a consequence of their choices and actions.

Petitioned Zoning Amendment Application Fee:

Currently there is no application fee for a Petitioned Zoning Amendment made pursuant to Section 1000.2.C or D of the Zoning Ordinance. The time and cost for the Department to administer Petitioned Zoning Ordinance Amendment is immense. While the Applicant is required to address questions and comments at public meetings, the staff must set up the process. Creating the necessary notices, agenda time, and supporting paperwork, not to mention the required legal review are all currently uncompensated by the City. A two-pronged response to create a more balanced user-paid processing cost has been proposed by staff. 1st all cost of notice is due from the Applicant. 2nd there is a base application fee proposed of \$300.00 application fee for the Petitioned Zoning Ordinance Amendment

**The following code language is proposed:
(Red indicates New Language)**

§ 68-15 Enumeration of fees.

A. Zoning. Zoning fees shall be as follows:

[Amended 2-7-2024 by Ord. No. 2024-02]

(1) Zoning Board of Adjustment fees:

(a) Filing fees:

[1] Administrative appeal per Section 801.1 of the Zoning Ordinance or per Code § 74-18 (Floodplain Appeal Board): \$300.

[2] Variance per Section 801.2 of the Zoning Ordinance or per Code § 74-18 (Floodplain Appeal Board): \$300.

[3] Special exception per Section 801.3 of the Zoning Ordinance: \$300.

[4] Equitable waiver of dimensional regulations per Section 801.4.B of the Zoning Ordinance: \$300.

[5] Rehearing requests per Section 802.5 of the Zoning Ordinance: \$100.

[6] Rehearing: \$300. Should the Zoning Board grant a rehearing request, the party initiating the rehearing request shall be responsible for all fees associated with the rehearing. The application fee of \$300 shall be waived if the Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision.

(b) Advertising fees and legal notification fees shall be determined by the City Manager pursuant to § 68-14, Miscellaneous nonscheduled fees.

(2) Zoning verification letter administrative fee: The fee for issuing a zoning verification letter prepared by the Planning and Development Department shall be \$100.

(3) Sign Permit Fee: Signs equal to or greater than 64 square feet \$8.00 per square foot. Signs less than 64 square feet \$4.00 per square foot.

(a) If work requiring a sign permit under this chapter is commenced or completed prior to the issuance of such permit(s), the applicable sign permit fee shall be doubled for landowner's, company's or individual's first such occurrence, be tripled for the second occurrence, and quadrupled for any subsequent occurrence.

(b) If a sign permit includes structural, electrical or other required building inspection(s) a unified sign and building permit may be issued. The fee for structural component review and inspection shall be \$75.00. The fee for the electrical component review and inspection shall be \$75.00. The fee for any other required review and building inspection shall be \$75.00.

(4) Zoning Ordinance Amendment Petition Fee: \$300.00

Agenda

Lebanon City Council

February 4, 2026

11. New Business:

11.A – Request to Authorize the City Manager to Enter into Negotiations with the Boys & Girls Club of Central and Northern New Hampshire to Lease a Portion of City-owned Property at 6 Aldrich Ave, West Lebanon, Tax Parcel 86-25-100

Background

On January 13, 2026, the Joint Committee of the School District and City Council met to continue discussions around the utilization of the Seminary Hill School building and adjacent properties. At the meeting, the Boys & Girls Club of Central and Northern New Hampshire (BGCCNH) presented a conceptual plan for a proposed childcare facility on the School District's property at 20 Seminary Hill. The proposed project would also utilize a portion of the City's Civic Park property at 6 Aldrich Avenue for a playground, parking, and circulation.

Following the Joint Committee discussions, the City Council and School Board were asked to authorize the City Manager and Superintendent, respectively, to enter into preliminary negotiations with BGCCNH for the long-term lease of the City and School District properties.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into negotiations with the Boys & Girls Club of Central and Northern New Hampshire for a long-term lease for potential development of a childcare facility on a portion of City-owned property at 6 Aldrich Avenue, West Lebanon, Tax Map 86-25-100.

Included In This Section:

1. January 21, 2026 letter from Christopher Emond, CEO of the Boys & Girls Club of Central and Northern New Hampshire
2. Schematic Site Plan for Boys and Girls Club facility at 20 Seminary Hill Road
3. Preliminary Magnitude of Cost Estimate for Boys & Girls Club of Lebanon Project
4. GIS map of 20 Seminary Hill Road property
5. Aerial photos of project location



January 21, 2026

Andrew Hosmer, City Manager
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

Dear Andrew,

Thank you for facilitating the Boys & Girls Clubs of Central and Northern New Hampshire's (BGCCNH) efforts with the joint committee of the SAU88 School Board and City Council to progress utilization of space on the SAU88's 20 Seminary Hill property for a childcare facility. It sounds as though there is a tremendous amount of support for this project.

As a recap, we propose a 5,400-square foot childcare facility on the field adjacent to the SAU88 offices, along with an 18-space parking lot. A portion of the facility would also be sited on City land (parcel 86-25-100), to accommodate parking and access. The center will serve 50 children, ages 6 weeks to preK.

The site plan concept that was shared at the January 13th meeting is attached, and as discussed, modifications are planned to integrate ongoing feedback. Aerial photos and parcel maps of the site, and an initial capital budget based on rough estimates on construction costs, are also enclosed. These costs include furniture, architect, engineering, playground, and site work.

With guidance from the Grafton Regional Development Corporation (GRDC) and the City of Lebanon, and strong expressions of interest from local employers, the BGCCNH believes that we will be successful in our fundraising efforts.

I understand that you have placed a request on the February 4, 2026, City Council agenda to authorize you, as the City Manager, to initiate negotiations with BGCCNH for a long-term lease of a portion of the City property. Thank you, and please let me know if anything else would assist you with this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Emond". The signature is fluid and cursive, with a large, sweeping "C" and "E".

Christopher Emond
CEO

BOYS AND GIRLS CLUB

LEBANON, NH

ISSUED FOR SCHEMATIC DESIGN REVIEW
1/12/2026

SITE LOCATION: 20 SEMINARY HILL RD
LEBANON, NH

OWNER: LEBANON SCHOOL DISTRICT

ARCHITECT: FRANK ANZALONE ASSOCIATES
38 MAIN STREET
PO BOX 1016
NEW LONDON, NH 03257
PHONE: 603.526.8911
info@faa-arch.com

LIST OF DRAWINGS

A-1.1 SCHEMATIC SITE PLAN

ZONING INFORMATION	
ZONING ORDINANCE	
CITY OF LEBANON - AMENDED MARCH 19TH, 2025	
ADDRESS	20 SEMINARY HILL ROAD
ZONE	R3 - RESIDENTIAL DISTRICT 3
CLASSIFICATION OF LOT	CLASS 1
MINIMUM LOT SIZE	10,000 SQ.FT. (SEC 310.3)
EXISTING LOT SIZE	191,881 SQ.FT.
MAX BUILDING COVERAGE	25% (SEC 310.3)
EXISTING BUILDING COVERAGE	8%
PROPOSED BUILDING COVERAGE	11%
MINIMUM FRONT SETBACK	20' (SEC 310.3)
EXISTING FRONT SETBACK	88.5'
PROPOSED FRONT SETBACK	NO CHANGE
MINIMUM SIDE SETBACK	15' (SEC 310.3)
EXISTING SIDE SETBACK	60.5'
PROPOSED SIDE SETBACK	20.5'
MINIMUM REAR SETBACK	20' (SEC 310.3)
EXISTING REAR SETBACK	218'
PROPOSED REAR SET BACK	22'
DEFINITIONS	
GROUP DAY CARE FACILITY: A GROUP DAY CARE FACILITY IS EITHER A CHILD DAY CARE FACILITY OR AN ADULT DAY CARE FACILITY.	
A. CHILD DAY CARE FACILITY: A DAY CARE CENTER, A DAY NURSERY, A PRIVATE NURSERY SCHOOL OR KINDERGARTEN, A CHILD DEVELOPMENT CENTER, A PLAY GROUP, A HEAD START CENTER, OR ANY OTHER FACILITY WHICH CARES FOR SEVEN (7) OR MORE CHILDREN UNDER THE AGE OF 16 FOR A PART BUT NOT ALL OF A 24 HOUR DAY. THIS TERM SHALL NOT INCLUDE PRIMARY/SECONDARY EDUCATIONAL FACILITIES. SUCH FACILITIES MAY BE PRIVATELY OPERATED OR SPONSORED BY A HOUSE OF WORSHIP, SOCIAL AGENCY, COOPERATIVE GROUP OR A COMMUNITY OR BY A PUBLIC AGENCY OTHER THAN PUBLIC SCHOOLS.	

Magnitude of Cost - Boys & Girls Club of Lebanon Project

7,500 SF Boys & Girls Club of Penacook/1,500 SF Penacook Community Center

Contract Cost at Completion:	\$5,012,262.04
Boys & Girls Club:	\$4,170,282.35
City of Concord:	\$841,979.69

Boys & Girls Club	\$4,170,282.35
Add Finished Endwall 928 SF @ \$20/SF	\$18,560.00
Deduct Building Demolition	(\$62,416.00)
Adjust General requirements/Smaller Bldg	\$102,652.00
	\$4,229,078.35

Square Foot Cost:; \$563.88/SF

5,400 SF Lebanon Facility@ \$563.88/SF	\$3,044,952.00
Price Escallation 2024 to 2026 -15%	\$456,742.80
Adjustment - Playground	\$90,000.00
Adjusted Total	\$3,591,694.80

Architectural & Engineering Costs	\$270,000.00
Furniture & Equipment	\$150,000.00
	\$4,011,694.80

20 Seminary Hill Road



*Approximate location for
childcare center building,
access, playground, and
parking placement.*



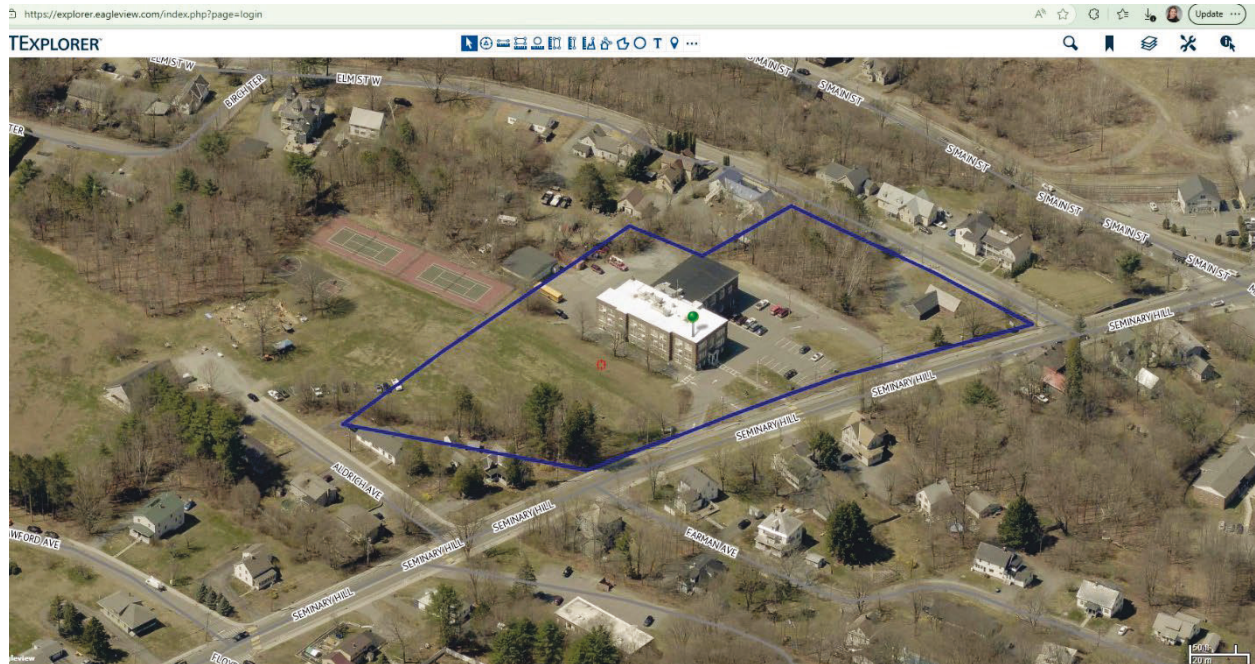
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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.

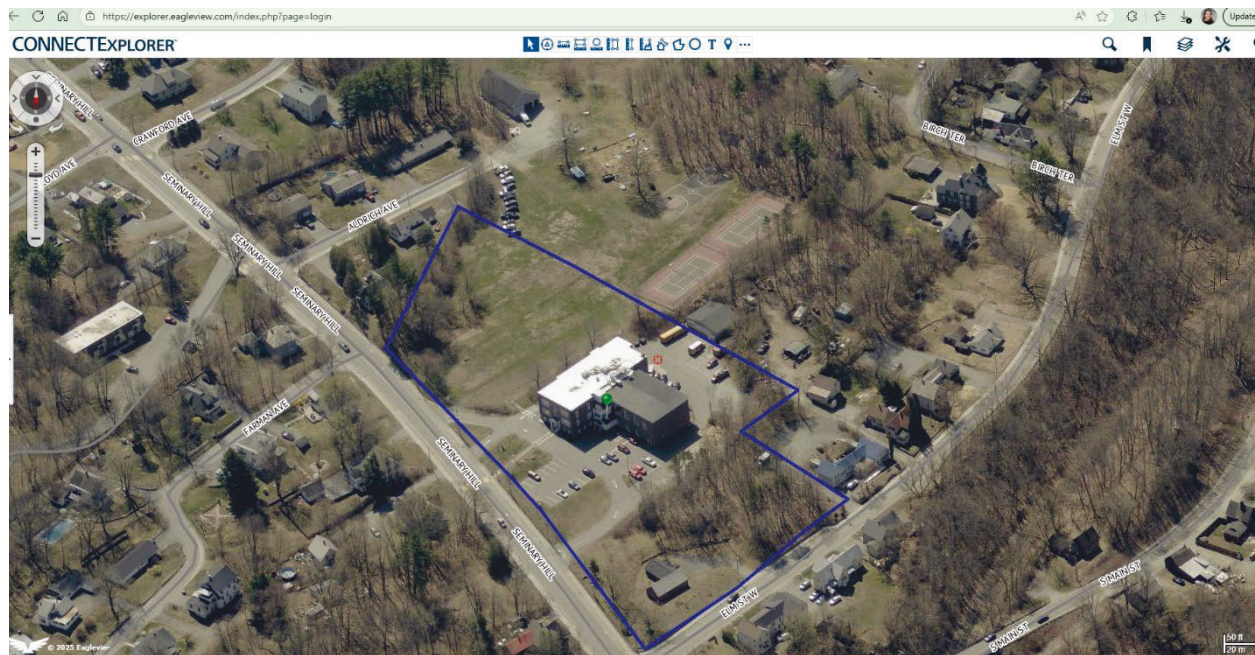
Geometry updated 12/08/2025
Data updated 11/18/2018

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

Seminary Hill School Building and Adjacent Parcels



20 Seminary Hill property, looking westerly



20 Seminary Hill property, looking southerly

**Agenda
Lebanon City Council
February 4, 2026**

11. New Business:

**11.B – Discussion of Council Rules, Chapter A191-15,
Council Appointments to City Boards, Committees, Commissions**

Background

In the last several months, the City Council has had to delay appointments to City boards, committees, and commissions on several occasions. In addition, the City administration has had questions about the Council's current interview process for appointments and whether procedural changes to the appointment process should be considered.

If, following the Council's discussion, changes to the Council's Rules are suggested, the City Manager's Office will prepare appropriate amendments for consideration at a future meeting.

Action

Recommended action will be determined based on the City Council's discussion of this agenda item.

Included in this Section:

1. Council Rules, §A191-15, Council Appointments to City Boards, Committee, Commissions

§ A191-15. Council appointments to City boards, committees, commissions. [Amended 11-7-1979; 8-2-1995; 9-18-1996; 5-21-2003; 4-2-2008; 5-16-2012; 12-2-2015; 6-5-2019; 11-16-2022; 4-16-2025]

- A. When vacancies occur on City boards, committees, commissions, either by resignation, removal or lapse of term, applications received by the City Clerk will be forwarded to the City Council in a timely manner in order for vacancies to be filled as quickly as possible.
- B. All appointments shall be acted upon by the City Council as authorized by the City Code, the City Charter and New Hampshire law.
- C. The following procedure shall be followed for board, commission and committee appointments and reappointments:
 - (1) For initial appointment, the applicant shall fill out the standard application form.
 - (2) For reappointment, the applicant can update the current form on file or complete a new updated application form.
 - (3) One member of the City Council shall interview applicants for initial appointment within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment. Applicants for reappointment to the same board, committee, or commission may be nominated for reappointment without completion of an interview with a City Councilor.
 - (4) While one City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

Agenda

Lebanon City Council

February 4, 2026

11. New Business:

11.C – Discussion and Set Public Hearing for February 18, 2026: Ordinance #2026-02, Amendments to City Code Chapter 179, Vendors

Background

On April 2, 2025, the City Council adopted Ordinance #2025-01, which amended City Code Chapter 179, Vendors. The approved amendments were based on the findings and recommendations of the Food Truck Task Force (FTTF), which was established by the City Council in the summer of 2024 with an aim to foster economic growth and community vibrancy while ensuring public safety and accessibility. More specifically, the FTTF was charged with evaluating and addressing practical and regulatory challenges associated with the operation of food trucks in downtown Lebanon.

Based on the City's experience following a full season of vending under the amended regulations, the administration proposes additional amendments to Chapter 179, which are outlined in the attached draft ordinance, and described below.

At the recommendation of the Food Truck Task Force, new seasonal vendor locations were incorporated into Chapter 179, including two areas along Campbell Street in front of the Carter Mansion, and two areas along Taylor Street in the downtown parking lot adjacent to the Mascoma River near the CCBA's sports courts. However, following vendor operations in those locations, both the vendor and the Lebanon Police Department expressed concerns about the safety of those locations. As a result, the administration recommends removing Campbell Street and Taylor Street from the list of acceptable vending locations in Section 179-3.E. In lieu of the additional downtown Lebanon locations, the administration is recommending the inclusion of Main Street as an acceptable vending location, since the West Lebanon Main Street Improvements project is expected to be completed this summer.

In addition, the administration is recommending that the provisions of Chapter 179 be extended to cover certain municipally-owned recreation properties that may not otherwise be covered by proposed amendments to the Lebanon Zoning Ordinance, which will regulate vending on private properties in certain zoning districts. In particular, it is suggested that vending be permitted through Chapter 179 at Civic Memorial Park, Riverside Park, Bridge Street Park, Eldridge Park, Pat Walsh Park, Logan Park, Storrs Hill Ski Area, and the Lebanon Veterans Memorial Pool with the approval of the Recreation, Arts & Park Director, and after obtaining a permit from the City Manager.

The administration is also recommending changes to the fees for seasonal permits (§179-4.C) and abutting business permits (§179-4.D). Following a discussion of preliminary amendments last fall, the City has researched vendor fees from a selection of other communities around the state. Based on the comparison provided, the Council may wish to further change the seasonal and abutting business fees, as well as the daily and weekly vendor fees set forth in Chapter 179.

Finally, the City Manager's Office is recommending a clarification of the exemption in Section 179-3.A for vendors operating in connection with a larger event.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 18, 2026, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2026-02 to amend City Code Chapter 179, Vendors, as presented in the February 4, 2026 City Council Agenda Packet.

Included In This Section:

1. Draft Ordinance #2026-02
2. Food Truck Vending Fees – Comparison of Selected NH Communities

**CITY OF LEBANON
ORDINANCE #2026-02**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 179, entitled Vendors, which provides for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as "Hough Square" in the City of Lebanon.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 179, Vendors, Section 179-1, Declaration of purpose, as follows:

§ 179-1 Declaration of purpose.

The purpose of this chapter is to provide for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as "Hough Square" in ~~the City of Lebanon,~~ along Main Street in West Lebanon, as well as the following municipally-owned properties:

- Civic Memorial Park (Tax Map/Lot 86-25-100)
- Riverside Park (Tax Map/Lot 116-6)
- Bridge Street Park (Tax Map/Lot 72-90)
- Eldridge Park (Tax Map/Lot 92-30)
- Lebanon Veterans Memorial Pool (Tax Map/Lot 108-23)
- Pat Walsh Park (Tax Map/Lot 93-101)
- Storrs Hill Ski Area (Tax Map/Lot 120-2)
- Logan Park (Tax Map/Lot 106-30)

~~.-This-Such regulation~~ is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare in ~~thos~~eat areass.

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 179, Vendors, Section 179-3, Permit required, as follows:

§ 179-3 Permit required.

- A. Vending which occurs as an inherent part of an event properly licensed or permitted by the City Manager, including but not limited to: a farmers' market, street fair, or alumni day, shall be exempt from the ~~provisions of this chapter.~~ requirement of this chapter to obtain a Vendor Permit for the day(s) of the licensed or permitted event. Such exemption shall not apply to the requirement to obtain and pass inspections for Mobile Food Service Vendors or for the use of City-owned electricity, as applicable. In addition, such exemption shall not apply to the requirement to comply with the provisions for grey water waste disposal pursuant to §179-7.
- B. Vending activity shall be unlawful on all streets, sidewalks, and other public property in Lebanon, other than those listed below. However, this prohibition shall not apply to mobile vendors whose vehicle, stand or cart does not remain in any single site longer than 30

minutes, including but not limited to mobile ice cream trucks.

- C. No vending permit shall be issued to a Mobile Food Service Vendor without an inspection by the Lebanon Fire Department, or an authorized agency as designated by the Lebanon Fire Department. Should inspection be unfavorable, a permit will not be issued until the food service unit is found to be compliant with required regulations.
- D. No permit shall be issued to an applicant unless the applicant assumes liability for damages, property loss, injury or death, or other related liability resulting from the activities of the vending operation.
- E. Vending activity is limited to the areas described below. It shall be unlawful for any vendor or abutting business to sell, display, or offer for sale any food, beverage, goods, or merchandise without first obtaining a permit from the City Manager. Vending activity on private property is regulated by the Zoning Ordinance.
 - (1) South Park Street: up to two designated vending areas east of the mid-block crosswalk on the north side of the street. Vendors using these spaces with service windows facing the street shall be responsible for placing a continuous safety barrier within the depth of the existing parking spaces for the full length of the mobile food service unit as approved by the department of public works. These vending areas are for seasonal vending only.
 - (2) North Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on North Park Street. Vending shall be by means of a "stand" as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
 - (3) West Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on West Park Street. Vending shall be by means of a "stand" as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
 - (4) Colburn Park: described as the entire area bordered by North, West, South, and East Park Streets, excluding the sidewalks along those streets. A maximum of four "stand" vendors will be permitted to utilize Colburn Park at any given time. Permits will be issued for daily/weekly vending only and will not be issued on Thursdays from May 1 through September 30 so as not to conflict with the weekly farmers' market.
 - ~~(5) Campbell Street: up to two designated vending areas between the intersection of North Park Street (in front of the Carter Mansion) and the driveway entrance between 1 & 3 Campbell Street. These vending areas are for seasonal vending only and Vendors using these spaces are required to have their food service window facing the sidewalk.~~
 - ~~(6) Taylor Street (Lower Level) Parking Lot: up to two designated vending areas in the parking spaces fronting the Mascoma River beginning at the eastern most corner of the parking lot (closest to the playing fields for the CCBA). These vending areas are for seasonal vending only and Vendors using these spaces are required to have their food service window facing the sidewalk.~~

~~(7)~~(5) Lebanon Mall: described as extending from the westerly sideline of West Park Street west and north to Hanover Street, meaning and intending to include the entire area of the pedestrian mall. A maximum of two “stand” vendors will be permitted to utilize Lebanon Mall at any given time. Permits will be issued for daily/weekly vending only. Permits for seated outdoor dining will only be issued to businesses physically located within or abutting the bounds of the pedestrian mall.

(6) Hanover Street “Hough Square”: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on Hanover Street within the area formerly known as “Hough Square” (properties include 55, 57 & 59 Hanover Street). Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.

(7) Main Street, West Lebanon: up to two designated vending areas between South Main Street and Bridge Street. These vending areas are for seasonal vending only and Vendors using these spaces are required to have their food service window facing the sidewalk.

(8) Vending on the following municipally-owned recreation properties may be permitted with the approval of the Recreation, Arts & Parks Director, or designee, and after obtaining a permit from the City Manager:

- Bridge Street Park (Tax Map/Lot 72-90)
- Civic Memorial Park (Tax Map/Lot 86-25-100)
- Eldridge Park (Tax Map/Lot 92-30)
- Lebanon Veterans Memorial Pool (Tax Map/Lot 108-23)
- Logan Park (Tax Map/Lot 106-30)
- Pat Walsh Park (Tax Map/Lot 93-101)
- Riverside Park (Tax Map/Lot 116-6)
- Storrs Hill Ski Area (Tax Map/Lot 120-2)

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 179, Vendors, Section 179-4, Permit and fees, as follows:

§ 179-4 **Permit and fees.**

C. Seasonal permits.

(1) Seasonal permits are issued for the time beginning April 1 and ending October 31 for specified vending areas as defined above and depicted on the map attached as Appendix B.^[1] The fee for a seasonal vendor permit is ~~\$200~~\$300. Applicants wishing to obtain a seasonal permit shall apply to the City Manager between January 1 and March 14 for the vending season. All applications shall include the following:

- (a) Proof of identity and business address of the applicant.
- (b) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (c) If employed by another, the name and business address of the person, firm,

association, organization, company, or corporation.

- (d) A description and size (length and width) of the vehicle, together with the motor vehicle registration number.
- (e) Desired vending area location.

[1] *Editor's Note: Appendix B is **included as an attachment to this chapter**.*

- (2) Applicants must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
- (3) Permits and assigned locations are non-transferable, and the fee is non-refundable.
- (4) To retain a permit for assigned vending area, seasonal vendors must utilize their assigned vending area at least 15 days of each month.
- (5) A vendor may, upon written permission from the City Manager, utilize the assigned vending area on less than 15 days in any month due to vacation, illness, or other extenuating circumstance. Noncompliance will result in the assigned vendor losing the vending area and disqualifying the vendor from applying for any vending area for the period of one year.
- (6) For any day that a vending area is not to be occupied, the vendor is responsible to ensure that the parking spaces are available for use by the public. This includes the removal of all barriers that impede access to the spaces.
- (7) Vending area #2 (north side of the South Park Street east of the crosswalk entering Colburn Park) is the only vending area that has access to electricity. Use of City-owned electricity requires an inspection and approval by the City Electrician. If authorized, the seasonal fee for use of this power source is \$350 which is payable in monthly installments of \$50 each or as one lump sum at time of permit issuance.
- (8) When more completed applications are received for vending areas than are available, or when more than one completed application has been submitted for one specific vending area location, the City Manager shall determine the allocation of the vending area(s) through an auction process. On a date chosen by the City Manager sometime between the close of applications (March 14) and the beginning of the vending season (April 1), the City Manager shall accept verbal bids from all applicants wanting to be a part of the process. The applicant that bids the greatest amount for the desired area will be awarded that area for the vending season. Remaining vending areas will be awarded using the same process unless or until no further auction is required.

D. Abutting business permits.

- (1) Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. Permitted areas shall not be situated as to impede pedestrian travel. Areas may not exceed 250 square feet, unless specifically approved by the City Manager, and may be prescribed, mapped, and modified from time to time by the City Manager, depending on the needs of the City.
- (2) Permits must be renewed annually and are subject to all other applicable state and City regulations.

- (3) The annual fee for an abutting business permit shall be \$~~125~~250.

Section 4: Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

Section 5: Effective Date.

The Ordinance shall become effective upon passage.

Food Truck Vending Fees - Comparison

Municipality	Vending Fee	Other Fees
Lebanon	Seasonal Permit (Apr1-Oct31) \$200/season; Weekly Permit (stand only) \$50/week; Daily Permit (stand only) \$10/day; Abutting Business \$125/year	Electricity Usage \$350/season, \$15/week, \$3/day; Grey water waste disposal \$200/season, \$25/week, \$5/day;
Portsmouth	Downtown food truck spaces via Annual RFP, min. bid of \$5,000;	City /Vendor/H&P permit \$250;
Concord	Downtown food truck spaces \$1,577/year; Other food truck spaces \$652/yr; *Potential bid process for multiple applications	Temp Vendor under "Street Fairs" \$53/day; Other Health & Licensing Fees
Keene	Annual fee for City property \$250/year;	City H&P license \$150/year; Electricity usage, if needed, \$60
Nashua		Health Dept mobile plan review (1x) \$125; Health Dept annual mobile vendor license \$200/year; City annual H&P permit \$100/year;
Manchester	Space at 8 city parks are auctioned, no flat or minimum fee noted;	
Merrimack	Annual license \$250/year; 1 week license \$100/week (2-7 consecutive days); 1 day license \$50/day;	
Hanover	Daily reservation fee \$50/day	

Agenda

Lebanon City Council

February 4, 2026

11. New Business:

11.D – Discussion and Set Public Hearing for February 18, 2026: Ordinance #2026-03, Amendments to City Code Chapter 46, Cemeteries

Background

The Department of Public Works is proposing Ordinance #2026-03 to recommend a change to City Code Chapter 46, Cemeteries, to address an ambiguity in the current regulations. Section 46-7.C outlines the rates associated with burials and entombments. For cremation burials, whether in-ground or in a columbarium, the rates include a “columbarium niche inscription and service fee”.

The Department of Public Works has noted that the niche inscription and service fee was not intended to pay for the actual inscription. Instead, the fee is intended to cover the cost of staff time to remove the stone so it can be inscribed and subsequently to reinstall the stone. DPW recommends that clarification be added to the City Code to avoid confusion.

Action

Should the Council wish to move forward with proposed Ordinance #2026-03, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 18, 2026, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City’s Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2026-03, as presented in the February 4, 2026 City Council Agenda Packet, to amend City Code Chapter 46, Cemeteries, §46-7(C), Burials and Entombment Rates, to authorize a change and clarification in the Cremation Burial Fees for the Columbarium Niche Inscription & Service Fee.

Included In This Section:

1. Proposed Ordinance #2026-03
2. Memo from Department of Public Works regarding the Columbarium Niche Inscription & Service Fee
3. City Code Section 46-7, Burials

**CITY OF LEBANON
ORDINANCE #2026-03**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, Section 46-7, Burials, to amend a fee associated with Cremation Burials as set forth §46-7.C, Burial and Entombment Rates.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 46, Cemeteries, Section 46-7, Burials, §46-7.C, Burial and Entombment Rates, as follows:

§46-7.C Burial and entombment rates.

Full Burials	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday [as permitted in § 46-7A(2) above]	\$875
Cremation Burials (In ground or columbarium)	
Weekday during operating business hours	\$250
Weekday after operating business hours	\$250 plus \$100 per hour after operating business hours
Weekend	\$400
Holiday [as permitted in § 46-7A(2) above]	\$450
Columbarium niche inscription and service fee	\$100 + cost of inscription (*See Note 3 below)
Natural Burials	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday [as permitted in § 46-7A(2) above]	\$875
Infant Burials	
Weekday during operating business hours	\$175
Weekday after operating business hours	\$175 plus \$100 per hour after operating business hours
Weekend or holiday	\$350

Entombments	
Any period of time between November 1st and June 30th	\$500

- (1) Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.
- (2) All receipts from burial fees, as set forth in Subsection C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this chapter.
- (3) The Columbarium Niche Inscription & Service Fee covers the removal and reinstallation of the niche stone to allow for inscription. It does not include the actual inscription cost, which will be billed separately.

Section 2: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

Section 3: Effective Date

This ordinance shall become effective upon passage.

Columbarium Niche Inscription & Service Fee Proposed Changes

Chapter 46-7(C) Burial and entombment rates

Columbarium niche inscription and service fee was not intended to pay for the actual inscription. The intention was for the removal and installation fee of the stone so it can be inscribed.

Add "+ cost of inscription" in table and note below table

Cremation Burial Fees

(In-Ground or Columbarium)

Service Type	Fee
Weekday (During Business Hours)	\$250
Weekday (After Business Hours)	\$250 + \$100 per hour beyond regular hours
Weekend	\$400
Holiday <i>(as permitted in § 46-7A(2))</i>	\$450
Columbarium Niche Inscription & Service	\$100 + cost of inscription

Important Note:

The **Columbarium Niche Inscription & Service Fee** covers the removal and reinstallation of the niche stone to allow for inscription. It does **not** include the actual inscription cost, which will be billed separately.

§ 46-7. Burials. [Amended 9-2-2020 by Ord. No. 2020-03; 3-16-2022 by Ord. No. 2021-16]

A. General conditions.

- (1) Condition for burial. No burial, including a cremation burial, shall take place without first obtaining a burial permit from the City Clerk or State Registrar where the death occurred. All conditions of laws and ordinances must be complied with, including the payment of any back charges, securance of perpetual care, and/or maintenance and preservation, or purchase of any lot(s).
- (2) Holiday burials. Holidays formally recognized by the City of Lebanon include the following:

*New Year's Day

Martin Luther King, Jr./Civil Rights Day

Presidents' Day

*Memorial Day

*Independence Day

*Labor Day

Veterans' Day

*Thanksgiving Day

Day after Thanksgiving

*Christmas Day

*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works.

Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.

- (3) Errors in grave location. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Department of Public Works in writing or can be taken verbally over the phone. Orders from funeral directors shall be construed as orders from owners.
- (4) No movement or upgrading of monuments, and no opening or shifting of location of any grave or its placement on a lot shall occur without approval of the City, and all relevant provisions of this § 46-7 shall apply to such activities.
- (5) Preparation of grave. The digging of graves and replacement of excavated materials, other than those for natural burials as outlined in Subsection B(2)(f) below, shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works.

- (6) Ceremonial materials, if used, and lowering of remains shall be the responsibility of the funeral director or other responsible party.
- (7) Permanent outside containers. For burials other than natural burials as outlined in Subsection B below, remains for all interments, cremation or full, shall be enclosed in a permanent outside container which shall be provided by the owner of the lot or his agent, and installed under the supervision of the Cemetery Sexton or his/her designee. The following are considered permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.
- (8) Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. The preparation of graves by the Department of Public Works for natural burials that require hand digging shall be the loosening and removal of only as much material is required to remove frozen ground. Removal of remaining soil to achieve minimum burial depth shall be the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee. If circumstances are such that burial cannot be made, temporary interment may be in the cemetery tomb as stipulated in Subsection A(9) below.
- (9) Entombments in City Tomb. Entombment is only available for remains that have been embalmed and are to be buried in a permanent outside container. No entombment shall take place without notification of the Department of Public Works. Entombment will be made until such time that burial is arranged. No entombment shall be accepted prior to November 1st of any year. All human remains must be removed from the City Tomb no later than the following June 15th.
- (10) Burial of indigents. In the case of single grave lots for the burial of indigents, the city will provide space and maintenance of a section for such. However, no aboveground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance Special Revenue Fund.

B. Natural burials.

"Natural" or "green" burial promotes the decomposition of the body with minimal impact to the environment. The deceased are buried without the use of embalming fluids, permanent outside containers, or modern caskets. In the spirit of natural burials, gravesites will be minimally maintained by the City of Lebanon pursuant to § 46-8B(4).

All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless policies and procedures are inconsistent with this section or with the purpose and intent of natural burials, in which case this section will govern.

- (1) Permitted location. Natural burials are permitted in Old Pine Tree Cemetery and in Section "F" of the West Lebanon Cemetery.
- (2) Burial process:
 - (a) All burials and services must be overseen by the Cemetery Sexton or his/her

designee.

- (b) Remains will be buried without the use of a permanent outside container.
- (c) Human remains must be contained within a rigid casket, coffin, or biodegradable burial container and should have minimal use of nails, staples, glue, or other fasteners. External finishes of casket or container must not include latex or metallic products. Use of any oil-based finish must be plant-based. Upon ordering of grave opening and service, next of kin, designated agent or his/her designee will be required to sign an acknowledgement that the casket, coffin, or container meets all requirements stated herein.
- (d) At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works. If upon review, there is a question of the cause of death being related to a contagious or potentially hazardous virus or disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office. Should it be determined that the cause of death could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease, a natural burial will not be permitted.
- (e) Prior to burial, next of kin, designated agent, or other responsible party must sign and submit a release of liability and waiver form to include responsibility for all attendees of services.
- (f) Graves must be dug by hand if those lots are inaccessible to excavation equipment as a result of the location of previous burials. Hand digging will not be performed by the Department of Public Works and is therefore the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee.
- (g) Natural burials require the bottom of the outside coffin, casket, or burial container to be at a depth of four feet below the natural surface of the ground with a minimum of three feet previously excavated material on top of the coffin, casket, or burial container to the natural surface of the ground. All material must be compacted, and an additional 18 inches of topsoil be mounded above the natural surface of the ground to accommodate for settling. Depth will be verified by the Cemetery Sexton or his/her designee.

C. Burial and entombment rates.

Full Burials	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday [as permitted in § 46-7A(2) above]	\$875

Cremation Burials (In ground or columbarium)	
Weekday during operating business hours	\$250
Weekday after operating business hours	\$250 plus \$100 per hour after operating business hours
Weekend	\$400
Holiday [as permitted in § 46-7A(2) above]	\$450
Columbarium niche inscription and service fee	\$100

Natural Burials	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday [as permitted in § 46-7A(2) above]	\$875

Infant Burials	
Weekday during operating business hours	\$175
Weekday after operating business hours	\$175 plus \$100 per hour after operating business hours
Weekend or holiday	\$350

Entombments	
Any period of time between November 1st and June 30th	\$500

- (1) Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.
- (2) All receipts from burial fees, as set forth in Subsection C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this chapter.

**Agenda
Lebanon City Council
February 4, 2026**

11. New Business:

**11.E – Discussion of NH Department of Justice Memorandum
RE: NH RSA 21-I:112-116, Prohibition on Diversity, Equity, and Inclusion**

Background

On January 13, 2026, the City received communications from the NH Attorney General's Office concerning NH RSA 21-I:112 – 116, titled Prohibition on Diversity, Equity, and Inclusion.

The City Administration has taken preliminary steps to comply with the requirements outlined in the Attorney General's memorandum. Discussion of further actions among the City Council and City Manager is recommended.

Action

Recommended action will be determined based on the City Council's discussion of this agenda item.

Included in this Section:

1. January 8, 2026 Memorandum from NH Department of Justice, RE: Review of Contracts for Prohibited DEI Related Provisions
2. Political Subdivision Certification of Compliance with RSA 21-I:116 form, prepared by NH Department of Justice

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 Granite Place South
Concord, NH 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: New Hampshire Political Subdivisions
FROM: New Hampshire Department of Justice (DEIContractReview@doj.nh.gov)
RE: Review of Contracts for Prohibited DEI Related Provisions
DATE: January 8, 2026

As part of House Bill 2 during the 2025 session, the legislature created a new subdivision of RSA Chapter 21-I titled “Prohibition on Diversity, Equity, and Inclusion.” This new subdivision is codified from RSA 21-I:112 to RSA 21-I:116. It prohibits all public entities, including political subdivisions, from implementing, promoting, or otherwise engaging in any “DEI-related initiatives, programs, training, or policies.” Such policies include programs that “classif[y] individuals” based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin “for the purpose of achieving demographic outcomes,” “implicit bias training,” “DEI assessments,” “critical race theory,” or “race-based hiring, promotion, or contracting preferences.”

RSA 21-I:116 requires the Department of Justice to establish a process for all political subdivisions, including counties, cities, towns, village districts, and unincorporated places¹ to review their existing contracts for the “presence of DEI-related provisions.” In order to comply with the law, each political subdivision should carefully review this memorandum and the enclosed form.

¹ Although the definition of “political subdivision” includes school districts, new provisions of RSA Chapter 186 specifically require school districts to make similar reports to the Department of Education.

To guide the statutorily-required review, the Department of Justice construes prohibited DEI-related provisions to include the following: (1) implicit bias training; (2) DEI assessments; (3) critical race theory; or (4) any other provision that classifies individuals based upon age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin **and** has a primary purpose of achieving demographic outcomes. Achieving demographic outcomes means that the contracting provision or program promote one characteristic over another and is not designed to treat individuals equally under the law. If the provision or program treats individuals equally under the law, for example anti-discrimination provisions and programs or provisions that ensure a program is available to all, do not constitute DEI for the purposes of this law. Provisions or programs that require accommodating people with disabilities or of differing religious backgrounds also do not constitute DEI for the purposes of this law because state and federal law require providing reasonable accommodations to people with disabilities or of differing religious backgrounds to facilitate their equal treatment under the law.

To facilitate this review, the Department of Justice has included with this memorandum a form that all political subdivisions are requested to fill out and return to the Department of Justice. The form asks that the political subdivision certify that the political subdivision reviewed its existing contracts for the presence of DEI-related provisions. All political subdivisions must certify that they have reviewed their existing contracts for the presence of DEI-related provisions no later than February 28, 2026.

Please certify compliance by either returning certification forms or otherwise attesting the review has been completed to: DEIContractReview@doj.nh.gov. You may also email this address with questions regarding these requirements or the certification process.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 Granite Place South
Concord, NH 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

Political Subdivision Certification of Compliance with RSA 21-I:116

Consistent with RSA 21-I:116, all political subdivisions must review their existing contracts for prohibited DEI-related provisions and certify that they have or have not done so to the Department of Justice. To facilitate this review, the Department is providing this form. Please fill out the information below, and, by signing, dating, and returning this form to the Department of Justice, certify your subdivision has reviewed its existing contracts for prohibited DEI-related provisions.

Political Subdivision Name: _____

Political Subdivision Address: _____

Certifying Official's Name: _____

Certifying Official Title: _____

By signing this document, I hereby certify that the above listed political subdivision **has** reviewed its existing contracts for prohibited DEI-related provisions. Prohibited DEI-related provisions include the following: (1) implicit bias training; (2) DEI assessments; (3) critical race theory; or (4) any other provision that classifies individuals based upon age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin and has a primary purpose of achieving demographic outcomes. Prohibited DEI-related provisions do not include, among other things, anti-discrimination provisions and programs or provisions that ensure a program is available to all.

Signature: _____

Date: _____

Printed Name: _____