LEBANON ZONING BOARD OF ADJUSTMENT
APRIL 6, 2026 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

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1. Call to Order

A. To participate in this meeting, please join live via Microsoft Teams or call 1-929-229-5356 (access code: 792 840 620#). If you have trouble accessing this meeting, please email Nathan Reichert.

2. Approval of Minutes

A. February 3, 2026

3. Public Hearing Items

A. **Lisa Dupont, 53 Cottage Cir (Tax Map 87, Lot 121), Zoned R-3:** The applicant requests a Special Exception from Section 310.2, pursuant to Section 801.3 of the Zoning Ordinance, to convert an existing one-family dwelling to a 2-family dwelling. **ZB2026-05-SE**

B. **John Munsey & Eileen Saunders, 177 Stevens Rd (Tax Map 25, Lot 5, Plot 100), Zoned RL-2:** The applicants request a Variance from Section 313.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow an addition to the existing single-family home to be located +/- 33 ft from the right-side property line where 35 ft is required. **ZB2026-06-VAR**

C. **Robert J. Oakes, 00 Laplante Rd (Tax Map 138, Lot 27), Zoned R-3:** The applicant requests a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow +/- 14,380 sq ft of wetland buffer impact associated with construction of 13 residential dwelling units and associated infrastructure. **ZB2026-04-SE**

D. **Execusuite LLC, 22 School St (Tax Map 92, Lot 2), Zoned R-O:** The applicant requests a Special Exception from Section 311.2, pursuant to Sections 801.3 and 601 of the Zoning Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling. **ZB2026-02-SE**

4. Staff Comments

5. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City’s virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.
Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can

make any necessary arrangements.

If you have any questions or would like to view the files for the application identified above, please contact the Planning & Development Department by sending an e-mail to planning@lebanonnh.gov, or by calling 603-448-1457, or by visiting the Planning and Development Office located in City Hall during regular work hours, Monday through Thursday, 7AM to 5PM. The application materials will also be posted to the City's website at LebanonNH.gov/Agendas.

DRAFT

LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
TUESDAY, February 3, 2026
7:00 PM

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

MEMBERS ABSENT: Michael Morris (alternate)

STAFF PRESENT: Nathan Reichert – Zoning Administrator

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1. CALL TO ORDER

Chair Katz called the meeting to order at 7:01 PM.

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

Mr. Burtan was given voting privileges for the meeting.

2. APPROVAL OF MINUTES

A. January 5, 2026

Mr. McDonough MOVED to approve the January 5, 2026, minutes as presented in the February 3, 2025 packet.

Seconded by Mr. Burtan.

****The Vote on the Motion was (3-0-1).***

Mr. Burtan abstained because he was not present for the meeting.

3. PUBLIC HEARING ITEMS

A. ***Stenger Craft Properties, LLC, 162 N Main St (Tax Map 59, Lot 18), Zoned R-3:*** The applicant requests a Variance from Section 310.2, pursuant to Section 801.2, of the Zoning Ordinance, to allow a retail use to occupy +/- 2,450 sq ft within the existing office building. ZB2026-01- VAR

Nathan Reichert disclosed that he is a customer of Simple Energy and believes it will not cloud his judgement.

Rob Stenger and Kinson Craft, the owners of Simple Energy, appeared on behalf of the application.

Procedurally, a normal contingency of the Board is 5 members. It requires 3 votes to approve an application. If there are fewer than 5 members of the Board present, the applicant can postpone the hearing without any stipulations. The applicants chose to proceed.

Mr. Stenger spoke to the application. They began their business in 2006. Over the years they have expanded to several different locations to include more parking. Currently they own the building and operate the business at 162 Main St. in West Lebanon. They continue to own 112 Main Street. The building at 162 Main Street has been used as an office building and they have some excess space. They are in the business of providing propane for heating and for a small percentage of their work, providing outdoor living and other apparatuses using propane. They have some of those items on display at their building as customers like to see items like generators, replacement boilers, water heaters, heat pumps, outdoor living equipment and hearths before buying them. Last summer it was brought to their attention that operating that type of business requires additional permits and permission for the intended use of the property. They have ensured that the necessary standards are a part of the building, as well as applying for the variance for the retail space. Retail sales are not the core of their business, but they have found it satisfies a desirable need for their customers. The building has been freshened up since it was originally built, but it essentially remains unchanged from its original structure, minus a kitchen that suffered a loss due to a fire.

There are no car sales happening, that was a misrepresentation of a vehicle that was temporarily parked on the property. They believe the total business they do would not have an impact on traffic in the area. There is no truck storage at the building and no hazardous waste. They are not aware of any adversity with the neighbors. Hours of operations for the retail space would be the same as the whole business, 8:00 am to 5:00 pm, and the retail would not exceed those hours. They have 100 employees, but most of the employees do not come to the building. They come and go from other locations.

Prior to purchasing the building, they saw the previous owner used it for shipping and receiving, and office space. Previously the owner had a retail space. They feel the manner of their use is consistent with prior businesses in the building. There is around 6200 feet of office space and 1200 feet of retail space. Sales are about one tenth of one percent of their business.

The hardship was addressed as the nature of the property is different from other properties in the area. It has a large parking lot, and it is a unique building. Today the residential properties have been built up around it. It has been in continuous commercial use for many years. If mixed use becomes a reality across the street, it will fit in even more.

Mr. Katz opened the Public Hearing.

Kathy Munsey-Ballou spoke. One of her concerns is that the area in which the building sits is a residential area. She asked what would happen with respect to this variance if a new owner comes into this property. When a right is granted, it goes with the land and not the user. If a right to do retail is granted by the Board, it would continue until that use is abandoned. For example, the old Montshire Restaurant was abandoned, and there can no longer be a restaurant on the property. If Simple Energy moved on, the new owners would have the right to office and

retail use. If there is any significant change, such as an increase in the use of retail space, it would trigger another round of permitting, if there is any great variance from what it is currently in use.

Terri Munsey-Ballou spoke. She has lived next door for 20 years. She says the applicants are respectful, but a lot of noise comes from the property. She supports this application.

XYZ Corporation filed a letter of support.

Hearing no one else, the Public Hearing was closed.

The members discussed that the structure itself is part of the hardship. It is a very large building. The building was there before the zoning code was established and before the residential houses were built there. It is also an enormous property, with large public roads facing it. It is not suitable for a private home. It was questioned whether or not a variance is needed. When the building was bought, it was some retail, distribution and office space. It is a good fit for the Simple Energy business. Staff indicate that at the time of the purchase of a building, it should be documented how the building is used. The use determination is helpful because it quantifies what is being done with the property.

Mr. Newlove MOVED on February 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Rob Stenger and Kinson Craft regarding 162 N Main St (Tax Map 59, Lot 18), Zoned R-3: The applicant requests a Variance from Section 310.2, pursuant to Section 801.2, of the Zoning Ordinance, to allow a retail use to occupy +/- 2,450 sq ft within the existing office building.

I. FINDINGS OF FACT

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

1. The applicant has submitted testimony addressing Section §801.2 criteria in an application received by the Planning & Development Dept. on December 10, 2025.

2. As described in the application, the applicant proposes to continue the +/-2,450 sq ft retail use at the subject property.

3. The subject property is improved with a +/- 8,638 sq ft, dimensionally non-conforming office building constructed in 1966.

4. The subject property is +/- 1.65 acres in size and currently exceeds the required minimum number of parking spaces for the +/- 6,188 sq ft office use and the +/- 2,450 sq ft retail use.

5. Three abutters supported the variance.

II. CONCLUSIONS OF LAW

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

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

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

3. Substantial justice **is** done.

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

5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.

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

7. The proposed use **is** a reasonable one.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of February, 2026, hereby **GRANTS** the requested Variance to allow a retail use to occupy +/- 2,450 sq ft within the existing office building pursuant to Section §801.2 of the Zoning Ordinance to allow as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, pay impact fees as required and shall comply with all applicable local, state, and federal regulations to bring the facility into compliance with pertinent codes. The Applicant shall obtain a Certificate of Occupancy.

Seconded by Mr. Burtan.

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

B. ***Blinn & Allison Latta, 36 E. Wilder Rd Tax Map 13, Lot 5), Zoned R3:*** The applicants request a Special Exception from Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance, to allow a two-family dwelling by conversion of an existing one-family dwelling. ZB2026-03-SE

Blinn Latta and Allison Latta appeared on behalf of the application. They were offered the option to defer due to the number of members present and did not wish to do so.

When they bought the property in September 1924 it was an old estate that consisted of a main house and a carriage house. The family loves the property. The Carriage House was badly in need of repairs and was not up to code in a way that it could be used as a place to live. The main house also needed repairs. They have been working with professionals, and now that the main house and carriage house are in better shape, they want to finish the interior space and add a 2-

bedroom unit to the third floor of the carriage house. They are requesting to convert the property from a one-family dwelling to a two-family dwelling property. They do not intend to have it as a rental property but hope to have several generations of family members use the property. They feel they have met all the criteria for a special exception.

If the carriage house was developed as an ADU, it was going to be larger than the main house. Therefore, they believe because it is in the R-3 Zone, they can apply to have a second dwelling. Because it would contain the three essential requirements for a living space, place to sleep, sanitary or bathing facilities, and cooking or a kitchen, that makes it a second dwelling.

It would be the same footprint. Originally the carriage house was not a dwelling unit, and the plan is to make the carriage house into an apartment. They are looking to finish all the space.

Chair Katz opened the Public Hearing and hearing from no one else, the Public Hearing was closed.

Mr. Burtan MOVED on February 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Blinn and Allison Latta regarding 36 E. Wilder Rd (Tax Map 13, Lot 5), Zoned R-3: The applicants request a Special Exception from Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance, to allow a two-family dwelling by conversion of an existing one-family dwelling.

I. FINDINGS OF FACT

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

1. The applicant has submitted testimony addressing Section §801.3 criteria in an application received by the Planning & Development Dept. on January 12th 2026.

2. As described in the application, the applicant proposes to convert an existing one-family dwelling to a two-family dwelling.

3. The subject property is improved with a one-family, +/- 4,806 sq ft, dimensionally conforming dwelling constructed in 1892 and a detached carriage house.

4. The subject property is +/- 5.94 acres in size and currently exceeds the required minimum number of parking spaces for a 2-family dwelling.

5. There are no known existing zoning violations on the property.

6. No one from the public came forward to speak in favor or against the variance.

II. CONCLUSIONS OF LAW

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

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

2. The following criteria of Section §801.3 **have been** met:

    a. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.

    b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more nonconforming in the absence of a variance.

3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.

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

5. **No** hazard or nuisance will be created.

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

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

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of February, 2026, hereby **GRANTS** the requested Special Exception to allow a two-family dwelling by conversion of an existing one-family dwelling pursuant to Section §801.3 of the Zoning Ordinance to allow as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, pay impact fees as required and shall comply with all applicable local, state, and federal regulations to ensure the project is compliant with pertinent codes. The Applicant shall obtain a Certificate of Occupancy.

Seconded by Mr. McDonough.

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

4. STAFF COMMENTS

Mr. Reichert is working on some additional documents with Mr. Katz. He reminded the Board that they want to recruit more members for the Board. There are issues with Board members having access to Wi-Fi at City Hall. If better access is not possible, then paper copies of documents for the meeting would be useful.

Mr. Katz MOVED to change the next meeting from March 2, 2026 to March 16, 2026 at 7:00 PM.

Seconded by Mr. Newlove.

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

5. ADJOURNMENT

Mr. Burtan MOVED to adjourn the meeting at 8:19 PM.

Seconded by Mr. McDonough.

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

Respectfully submitted,
Linda Billings, Recording Secretary

CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION
STAFF NARRATIVE
Lisa Dupont– 53 Cottage Circle

To: Zoning Board of Adjustment

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

Date: April 6, 2026 – Regular Meeting

Application Number: ZB2026-05-SE

HEARING NOTICE:
Lisa Dupont, 53 Cottage Cir (Tax Map 87, Lot 121), Zoned R-3: The applicant requests a Special Exception from Section 310.2, pursuant to Section 801.3 of the Zoning Ordinance, to convert an existing one-family dwelling to a 2-family dwelling. ZB2026-05-SE

SITE DESCRIPTION / BACKGROUND:
The subject property is improved with a dimensionally conforming one-family dwelling constructed in 1997, per the City Assessor's records, and is conforming to the R3 zoning district, Class 1 lot minimum size requirement of 10,000 sq ft with +/- 21,344 sq ft and is not within any overlay district. Previous ZBA action includes:

- 2024 Special Exception to allow ADU entrance to be located at the front of the building

PROPOSAL:
The applicant no longer wishes to construct the previously proposed ADU and instead proposes to convert the existing 1-family dwelling to a 2-family dwelling by constructing a dwelling unit in the basement of the existing building.

ZONING ORDINANCE REQUIREMENTS – SPECIAL EXCEPTION:
To hear and decide special exceptions to the terms of this Ordinance upon matters which the Board is required to pass under this Ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

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

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

3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.

4. That the character of the area shall not be adversely affected.

5. That no hazard or nuisance will be created.

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

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

8. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.

9. That the general welfare of the City will be protected.

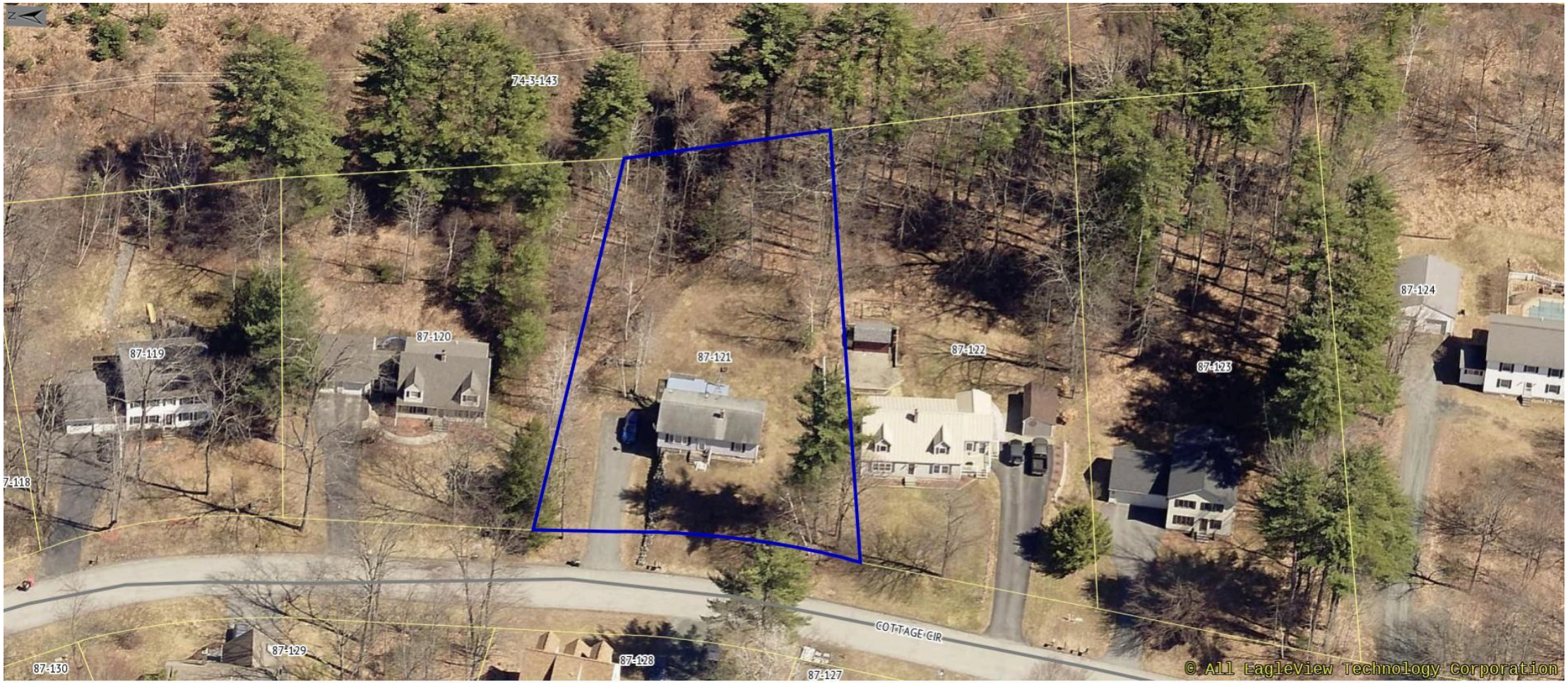
STAFF COMMENTS: None


© 2024 Google
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Cottage 3


87-129
COTTAGE CIR
87-120
74-3-143
87-128
87-121
87-122
87-127
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Cottage 2


74-3-143
87-119
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COTTAGE CIR
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Cottage 3


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74-3-143
87-128
87-120
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CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION
Draft Motion
Lisa Dupont - 53 Cottage Circle

DRAFT MOTION for:

Agenda Item: 3.A
Case: ZB2026-05-SE
Request for Special Exception per Section §801.3

Motion made by: _____

On April 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 53 Cottage Circle (Tax Map 87, Lot 121). The Applicant requests a Special Exception per Section §801.3 of the Zoning Ordinance to convert an existing one-family dwelling to a 2-family dwelling.

I. FINDINGS OF FACT

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

1. The subject property is improved with a one-family dwelling constructed in 1997. The lot contains a dimensionally conforming primary residence.

2. As described in the application, the applicant proposes to construct a second dwelling unit within the basement of the existing single-family dwelling.

3. The applicant has submitted testimony addressing Section §801.3 criteria in an application received by the Planning and Development Department on March 6, 2026.

4. There are no known existing zoning violations on the property.

5. _____
   _____

6. _____
   _____

II. CONCLUSIONS OF LAW

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

DRAFT

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

2. The following criteria of Section §803.1 **have been / have not been** met:

    a. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.

    _____

    _____

    b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more nonconforming in the absence of a variance.

    _____

    _____

3. There **are no / are** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.

    _____

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

    _____

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

    _____

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

    _____

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

    _____

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

    _____

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

    _____

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6th day of April, 2026, hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §801.3 of the Zoning Ordinance to permit the creation of a two-family dwelling at 53 Cottage Circle, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

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

2. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.

3. _____
   _____

4. _____
   _____

Motion seconded by: _____

Vote: _____

CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION

SPECIAL EXCEPTION	☒	☐	BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	☐	☐	APPEAL OF AN ADMIN DECISION
VARIANCE	☐	☐	REHEARING REQUEST
EQUITABLE WAIVER	☐	☐	

PROPERTY OWNER (APPLICANT):

NAME: LISA DUPONT TEL.#: [redacted]

MAILING ADDRESS: 53 Cottage Circle , West Lebanon, NH 03784

E-MAIL ADDRESS: [redacted]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: TEL.#:

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 87 LOT#: 121 PLOT #: ZONE:

STREET ADDRESS: 53 Cottage Circle

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

FLOOD PLAIN ☐ YES ☒ NO

REQUEST DESCRIPTION:

Converting a one family dwelling to a two family dwelling.

USE TYPE:

EXISTING: ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

PROPOSED: ☐ VACANT ☐ ONE FAMILY ☒ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

If use is **COMMERCIAL** OR **INDUSTRIAL** please note specific use: _____

SIGNATURE BLOCK:

I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on 3/5/26, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Lisa M. Dupont DATE: 3/5/26

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

Owner Signature: _____ DATE: _____

DATE RECEIVED: 3-6-2026 **APPLICATION #:** ZB2026-05-SE

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

I (we) hereby request a Special Exception as provided for in Article(s) _____, Section(s)_____, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION *(Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)*

Converting a basement in a one family dwelling into a living space, mother-in-law apartment, making the dwelling a two family dwelling in a residential R3 zone.

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

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon matters which the Board is required to pass under this ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

A. That the special exception is specifically authorized by a provision of this ordinance:

Yes

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

Yes

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

No

D. That the character of the area shall not be adversely affected:
No

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

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:
No

G. That granting the special exception will not result in undue municipal expense:
No

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

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

Please Note:

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

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

Special Exception Narrative

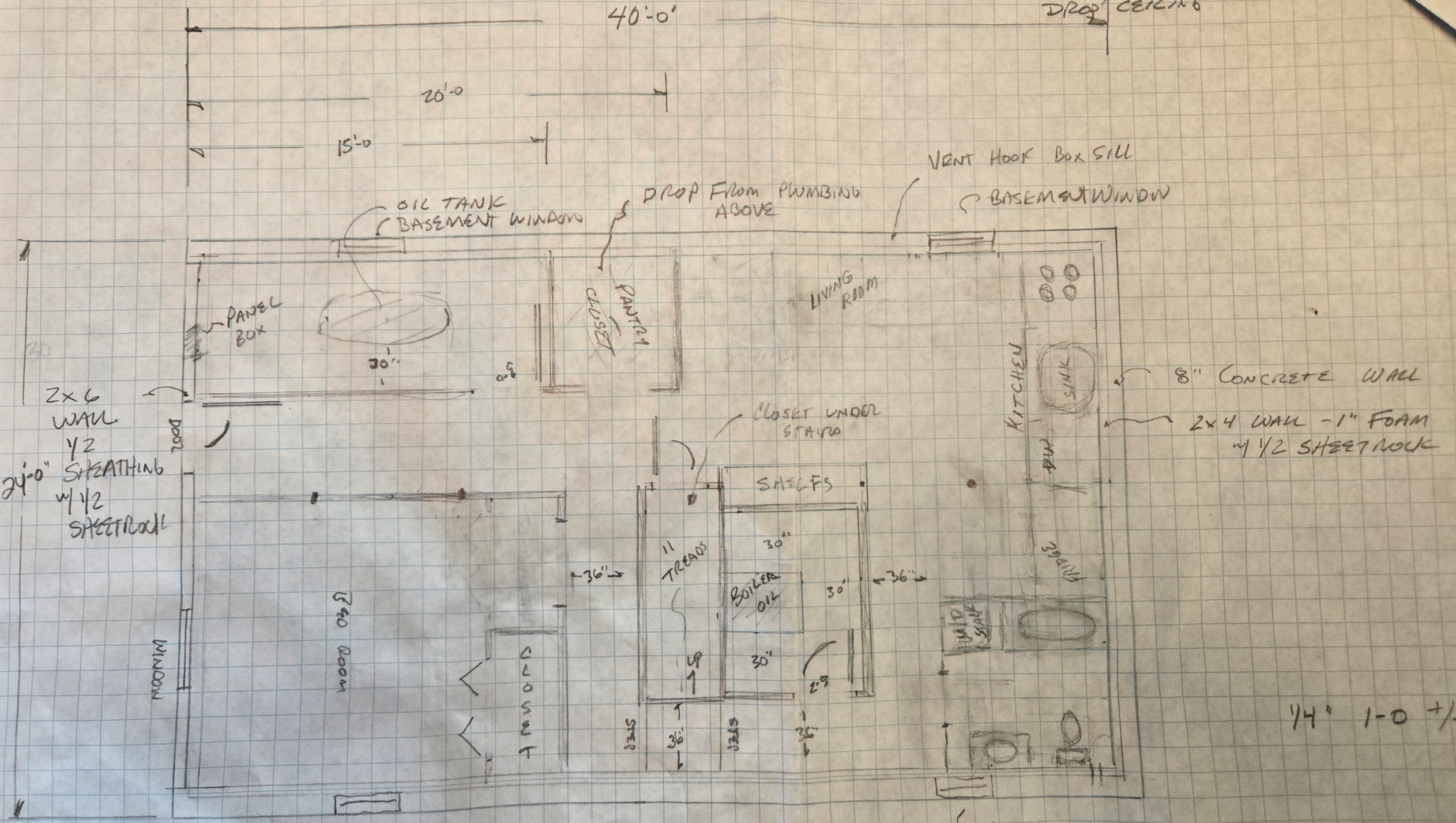
I'm a lifelong, fourth generation West Lebanon resident, living in the home I had built with my son, almost 30 years ago. My home is a two bedroom ranch style, one family, in a desirable West Lebanon neighborhood, Residential zone R3.

Now I have a grandson, the absolute joy of my life. The purpose of this special exception request is to convert my two bedroom, one family home into a two family home for all of us to reside. Currently the basement is unfinished. It will become a one bedroom living space apartment, making my home from a one family dwelling to a two family dwelling.

All if the city impact questions and requirements have been addressed and successfully fulfilled. The neighborhood will continue to be a wonderful place for a family. And I can enjoy my grandson growing up in my home.

Regards,
Lisa M. DuPont
3/5/26

LISA DUPONT
53 COTTAGE CIRCLE
OKST LEBANON NH



1/4" 1-0 +/-

LAVALLEYS

CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM
John Munsey & Eileen Saunders
177 stevens Road

To: Zoning Board of Adjustment

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

Date: April 6, 2026 – Regular Meeting

Application Number: ZB2026-06-VAR

HEARING NOTICE:
John Munsey & Eileen Saunders, 177 Stevens Rd (Tax Map 25, Lot 5, Plot 100), Zoned RL-2: The applicants request a Variance from Section 313.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow an addition to the existing single-family home to be located +/- 33 ft from the right-side property line where 35 ft is required. ZB2026-06-VAR

SITE DESCRIPTION / BACKGROUND:
The subject property is improved with a dimensionally conforming 1-family home constructed in 2005, per the City Assessor's records, is conforming to the RL-2 zoning district, Class 3, minimum lot size requirement of 3 acres with +/- 5.07 acres and is partially within the Steep Slope Protection Areas overlay district. There has been no previous ZBA action since 1995.

PROPOSAL:
The applicant proposes to construct a 16 ft x 25.5 ft, two-story addition with a screened porch and deck onto the right-side of the existing single-family dwelling. The addition will extend +/- 2 ft into the required 35 ft right-side setback; shared with 181 Stevens Road (tax map 28, lot 5, plot 500).

ZONING ORDINANCE REQUIREMENTS – VARIANCE:
To obtain the requested Variance from Section §313.3, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are stated in the bold text below, followed by general staff commentary on the meaning and intent of each.

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

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

3. **Is substantial justice done?** According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that

any loss to the individual that is not outweighed by a gain to the general public is an injustice.

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

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

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

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

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

STAFF COMMENTS:



Property Information

Property ID	28-5-400
Location	177 STEVENS RD
Owner	MUNSEY, JOHN N

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 02/25/2026
Data updated 11/18/2018

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



Property Information

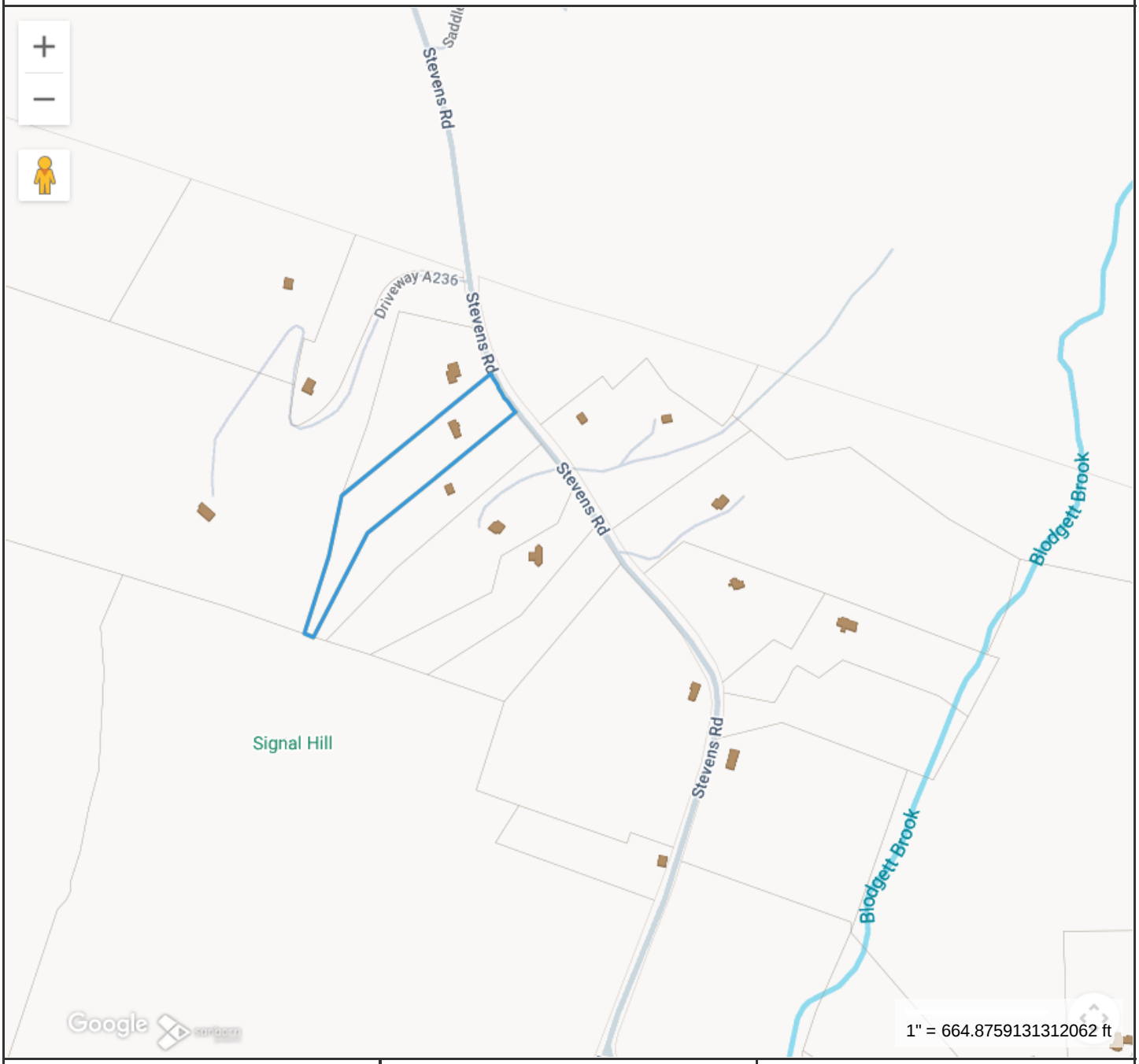
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CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2026-06-VAR
April 6, 2026 Regular Meeting
John Munsey & Eileen Saunders – 177 Stevens Road

DRAFT MOTION for:

Agenda Item 3.B
Case ZB2026-06-VAR
Request for Variance from Section §313.3

Motion made by: _____

On April 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 177 Stevens Rd (Tax Map 25, Lot 5, Plot 100), Zoned RL-2: The applicants request a Variance from Section 313.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow an addition to the existing single-family home to be located +/- 33 ft from the right-side property line where 35 ft is required.

I. FINDINGS OF FACT

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

1. The subject property is improved with a single-family home constructed in 2005. At +/- 5.07 acres, the lot is conforming to the 3 acre minimum lot size required for Class 3 lots in the RL-2 District.

2. The single-family home is dimensionally conforming on all sides.

3. The proposed addition will be dimensionally non-conforming on the right-side and will be located +/- 33 ft from the side property line shared with 181 Stevens Road.

4. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on March 9, 2026.

5. To obtain the requested Variance from section §313.3, the applicant must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).

6. _____

   _____

7. _____

   _____

II. CONCLUSIONS OF LAW

DRAFT

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

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

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

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

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

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

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **6th day of April, 2026**, hereby **GRANTS / DENIES** the Variance from Section §313.3, pursuant to Section §801.2 of the Zoning Ordinance to allow a 2-story addition to a single-family home to be placed +/- 33 ft from the right-side property line where 35 ft is required , as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

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

Motion seconded by: _____

Vote: _____

Docusign Envelope ID: 4B145618-1A49-4C56-A9CD-C02B32BD6974

CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION

SPECIAL EXCEPTION	☐	☐	BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	☐	☐	APPEAL OF AN ADMIN DECISION
VARIANCE	☒	☐	REHEARING REQUEST
EQUITABLE WAIVER	☐	☐	

PROPERTY OWNER (APPLICANT):

NAME: John Munsey and Eileen Saunders TEL.#: [redacted]

MAILING ADDRESS: 177 Stevens Rd. Lebanon, NH 03766

E-MAIL ADDRESS: [redacted]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Foremost Builders (AGENT) TEL.#: [redacted]

MAILING ADDRESS: 3 MAIN ST WEST LEBANON, NH 03784

E-MAIL ADDRESS: [redacted]

PROJECT LOCATION:

TAX MAP #: 28 LOT#: 5 PLOT #: 400 ZONE: RL-2 (Class 3)

STREET ADDRESS:

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

FLOOD PLAIN ☐ YES ☒ NO

REQUEST DESCRIPTION:

Requesting a variance for a proposed two story addition that exceeds the current 35' side setback by 21".

USE TYPE:

EXISTING: ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

PROPOSED: ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

If use is **COMMERCIAL** OR **INDUSTRIAL** please note specific use: _____

SIGNATURE BLOCK:

I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on 4/6/26, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Signed by: John Munsey D8477E51DA3941F... DocuSigned by: E Saunders 3A2C7E251505420... DATE: 3/9/2026

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

Owner Signature: Signed by: John Munsey D8477E51DA3941F... DocuSigned by: E Saunders 3A2C7E251505420... DATE: 3/9/2026

DATE RECEIVED: 3-9-2026 **APPLICATION #:** ZB2026-06-VAR

Docusign Envelope ID: 4B145618-1A49-4C56-A9CD-C02B32BD6974

SUPPORT STATEMENT FOR A VARIANCE

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

CITY OF LEBANON, NEW HAMPSHIRE

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

I (we) hereby request a variance from the terms of Article(s) III
Section(s) 313.3 of the Lebanon Zoning Ordinance.

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

801.2 Variances.

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

1. That the variance, if authorized, will not be contrary to the public interest;
Correct, this request would not violate basic zoning objectives, threaten the health or safety of the public or change the essential character of the neighborhood.

2. That the variance will observe the spirit of the Ordinance.
Correct, we are keeping the same use and spirit of the ordiance and this variance due to lot shape has negligible affect on the neighbor or zoning requirements.

3. That by the granting of the variance, substantial justice will be done;
Correct, there is no injustice to the general public with this request.

4. That the variance, if authorized, will not diminish the values of surrounding properties
Correct, the proposed improvements should increase property values and;

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

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

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property
This request will not result in overcrowding, change lot size or road frontage and will not change the use; and

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(ii) The proposed use is a reasonable one.
Correct, there is no change to use, single family residential.

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

The unessesary hardship is that the width of the lot relative to size and the positioning of the house creates a condition where we cannot ad a balancing addition on the opposing side of the garage as is typical with Colonial house styles.

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

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

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

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[redacted]



The Five Variance Criteria

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

In the case of *Gray v. Seidel*, 143 N.H. 327 [February 8, 1999] the NH Supreme Court reaffirmed the variance standard in RSA 674:33, I(b) [1996], which states that the board has the power to "[a]uthorize… [a] variance from the terms of the zoning ordinance as will not be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done." (emphasis added) The court clarified that RSA 674:33, I(b) should not be read to imply an applicant must meet any burden higher than required by statute (i.e., there must be a demonstrated public benefit if the variance were to be granted) but merely must show that there will be no harm (i.e., "will not be contrary") to the public interest if granted.

For the variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public? (See *Chester Rod and Gun Club, Inc. v. Town of Chester*, 152 N.H. 577 [2005] on page D-25.)

2. The spirit of the ordinance is observed.

The power to zone is delegated to municipalities by the state. This limits the purposes for which zoning restrictions can be made to those listed in the state enabling legislation, RSA 674:16-20. In general, the provisions must promote the *"health, safety, or general welfare of the community."* They do this by lessening congestion in the streets, securing safety from fires, panic and other dangers, and providing for adequate light and air. In deciding whether or not a variance will violate the spirit and intent of the ordinance, the board of adjustment must determine the legal purpose the ordinance serves and the reason it was enacted. *"This requires that the effect of the variance be evaluated in light of the*

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goals of the zoning ordinance, which might begin, or end, with a review of the comprehensive master plan upon which the ordinance is supposed to be based." [3]

For instance, a zoning ordinance might control building heights specifically to protect adjoining property from the loss of light and air that could be caused by high buildings. The owner of a piece of property surrounded on three sides by water might be allowed a height variance without violating the spirit and intent if the ordinance clearly states that this is the sole purpose for the building height limitation. On the other hand, if a landowner requested a variance for a proposed building that would shut out light and air from neighboring property, the granting of the variance might be improper.

As another example, consider the question of frontage requirements. Most zoning ordinances specify a minimum frontage for building lots to prevent overcrowding of the land. If a lot had ample width at the building line but narrowed to below minimum requirements where it fronted the public street, a variance might be considered without violating the spirit and intent of the ordinance, because to do so would not result in overcrowding. There are many other variations of lot shapes and sizes that might qualify for a variance; the principles remain the same. The courts have emphasized in numerous decisions that the characteristics of the particular parcel of land determine whether or not a hardship exists.

However, when the ordinance contains a restriction against a particular use of the land, the board of adjustment would violate the spirit and intent of the ordinance by allowing that use. If an ordinance prohibits industrial and commercial uses in a residential neighborhood, granting permission for such activities would be of doubtful legality. **The board cannot change the ordinance.**

In *Maureen Bacon v. Town of Enfield*, No. 2002-591, [N.H. Jan. 20, 2004], the ZBA denied a variance for a small propane boiler shed attached to the outside of a lakefront house because (1) it did not satisfy the *Simplex* "hardship" standard; (2) it would violate the spirit of the ordinance; and (3) it would not be in the public interest. The Supreme Court noted that there were three grounds for the Superior Court's decision, and explained, "In order to affirm the trial court's decision, we need only find that the court did not err in its review concerning at least one of these factors."

Focusing on the "spirit of the ordinance" factor, the court concluded, *"While a single addition to house a propane boiler might not greatly affect the shorefront congestion or the overall value of the lake as a natural resource, the cumulative impact of many such projects might well be significant. For this reason, uses that contribute to shorefront congestion and over development could be inconsistent with the spirit of the ordinance."*

In *Malachy Glen Associates, Inc. v. Town of Chichester*, [March 20, 2007], the Supreme Court stated that

"The requirement that the variance not be contrary to the public interest is related to the requirement that the variance be consistent with the spirit of the ordinance." [Chester, 152 N.H. at 580]

[T]o be contrary to the public interest... the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives.

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality...

Another approach to [determine] whether granting the variance would violate basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare."

[3] Zoning and the ZBA, NH OSP video script (Timothy Bates, Esq.), pg. 4.

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The new statutory language was tested in the case of *Harborside Associates, LP v. Parade Residence Hotel, LLC*, 162 N.H. 508 [2011]. The opinion discusses each element in the context of two separate variances granted to permit the installation of two different types of signs on a hotel property, and is currently the only case our Supreme Court has decided that interprets the meaning of the newly revised statute. Based upon the language of the opinion, we now can state the following regarding application of the elements to actual applications for relief:

a. Public interest and spirit of the ordinance. As held in *Farrar v. Keene*, 158 N.H. 68 [2009], the two elements are related. For a variance to be contrary to the public interest and inconsistent with the spirit of the ordinance, its grant must violate the ordinance's basic zoning objectives. There are two methods to answer this question:

   1. Examine whether granting the variance would alter the essential character of the neighborhood; or
   2. Examine whether granting the variance would threaten the public health, safety or welfare.

NHMA Law Lecture #1 - Procedural Basics for Planning and Zoning Boards, Fall 2012, Attorney Steven Whitley, Mitchell Municipal Group, P.A. and Attorney Paul G. Sanderson, New Hampshire Local Government Center, page 32. [October 2012]

3. Substantial justice is done.

It is not possible to set up rules that can measure or determine justice. Board members must determine each case individually. Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. The injustice must be capable of relief by granting a variance that meets the other four qualifications. A board of adjustment cannot alleviate an injustice by granting an illegal variance.

Any loss to the individual which is not outweighed by a gain to the general public is an injustice. Also, the court will examine whether the proposed development is consistent with the area's present use. *Malachy Glen Assoc. v. Chichester* 155 N.H. 102 (2007) [October 2012] [4]

4. The values of surrounding properties are not diminished.

Perhaps Attorney Timothy Bates says it best in the OEP training video, Zoning and the ZBA:

> *"Whether the project made possible by the grant of a variance will decrease the value of surrounding properties is one of those issues that will depend on the facts of each application. While objections to the variance by abutters may be taken as some indication that property values might be decreased, such objections do not require the zoning board of adjustment to find that values would decrease. Very often, there will be conflicting evidence and dueling experts on this point, and on many others in a controversial application. It is the job of the ZBA to sift through the conflicting testimony and other evidence and to make a finding as to whether a decrease in property value will occur."*
>
> *"The ZBA members may also draw upon their own knowledge of the area involved in reaching a decision on this and other issues. Because of this, the ZBA does not have to accept the conclusions of experts on the question of value, or on any other point, since one of the functions of the board is to decide how much weight, or credibility, to give testimony or opinions of witnesses, including expert witnesses. Keep in mind that the burden is on the applicant to convince the ZBA that it is more likely than not that the project will not decrease values."* [5]

[4] NHMA Law Lecture #1 - Procedural Basics for Planning and Zoning Boards, Fall 2012, Attorney Steven Whitley, Mitchell Municipal Group, P.A. and Attorney Paul G. Sanderson, New Hampshire Local Government Center, page 32.
[5] Zoning and the ZBA, NH OSP video script (Timothy Bates, Esq.), pg. 3.

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Also, in *Nestor v. Town of Meredith Zoning Board of Adjustment*, 138 N.H. 632, 644 A.2d 548 [1994], the court stated that the resolution of conflicts is a function of the zoning board of adjustment.

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

The term "hardship" has caused more problems for boards of adjustment than anything else connected with zoning, possibly because the term is so general and has so many applications outside of zoning law. By its basic purpose, a zoning ordinance imposes some hardship on all property by setting lot size dimensions and allowable uses. The restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. The fact that a variance may be granted in one town does not mean that in another town on an identical fact pattern, that a different decision might not be lawfully reached by a zoning board. Even in the same town, different results may be reached with just slightly different fact patterns. *"This does not mean that either finding or decision is wrong per se, it merely demonstrates in a larger sense the home rule aspects of the law of zoning that are at the core of New Hampshire's land use regulatory scheme." Nestor v. Town of Meredith Zoning Board of Adjustment*, 138 N.H. 632, 644 A.2d 548 [1994]

On January 29, 2001, the NH Supreme Court issued an opinion in *Simplex Technologies, Inc. v. Town of Newington*, which dramatically changed the standard for granting zoning variances. The court refined the long-held standard for unnecessary hardship and established three conditions that must be used by boards of adjustment when determining if a hardship exists. (See Appendix E for background information about this significant court decision.)

On May 25, 2004, the NH Supreme Court issued an opinion in *Michael Boccia & a. v. City of Portsmouth & a*, which further refined variance law to distinguish between use and area (dimensional) variances. In *Boccia*, the court concluded that it must distinguish between *use* variances and *dimensional* variances, observing that the hardship criteria of *Simplex* could only logically be applied to uses of land.

This distinction between "use" and "area" variances has caused confusion for boards and has been the subject of much litigation. The legislature addressed this issue in 2009 with the passage of SB147 to remove this distinction and codify the five variance criteria in the statute. Boards must now use the "reasonable use" and "relationship" criteria from the *Simplex* decision for determination of unnecessary hardship for all variance cases. The statute also now codifies the much stricter pre-*Simplex* standard for unnecessary hardship derived from *Governor's Island Club v. Gilford*, 124 N.H. 126 [1983] which would still apply if the applicant was unable to meet the *Simplex* standards.

Rather than having to establish that the ordinance prevents the owner from making *any reasonable use of the land* (the *Governor's Island* standard) in order to demonstrate unnecessary hardship, a landowner may now establish unnecessary hardship by satisfying the following conditions:

RSA 674:33, I(b) (5) (A) Powers of Zoning Board of Adjustment

A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

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Why does the new law codify the old *Governor's Island* standard in addition to the *Simplex* standard if *Governor's Island* was overruled by *Simplex*?

Simplex did not entirely overrule *Governor's Island*. In *Simplex*, the court said the definition of unnecessary hardship, as established in *Governor's Island* and subsequent cases, had become "too restrictive in light of the constitutional protections by which it must be tempered." [145 N.H. at 731]

The court, therefore, adopted a less restrictive test. However, there is not a one-dimensional spectrum of variance cases so that an application that satisfies *Simplex* will automatically satisfy *Governor's Island*. There may be a rare case in which the applicant could satisfy the *Governor's Island* test but not the *Simplex* test.

This most likely would happen where there is clearly a "fair and substantial relationship… between the general purposes of the zoning ordinance and the specific restriction on the property" – and the variance therefore fails on the second prong of *Simplex* – but because of special conditions, the effect of the restriction on the property is to preclude any reasonable use. If such an application is judged solely on the *Simplex* standard, it fails, but the result would be to deprive the owner of any reasonable use of the land – an unconstitutional taking. Thus, there has to be a secondary "safety valve" since the alternative would be for a court to invalidate the zoning restriction altogether. Subparagraph (5) (B) provides relief for the applicant in that rare case.

The Five Variance Criteria in the 21st Century, NH NHMA Law Lecture #2, Fall 2009

Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Is the full application of the ordinance to this particular property necessary to promote a valid public purpose? Once the purposes of the ordinance provision have been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to his property would not advance the purposes of the ordinance provision in any "fair and substantial" way.[6]

This test attempts to balance the public good resulting from the application of the ordinance against the potential harm to a private landowner. It goes to the question of whether it creates a necessary or "unnecessary" hardship.

And:

(ii) The proposed use is a reasonable one. (the reasonable use test)

The applicant must establish that, because of the special conditions of the property, the proposed use is reasonable. This is not exactly how the court stated this requirement in *Simplex* - there, it said applicants must show that the zoning restriction "interferes with their reasonable use of the property, considering the unique setting of the property in its environment."[7] That statement was not helpful, but the court clarified it in *Bonnita Rancourt & a. v. City of Manchester* [8] stating that "after *Simplex*, hardship exists when special conditions of the land render the use for which the variance is sought 'reasonable'." [9]

[6] This is comparable to the standard suggested in *St. Onge v. Concord*, 95 N.H. 306, 308 [1949]: "It may, therefore, be stated that 'unnecessary' as used in this connection, means 'not required to give full effect to [the] purpose of the ordinance'."
[7] 145 N.H. at 731-32.
[8] 149 N.H. 51, 54 [2003].
[9] Id. at 54.

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The new law does not require - nor did *Rancourt* - an investigation of how severely the zoning restriction interferes with the owner's use of the land. It merely requires a determination that, owing to special conditions of the property, the proposed use is reasonable (see the corresponding write-up on page II-15). This is necessarily a subjective judgment - as is almost everything having to do with variances - but presumably it includes an analysis of how the proposed use would affect neighboring properties and the municipality's zoning goals generally. It clearly includes "whether the landowner's proposed use would alter the essential character of the neighborhood."[10]

The two paragraphs that follow are from *The Five Variance Criteria in the 21st Century*, New Hampshire Municipal Association Law Lecture #2, Fall 2009.

> The second of the two parts of the hardship criteria in RSA 674:33, I(b)(5)(A)(ii) – "The proposed use is a reasonable one" – cannot be considered in isolation and must be read in conjunction with the introductory language in subparagraph A – ". . . owing to special conditions of the property that distinguish it from other properties in the area . . ." - so that the criterion as a whole is ". . . owing to special conditions of the property . . . the proposed use is a reasonable one." In other words, the board needs to find that a use (or dimensional requirement) which otherwise must be considered unreasonable (because it violates the ordinance) is rendered reasonable by the special conditions of the property (or of its setting or environment, as *Simplex* says).
>
> Board members should also be cognizant of the intent of Ch. Law 307 (2009) (the law that amended RSA 674:33) which was to eliminate the separate "use" and "area" variance standards of the *Boccia* decision and to deem that the unnecessary hardship standard is satisfied if the applicant meets the standards established in *Simplex* as those standards have been interpreted by subsequent decisions of the supreme court.

In the context of these sign variances, [*Harborside Associates, LP v. Parade Residence Hotel, LLC*, 162 N.H. 508 (2011)] the court stated the test to mean, "...hardship exists when, owing to special conditions of the land, (1) there is no fair and substantial relationship between the general public purpose of the ordinance and the specific application of the ordinance to the property at issue, and (2) the use for which the variance is sought is "reasonable." The court did not reach the second test for hardship set forth in the statute, since it determined the applicant had provided sufficient evidence to establish entitlement under the first test. We also learn that the size of a building may constitute the "special conditions" that form the basis for "unnecessary hardship." [October 2012] [11]

[10] *R. Harrington & a. v. Town of Warner*, 152 N.H. 74, 81 (2005); see also *Farrar v. City of Keene*, No. 2008-500, slip op. at 4 (N.H. May 7, 2009).
[11] NHMA Law Lecture #1 – Procedural Basics for Planning and Zoning Boards, Fall 2012, Attorney Steven Whitley, Mitchell Municipal Group, P.A. and Attorney Paul G. Sanderson, New Hampshire Local Government Center, page 32 [October 2012].

Docusign Envelope ID: 4B145618-1A49-4C56-A9CD-C02B32BD6974

3/9/26

City of Lebanon
Zoning Board of Adjustment
51 N Park St
Lebanon, NH 03766
Re: 177 Stevens Road Variance Application Narrative

Zoning Board of Adjustment,

As the owners of record for 177 Stevens Road, we are seeking a variance from the 35' side setback requirement for our RL-2 (Class 3) lot. We have been planning an addition and renovations to our home for several years to better accommodate our growing family. Many of the design options we explored proved too costly, such as removing the garage and building on the driveway side or replacing the back deck with a larger addition. The current design resolves these issues while fitting the architectural character of our Colonial-style home, adding to the north side to balance the existing garage on the south. While we initially hoped for a 24' extension similar to the garage, we determined that a 16' extension on the north side of the house is the minimum width that will function with our furniture and living needs while still respecting the spirit of the zoning ordinance. Reducing the design to 14' would make the space too tight to be worthwhile. With 10" roof overhangs, the proposed design extends 1'9" (21") into the side setback, which is the portion for which we are requesting a variance.

We believe the large side setbacks required in the RL-2 district relative to the minimum lot size (5 acres) are reasonable in general. However, our lot is approximately 200' wide and very long, and the positioning of the existing house on the lot makes it difficult to add onto the structure in a cohesive manner while remaining fully within the setback. Granting this variance would allow reasonable use of the property without altering the essential character of the neighborhood or negatively impacting neighboring properties. The proposed addition is modest in scale, consistent with surrounding residential development, and will not create any concerns related to public health, safety, or welfare. While we could pursue a lot line adjustment with our neighbor—who fully supports this project—we are seeking a variance as a simpler solution. A lot line adjustment would require additional surveying costs and would result in an irregular, zig-zagging lot line that would not meaningfully improve the property configuration.

Thank you for your time and consideration,

Signed by:
John Munsey
D8477E51DA3941F...

DocuSigned by:
Eileen Saunders
3A2C7E251505420...

John Munsey and Eileen Saunders
177 Stevens Road
Lebanon, NH 03766
518-956-0607

DRAWING LIST:

SHEET	SHEET TITLE
L1.1	SITE CONTEXT
L1.2	SITE/PERMIT PLAN
A1.1	EXISTING AND DEMO PLAN BOTH FLOORS
A1.2	PROPOSED PLAN - FIRST FLOOR
A1.3	PROPOSED PLAN - SECOND FLOOR
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS

GENERAL SCOPE OF WORK:

ADDITION: CREATE 16' DEEP X 25'8" WIDE TWO STORY ADDITION WITH CRAWL SPACE.
SCREENED PORCH: CREATE APPROXIMATELY 14'6" X 16' SCREEN PORCH. THIS INCLUDES ABOUT 4' OF NEW DECK EXTENDED TO PRESERVE THE EXISTING DECK AND INCLUDE A 6'X14' CONNECTING DECK AND ROOF TO THE NEW SLIDER DOOR.
INTERIOR REMODEL: IN EXISTING HOUSE FOOTPRINT, REMODEL KITCHEN, TWO FULL BATHS AND ONE HALF BATH. NEW FLOORING, BASEBOARD, AND PAINTING THROUGHOUT THE EXISTING FOOTPRINT.
BASEMENT TO REMAIN AS IS.



FRONT ILLUSTRATIVE PERSPECTIVE:

GRAPHIC SYMBOLS:

- EXTERIOR ELEVATION (# / A2.#)
- BUILDING SECTION (S# / A3.#)
- INTERIOR ELEVATION (# / A4.#)
- WINDOW (PROPOSED) LABEL (W##)
- DOOR (PROPOSED) LABEL (D##)
- FIXTURE (PROPOSED) LABEL (F##)
- ELEVATION MARKER

GENERAL NOTES:

1. ALL WORK SHALL BE CONSIDERED NEW, UNLESS OTHERWISE INDICATED.
2. DO NOT SCALE DRAWINGS.
3. VERIFY DIMENSIONS, GRADES, BOUNDARIES, AND CONSTRUCTION AND IMMEDIATELY REPORT ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.
4. LAYOUT ALL WORK WITHIN THE CONFINES OF EXISTING CONSTRUCTION AND RESOLVE DISCREPANCIES PRIOR TO INITIATION OF NEW WORK.
5. TYPICAL OR "TYP" SHALL MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS NOTED OTHERWISE. DETAILS ARE USUALLY KEYED AND NOTED "TYP" ONLY ONE TIME, WHEN THEY FIRST OCCUR.
6. IMMEDIATELY NOTIFY THE DESIGNER OF ANY DISCREPANCIES BETWEEN PROJECT DRAWINGS AND SELECTIONS AND SPECIFICATIONS.
7. DIMENSIONS ARE TO STRUCTURAL LAYER (WOOD FRAME OR FACE OF CONCRETE) UNLESS NOTED OTHERWISE.
8. VERIFY THAT DRAWINGS ARE THE LATEST ISSUE PRIOR TO COMMENCING CONSTRUCTION.
9. WORK SHALL CONFORM TO THE REQUIREMENTS OF APPLICABLE STATE, FEDERAL AND CITY/COUNTY CODES. STATE AND FEDERAL CODES ARE TO TAKE PRECEDENCE OVER THE DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES SHOULD BE REPORTED TO THE DESIGNER AND RESOLUTION PLANNED.
10. FILE, OBTAIN AND PAY FEES FOR BUILDING DEPARTMENT PERMITS, CONTROLLED INSPECTIONS, OTHER AGENCY APPROVALS AND PERMITS WHERE REQUIRED, AND FINAL WRITE-OFFS FOR PROJECT COMPLETION.
11. EXECUTE ANY AND ALL INSPECTIONS NECESSARY TO OBTAIN A CERTIFICATE OF OCCUPANCY.
12. WORK AREA SHALL BE MAINTAINED, CLEAN AND FREE OF DEBRIS AT ALL TIMES.
13. PATCH ALL SURFACES TO MATCH ADJACENT IN A MANNER SUITABLE TO RECEIVE FINISHES.
14. PATCH, REPAIR AND FINISH ALL SURFACES IN AREAS OUTSIDE OF THE EXISTING SCOPE THAT ARE DISTURBED AS A RESULT OF THE WORK.
15. COORDINATE AND PROVIDE BLOCKING AND STRAPPING FOR MILLWORK, CABINETRY AND OTHER WALL ATTACHED ITEMS AS NEEDED.
16. APPLY, INSTALL, CONNECT, CLEAN AND/OR CONDITION MATERIALS AND EQUIPMENT PER MANUFACTURER'S INSTRUCTIONS. NOTIFY OWNER OF ANY RECOMMENDATIONS CONFLICTING WITH INSTRUCTIONS.
17. TEMPERED SAFETY GLASS SHOULD BE FURNISHED AS REQUIRED BY APPLICABLE CODE(S).
18. FLASHING AT EXTERIOR WALLS SHALL BE INSTALLED WITH SEALED JOINTS, SEALED PENETRATIONS AND ENDS TURNED UP.
19. PROVIDE WEATHERSTRIP AT EXTERIOR DOORS.
20. PROVIDE FLASHING AND/OR SEALANT AT OPENINGS IN ROOF OR WALLS TO ENSURE A WEATHERTIGHT BUILDING.
21. COORDINATE ALL DIMENSIONS CONCERNING DOORS/PANELS/WINDOWS, STAIRS AND THEIR OPENINGS WITH PRODUCT MANUFACTURERS PRIOR TO FABRICATION AND CONSTRUCTION.
22. LOCATE THERMOSTATS ADJACENT TO SWITCH PLATES WHERE POSSIBLE. VERIFY LOCATIONS WITH THE OWNER PRIOR TO INSTALLATION TO AVOID CONFLICTS.
23. ALIGN OUTLETS, WALL SWITCHES, TEL-DATA JACKS, ETC., INDICATED TO BE MOUNTED AT NEAR EQUIVALENT ELEVATIONS.
24. DURING DEMOLITION AND CONSTRUCTION PROTECT ALL EXISTING FINISHES TO REMAIN.
25. ALL WOOD SHALL BE FSC CERTIFIED.
26. ALL WOOD FRAMING SIZES ARE BASED ON SPF-SS
27. ALL WOOD IN CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESSURE TREATED (P.T.).
28. CORRECT ALL DEFECTS FOUND IN EXISTING BUILDING WHICH INTERFERE WITH NEW CONSTRUCTION. THIS INCLUDES BUT IS NOT LIMITED TO UNEVEN SURFACES AND FINISHES AT GWB.

NOT FOR CONSTRUCTION

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(603) 763-1344

MUNSEY PROJCT

JOHN N MUNSEY & EILEEN M SAUNDERS
177 STEVENS RD LEBANON, NH 03766

DATE: 3/9/2026

DRAWN BY: KDH

REVISIONS:

SCALE:

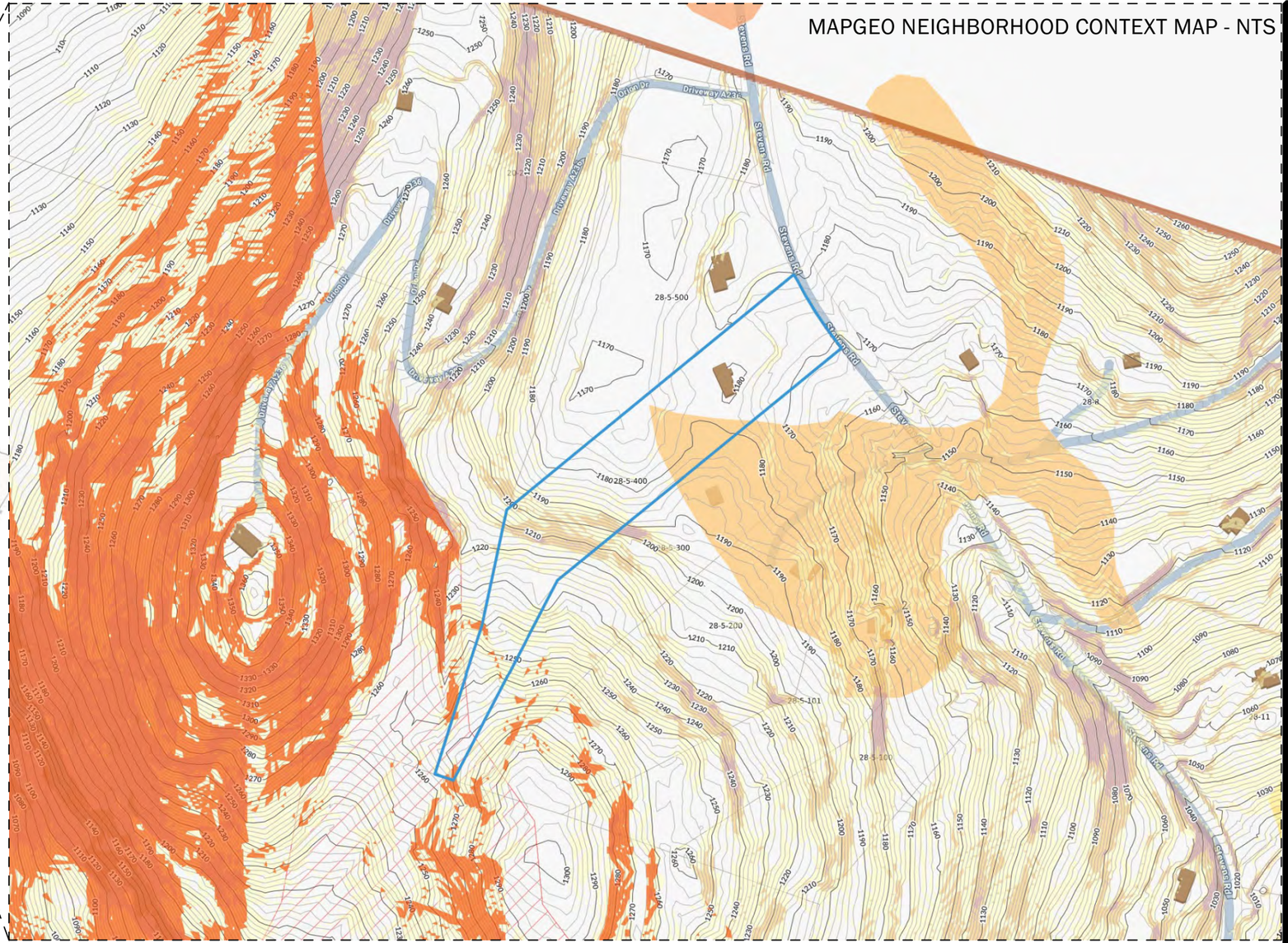
SHEET TITLE: PROJECT OVERVIEW

SHEET #:

MAPGEO LEBANON CONTEXT MAP - NTS



MAPGEO NEIGHBORHOOD CONTEXT MAP - NTS



Map Theme Legends

Steep Slope Protection Areas

- Steep Slope Protection Areas

Natural Resources

- Soils of Prime Importance
- Soils of Local Importance
- Soils of State Importance
- Significant Ecological Areas
- NH Rare & Endangered Heritage Areas

Topography

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

N

TRUE NORTH

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177 STEVENS RD LEBANON, NH 03766

DATE: 3/9/2026

DRAWN BY: KDH

REVISIONS:

SCALE: AS NOTED

SHEET TITLE: SITE CONTEXT

SHEET #: L1.1

SITE PLAN PROJECT SUMMARY

LOT/MAP/PLOT: 28/5/400
OWNER: JOHN N MUNSEY AND EILEEN M SAUNDERS
ZONING DISTRICT: RL-2, CLASS 3
FRONT SETBACK: 40' SIDE SETBACK: 35' REAR SETBACK: 30'
LOT SIZE: 5.07 ACRES ROAD FRONTAGE: 200'
YEAR BUILT: 2005
EXIS BR: 4 PROP BR: 4
EXIS BATH: 2.5 PROP BATH: 2.5

NEW 16'X25'8" TWO STORY ADDITION, 12" ROOF OVERHANGS
NEW SCREEN PORCH OVER EXISTING DECK AND OUT 4'
NEW CONNECTING PORCH 6'X16', 12" ROOF OVERHANGS
INTERIOR REMODEL PER ARCHITECTURAL PLANS

SITE PLAN KEY

EXISTING STRUCTURE TO BE REMOVED (FIREPLACE BUILD OUT)

PROPOSED NEW STRUCTURE WITH OVERHANGS

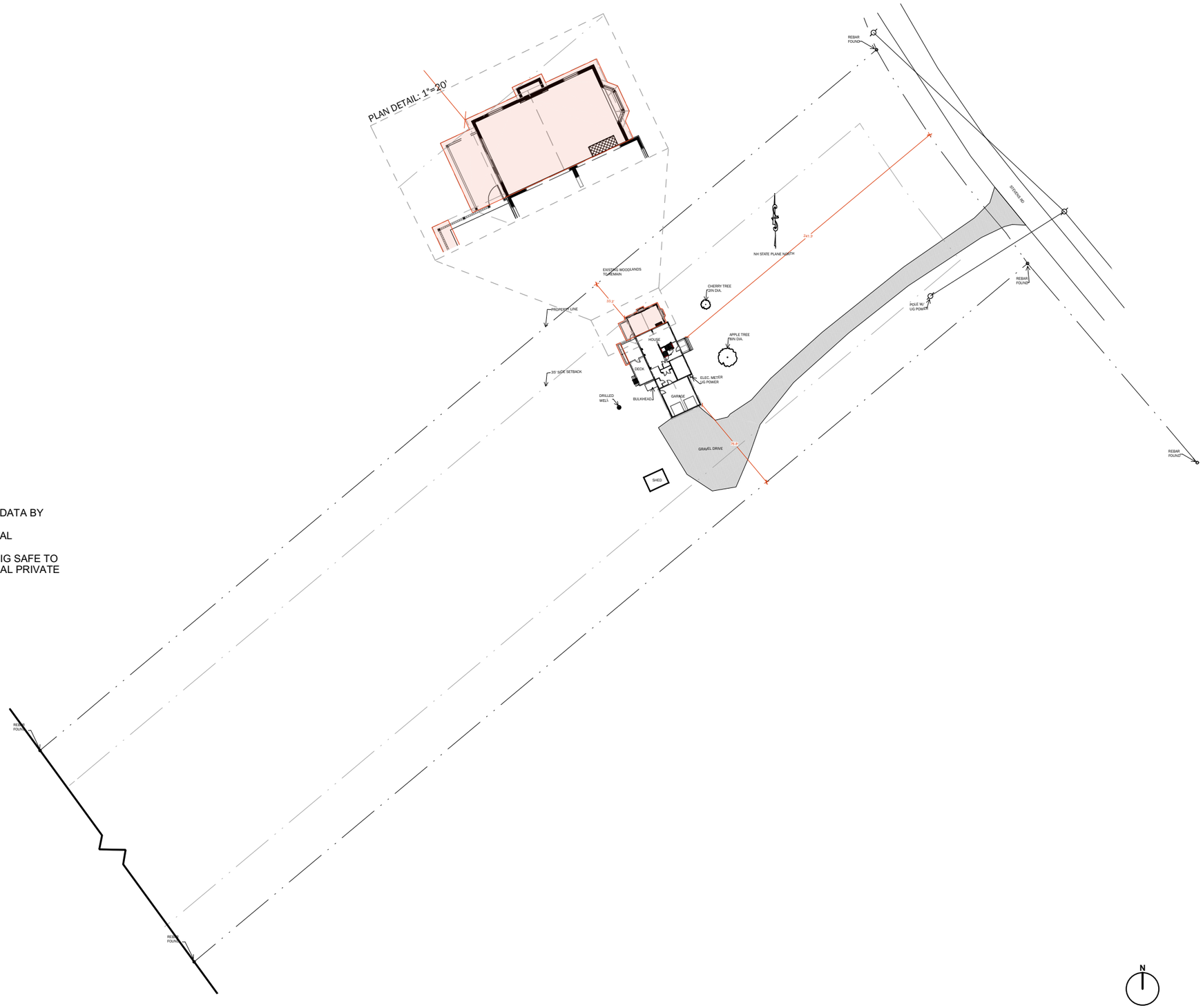
EXIS DRIVEWAY TO REMAIN

PROPERTY LINE

CITY BUILDING SETBACK

SITE PLAN NOTES

1.) BOUNDARY LINES AND SITE LOCATIONS WERE IMPORTED FROM DATA BY LATITUDES LAND SURVEYING LLC MEASURED OCTOBER 2025.
2.) ANY ABUTTER INFORMATION IS TAKEN DIRECTLY FROM MUNICIPAL RECORDS.
3.) IT IS THE RESPONSIBILITY OF THE SITE CONTRACTOR TO CALL DIG SAFE TO IDENTIFY UTILITIES BEFORE DIGGING. A VISUAL SCAN FOR POTENTIAL PRIVATE UTILITIES IS THE RESPONSIBILITY OF THE SITE CONTRACTOR.
4.) SOME DAMAGE TO DRIVEWAYS MAY OCCUR IN THE COURSE OF CONSTRUCTION.



1 SITE PLAN
1 IN = 80 FT

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JOHN N MUNSEY & EILEEN M SAUNDERS
177 STEVENS RD LEBANON, NH 03766

DATE:
3/9/2026

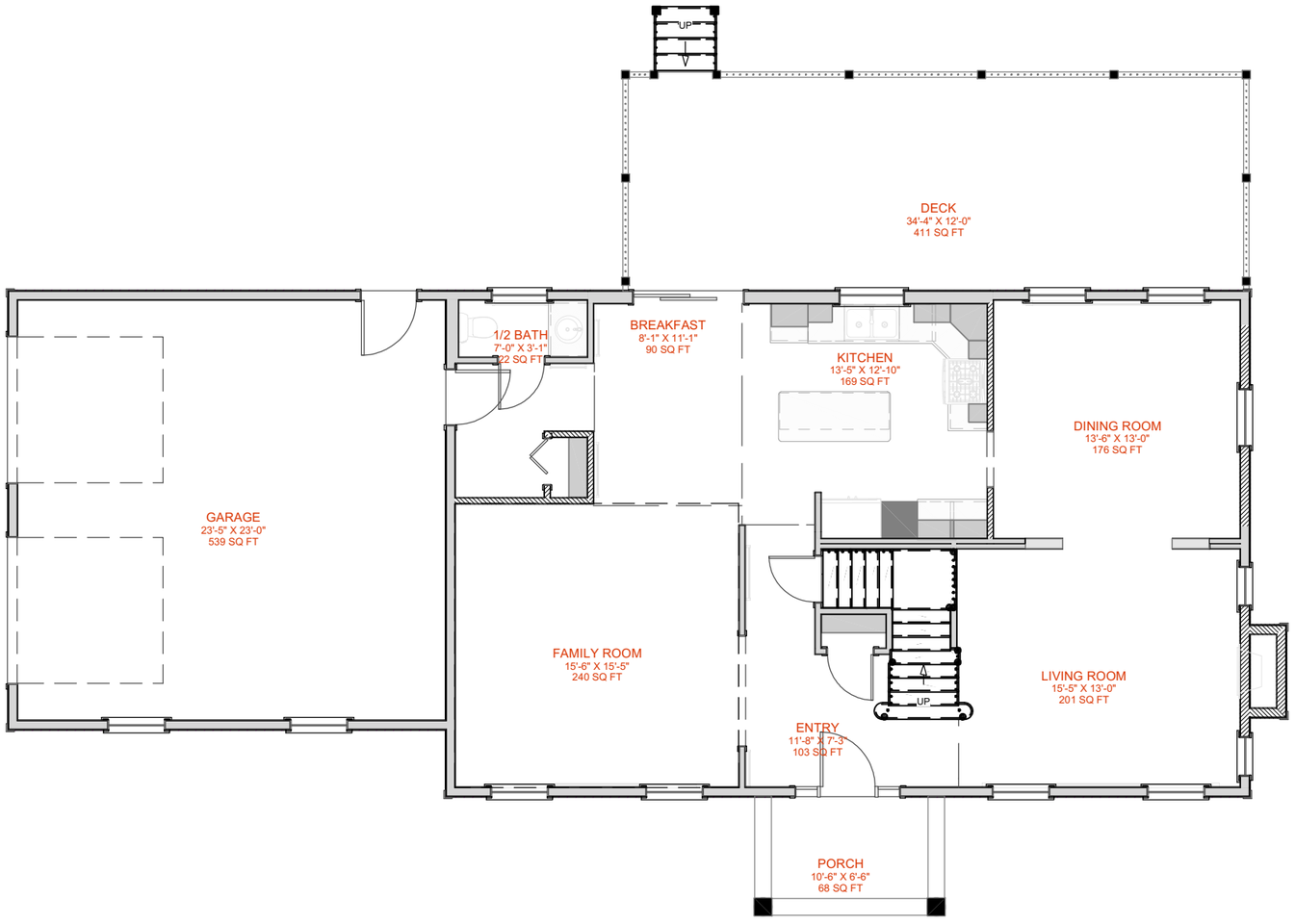
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KDH

REVISIONS:

SCALE:
AS NOTED

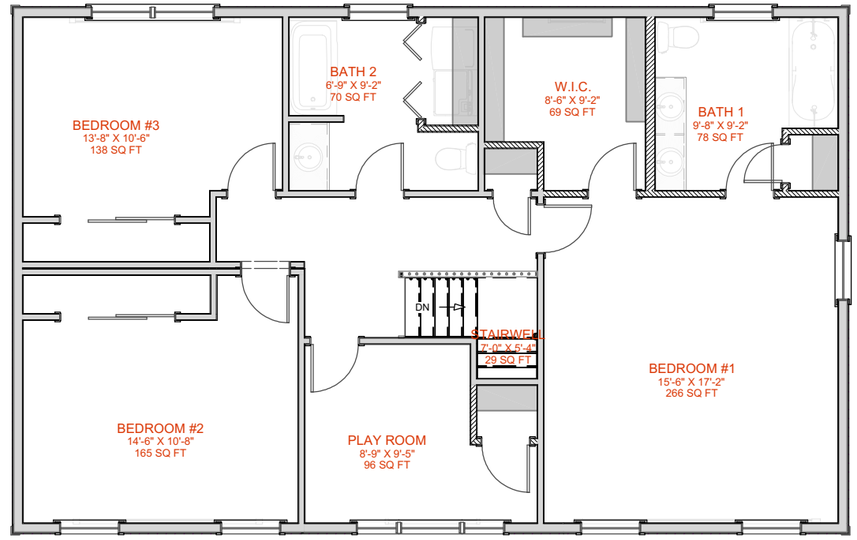
SHEET TITLE:
SITE/PERMIT PLAN

SHEET #:
L1.2



1 EXISTING AND DEMO PLAN : FLOOR 1

1/8 IN = 1 FT



2 EXISTING AND DEMO PLAN : FLOOR 2

1/8 IN = 1 FT

PROJECT NORTH

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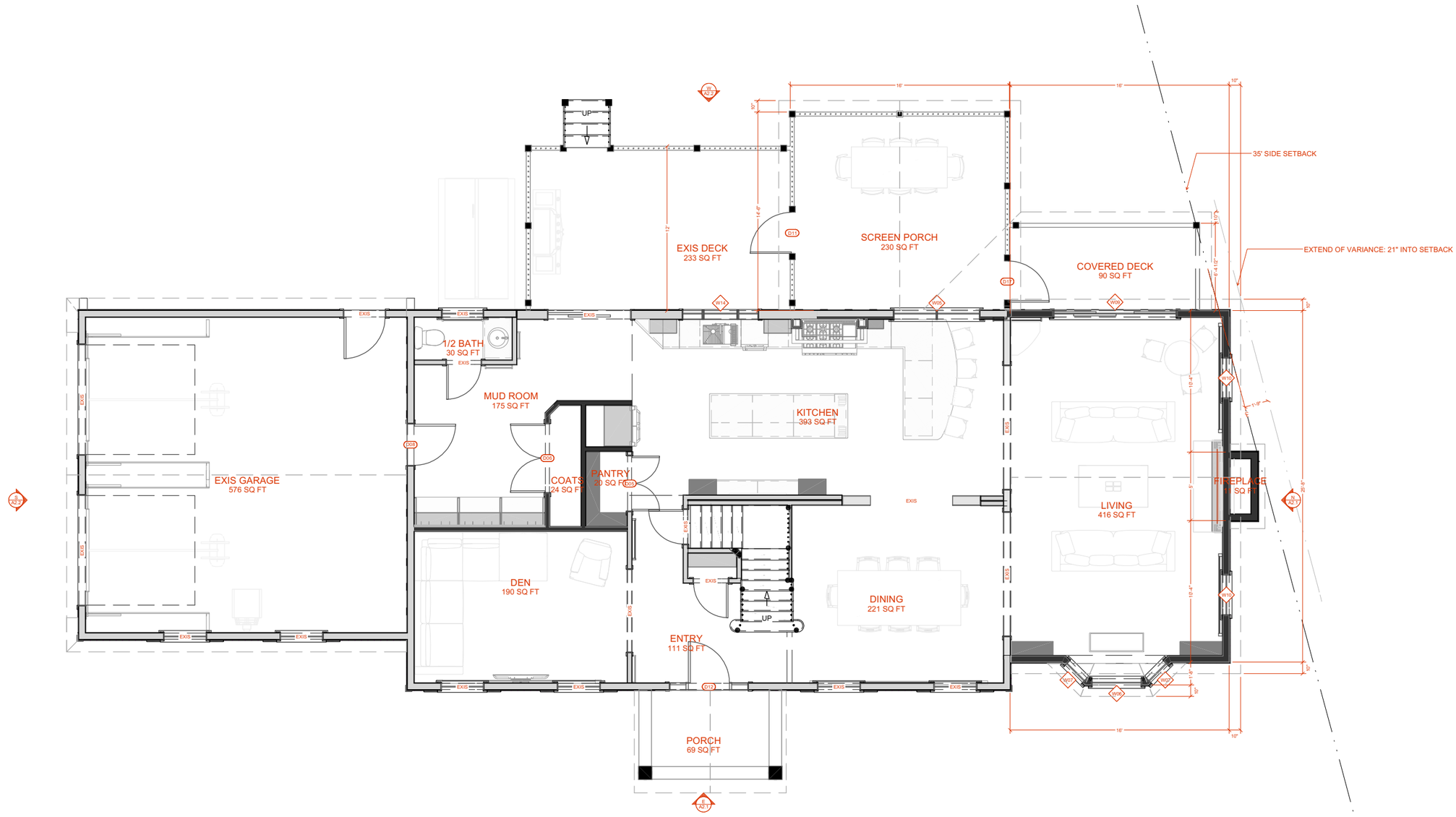
DRAWN BY: KDH

REVISIONS:

SCALE: 1/8"=1'

SHEET TITLE: EXISTING AND DEMO PLAN BOTH FLOORS

SHEET #: A1.1



1 PROPOSED PLAN : FLOOR 1

1/8 IN = 1 FT

PROJECT NORTH

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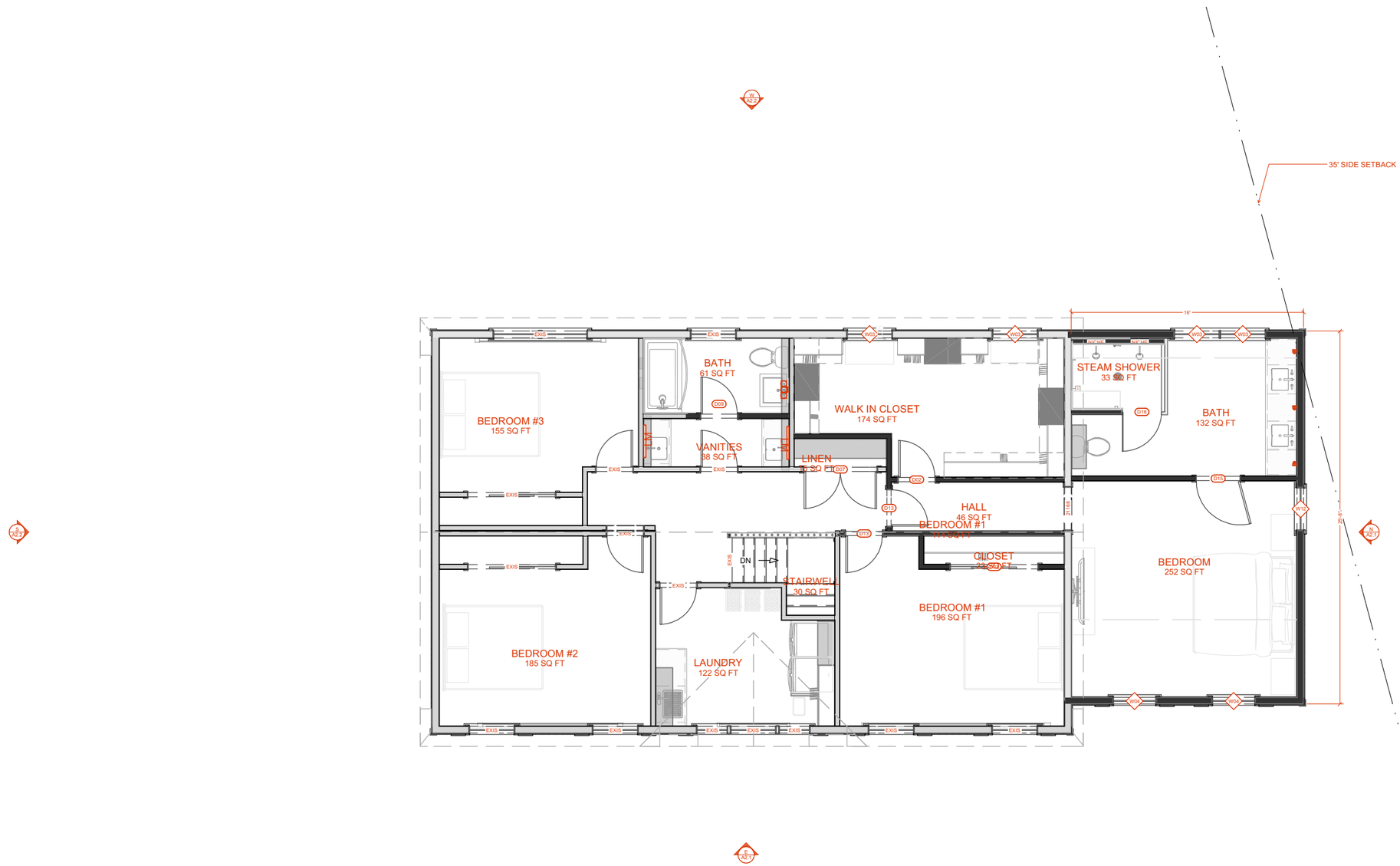
DRAWN BY: KDH

REVISIONS:

SCALE: 1/8"=1'

SHEET TITLE: PROPOSED PLAN - FIRST FLOOR

SHEET #: A1.2



1 PROPOSED PLAN : FLOOR 2

1/8 IN = 1 FT

PROJECT NORTH

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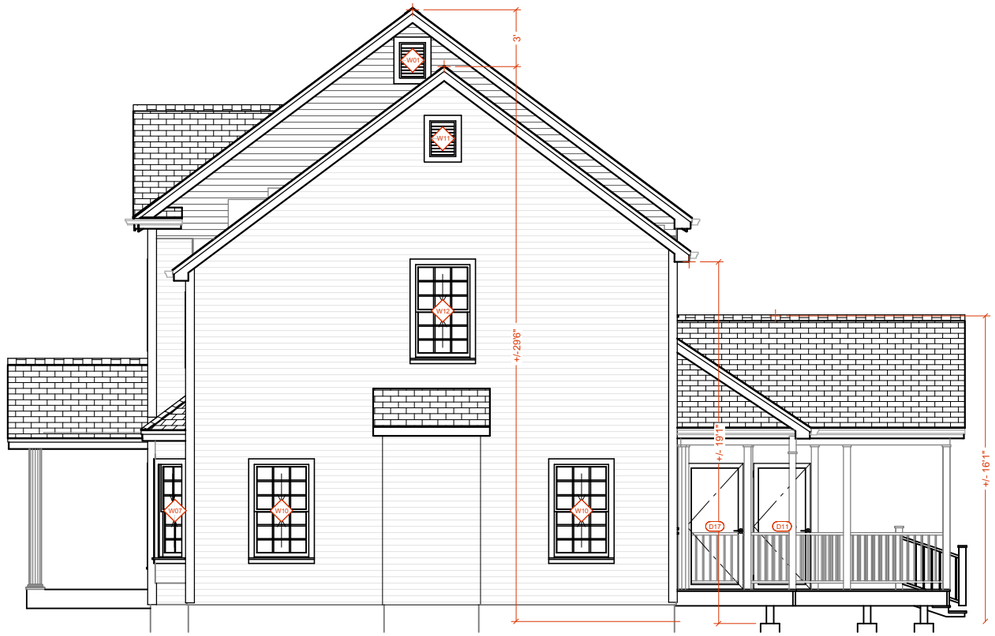
DRAWN BY: KDH

REVISIONS:

SCALE: 1/8"=1'

SHEET TITLE: PROPOSED PLAN - SECOND FLOOR

SHEET #: A1.3



N

PROPOSED NORTH ELEVATION

1/8 IN = 1 FT



E

PROPOSED EAST ELEVATION

1/8 IN = 1 FT

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DATE:
3/9/2026

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KDH

REVISIONS:

SCALE:
1/8"=1'

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET #:
A2.1



S PROPOSED SOUTH ELEVATION
1/8 IN = 1 FT



W PROPOSED WEST ELEVATION
1/8 IN = 1 FT

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DATE:
3/9/2026

DRAWN BY:
KDH

REVISIONS:

SCALE:
1/8"=1'

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET #:
A2.2

CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT
WETLAND SPECIAL EXCEPTION
Robert Oakes
00 Laplante Road

To: Zoning Board of Adjustment

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

Date: April 6, 2026 – Regular Meeting

Application Number: ZB2026-04-SE

HEARING NOTICE:
Robert J. Oakes, 00 Laplante Rd (Tax Map 138, Lot 27), Zoned R-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance to allow +/- 14,380 sq ft of wetland buffer impact associated with construction of 13 residential dwelling units and associated infrastructure. ZB2026-04-SE

SITE DESCRIPTION / BACKGROUND:
The subject property is a vacant 11.11 acre (+/- 483,951 sq ft) parcel per the City Assessor's records, and is conforming to the R3 zoning district, Class 3 lot minimum size requirement of 40,000 sq ft with and is within the wetlands overlay district. There has been no previous ZBA action since 1995.

PROPOSAL:
The applicant proposes to construct a Planned Unit Residential Development which will include 13 residential dwellings with associated infrastructure. +/- 14,380 sq ft of wetland buffer will be permanently impacted by grading, stormwater management systems, lawns, and sheds.

ZONING ORDINANCE REQUIREMENTS:
In order to grant the requested Special Exception, the Board must make each of the following findings per Section 401.5 of the Zoning Ordinance, as applicable:

A. The use for which the exception is sought cannot feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District; and

B. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot cannot reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section; and

C. The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance, and adequate conservation measures shall be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands. Such measures may include but are not limited to wetland restoration or enhancement, wetland preservation, or the construction and maintenance of new wetland areas adjacent to the proposed use to replace those portions of the natural wetland affected by the proposed use; and

D. The proposed construction design of pipelines, powerlines and other transmission lines shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and

E. The proposed use shall not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason; and

F. All required Federal and State wetlands permits have been applied for. Note: A zoning permit shall not be issued until all such permits have been granted; and

G. The project is capable of conforming to all existing best management practices, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment.

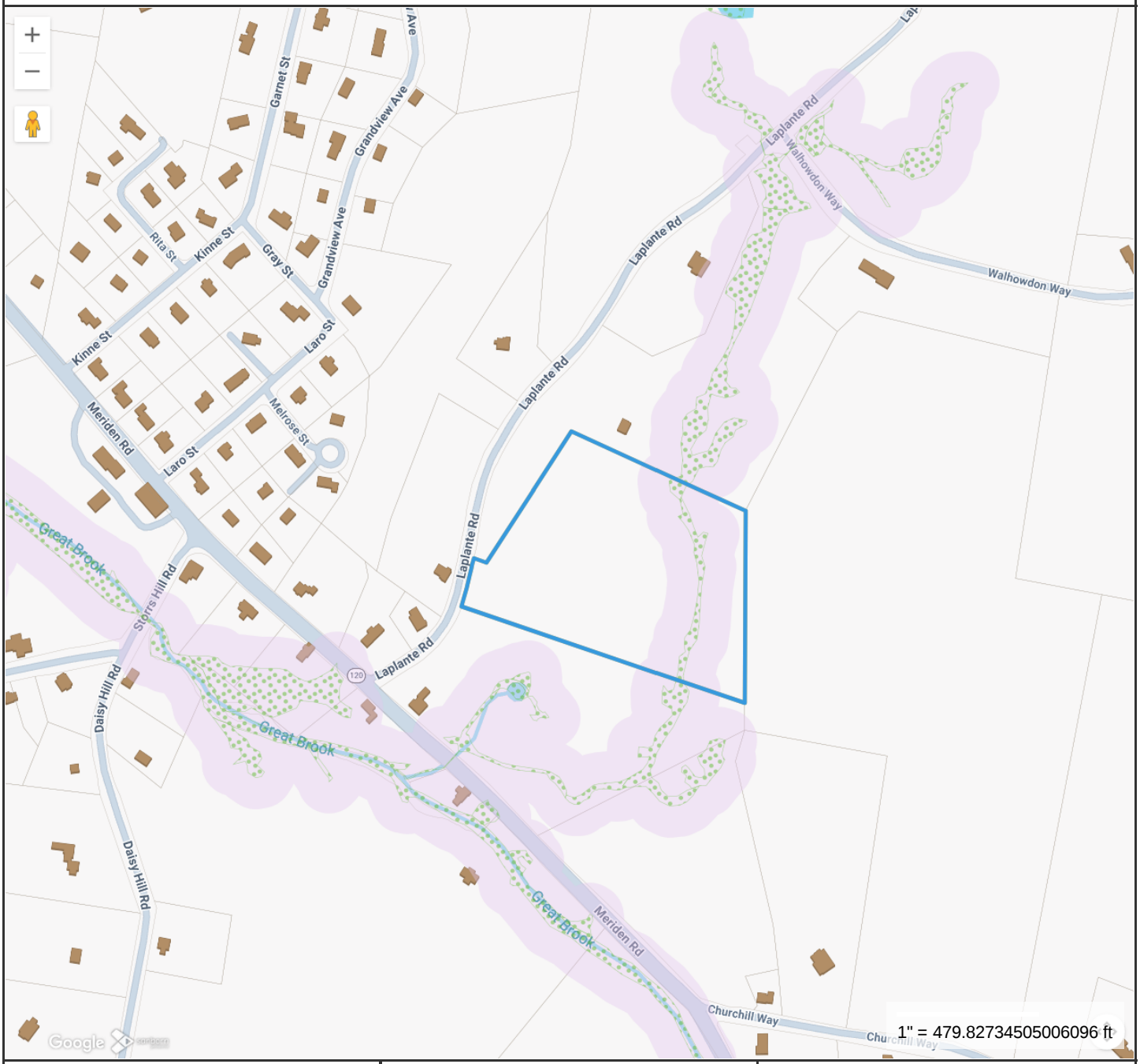
STAFF COMMENTS:
The Lebanon Conservation Commission considered the application and its advisory opinion to the Lebanon Zoning Board in the matter. The following motion was made:

Chair Riley MOVED that the Lebanon Conservation Commission recommend that the Zoning Board (ZBA) grant Special Exception to Robert J. Oakes (Property Owner), Oakes and Son Construction, LLC (applicant), Laplante Rd. Lebanon, Tax Map 138, Lot 27 – A, with the following conditions:

- Regarding the walking path(s), if any, within the buffer, be unpaved and that salt is not applied to this surface.
- Dog waste disposal stations be located at the entrances to pathways and also have a stipulation within the HOA that dog waste be picked up and not discarded or left on the land.
- No snow disposal within the buffer
- HOA requirements that all sheds be placed outside of the buffer (to reduce the likelihood of chemical contaminants)
- Have the project attempt to do some minimization of any buffer impacts by shortening driveways where possible, and reduce lawn areas where possible, with the goal being to reduce the total square foot impact to the buffer.
- ConCom also ask for HOA rules to include wildlife friendly erosion control measures. Solid actionable items could be to encourage native plantings, allow for pollinator meadows in front yards, and *not require lawns,* to name a few. This new neighborhood could be an example for others. The more education that happens, the better for residents here in Lebanon.

Seconded by Mr. Don Lacey

****The MOTION was approved (5-0)***



Property Information

Property ID	138-27
Location	00 LAPLANTE RD
Owner	OAKES, ROBERT J

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 02/25/2026
Data updated 11/18/2018

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



Property Information

Property ID	138-27
Location	00 LAPLANTE RD
Owner	OAKES, ROBERT J

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Geometry updated 02/25/2026
Data updated 11/18/2018

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

CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION
00 Laplante Road

DRAFT MOTION for:

Agenda Item: 3.C
Case: ZB2026-04-SE
Request for Special Exception per Section §401.5

Motion made by: _____

On April 6th, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 00 Laplante Rd (Tax Map 138, Lot 27), Zoned R-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance to allow +/- 14,380 sq ft of wetland buffer impact associated with construction of 13 residential dwelling units and associated infrastructure.

I. FINDINGS OF FACT

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

1. The applicant seeks to construct a Planned Unit Residential Development which will include 13 residential dwellings with associated infrastructure.

2. The construction of the homes, grading, stormwater management system, lawns, and sheds will impact a total of _____ sq. ft. of wetland buffer.

3. The applicant has applied for a wetlands permit from the NH Department of Environmental Services. The wetlands permit was reviewed by the Conservation Commission at its March 12, 2026, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the Zoning Ordinance to allow the proposed wetland buffer impacts.

4. There are no known existing zoning violations on the property.

5. _____
   _____

6. _____
   _____

II. CONCLUSIONS OF LAW

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

DRAFT

1. The use for which the exception is sought **can / cannot** feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District. (§401.5.A)

   _____

   _____

2. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot **can / cannot** reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section. (§401.5.B)

   _____

   _____

3. The design and construction of the proposed use **is / is not** consistent with the purpose and intent of §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will / will not** be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands (§401.5.C)

   _____

   _____

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

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

   _____

   _____

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

   _____

   _____

7. The project **is / is not** capable of conforming to all existing best management practices, as referenced in Appendix A of the Zoning Ordinance, and **will / will not** be implemented in a way which conforms to those practices (§401.5.G)

   _____

   _____

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6th day of April 2026 hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to allow wetland buffer impacts associated with construction of a Planned Unit Residential Development which will include 13 residential dwellings with associated infrastructure at 00 Laplante Road, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. _____
   _____

2. _____
   _____

Motion seconded by: _____

Vote: _____

CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION

SPECIAL EXCEPTION	☐	☐	BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	☑	☐	APPEAL OF AN ADMIN DECISION
VARIANCE	☐	☐	REHEARING REQUEST
EQUITABLE WAIVER	☐	☐	

PROPERTY OWNER (APPLICANT):

NAME: Robert J. Oakes TEL.#: [redacted]

MAILING ADDRESS: 84 Hanover Street, Lebanon, NH 03766

E-MAIL ADDRESS: [redacted]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Fieldstone Land Consultants (Agent) TEL.#: [redacted]

MAILING ADDRESS: 45 Roxbury Street, Keene, NH 03431

E-MAIL ADDRESS: [redacted]

PROJECT LOCATION:

TAX MAP #: 138 LOT#: 27 PLOT #: ZONE: R3, RL1, & RL2

STREET ADDRESS: 00 Laplante Road (no address yet)

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☑YES ☐NO **HISTORIC DISTRICT** ☐YES ☑NO

FLOOD PLAIN ☐YES ☑NO

REQUEST DESCRIPTION:

Encroachment into the wetland buffer for grading, stormwater management, and grass lawns.

There are no proposed impacts to wetland resources, only to the wetland buffer.

USE TYPE:

EXISTING: ☑VACANT ☐ONE FAMILY ☐TWO FAMILY ☐MULTI-FAMILY ☐COMMERCIAL ☐INDUSTRIAL
PROPOSED: ☐VACANT ☐ONE FAMILY ☐TWO FAMILY ☑MULTI-FAMILY ☐COMMERCIAL ☐INDUSTRIAL
If use is **COMMERCIAL** OR **INDUSTRIAL** please note specific use: _____

SIGNATURE BLOCK:

I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on March 2, 2026, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: _____ DATE: 2/26/26

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

Owner Signature: see attached LOA DATE: 2/26/26

DATE RECEIVED: 3-4-2026 **APPLICATION #:** ZB2026-04-SE

FIELDSTONE
LAND CONSULTANTS, PLLC
Surveying ⌖ Engineering
Land Planning ⌖ Septic Designs
206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

ZONING SPECIAL EXCEPTION STATEMENT

(SPECIAL EXCEPTION Article IV, Section 401.4.I)
Tax Map 138, Lot 27
00 Laplante Road, Lebanon, NH 03766

February 26, 2026

Prepared For:
Oakes & Son Construction, LLC

Fieldstone Land Consultants, on behalf of Oaks & Son Construction, LLC, is submitting a Special Exception application for the Zoning Board to review per Zoning Article IV, Section 401.4.I. The proposal consists of a PURD development on Tax Map Lot 138-27 located on LaPlante Road, which includes the construction of 13 residential dwelling units. The layout of the homes and the associated grading to construct the homes will impact the 100' wetland buffer along the eastern edge of the development. There are no proposed impacts to the wetland resources, only the buffer. The impacts to the buffer would not include any home structures, as the homes were located outside of the buffer. The impacts to the buffer would include grading, stormwater management systems, lawns, and sheds (minor accessory structures under 130 SF).

The proposed site design will include the establishment of a Home Owners Association (HOA), which will assume responsibility for the ownership and maintenance of the shared infrastructures and common areas. The overall property will remain as one lot, and each individual home will be a condominium unit with a Limited Common Area around each home. The Common Space areas will be shared spaces for access, utility infrastructure areas, and the Open Space area. The Open Space will be a contiguous area and is an amenity for the homeowners to utilize for walking trails and preserved woodland areas to the east. The proposed road is approximately 830 feet in length, 20-feet in width and will be a private roadway maintained by the Home Owners Association, designed in accordance with the local road design standards. This roadway is proposed to be known as "Heritage Way".

The development will be serviced by two private wells, a pump house, and two separate water systems. The intent is to have the two wells owned and maintained by the HOA and staying under the threshold of a community water system. The wells, pump house and all distribution equipment will be owned and maintained by the HOA. The sanitary system is designed as a gravity sewer following the roadway and then pumped to two separate, communal septic systems. The location of these septic systems was determined by soil test pit information and the nitrate setbacks for the septic leach fields. These would be permitted with NHDES following a local approval of the project (centralized sewer system to be approved by NHDES).

Additional site considerations will include stormwater management, erosion and sedimentation

control, grading and drainage design, and compliance with the site plan and subdivision regulations. The overall disturbance of the project is over the threshold of 100,000 square-feet and therefore will require an NHDES Alteration of Terrain permit. The stormwater management systems will be designed to meet these state standards and details are included in the Site Plan submission set. There are no wetland impacts or wetland permits associated with the project

The lettered items below correlate to the questions listed in Section 401.5 of Zoning Ordinance and in the Special Exception Application, Section 801.3.

Section 401.5 Special Exception Conditions:

A. *The use for which the exception is sought cannot feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District*: The layout of the development was determined by multiple factors, such as the location of the septic systems to meet nitrate setback requirements, the road length and grade, the steep slopes, and the wetland resources on the property. The layout does not impact the wetland resources and only impacts the wetland buffer with the grading of back yards, temporary grading for home construction and for the accessory shed structures (under 130 SF in size).

B. *Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot cannot reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section*: The property is bisected by a wetland complex and the development must be contained to the western side of the lot. The wetland buffer covers a portion of the property that is much higher in elevation than the wetland and is well suited for the residential home locations. The structures have been located outside of the wetland buffer, however, the construction of the homes will require an impact to the buffer, along with providing a portion of the buffer to be maintained as back yards.

C. *The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance, and adequate conservation measures shall be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands. Such measures may include but are not limited to wetland restoration or enhancement, wetland preservation, or the construction and maintenance of new wetland areas adjacent to the proposed use to replace those portions of the natural wetland affected by the proposed use*: The proposed design will meet the purpose and intent of the Section 401.1 A-C by preserving the wetland resource, not developing structures within the wetland, not impacting the function of the wetlands, and there will not be any expenses incurred by the City of Lebanon in relation to the wetland buffer impact.

D. *The proposed construction design of pipelines, powerlines and other transmission lines shall include provisions for restoration of the site as closely as possible to its original grade and conditions*: There are no pipelines, powerlines, or transmission lines proposed within the wetland buffer. The grades will be matched within the wetland buffer as shown on the plans.

E. *The proposed use shall not create a hazard to individual or public health, safety and welfare due*

to the loss of wetland, the contamination of ground water, or any other reason: the wetland buffer impacts will not impose any hazards to public health, safety, or welfare and there are no loss of wetlands or wetland functions. The stormwater management systems will capture impervious runoff and treat the stormwater in accordance with the NHDES Alteration of Terrain standards. There are no impacts to the wetland resources or the functions thereof.

F. *The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. Note: Applications for required Federal and State wetland permits need not have been applied for, but a zoning permit shall not be issued until all such permits have been granted*: There are no Federal or State wetland permits associated with the project. This is for wetland buffer impact only
G. *The project is capable of conforming to all existing best management practices, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment*: The project will follow best management practices and will be reviewed as part of the NHDES Alteration of Terrain permit. The down gradient extents of the earth moving activities will have silt fencing installed, any 3:1 or steeper slopes will have erosion control fabric installed, all disturbed areas will be loamed and seeded, and the stormwater management systems are designed to treat and detain rainfall storm events.

Section 801.3 Special Exception Criteria:

A. *That the special exception is specifically authorized by a provision of this ordinance*: The special exception for minor accessory structures of 130 SF or less is authorized under Section 401.4.H of Zoning Ordinance. The grading within the buffer is to construct the homes that are located outside of the wetland buffer.
B. *That all special conditions required of the special exception have been met*: As outlined above, all of the special conditions have been met and the design was revised to minimize the buffer impacts to the greatest extent possible while maintaining housing density.
C. *That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy*: There are no existing violations and the property is undeveloped.
D. *That the character of the area shall not be adversely affected*: The character of the area will not be adversely affected as this development will provide single family residential homes on a privately-owned, dead-end street. The wetland buffer area being impacted is not within a view of a public way or view shed.
E. *That no hazard or nuisance will be created*: The proposed grading and sheds will not create a hazard or nuisance to the public or adjacent properties.
F. *That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted*: The proposed road will be constructed to City street standards and the residential use will not adversely impact the capacity of the existing City Steet, LaPlante Road. The road will have the capacity to handle two-way traffic and the intersection will have a stop sign and stop bar where the proposed road intersects LaPlante Road at a near 90-degree intersection, ensuring a safe intersection and handling of the

residential traffic.

G. *That granting the special exception will not result in undue municipal expense*: The special exception will not result in any undue municipal expense, as the wetland resource will remain in it's natural state and will not be impacted by the development. All of the infrastructure for the development; water, sewer, drainage, and roadway will be owned and maintained by the condominium association and not the municipality. For these reasons, there will be no financial burden on the municipality.

H. *That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance*: The spirit and intent of the ordinance will be upheld as the minor impacts to the wetland buffer will not impact the wetland resource and grades will be blended into the existing grade within the buffer. The area that is proposed to be impacted is a low-brush and meadow grasses. The design was revised to maintain the existing mature trees within the buffer and only impact a portion of the buffer with grading and sheds (under 130 SF in size). We believe this meets the intent of the ordinance while allowing for higher housing density, which is much needed in this part of the state.

I. *That the general welfare of the City will be protected*: The general welfare of the City will be protected, as the grading impacts within the buffer, the sheds, and the wetland resource not being impacted will not cause any adverse impacts to the City, public, or adjacent properties.

On behalf of the applicant/landowner, we thank the Zoning Board of Adjustment for consideration in granting this special exception to allow for the minor impacts to the wetland buffer in one location.

This information was prepared by:
Fieldstone Land Consultants, PLLC

John Noonan
Project Manager

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

I (we) hereby request a Special Exception as provided for in Article(s) IV, Section(s) 401.4.I, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION *(Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)*

The project consists of 13 units in PURD development that utilizes a private roadway and condominiums.

The special exception is requested for grading, stormwater management and lawns within the wetland buffer.

Please refer to the attached statement.

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

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon matters which the Board is required to pass under this ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

A. That the special exception is specifically authorized by a provision of this ordinance:

Please refer to attached statement.

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

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

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

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

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

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

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

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

Please Note:

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

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

FIELDSTONE
LAND CONSULTANTS, PLLC
Surveying ⌖ Engineering
Land Planning ⌖ Septic Designs
206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

October 21, 2025

RE: Oakes & Sons Construction, LLC – Planned Unit Development
Laplante Road - Lebanon, NH
Tax Map Parcel 138-27

To Whom It May Concern:

The undersigned hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking the necessary local, state and federal approvals for the above referenced project.

Very truly yours,

Applicant:

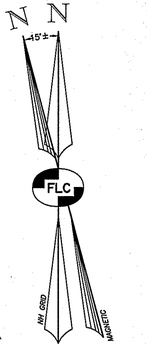
Signature: *Bobby Oakes* Print: Bobby Oakes Date 10/21/25

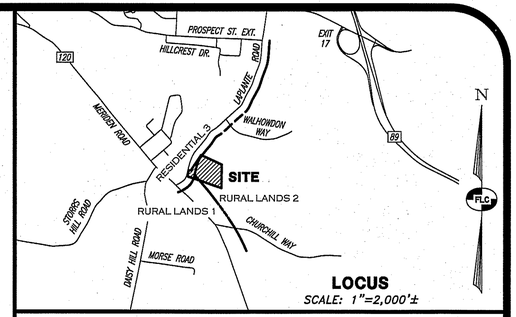
LEGEND:

- IRON PIN FOUND — LPIN(F)
- IRON PIPE FOUND — LPIPE(F)
- SINGLE POST SIGN
- UTILITY POLE & GUY
- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- BUILDING SETBACK LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- APPROX. CENTERLINE OF STREAM
- STONE WALL
- EDGE OF TREE LINE
- EDGE OF WETLANDS
- WETLANDS BUFFER LINE
- 720 — 10' CONTOUR INTERVAL
- 722 — 2' CONTOUR INTERVAL
- OH — OVERHEAD UTILITY LINE
- ZONE LINE
- 183-27 — TAX MAP & LOT NUMBER
- EXISTING BUILDING
- EXISTING PINE TREE
- TP: 1 L=LEDGE S=SEASONAL — TEST PIT
- SLOPES 25% OR GREATER

NRCS SOILS LEGEND:
SOURCE: USDA NRCS WEB SOIL SURVEY

- SOIL BOUNDARY
- 310B — QUONSET LOAMY SAND 3–8% SLOPES
- 310C — QUONSET LOAMY SAND 8–15% SLOPES
- 331D — BERNARDSTON SILT LOAM 15–25% SLOPES, VERY STONY





LOCUS
SCALE: 1"=2,000'±

REFERENCE PLAN:

"MINOR SUBDIVISION PLAN OF LAND – DANIEL A. & ELIZABETH G. DOWNES – TAX MAP 138 LOT 7 – ROUTE 120 & LAPLANTE ROAD – GRAFTON COUNTY, LEBANON, NEW HAMPSHIRE", SCALE: 1"=60', DATED APRIL 9, 2015, REVISED THROUGH: APRIL 24, 2015, PREPARED BY PATON LAND SURVEYING AND RECORDED AT THE G.C.R.D. AS PLAN NO. 14885.

NOTES:

1. THE OWNER OF RECORD FOR TAX MAP 138 LOT 27 IS ROBERT J. OAKES, 84 HANOVER STREET, LEBANON, NH. 03766. SEE G.C.R.D. BK. 4564 PG. 836 DATED JUNE 26, 2020.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS ON TAX MAP 138 LOT 27.
3. PORTIONS OF MAP 138 LOT 27 LIE WITHIN THE RURAL LANDS ONE (RL–1), RURAL LANDS TWO (RL–2) AND RESIDENTIAL THREE (R–3) ZONING DISTRICTS. CLASS 1 LOT REQUIREMENTS ARE:

	RL–1	RL–2	R–3
MIN. LOT AREA:	1 ACRE	1 ACRE	10,000 S.F.
MIN. FRONTAGE:	150 FT.	150 FT.	NONE
MIN. LOT WIDTH:	NONE	NONE	75 FT.
MIN. FRONT SETBACK	40 FT.	40 FT.	20 FT.
MIN. SIDE SETBACK:	25 FT.	20 FT.	15 FT.
MIN. REAR SETBACK:	30 FT.	25 FT.	20 FT.
BLDG. COVERAGE	15%	20%	25%
WETLAND BUFFER:	100 FT. ALL WETLANDS		

4. THE SURFACE FEATURES AND SITE TOPOGRAPHY SHOWN ARE THE RESULT OF AN ON–SITE FIELD SURVEY BY THIS OFFICE DURING THE MONTHS OF MAY AND JUNE, 2025 TOGETHER WITH SUPPLIMENTAL LIDAR DATA.
5. THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM THE REFERENCE PLAN NOTED HEREON TOGETHER WITH A PRECISE SURVEY BY THIS OFFICE.
6. HORIZONTAL ORIENTATION AND VERTICAL DATUM ARE NAD83 AND NAVD88 PER A GPS CORS SOLUTION.
7. THE SUBJECT PARCEL IS NOT LOCATED IN A FLOOD HAZARD AREA AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM), GRAFTON COUNTY, CITY OF LEBANON, NEW HAMPSHIRE. COMMUNITY NO. 330061, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PANEL NUMBER: 33009C0913E & 33009C1080E, EFFECTIVE DATE: FEBRUARY 20, 2008.
8. THE LOCATION OF ANY UTILITIES SHOWN HAVE BEEN COMPILED IN PART FROM PLANS OF RECORD AND FIELD LOCATION. THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE CONSIDERED APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITIES.
9. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO EASEMENTS, ENCUMBRANCES OR RESTRICTIONS ON LOT 138–27.

GRAPHIC SCALE
50' 25' 0 50' 100' 150'
IMPERIAL: 1"=50'

REV.	DATE	DESCRIPTION	C/O	DR	CK
A	2/26/26	ADDITIONAL STEEP SLOPES		CJC	JEN

EXISTING CONDITIONS PLAN

TAX MAP 138 LOT 27
(LAPLANTE ROAD)
GRAFTON COUNTY, LEBANON, NEW HAMPSHIRE

PREPARED FOR:
OAKES & SON CONSTRUCTION, LLC
84 HANOVER STREET LEBANON, NH 03766

LAND OF:
ROBERT J. OAKES
84 HANOVER STREET, LEBANON, NH 03766

SCALE: 1" = 50' JULY 2, 2025

Surveying ✣ Engineering ✣ Land Planning ✣ Permitting ✣ Septic Designs

FIELDSTONE LAND CONSULTANTS, PLLC
206 Elm Street, Milford, NH 03055
45 Roxbury Street, Keene, NH 03431
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

FILE: 4080EX00A.dwg | PROJ. NO. 4080.00 | SHEET: EX–1 | PAGE NO. 1 OF 1

CERTIFICATION:
"I HEREBY CERTIFY THAT THE EXISTING CONDITIONS SHOWN WERE DEVELOPED FROM A FIELD SURVEY PERFORMED BY FIELDSTONE LAND CONSULTANTS, PLLC DURING THE MONTHS OF MAY AND JUNE, 2025 AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000)".

STATE OF NEW HAMPSHIRE — No. 946 — MICHAEL D. PLOOF — LICENSED LAND SURVEYOR — SIGNATURE
2/26/26

CERTIFICATION:
WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLANDS DELINEATION MANUAL Y–87–1 AND REGIONAL SUPPLEMENT FOR NORTHEAST AND NORTHCENTRAL REGION AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND, BY KENNETH ROBINSON, C.W.S. ON APRIL 15, 2025 AND WERE REVERIFIED BY CHRISTOPHER A. GUIDA, C.W.S. IN JANUARY, 2026.

STATE OF NEW HAMPSHIRE — CHRISTOPHER A. GUIDA — No. 053 — CERTIFIED WETLAND SCIENTIST
2/26/26

ABUTTERS NOT SHOWN

MAP 138 LOT 7–200
JASON & MOLLY PEPIN
P.O. BOX 583
LEBANON, NH. 03766
BK. 4530 PG. 425 06/23/20
(275 MERIDEN ROAD)
(RESIDENTIAL)

MAP 138 LOT 26
RONALD D. & LINDA A. CARBONE GOODWIN
15 CHURCHILL WAY
LEBANON, NH. 03766
BK. 4061 PG. 0058 06/05/14
(15 CHURCHILL WAY)
(RESIDENTIAL)

138-7-100
SUSAN E. & MATTHEW K. WILLIAMS
97 LAPLANTE ROAD
LEBANON, NH. 03766–1508
BK 1983 PG 0801 08/18/92
(97 LAPLANTE ROAD)
(REF. PLAN)
(RESIDENTIAL)

137-53
LEON & DOROTHY TREMBLAY
102 LAPLANTE ROAD
LEBANON, NH. 03766
BK 1023 PG 0416 08/19/66
(102 LAPLANTE ROAD)
(RESIDENTIAL)

137-52
UTE & JOERG HOEHNER
271 ASH SWAMP ROAD
NEWMARKET, NH. 03857
BK 4933 PG 0900 05/01/25
(104 LAPLANTE ROAD)
(RESIDENTIAL)

138-27
11.11 ACRES
483,758 SQ.FT.
170.06' FRONTAGE
(PER REF. PLAN)

138-7
BRENDEN J. & STACEY L. MACASKILL
263 MERIDEN ROAD
LEBANON, NH. 03766
BK 4510 PG 0726 04/06/20
(263 MERIDEN ROAD)
(REF PLAN)
(RESIDENTIAL)

138-7-300
MATHEW K. & SUSAN E. WILLIAMS
97 LAPLANTE ROAD
LEBANON, NH. 03766
BK 2973 PG 0035 04/22/03
(CHURCHILL WAY)
(REF. PLAN)
(FARM)

LEGEND:

EXISTING FEATURES

- IRON PIN FOUND (I.PIN(F))
- IRON PIPE FOUND (I.PIPE(F))
- SINGLE POST SIGN
- UTILITY POLE & GUY
- WETLAND FLAG (WF 37)
- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- BUILDING SETBACK LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- STONE WALL
- EDGE OF TREE LINE
- EDGE OF WETLANDS
- WETLANDS BUFFER LINE
- 10' CONTOUR INTERVAL (720)
- 2' CONTOUR INTERVAL (722)
- OVERHEAD UTILITY LINE (OH)
- ZONE LINE
- TAX MAP & LOT NUMBER (183-27)
- EXISTING BUILDING
- EXISTING PINE TREE
- SOIL TEST PIT (TP: 1, L=LEDGE S=SEASONAL)
- SLOPES 25% OR GREATER

PROPOSED FEATURES

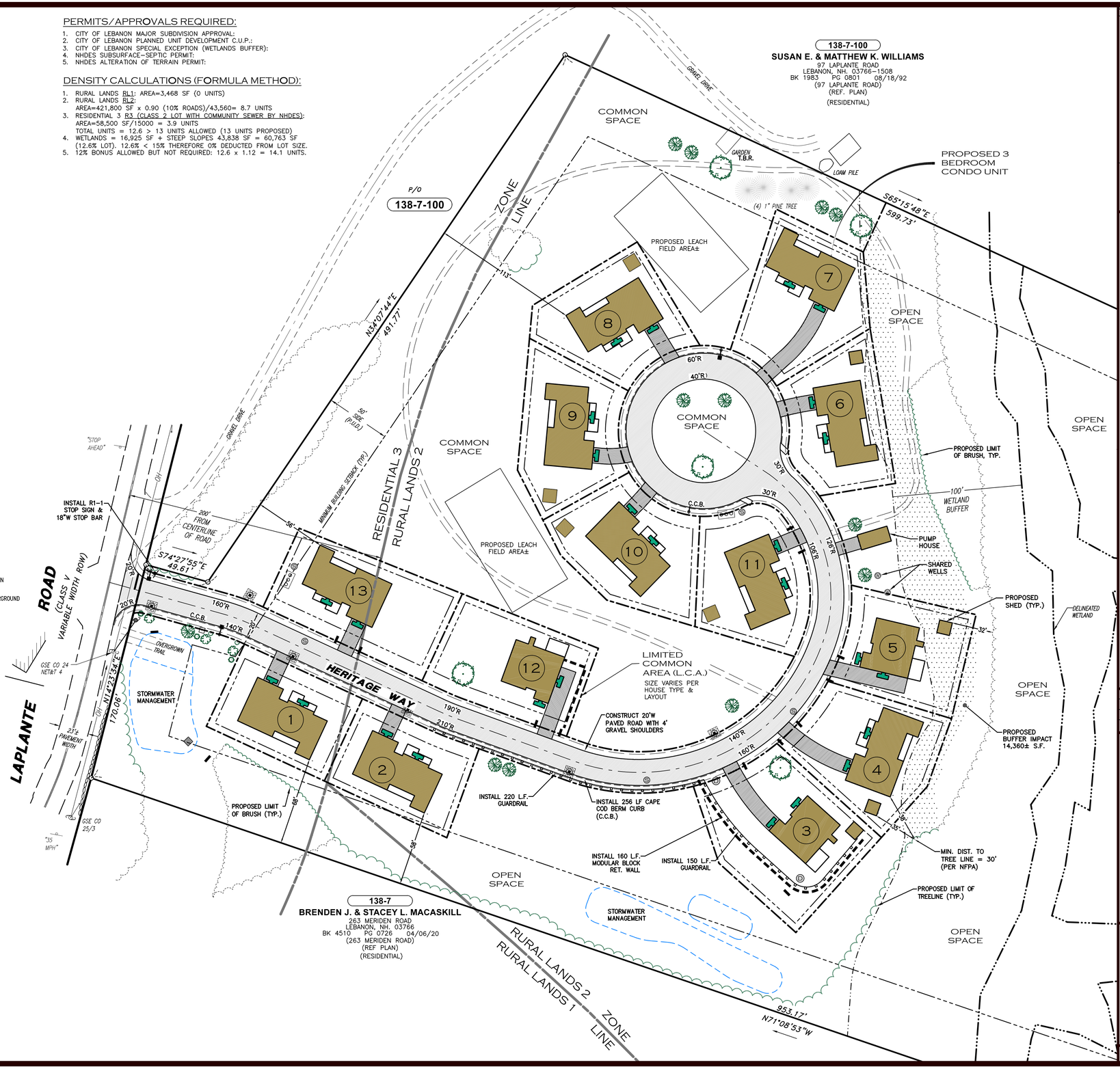
- PROPOSED BUILDING
- TEMPORARY SILT FENCE
- STORM WATER DRAINAGE
- DRAIN MANHOLE
- SILT SOCK FOR ALL CATCH BASINS
- PROPOSED SANITARY SEWER
- CULVERT W/ END SECTION & RIP-RAP
- HYDRANT, GATE VALVE & WATER MAIN (G.V.)
- ELECTRICAL TRANSFORMER & UNDERGROUND (UGE)
- ASPHALT PAVED AREAS
- GRAVEL SHOULDER
- CAPE COD BERM CURB (C.C.B.)
- LIMITED COMMON AREA LINE
- PROPOSED EASEMENT LINE
- LIMITED COMMON AREA (L.C.A.)

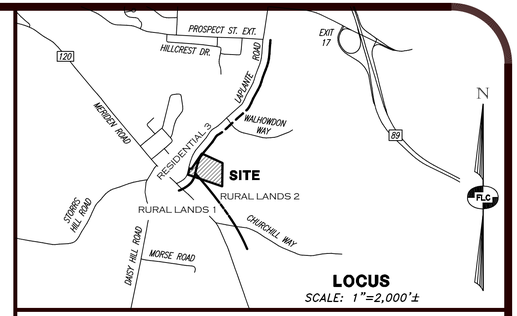
PERMITS/APPROVALS REQUIRED:

1. CITY OF LEBANON MAJOR SUBDIVISION APPROVAL:
2. CITY OF LEBANON PLANNED UNIT DEVELOPMENT C.U.P.:
3. CITY OF LEBANON SPECIAL EXCEPTION (WETLANDS BUFFER):
4. NHDES SUBSURFACE-SEPTIC PERMIT:
5. NHDES ALTERATION OF TERRAIN PERMIT:

DENSITY CALCULATIONS (FORMULA METHOD):

1. RURAL LANDS RL1: AREA=3,468 SF (0 UNITS)
2. RURAL LANDS RL2:
   AREA=421,800 SF x 0.90 (10% ROADS)/43,560= 8.7 UNITS
3. RESIDENTIAL 3 R3 (CLASS 2 LOT WITH COMMUNITY SEWER BY NHDES):
   AREA=58,500 SF/15000 = 3.9 UNITS
   TOTAL UNITS = 12.6 > 13 UNITS ALLOWED (13 UNITS PROPOSED)
4. WETLANDS = 16,925 SF + STEEP SLOPES 43,838 SF = 60,763 SF
   (12.6% LOT). 12.6% < 15% THEREFORE 0% DEDUCTED FROM LOT SIZE.
5. 12% BONUS ALLOWED BUT NOT REQUIRED: 12.6 x 1.12 = 14.1 UNITS.





LOCUS
SCALE: 1"=2,000'±

NOTES:

1. THE OWNER OF RECORD FOR TAX MAP 138 LOT 27 IS ROBERT J. OAKES, 84 HANOVER STREET, LEBANON, NH. 03766. SEE G.C.R.D. BK. 4564 PG. 836 DATED JUNE 26, 2020.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT A PLANNED UNIT DEVELOPMENT OVER TAX MAP 138 LOT 27.
3. PORTIONS OF MAP 138 LOT 27 LIE WITHIN THE RURAL LANDS ONE (RL-1), RURAL LANDS TWO (RL-2) AND RESIDENTIAL THREE (R-3) ZONING DISTRICTS. CLASS 2 LOT REQUIREMENTS ARE:

	RL-1	RL-2	R-3
MIN. LOT AREA:	1 ACRE	1 ACRE	15,000 S.F.
MIN. FRONTAGE:	150 FT.	150 FT.	NONE
MIN. LOT WIDTH:	NONE	NONE	75 FT.
MIN. FRONT SETBACK	40 FT.	40 FT.	20 FT.
MIN. SIDE SETBACK:	25 FT.	20 FT.	15 FT.
MIN. REAR SETBACK:	30 FT.	25 FT.	20 FT.
BLDG. COVERAGE	15% (0%)	20% (4%)	25% (7%)

TOTAL BLDG. COVERAGE 19,907 SF/483,758 SF = 4.1%
BLDG. HEIGHT 35' MAX. (HOMES SHALL NOT EXCEED 35'H)
WETLAND BUFFER: 100 FT. ALL WETLANDS (NO PERMANENT IMPACTS)
IMPERVIOUS COVERAGE 30,785 SF (6.3%)
AREA OF DISTURBANCE 270,580 SF (AOT PERMIT REQUIRED)
OPEN SPACE (50%, 5.5AC) 53.3% (5.92 AC, 257,935 SF) PROVIDED
*PUD DEVELOPMENTS REQUIRE A 50-FT PERIMETER BUFFER FROM ALL LOT LINES.

4. THE SURFACE FEATURES AND SITE TOPOGRAPHY SHOWN ARE THE RESULT OF AN ON-SITE FIELD SURVEY BY THIS OFFICE DURING THE MONTHS OF MAY AND JUNE, 2025 TOGETHER WITH SUPPLIMENTAL LIDAR DATA.
5. THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM THE REFERENCE PLAN NOTED ON EX-1 TOGETHER WITH A PRECISE SURVEY BY THIS OFFICE.
6. HORIZONTAL ORIENTATION AND VERTICAL DATUM ARE NAD83 AND NAVD88 PER A GPS CORS SOLUTION.
7. THE SUBJECT PARCEL IS NOT LOCATED IN A FLOOD HAZARD AREA AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM), GRAFTON COUNTY, CITY OF LEBANON, NEW HAMPSHIRE. COMMUNITY NO. 330061, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PANEL NUMBER: 33009C0913E & 33009C1080E, EFFECTIVE DATE: FEBRUARY 20, 2008.
8. THE LOCATION OF ANY UTILITIES SHOWN HAVE BEEN COMPILED IN PART FROM PLANS OF RECORD AND FIELD LOCATION. THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE CONSIDERED APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITIES.
9. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO EASEMENTS, ENCUMBRANCES OR RESTRICTIONS ON LOT 138-27.
10. THE CONDOMINIUM WILL INCLUDE LIMITED COMMON AREAS (LCA) AND MAINTENANCE OF STORMWATER SYSTEMS, SEPTIC SYSTEMS, WATER SUPPLY SYSTEMS, AND ROADWAY WILL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. EACH HOME WILL BE A CONDOMINIUM UNIT (13 TOTAL).
11. THE WELLS, PUMP HOUSES, AND WATER DISTRIBUTION EQUIPMENT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE SEPTIC SYSTEM WILL ALSO BE OWNED BY THE HOA.

GRAPHIC SCALE
40' 20' 0 40' 80' 120'
IMPERIAL: 1"=40'

REV.	DATE	DESCRIPTION	C/O	DR	CK

ZONING EXHIBIT PLAN
TAX MAP 138 LOT 27
(LAPLANTE ROAD)
GRAFTON COUNTY, LEBANON, NEW HAMPSHIRE

PREPARED FOR:
OAKES & SON CONSTRUCTION, LLC
84 HANOVER STREET LEBANON, NH 03766

LAND OF:
ROBERT J. OAKES
84 HANOVER STREET, LEBANON, NH 03766

SCALE: 1" = 40' FEBRUARY 26, 2026

Surveying ⌖ Engineering ⌖ Land Planning ⌖ Permitting ⌖ Septic Designs
FIELDSTONE LAND CONSULTANTS, PLLC
206 Elm Street, Milford, NH 03055
45 Roxbury Street, Keene, NH 03431
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

FILE: 4080SP00B.DWG | PROJ. NO. 4080.00 | SHEET: ZE-1

Feb 26, 2026 - 10:04am FLC-31
P:\0_FLC\0_PROJECTS\04080\4080.00\DWGS\

CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM
Execusuite LLC
22 School Street

To: Zoning Board of Adjustment

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

Date: April 6, 2026 – Regular Meeting

Application Number: ZB2026-02-SE

HEARING NOTICE:
Execusuite LLC, 22 School St (Tax Map 92, Lot 2), Zoned R-O: The applicant requests a Special Exception from Section 311.2, pursuant to Sections 801.3 and 601 of the Zoning Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling. ZB2026-02-SE

SITE DESCRIPTION / BACKGROUND:
The subject property is improved with a +/- 10,248 sq ft dimensionally conforming mixed-use building constructed in 1838, per the City Assessor's records, is conforming to the R-O zoning district, Class 1, minimum lot size requirement, and is not within any overlay district. Previous ZBA action includes:

- 2010 Special Exception for Private group day care facility in former public-school building
- 2014 Special Exception for Office and Private Educational Facility Uses in R2
- 2017 Variance to allow conversion of an existing multi-tenant building to a multi-family dwelling

PROPOSAL:
The applicant proposes to convert the existing mixed-use building into a twelve-unit multi-family dwelling, using the basement, first, and second floors within the existing building footprint. An external areaway will be added for access to the sprinkler room. The existing garage is purposed to be used for storage.

ZONING ORDINANCE REQUIREMENTS:
§311.2, Table of Uses, Special Exception Uses, permits a multi-family dwelling (5 dwelling units or more), per Zoning Ordinance Section 601.

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

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

For the purpose of this subsection only, the term "compatible" shall mean having architectural style or

design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.

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

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

601.4 Density.
The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

601.5 Additions to Existing Buildings.
Such remodeling may include expansion of the building by special exception provided that:

A. The architectural compatibility requirements of Section 601.1 are complied with.

B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.

§801.3 SPECIAL EXCEPTION:
To hear and decide special exceptions to the terms of this Ordinance upon matters which the Board is required to pass under this Ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

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

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

3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.

4. That the character of the area shall not be adversely affected.

5. That no hazard or nuisance will be created.

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

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

8. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.

9. That the general welfare of the City will be protected.

STAFF COMMENTS:

Recommendation of Incomplete:
Staff recommend that the Zoning Board deem the application **incomplete** and delay the public hearing until the applicant can perfect the application by providing all necessary factual clarifications and submission requirements. Noted below are the observations of the Zoning and Planning Staff. The current application has been deemed incomplete by the Staff on three prior occasions and comments provided to the applicant concerning the need for further information and clarification. The fourth application is what is before you and it remains deficient.

No template motion has been included due to the uncertainty surrounding the incompleteness of the application.

Staff Notes:

Permitted Conditions / Existing Conditions / Proposed Condition's:
This application is as the result of a resident housing complaint that led to enforcement action regarding the unpermitted and uninspected creation of dwelling units without Zoning Board, Planning Board, or Building Permit applications or approvals. There is significant concern that the facts of the case are clear to the Zoning Board.

Permitted Conditions:
The 2014 Special Exception prevails as the last executed permissions. The space within the building is permitted to be used as follows:

- 2nd floor: Photographer's studio/office with associated classroom space and two apartments
- 1st floor: Montessori school
- Basement: 0 Dwelling Units
- Existing garage: Unoccupied

Existing Conditions:
- 2nd Floor: 4 dwelling units. 2 permitted 2 unpermitted.
- 1st Floor: 4 unpermitted dwelling units
- Basement: 0 dwelling units.
- Existing garage: 0 dwelling units – use undefined and disclosed as "the garage will remain as storage use."

Proposed Conditions:
- 2nd Floor: 4 dwelling units.
- 1st Floor: 4 dwelling units.
- Basement: 4 dwelling units.
- Existing garage: 0 dwelling units – use "the garage will remain as storage use."

Number of Apartments
The applicant states they are applying for 8 additional apartments; however, the above information suggests they need approval for 10 additional apartments. The number of additional apartments becomes important regarding the assessment of both impact fees and water and sewer fees as well as the issuance of necessary Certificates of Occupancy. On the 2nd floor there were two apartments permitted and two that have been installed by the conversion of the photo shop and classroom into 2 more apartments. There are no planning, zoning or building permits nor paid impact fees on record for this conversion.

Use of the Garage
The applicant states "the garage will remain as storage use." The Board should explore what this statement

means and must clearly define what the Board is permitting.
What is not permissible per the zoning ordinance: A warehouse, storage of off-site items, the creation of a contractor's yard. Mr. Corwin sums up the issue as follows: "The detached garage may only be used as accessory storage for the tenants or in connection with the maintenance of the building. Please update cover letter accordingly."

> ***CONTRACTOR'S YARD****: A property and / or building used by a general contractor, excavation contractor, landscaping contractor, building contractor, or similar uses where vehicles, equipment and/or materials are stored, or where a contractor performs maintenance, shop, and/or assembly work. For the purposes of this definition, this does not include wholesale or retail sales or temporary job construction site.*
>
> ***WAREHOUSE****: Includes warehouse (and self-storage warehouse) wholesale establishment, bulk storage and bulk sales outlet.*

If the Board determines that a storage use is permissible it should consider limiting the "storage use" to non-chemical/non-toxic items and materials used to maintain only 22 School Street. Further that the use shall not be or become the operation of a contractor's yard or warehouse, in an effort to avoid the creation of a hazard or nuisance which includes the creation of impermissible uses. The Board should limit possible contamination that, if were to be introduced and possibly spread, it could involve the need for remediation within the neighboring cemetery. Polluting the cemetery would be an event both the Board and the applicant should wish to avoid. The creation of a nuisance or the creation of a need to remediate contamination in an active graveyard could both become an undue municipal expense both in the enforcement efforts as well as with the actual clean-up of the matter. Finally, the storage of large amounts of paint, chemicals, oil or similar toxic and flammable items constitutes a significant fire risk.

A Parking Variance required:
The site plan provided indicates parking spaces #21,22,23 may be added in future. Ordinance Section 601.2, Parking & access, state: "*Adequate off-street parking shall be provided on the lot, unless off-premises parking is approved pursuant to Section 607.4. Such parking shall not occupy the front yard except within parking areas existent as of the 2013 amendment to this section."* The addition of parking spaces within the front yard is prohibited and would require an approved Variance in order to implement. Amending the site plan to eliminate any reference to additional parting that requires a variance should be required. If in the future the applicant seeks to add parking in front of the building they should apply for a variance at that time.

The Section 601 criteria:

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

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

601.1 criteria is not addressed sufficiently in the application. Most notably the windows in the building have been architecturally altered in such a way as to not be consistent with the Architectural nature of the building's design. Filling in a previously existing window in the manner in which they have done emasculates the Architectural integrity of the building thereby eliminating compliance with section 601.1. The board may seek input from the applicant as to how they will remediate this architectural diminishment

and / or impose a condition that the building's windows shall be restored to their original architectural condition and fill the entire brick surround of the building's original windows. Or the applicant can apply for a variance to 601.1.

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

The if then statement of "future parking" should be eliminated from the plans. If the applicant seeks to permit additional parking they should definitively show that on the site plan and apply for a variance to 601.2.

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

The Planner's comments sum up the factual issue as follows: "The building coverage figures in Note 6 are inconsistent with the building coverage figure in the Zoning Table on the cover sheet." A clear impervious coverage and building coverage figure should be provided thereby demonstrating adherence to 601.3. In the event that the coverage figure exceeds the permissible numbers then a variance should be sought.

601.4 Density.
The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

A clear density calculation, reflecting the addition of ten dwelling units should be provided.

Planning Staff Comments:
Mr. Corwin's Planning Staff comments submitted to the Applicant via email on 31 March 2026. Should amendments to the application to the Planning Board be made they should also be reflected in the Zoning Board application as well.

Below are Planning staff's comments regarding the site plan application submitted for the proposed multi-family conversion at 22 School Street (Tax Map 29, Lot 19) (PB2026-02-SPR), which is scheduled to be heard at the 4/13/26 Planning Board meeting. Please note that additional comments may be provided by the City Engineer, Zoning Administrator, Building Official, and the Fire Department.

At this time, the application is incomplete.

Pursuant to Section 4.7.C.3.b of the Lebanon Site Plan Review Regulations, please address staff's comments and, in a single submission, send revised plans and materials by the end of the day on Tuesday, April 7, 2026, as follows:

- Please submit all materials that you would like included as part of your application and presented to the Planning Board. Please include all materials even if no changes have been made from the original submission.

- Your digital resubmission can be submitted electronically via e-mail to planning@lebanonnh.gov. Alternatively, Crystal Taplin can send you a link to an extranet folder where you can upload your submission.

- Please provide one (1) full-size hard copy of the plat for Planning staff's use.

- So that we can expeditiously upload documents to our on-line public portal, please name all electronic documents using the following convention: “year-month-day_(description of document)”. So, for example, if you resubmit on 4/7, the PDF of your revised plan set would be titled, “2026-04-07_revised plan set”.

- For tracking purposes and clarity, please provide a cover letter or transmittal memo with your resubmission identifying each document that is included with the submission.

- Please also provide a written reply to each of the comments below.

- Once we have reviewed your resubmission, Crystal will contact you regarding the number of hard copies of your application that will need to be provided and by when.

Please note that pursuant to Section 4.7.C.3.c of the Site Plan Review Regulations, “[i]f the applicant elects not to complete the missing requirements [or] fails to deliver all missing submission requirements prior to the deadline […], the Planning and Development Department shall recommend that the Board deem the application incomplete.”

If you have any questions, please do not hesitate to ask. -Tim

PLANNING STAFF COMMENTS (PB2026-02-SPR) (please note that (a) parenthetical references are to Section numbers of the Lebanon Site Plan Review Regulations, and (b) comments are arranged in general categories, i.e. the order of comments is not intended to denote importance)

General
1. The Special Exception for the proposed multi-family use must be approved by the Zoning Board before the Planning Board can accept jurisdiction of the Site Plan application.
2. The detached garage may only be used as accessory storage for the tenants or in connection with the maintenance of the building. Please update cover letter accordingly.
3. Only two of the four dwelling units asserted in the cover letter to be existing are legal (a building permit was issued for a third unit following the now-expired 2018 site plan approval, but a CO was never issued). Consequently, the cover letter should be updated accordingly.
4. There is no minimum required parking for the detached accessory storage building. Please update the cover letter accordingly.
5. Update the application form as follows:
a. Indicate that the application is for Site Plan Review (not a Special Exception with respect to which the Planning Board has no jurisdiction).
b. Update the scope of project to indicate that a total of ten (10) new dwelling units are proposed.
c. Update type of occupancy to change the existing use from “multi-family/commercial” to “two-family/commercial”.
6. Please address any discrepancies with respect to the abutter information (name, T/M #, mailing address) as may have been identified in a separate e-mail sent by Crystal Taplin. (8.2.A.2)
7. Staff does not support the requested waiver from Section 5.1.E.7 which requires the plan set to depict the “shape, size, height, and location of all existing structures, located on the site and within 200 feet of the site.”
8. Staff does not support the requested waiver from Section 5.1.E.16 requiring parking shading calculations.
9. On the Technical Checklist, Section 5.1.G.1 (estimated construction timeline) is incorrectly marked as “N/A”. Please update the Technical Checklist and provide an estimated construction timeline as required.
10. Identify how the project complies with Section 6.5.G (Groundwater Protection).

11. With respect to the requested waivers from Section 6.6 or any portion thereof, the applicant must provide a written statement addressing the stormwater waiver criteria set forth in Section 6.6.I, in addition to the general waiver criteria set forth in Section 7.1.
12. Provide an updated Application for Waivers and an updated Technical Checklist to identify any additional requested waivers.
a. Note that the Board must find either Criteria A or Criteria B (as identified on the Application for Waivers) is satisfied in order to grant the waiver. Each waiver request, therefore, should demonstrate how the request meets either Criteria A or B. It is not clear to staff that all of the necessary requested waivers can be justified, and recommends that the applicant try as much as possible to provide as much of the missing information as possible.

Plan Set Comments

General
13. Provide sheet numbers (i.e. Sheet 1 through Sheet 7) in the lower right-hand corner of all plan sheets with a prominent font size.
14. The following information required by Article V (submission requirements) is missing or partially missing:
a. 5.1.E.6 – "Existing topographic information shall be prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire."
b. 5.1.E.9 – requiring plan set to show depict the "Zoning District, Tax Map and Lot number, and use of abutting properties within 200 feet of the site boundary; the locations of streets, pedestrian paths/trails, and bicycle routes within 200 feet of the site boundary; and the location of curb cuts and vehicle accesses within 200 feet of the site boundary.
c. 5.1.E.10 – "Show required sight distances at curb cuts and dimensions for the inside radii of all curves."
d. 5.1.E.13 – Requiring a lighting plan showing "the proposed location mounting height, fixture type, lamp type, color correlated temperature (CCT), and wattage of all exterior free-standing or building-mounted light fixtures […]."
e. 5.1.E.13 – "Manufacturer's specification information shall be provided for each proposed light fixture and lamp."
f. 5.1.E.14 – "A plan for the location of free-standing or building-mounted signs, including the location, mounting, aiming, and shielding of any remote light fixtures for externally-lit signs." Note that for the proposed freestanding sign, the sign plan will need to demonstrate compliance with the freestanding sign requirements set forth in Section 607 of the Zoning Ordinance, including but not limited to the freestanding sign landscaping requirements.
g. 5.1.E.16 – "The [landscaping] plan shall show in detail the number, size (height and/or caliper), and species (botanical and common names), of all proposed shrubs and trees[,'" and "All calculations for square footage of perimeter landscaping shall be shown[,] and "[a]ll landscape plans shall show parking lot shading calculations[.]"
h. 5.1.E.20 – "Plans shall include […] the location of all existing transit routes and transit stops located or passing within 1/4 mile (1,320 feet) of the property."
i. 5.1.E.21 – requiring construction details – e.g. for bike racks, outdoor lighting, fencing, screening, etc.
15. Without a lighting plan, staff cannot verify compliance with the applicable lighting requirements set forth in Section 6.7.
16. Provide a separate landscaping plan as follows:
a. Showing calculations required per Section 5.1.E.16 demonstrating compliance with the perimeter landscaping requirements of Section 6.2.B, specifically:
i. Section 6.2.B.1
ii. Section 6.2.B.2
iii. Section 6.2.B.3
iv. Section 6.2.B.4

v. Section 6.3.B.5
b. Showing calculations required per Section 5.1.E.16 demonstrating compliance with the parking lot shading requirements of Section 6.2.E.1 & 6.

Sheet 1 (“Coversheet”)
17. Zoning Table:
a. Use of the detached garage as “storage” is only permissible as accessory storage for the tenants or in connection with the maintenance of the building. Please update the Zoning Table accordingly.
b. Existing legal units is 2, not 4.
c. Show the gross floor area of main building and detached accessory garage separately.
d. There is no minimum parking required for the detached accessory garage as there is no minimum parking required for uses that are accessory to a multi-family dwelling.
e. Remove references to the future parking spaces as those spaces as depicted on the plan are prohibited by both the ZO and the SPR.
f. Identify the maximum number of permitted parking spaces, and include calculation (5.1.E.4.e.5)
g. Identify the height of both buildings (5.1.E.4.e.8)
18. Update the Table of Contents to provide sheet numbers (i.e. Sheet 1 through Sheet 7).
19. Add a note indicating that the plan is approved pursuant to the City of Lebanon Site Plan Review Regulations last revised April 28, 2025.
20. Add Planning Board application number (PB2026-02-SPR).
21. Add a reference to the Special Exception expected to be approved (date of approval, Section of ZO, application number, etc)
22. Provide date and description of revisions made (9.5.A.1)

Sheet 2 (“Site Plan”/existing conditions/current survey)
23. Presumably this was included to meet the current survey requirement of Section 5.1.E.5. However, it also depicts proposed site improvements (which are inconsistent with the improvements depicted on the Sheet 3 Site Plan). In furtherance of the requirements of Section 5.1.E.5, please remove any proposed site improvements from this sheet.
24. Clearly depict those natural and man-made features that are to be removed, retained, or altered. (5.1.E.8)
25. Depict existing grades, including topographic contours, with spot elevations, at 2-foot intervals, prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire. (5.1.E.6)
26. Note 4 is incorrect – the property is located in the R-O District, not the R-2 District.
27. The building coverage figures in Note 6 are inconsistent with the building coverage figure in the Zoning Table on the cover sheet.
28. Floor size identified in Note 7 is inconsistent with the Zoning Table.
29. Note 8 proposed use is inconsistent with the Zoning Table.

Sheet 3 (“Proposed Site Plan”)
30. The plan is extremely cluttered, confusing, and difficult to read. For the benefit of the Planning Board members and the site plan review process, please provide a site play layout sheet that is readable and unadorned with unnecessary or confusing information, i.e. we need at least one plan sheet that shows only surface conditions that are proposed (whether proposed to remain or proposed to be constructed) without contours and any underground improvements. The site plan sheet should not show any existing conditions that are proposed to change or underground improvements. The idea is that Planning Board members, in general, are primarily interested in understanding how the site will operate and what it will look like above ground when its finished.
31. Remove “future” parking spaces and related note as new parking is prohibited in the front yard.
32. Provide landscaping on a separate landscaping plan.
33. What is “LULA”? (regarding the “LOCATION OF LULA” note)
34. Provide screening for all mechanical units, including but not limited to the AC unit on the north side

of the building.
35. Is the “Temp Oil Tank” above ground or underground?
36. Identify whether curbing is proposed along landscaped areas, and/or how the landscaped areas are to be delineated from paved areas.

Sheet 5 (“Floor Plans”)
37. Only two of the “existing” units shown on the second floor are legal. Please add a note to this effect or change the two unpermitted units from “existing” to “proposed”.

Respectfully submitted

Nathan Reichert
Planning and Development Director
Zoning Official

CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION

SPECIAL EXCEPTION	☒	☐	BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	☐	☐	APPEAL OF AN ADMIN DECISION
VARIANCE	☐	☐	REHEARING REQUEST
EQUITABLE WAIVER	☐	☐	

PROPERTY OWNER (APPLICANT):

NAME: Execusuite, LLC TEL.#: [redacted]

MAILING ADDRESS: 77 Bank Street, Lebanon, NH 03766

E-MAIL ADDRESS: [redacted]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Studio Nexus Architects + Planners, PC TEL.#: [redacted]

MAILING ADDRESS: P.O. Box 275, White River Junction, VT 05001

E-MAIL ADDRESS: [redacted]

PROJECT LOCATION:

TAX MAP #: 92 LOT#: 2 PLOT #: ZONE: RO

STREET ADDRESS: 22 School Street

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

FLOOD PLAIN ☐ YES ☒ NO

Type le

REQUEST DESCRIPTION:

Convert the former school into 4 apartments on the first floor and 3 apartments in the basement.

USE TYPE:

EXISTING: ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL

PROPOSED: ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

If use is **COMMERCIAL** OR **INDUSTRIAL** please note specific use: Formerly a School

SIGNATURE BLOCK:

I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on January 5, 2026, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: [signature] DATE: December 15, 2025

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

Owner Signature: [signature] DATE: December 15, 2025

DATE RECEIVED: 2/9/2026 **APPLICATION #:** ZB2026-02-SE

EXECUSUITE LLC

Bringing new life to our historic downtowns

City of Lebanon, New Hampshire
Zoning Board of Adjustment
51 North Park Street
Lebanon, NH 03766

February 9, 2026

Execusuite, LLC
77 Bank Street
Lebanon NH 03766

Dear Distinguished Members:

We respectfully submit the enclosed application and plans for 8 proposed additional apartments, situated at the School Street School, 22 School Street. These apartments will bring needed housing options to downtown Lebanon in line with the Lebanon Downtown Vision Study. The project is conceived by the owner of the property, Michael Davidson of Execusuite, LLC. Mr. Davidson has redeveloped the former Lebanon Junior High School and School Street Schools (partial); the remaining conversion of the School Street School will be completed with the same sense of preservation and attention to detail. Construction work will commence upon permit approval.

Currently, the building includes four studio apartments on the top floor, and the main floor and basement were formerly occupied by schools. The property is no longer viable as an elementary school; its highest and best use is achieved by a conversion to a multi-family dwelling. Our intent is to convert the four existing classrooms on the first floor to three studio and one one-bedroom apartments. The two classrooms in the basement will be converted to two studio apartments, along with an additional studio and one-bedroom apartment. The garage will remain as storage use.

There will be no structural changes to the building. The interior will be renovated to meet current building codes for residential units, in line with the existing residential units which were completed in 2015-2018. The exterior will remain essentially as is, except for the opening and renovation of five window wells to provide additional light to the basement apartments. In addition, an areaway will be built to provide direct exterior access to the sprinkler room. These exterior improvements will be nearly invisible to the surrounding neighborhood and are essential for both comfort and life-safety. Studio Nexus Architects of White River Junction has been engaged to assist with site planning and building design.

Based on 12 total residential units plus the 1,030 SF garage storage, we are required to have 13 total parking spaces. The existing parking lot, long established, Pcontains 21 parking spaces with three designated as “future”. We are proposing 20 spaces with the three designated “future” spaces remaining. EV and bike parking will be provided per code and the lot will be provided with additional landscape to the amount feasible given the site configuration. The play structures will remain.

Your consideration is greatly appreciated.

Very truly yours,

Tim Sidore
Chief of Operations
Ledgeworks, Inc
Execusuite, LLC

22 SCHOOL STREET ZONING CODE REVIEW

Zoning District: RO
Multi-Family developments in excess of 5 units permitted by Special Exception

311.1 Purpose.
The purpose of the R-O District is to preserve the residential character of older, established neighborhoods by carefully guiding the transition of residential structures to office use. The district balances the goals of: (1) preserving the economic viability of older large dwellings located on heavily traveled streets; (2) providing attractive locations for small offices; and, (3) preserving the residential character of older established neighborhoods.

311.3 Table of Area, Dimensions and Coverage.
Minimum Lot Size

Class	Area	Width	Add Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75’	3,000 sq.ft.	45’
2	15,000 sq.ft.	75’	5,000 sq.ft.	45’
3	40,000 sq.ft.	100’	15,000 sq.ft.	45’

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20’	15’	20’	25%
2	20’	15’	20’	20%
3	25’	25’	30’	15%

SECTION 601 SPECIAL DESIGN STANDARDS.
The remodeling of a residential structure and other buildings existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the construction of new buildings for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions:

601.1 Architecture.
Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. New construction shall be compatible with the architectural character or the abutting properties and neighborhoods. For the purpose of this subsection only, the term "compatible" shall mean having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.
-- The exterior will remain essentially as is, except for the opening and renovation of five window wells to provide additional light and ventilation to the basement apartments. In

addition, an areaway will be built to provide direct exterior access to the sprinkler room. These exterior improvements are primarily subsurface, will be nearly invisible to the surrounding neighborhood and are essential for both comfort and life-safety. The new window wells also remedy an unfortunate, decades-old remodel which filled the existing wells with concrete. The windows themselves will be replaced in-kind with energy efficient fiberglass windows, color and lite pattern to match existing windows. Drawings and a photo of the existing and proposed changes can be found on sheet A5.0. Note that the abutters include a cemetery to the south and west and a church to the north and the property is set back from the street approximately 136'.

601.2 Parking & Access.
Adequate off-street parking shall be provided on the lot, unless off-premise parking is approved pursuant to Section 607.4. Such parking shall not occupy the front yard except within parking areas existent as of the 2013 amendment to this section.
-- Required parking for 12 apartments is 12 parking spaces + 1 space for the garage storage = 13 spaces. We are providing 20 spaces + 3 future spaces (this is one less than what was there previously); parking exceeds code minimum by 7 spaces. In addition, three additional future spaces are planned for. Parking does occupy the front yard, but this is an existing condition and is exempt by the 2013 amendment.

601.3 Coverage.
Impermeable coverage plus unpaved parking and driveway areas shall not exceed 65 percent of the lot area.
--Proposed impermeable coverage has been reduced and is 59.6% of the site

601.4 Density.
The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."
--Required for 12 units: 10,000 sf + 10 x 3,000 sf = 40,000 sf minimum lot size; Provided: 41,301 SF. The maximum density requirements have been met.

601.5 Additions To Existing Buildings.
Such remodeling may include expansion of the building by special exception provided that:
A. The architectural compatibility requirements of Section 601.1 are complied with.
B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.
--Only very minor exterior changes to the exterior of the building are proposed (subsurface entry to the sprinkler room in the basement and the reopening of basement light wells); no other "expansions" are planned.

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

--We are not proposing any additional dwelling units in the existing garage. The existing garage will remain as storage.

607.3 Maximum Off-Street Parking Requirement.

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

--The parking proposed, though it exceeds the maximum, is one space fewer than what is existing and approved in 2018 for the use of the school and the four existing apartments

607.8 Electric Vehicles.

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

2. Multi-Family Dwellings. Parking for multi-family dwellings and senior housing complexes shall include a minimum of 65% of EVSE-installed EV-ready, and EV-capable spaces as follows:

a. EVSE-ready spaces for a minimum of 5% of proposed off-street parking spaces.

b. EV-capable spaces for a minimum of 10% of proposed off-street parking spaces.

c. EV-planned spaces for a minimum of one each per unit remaining plus one additional.

--These requirements will be met as a part of the change of use and redevelopment of the property.

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

I (we) hereby request a Special Exception as provided for in Article(s) III, VI, VIII, Section(s) 311.2, 601, 801.3, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION *(Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)*

Build out an additional eight apartments, four units on the first floor and four units in the basement level. These apartments will be similar in finish to the existing apartments on the second floor. The exterior site will be updated to include perimeter landscaping, EV charging stations and long and short term bicycle parking.

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

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon matters which the Board is required to pass under this ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

A. That the special exception is specifically authorized by a provision of this ordinance:

This special exception is authorized under the provisions of Sections 311.2 and 601.

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

All conditions including Architecture, Density, Parking, Impervious Area, and Coverage have been met.

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

Please see attached.

D. That the character of the area shall not be adversely affected:
There are very limited changes to the building including the re-opening of five window wells and creation of an areaway to provide access to the existing sprinkler room. The site will remain in the same configuration but improved with additional landscaping. The character is not adversely affected.

E. That no hazard or nuisance will be created:
No hazard or nuisance is being created. The plan for additional landscaping, EV charging and bike parking is a positive for the site.

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:
The capacity of community facilities will not be adversely affected. The change from replacing a school and six classrooms with 8 one-bedroom/studio apartments will have a lower impact on community facilities.

G. That granting the special exception will not result in undue municipal expense:
Per the changes noted in F. above no undue municipal expense will result.

H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:
Per the redevelopment described in D. above the project will maintain the integrity of the school building and site in a manner compatible with the spirit and intent of the ordinance. The change from classrooms to apartments is a natural, straightforward change with minimal impacts to both the interior and exterior.

I. That the general welfare of the City will be protected:
The redevelopment will not adversely affect the City; the general welfare of the city will be protected. It will provide a positive benefit by providing badly needed housing for the City.

Please Note:

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

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

Violations of the Zoning Ordinance

Violation 1: Section 103: No land in the City of Lebanon shall hereafter be used for building, development or otherwise and no structure shall be erected, enlarged, materially altered, moved or used, except in conformance with this Ordinance.
Unpermitted use has ceased.

Violation 2: Section 105: Compliance with Site Plan Review Regulations:
A complete and actionable planning board application has been submitted.

Violation 3: Section 213 Impact Fees:
E. New development means an activity that results in:
(1) The creation of a new dwelling unit or units or new manufactured housing;
Per the remedy required, following site plan approval we will submit a complete impact fee calculation and immediately pay all impact fees due. We will also submit a water and sewer impact fee calculation to the Dept. of Public Works and immediately pay all water and sewer impact fees.

Violation 4: Section 311 Residential-Office District (R-O) Special Exception Uses (See section 801.3) Residential 1. Multi-Family dwelling (5 Dwelling units of more) per section 601.
A complete and actionable special exception application has been submitted.

Violation 5: Section 607.8.C.2 Electric Vehicles: Multi-Family Dwellings.
Parking for multi-family dwellings shall include:
a. EVSE-installed spaces for a minimum of 5% of proposed off-street parking spaces.
b. EV-ready spaces for a minimum of 20% of proposed off-street parking spaces.
c. EV-capable spaces for a minimum of 65% of proposed off-street parking spaces.
Note: in the latest edition of the zoning code the regulations have changed regarding EV parking requirements. The Zoning and Planning Board applications meet the requirements of the current 1/26 code. If the former code is the standard for this project we will meet that requirement.

Violation 6: Section 901.1: Written application for a zoning permit must be filed by the owner or his agent with the City of Lebanon.
We are meeting this requirement with this application.

Violation 7: Site Plan Review Regulations Section 3.1 – Site Plan Review Jurisdiction
D. PLANNING BOARD REVIEW Land development that constitutes a major change to a property, including any land development that exceeds the thresholds set forth in Section 3.1.C.1.a-e, shall require site plan approval from the Planning Board in accordance with the procedures set forth in Article IV.
A complete and actionable Planning Board application has been submitted.

22 SCHOOL STREET APARTMENTS

22 SCHOOL ST., GRAFTON COUNTY, LEBANON NH 03766

TABLE OF CONTENTS:

A0.0 COVERSHEET, ZONING TABLE

A0.1 EXISTING CONDITIONS SITE PLAN

A0.2 PROPOSED SITE PLAN

A0.3 SITE DETAILS

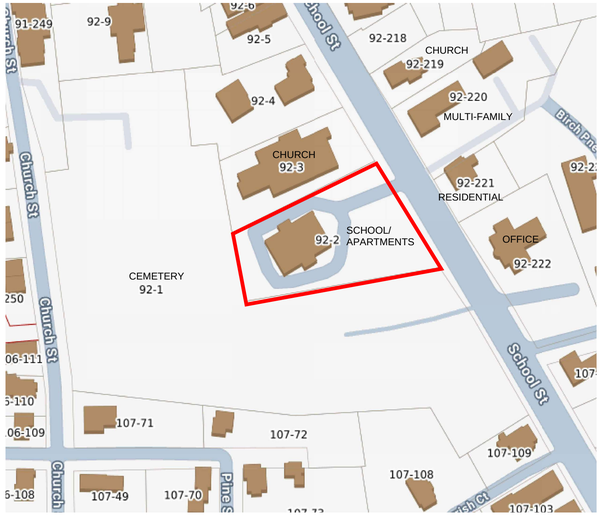
A2.0 EXISTING FLOOR PLANS

A2.1 PROPOSED FLOOR PLANS

A4.0 ELEVATIONS

A5.0 DETAILS

VICINITY MAP:



ZONING TABLE:

	Required/ Allowable		Existing	Proposed
Zoning District; No overlay districts			RO	Same
Tax Map & Lot Number			29-19	Same
Allowable Uses			School, Multi-Family, Storage (in Garage)	Multi-Family (Units in excess of 5 requires Special Exception), Storage (Garage)
Number of Residential Units			4	4 + 8 (New) = 12
Area of Lot			41,301 SF +/-	Same
Minimum Lot Size	10,000 SF (Class 1)		41,301 SF +/-	Same
Dwelling Unit Density: Additional Area Required per D.U. after Two	3,000 SF		16,000 SF Req'd for 4 Units	40,000 SF Required for 12 Units
Frontage	75'		190.65'	Same
Building Gross Floor Area (Includes Garage)			15,814 SF	Same
Number of Building Stories and Square Footage			3 Stories, 5,271 SF each	Same
Setbacks				
Front	20'		~136'	Same
Rear	20'		~43'	Same
Side	15'		~29' (north side) ~21' (south side)	Same
Impermeable Coverage	65%		25,380 SF (61.5%)	24,623 SF (59.6%)
Perimeter Landscaping			6,515 SF	7,272 SF
Maximum Building Coverage	25%		~16.5%	Same
Parking Spaces	13 min. (12 units + 1,030 SF pf Storage)		21 + 3 Future	20 + 3 Future
EV Ready Spaces (New Units only)	5% of 8 (1)		0	1
EV Capable Spaces (New Units only)	10% of 8 (1)		0	1
EV Planned Spaces (New Units only)	1/ea Unit Remaining + 1		0	7
Loading Spaces			0	0
Short Term Bike Parking	15% of 12 (2)		0	4
Long Term Bike Parking	30% of 12 (4)		0	4

PROJECT TEAM:

OWNER:

EXECUSUITE LLC

77 BANK STREET
LEBANON, NH 03766

CONTACT: TIM SIDORE

EMAIL: tim@ledgeworks.com

PHONE: 603.727.9024
CELL: 603.322.3260

ARCHITECT:

STUDIO NEXUS ARCHITECTS + PLANNERS PC

PO BOX 275
WHITE RIVER JCT VT 05001

CONTACT: JIM WASSER
EMAIL: jimw@studionexusarch.com
PHONE: 802.275.5110
CELL: 603.667.5895

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

LICENSED ARCHITECT
JAMES R. WASSER
No. 3336
THE STATE OF NEW HAMPSHIRE

EXECUSUITE LLC

22 SCHOOL ST

22 SCHOOL ST
LEBANON, NH 03766

ISSUED FOR:
ZONING BOARD REVIEW

ISSUE DATE: February 9, 2026

REVISIONS

NO.	DESCRIPTION	DATE

COVERSHEET AND ZONING TABLE

SCALE:

PROJECT NUMBER: 2521

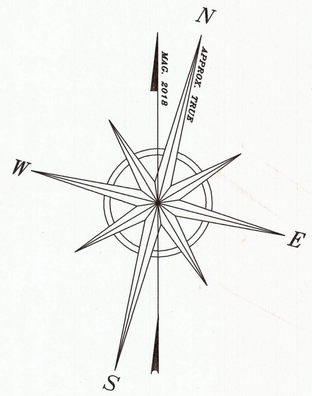
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12/5/2025 2:28:16 PM

C:\Users\Jon Criswell\OneDrive\2521 22 School Street Apartments\500 Drawings\2521 22 School St Apts for Zoning Permit.rvt



THE WRITTEN DESCRIPTIONS FOUND IN THE DEEDS DO NOT MATCH THE PHYSICAL EVIDENCE FOUND IN THE FIELD. PAROLE EVIDENCE FROM FORMER CHAIRMEN OF THE BOARD OF TRUSTEES (MARK W. FARNHAM) OF LEBANON UNITED METHODIST CHURCH STATES THAT THE CHAIN LINK FENCE HAS BEEN CONSIDERED THE BOUNDARY LINE SINCE 1952.

LEBANON UNITED METHODIST CHURCH
18 SCHOOL STREET
LEBANON NH, 03776
PARCEL ID 92-3

PURCELL REAL ESTATE
21 SCHOOL STREET
LEBANON NH, 03766
PARCEL ID 92-220

BENTE TORJUSEN
23 SCHOOL STREET
LEBANON NH, 03766
PARCEL ID 92-221

P & A HAYES REV FAMILY TRUST
PO BOX 524
LEBANON NH, 03766
PARCEL ID 92-222

CITY OF LEBANON
51 NORTH PARK STREET
LEBANON NH, 03776
PARCEL ID 92-1

CEMETERY

CEMETERY

CHURCH BUILDING
WOODEN STRUCTURE

BRICK SCHOOL BUILDING
FINISHED FLOOR AREA: 14,784 S.F. ±
BUILDING HEIGHT: 24.5'

GARAGE
GROSS FLOOR AREA: 1,030 S.F. ±
BUILDING HEIGHT: 17.8'

TOTAL AREA OF LOT: 0.95 ACRES ± 41,300.70 S.F. ±

DRIVE

DUMPSTER

FOUND STONE BOUND 6"X6" UP 2.5'

STRIPE EXISTING ASPHALT FOR PARKING AREA

EXISTING PARKING (TYP.)

FIRE LANE

CONCRETE APRON

EXISTING A/C

(11) VACCINIUM CORYMBOSUM *HIGHBUSH BLUEBERRY-MIX VARIETIES)
MULCH PLANTED AREA

EXISTING STEPS

LPG TANKS

LPG TANK

CONCRETE PAD

MULCH

PAVEMENT MARKINGS TO DESIGNATE WALKWAY

CONCRETE PAD

RAMP

STEPS

MULCH

CONCRETE PAD

FOUND STONE BOUND 8"X6" UP 3'

FIRE LANE

N05°14'07"E 109.64'

N82°14'32"E 254.47'

SWING TO BE RELOCATED AND AREA TURNED TO GRAVEL

TO US ROUTE 4

5/8" REBAR SET UP 0.5'

CROSSWALK

SWING

EXISTING GRAVEL SURFACE

GATE

POTENTIAL PARKING SPACES

STRIPE EXISTING ASPHALT FOR PARKING AREA

ASPHALT SURFACE (TYP.) DRIVEWAY & PARKING LOT

(2) ACER RUBRUM RED MAPLE

S14°17'20"E 190.05'

SCHOOL STREET

NEW HAMPSHIRE ROUTE 120

GRASS (TYP.)

SIGN

MERRY-GO-ROUND

PROPOSED 3' HIGH CHAINLINK FENCE

UNLOCKED ROLLING GATE 12' MIN CLEARANCE

SLIDE

SIDEWALK

DRIVE

SIDEWALK

FOUND IRON PIPE 1" ø 1' HIGH

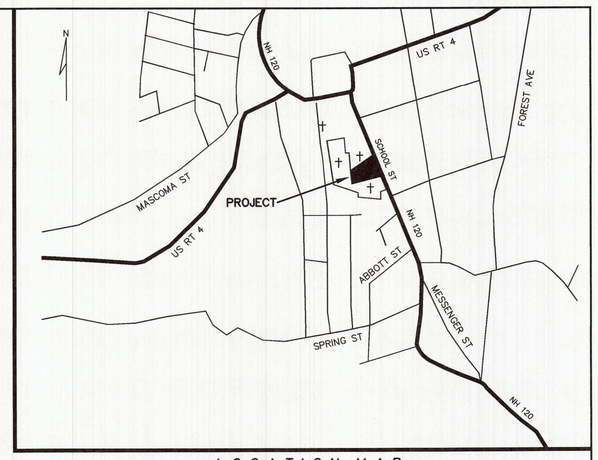
EXISTING PARKING (TYP.)

TO MERIDEN

N82°25'03"W 313.85'

8 X 10 EASEMENT AREA SEE REFERENCE PLAN "A"

FOUND STONE BOUND 6"X6" UP 3.2'



~ LOCATION MAP ~

~ LEGEND ~

- PROPERTY LINE
- RIGHT OF WAY LINE
- SETBACK LIMITS
- STONE BOUND FOUND
- WATER VALVE
- SEWER MANHOLE
- IRON PIN FOUND
- IRON PIN TO BE SET
- PICKET FENCE
- CHAIN LINK FENCE
- UTILITY POLE
- GATE VALVE
- HYDRANT

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

~ NOTES ~

1. METHOD OF SURVEY: GEOMAX ZOOM 80 TOTAL STATION.
2. BEARINGS ARE REFERENCED TO 2018 MAGNETIC OBSERVATION.
3. DIBERNARDO ASSOCIATES IS NOT RESPONSIBLE FOR PROPERTY DESCRIPTIONS PREPARED BY OTHER PERSONS FOR CONVEYANCE OF THE PROPERTY SHOWN HEREON.
4. PROPERTY IS LOCATED IN THE R-2 DISTRICT. DIMENSIONAL REQUIREMENTS FOR CLASS 1 ARE AS FOLLOWS:

MINIMUM FRONT AND REAR YARD SETBACK:	20'
MINIMUM SIDE YARD SETBACK:	15'
MINIMUM LOT SIZE SQ/FT:	10,000
MINIMUM LOT WIDTH:	75'
MINIMUM LOT SIZE:	10,000 S.F.
MAXIMUM LOT COVERAGE:	25%

5. PROPERTY IS NOT SUBJECT TO AN OVERLAY DISTRICTS.
6. EXISTING BUILDING COVERAGE = 15,814 S.F. OR 38% OF THE LOT. NO CHANGE TO BUILDING COVERAGE IS PROPOSED.
7. MAIN SCHOOL BUILDING CONSISTS OF 3 STORIES TOTALING 14,784 S.F. OR 4,928 S.F. FOR EACH.
8. PROPOSED USE = COMMERCIAL/RESIDENTIAL MIXED USE. PROPOSING TO CONVERT COMMERCIAL TO RESIDENTIAL BY 7 UNITS.

~ REFERENCE DEEDS ~

RECORDED AT GRAFTON COUNTY REGISTRY OF DEEDS

1. WARRANTY DEED OF LEBANON SCHOOL DISTRICT (FORMERLY KNOWN AS UNION SCHOOL DISTRICT 15) TO EXECUSUITE, LLC DATED NOVEMBER 29, 2012 AND RECORDED IN BOOK 3936 AT PAGE 40.
2. DEED OF MARLIN DOWNER AND CHRISTOPHER TONE TO THE TRUSTEES OF THE METHODIST EPISCOPAL SOCIETY OF LEBANON DATED NOVEMBER 29, 1833 AND RECORDED IN BOOK 130 AT PAGE 412. THE BOUNDS WERE MODIFIED IN 1855 IN THE FOLLOWING DEEDS: BOOK 240, PAGES 130 & 131; BOOK 341 PAGES 111 & 112.

~ REFERENCE PLANS ~

A. PLAN ENTITLED " NEW ENGLAND TELEPHONE & TELEGRAPH COMPANY EASEMENT ON LAND OF LEBANON SCHOOL DISTRICT LEBANON, GRAFTON COUNTRY, NH.", PREPARED BY RICHARD OBERMAN ON JANUARY 27, 1989, DRAWING NUMBER NET-297.

~ CHAPTER 676:18 SECTION III CERTIFICATION ~

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

AURELIUS DIBERNARDO, N.H. L.L.S #256 — 3/23/18 DATE

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DIBERNARDO ASSOCIATES, LLC.

SITE PLAN SHOWING PROPERTY OF

EXECUSUITE, LLC

22 SCHOOL STREET
LEBANON, NH 03756
TAX MAP 29 LOT 19
PARCEL ID 92-2

~ COUNTY OF GRAFTON ~ CITY OF LEBANON ~ STATE OF NEW HAMPSHIRE ~

DIBERNARDO ASSOCIATES, LLC
VT NH
LICENSED LAND SURVEYORS
802-463-3031 440 ROCKINGHAM ROAD 603-358-5509
P.O. BOX 52
BELLOWS FALLS, VT 05101

STATE OF NEW HAMPSHIRE — LICENSED LAND SURVEYOR — No. 256 — AURELIUS DIBERNARDO — SIGNATURE

DATE	MARCH 23, 2018	SCALE	AS SHOWN
DRAWN BY	BG; AD	CK'D BY	JD
SURVEYED BY	BG; AD		
DWG.NO.	3200		

SITE PLAN LEGEND:

EXISTING TREE

PROPOSED TREE

PROPOSED SHRUBS

STONE BOUND FOUND

WATER VALVE

SEWER MANHOLE

IRON PIN FOUND

IRON PIN FOUND

UTILITY POLE

GATE VALVE

HYDRANT

PROPERTY LINE

SETBACK

PICKET FENCE
IRON TO BE SET

CHAIN LINK FENCE

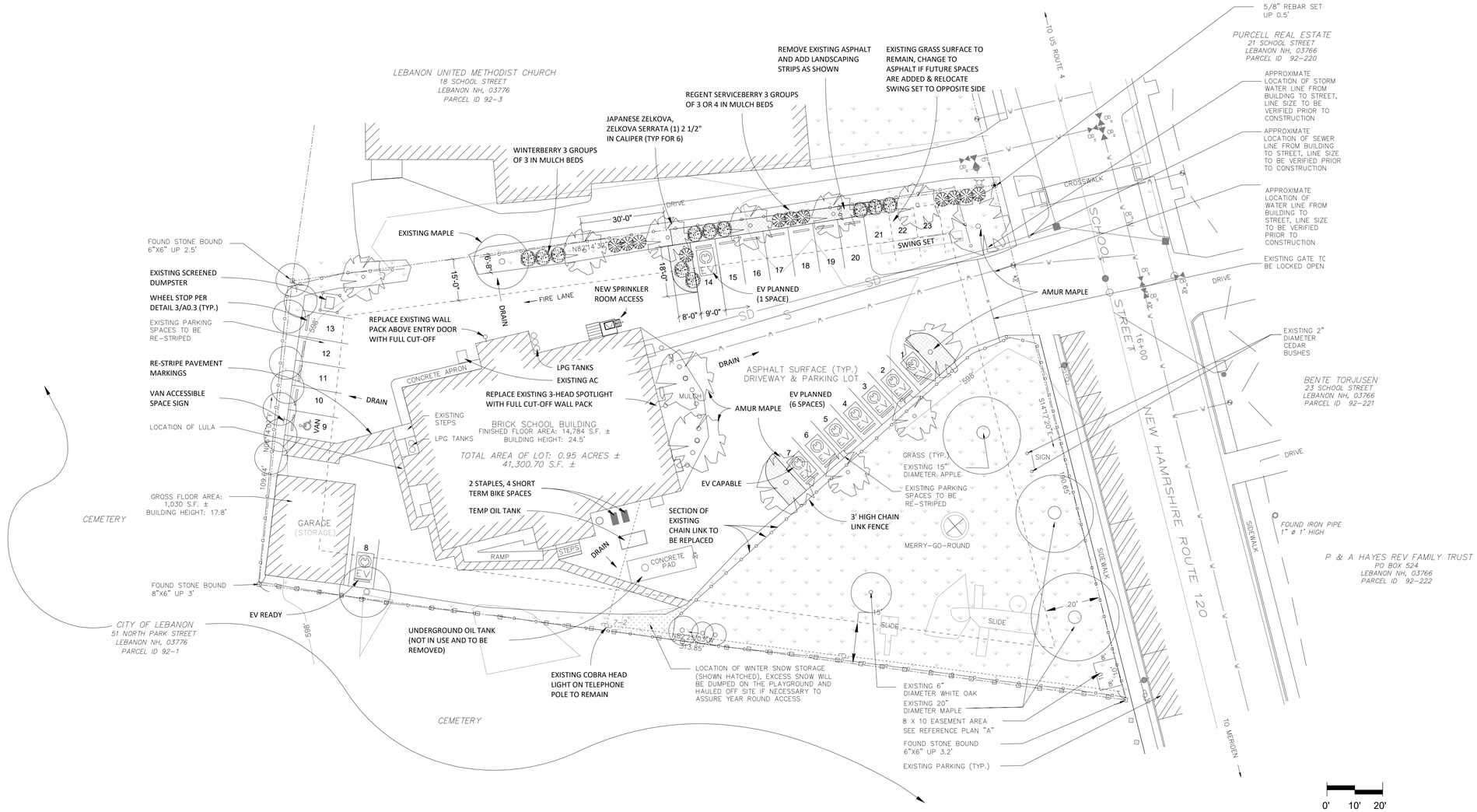
TOPOGRAPHY-MAJOR

UTILITY C G W S E

UTILITY OVERHEAD C E

EXISTING GRASS

PROPOSED GRASS



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

EXECUSUITE, LLC

SITE PLAN UPDATE

22 SCHOOL STREET,
LEBANON, NH 03756

ISSUED FOR:
ZONING BOARD REVIEW

LICENSED ARCHITECT
JAMES R. WASSER
No. 3336
STATE OF NEW HAMPSHIRE

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ISSUE DATE: FEBRUARY 6, 2026

REVISIONS

NO.	DESCRIPTION	DATE

PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

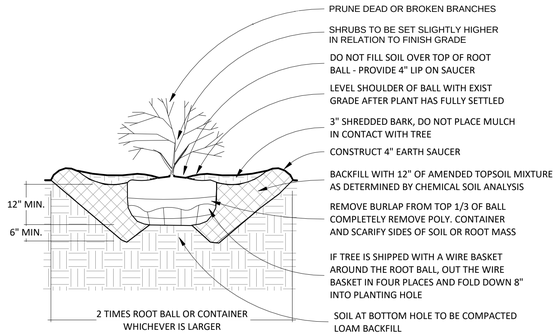
PROJECT NUMBER: 2521

G-2

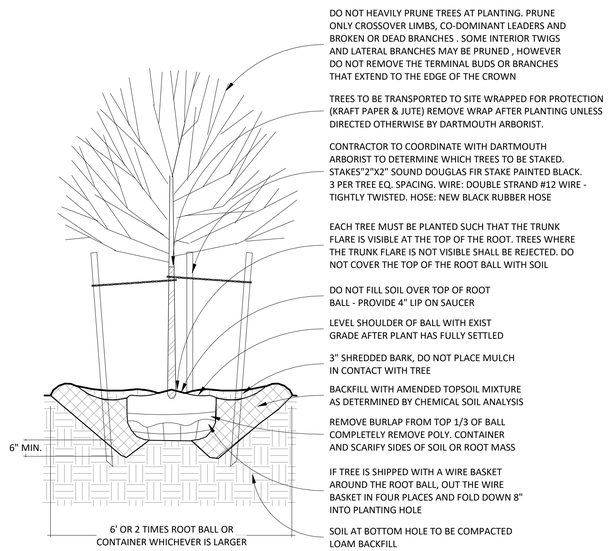
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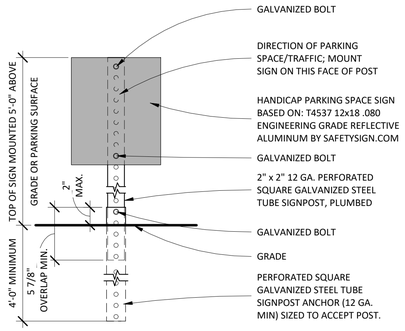
4 DECIDUOUS SHRUB PLANTING DETAIL
1/2" = 1'-0"



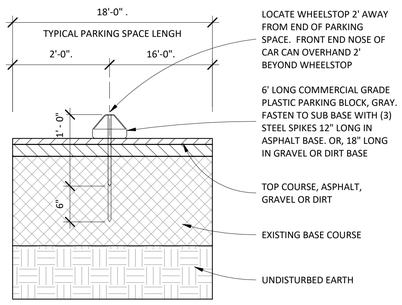
5 DECIDUOUS TREE PLANTING DETAIL
1/2" = 1'-0"

GENERAL SITE AND LANDSCAPE DETAIL NOTES

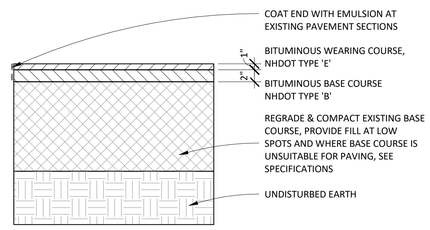
1. UNLESS NOTED OTHERWISE, GROUND COVER SHALL CONSIST OF TOPSOIL, GRASS SEED AND MULCH, MAINTAIN WATERING THROUGH SECOND CUTTING (USING WALK-BEHIND MOWER). ALL NEW PLANT MATERIAL SHALL BE NURSERY-GROWN STOCK
2. AT THE TIME OF PLANTING, ALL DECIDUOUS TREES SHALL BE A MINIMUM 2.5 TO 3 INCHES IN CALIPER, MEASURED 6 INCHES ABOVE THE FINISH GRADE LEVEL; ALL EVERGREEN TREES SHALL BE A MINIMUM OF 6 TO 7 FEET IN HEIGHT. TREES SHALL BE PLANTED NO CLOSER THAN 8 FEET TO ANY PROPERTY LINE.
3. SHRUBS SHALL BE PLANTED AS A MIX, RANGING FROM 50% TO 70% FLOWERING, WITH THE REMAINDER BEING EVERGREEN. AT THE TIME OF PLANTING, ALL SHRUBS, WHETHER DECIDUOUS OR EVERGREEN, SHALL BE 24 TO 30 INCHES IN HEIGHT AND/OR 18 TO 24 INCHES IN SPREAD.
4. THE PROPERTY OWNER AGREES TO BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING, TO INCLUDE GRASS AND MULCH, IN GOOD, HEALTHY CONDITION SO AS TO PRESENT A NEAT AND ORDERLY APPEARANCE. THE PROPERTY OWNER TO REPLACE UNHEALTHY OR DEAD PLANT MATERIALS IN CONFORMANCE WITH THE LANDSCAPE PLAN APPROVED BY THE BOARD AS PART OF THE SITE PLAN.
5. EROSION CONTROL:
   1. GRADED AREAS SHALL BE VEGETATED TO INSURE EROSION CONTROL BY SEEDING, MULCHING, AND FERTILIZING. DISTURBED AREAS SHALL BE PLANTED WITH SUITABLE PLANT MATERIALS.
   2. GRADING SHALL NOT EXCEED A RATIO OF 3 HORIZONTAL TO 1 VERTICAL WITHOUT SPECIAL EROSION CONTROL MEASURES. NETTING OR SIMILAR MATERIAL SHALL BE PROVIDED ON SLOPES WITH A RATIO GREATER THAN 3:1 WHILE GROUND COVER IS BEING ESTABLISHED.



3 POST-MOUNTED ACCESSIBLE PARKING SIGN DETAIL
1 1/2" = 1'-0"



2 WHEELSTOP DETAIL
1" = 1'-0"



NOTES:
1. REMOVE EXISTING BASE AND SUB BASE MATERIAL THAT DOES NOT MEET THE SPECIFICATION IN THE DETAIL. COMPACT ALL FILL MATERIAL TO 95% PROCTOR
2. FOR AREAS TO BE PATCHED, CAREFULLY SAW CUT THE EXISTING PAVEMENT AND NEATLY REMOVE

1 PAVEMENT DETAIL
1" = 1'-0"

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

LICENSED ARCHITECT
JAMES R. WASSER
No. 3336
STATE OF NEW HAMPSHIRE

EXECUSUITE LLC

22 SCHOOL ST

22 SCHOOL ST
LEBANON, NH 03766

ISSUED FOR:
ZONING BOARD REVIEW

ISSUE DATE: February 9, 2026

REVISIONS

NO.	DESCRIPTION	DATE

SITE DETAILS

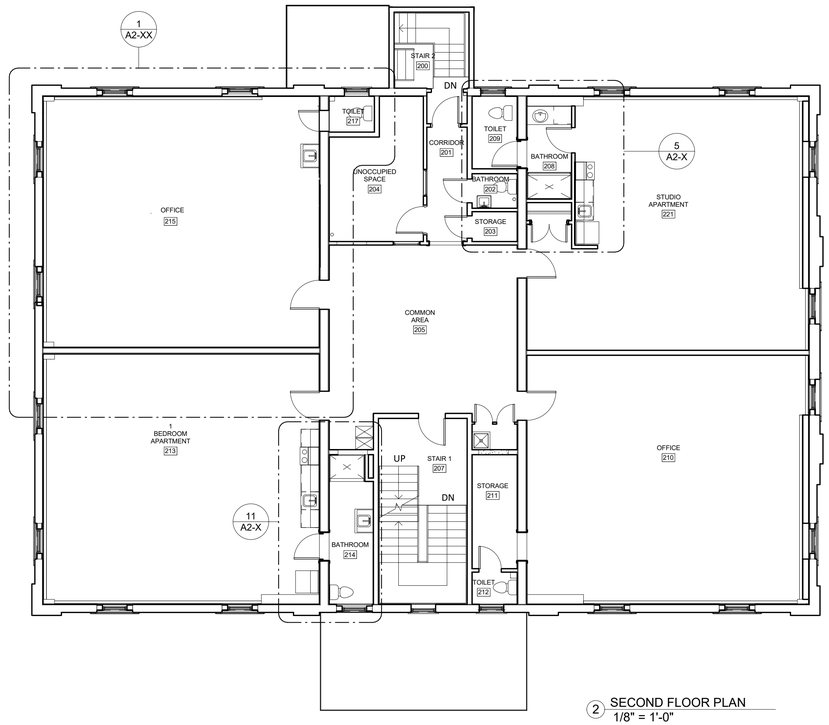
SCALE: AS NOTED

PROJECT NUMBER: 2521

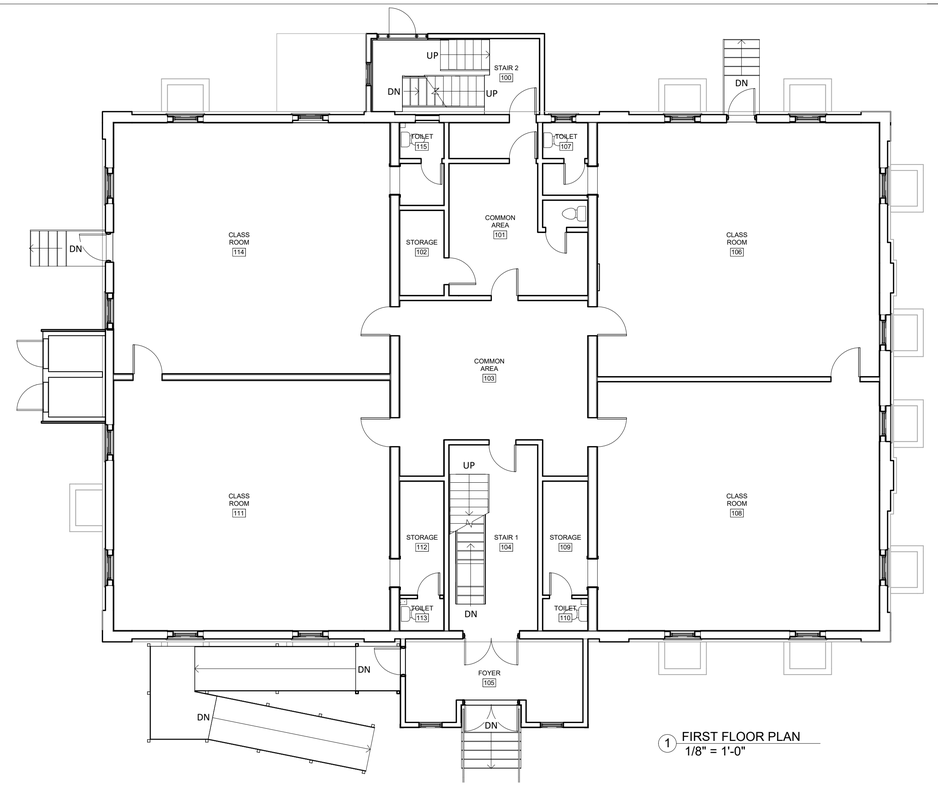
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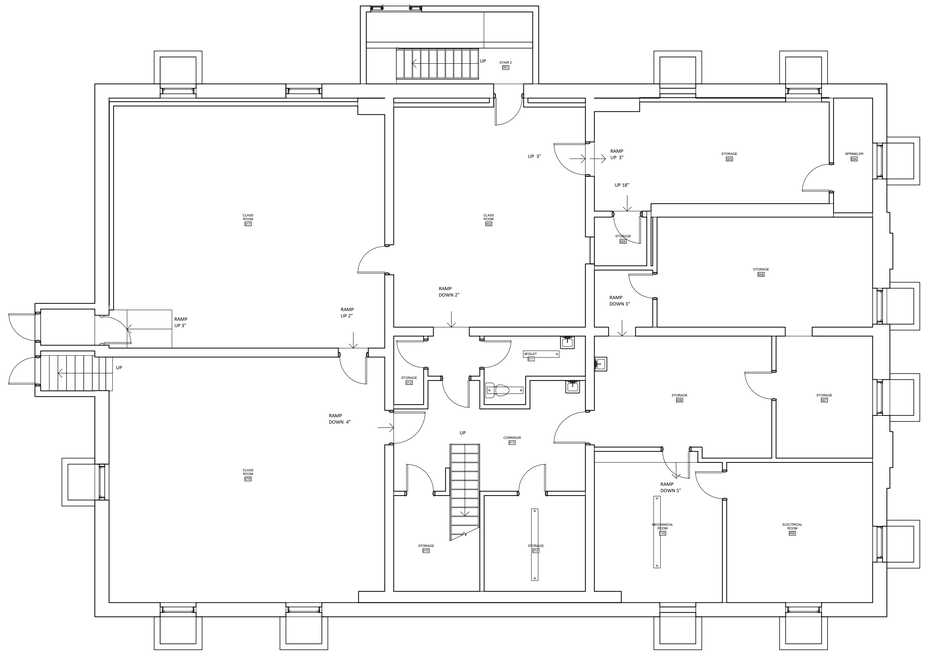
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2 SECOND FLOOR PLAN
1/8" = 1'-0"



1 FIRST FLOOR PLAN
1/8" = 1'-0"



3 BASEMENT LEVEL
1/8" = 1'-0"

PROJECT NORTH

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LICENSED ARCHITECT
JAMES P. WASSER
No. 3336
THE STATE OF NEW HAMPSHIRE

22 School Street

Issued For:	**PERMIT**
Issue Date:	September 29, 2017

Revisions

No.	Description	Date

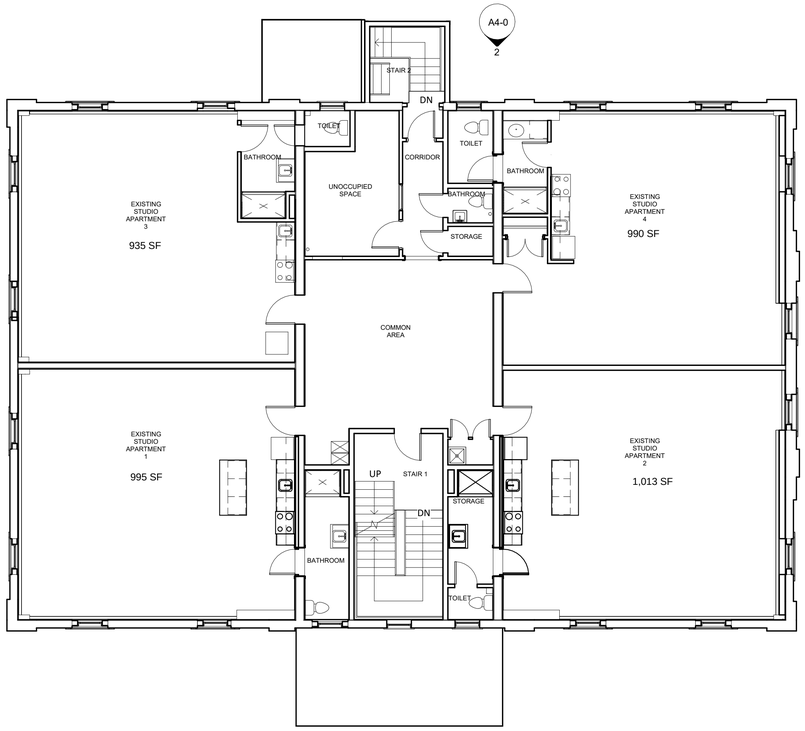
EXISTING CONDITIONS PLANS (AS OF 2014 APPROVAL)

Project No.:	1811
Drawn By: Author	Checked By: Checker

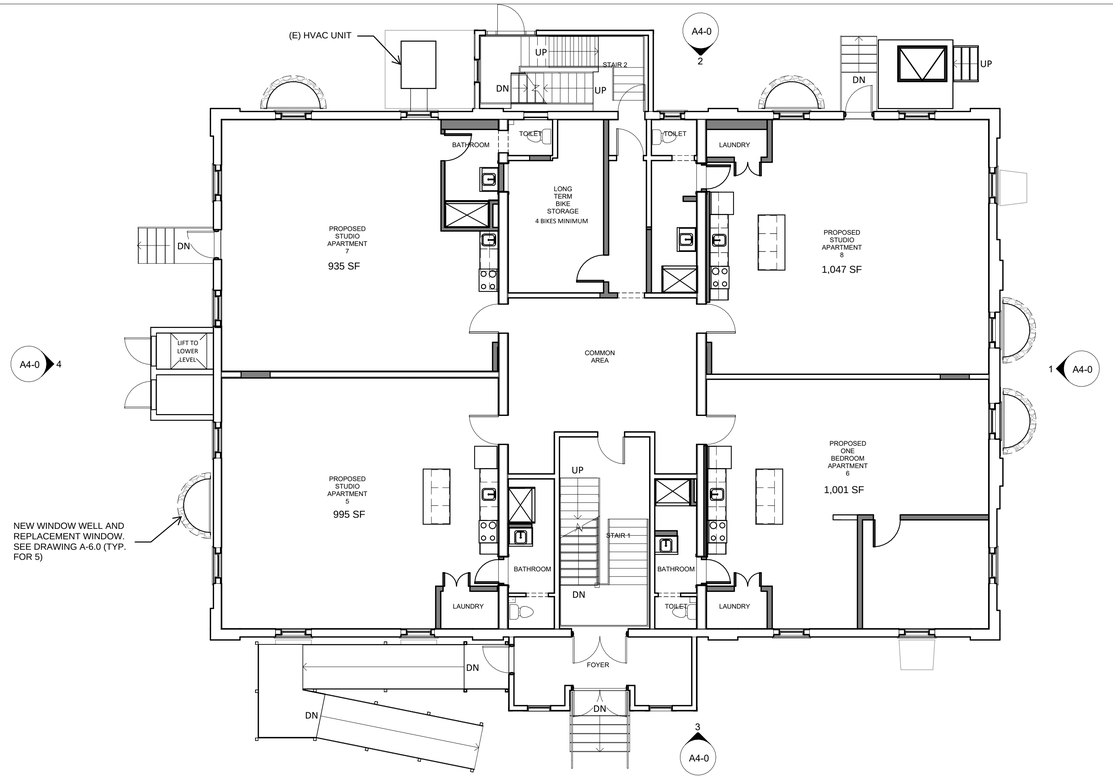
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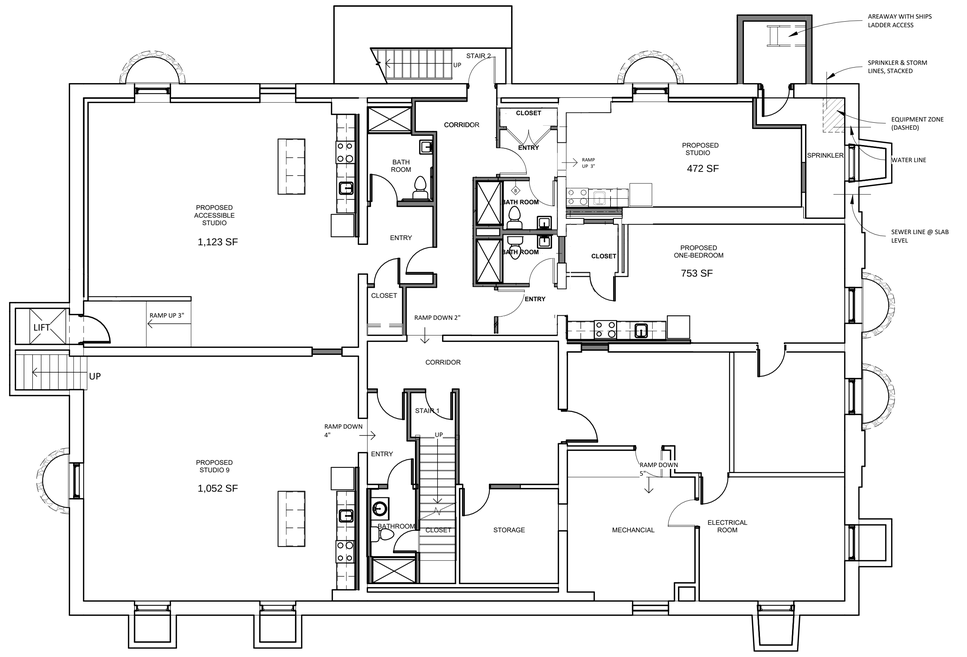
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3 EXISTING SECOND FLOOR PLAN
1/8" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN
1/8" = 1'-0"



1 PROPOSED BASEMENT FLOOR PLAN
1/8" = 1'-0"

PROJECT NORTH

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REVISIONS

NO.	DESCRIPTION	DATE
1	NOTES	12.16.25

FLOOR PLANS

SCALE: 1/8" = 1'-0"

PROJECT NUMBER: 2521

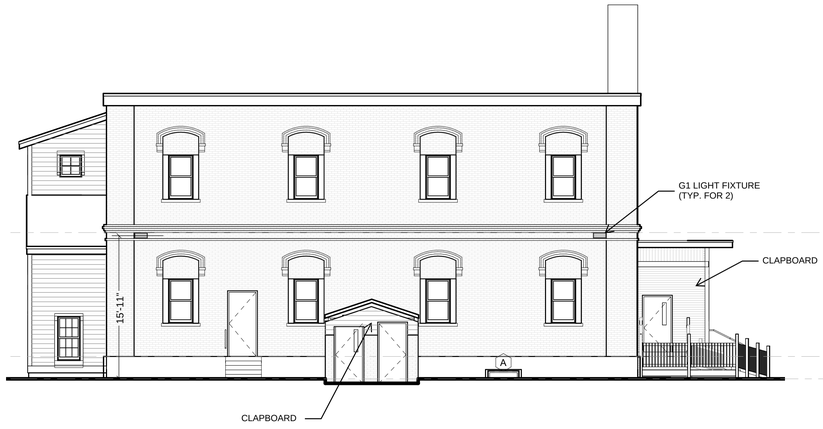
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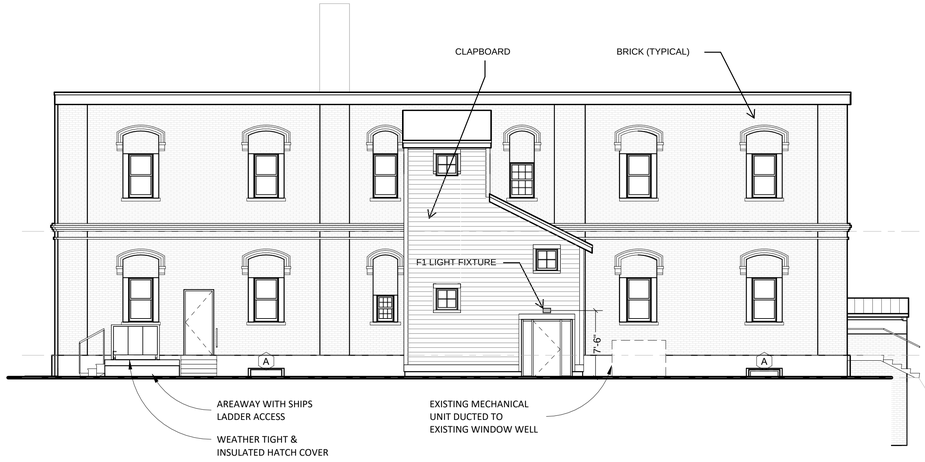
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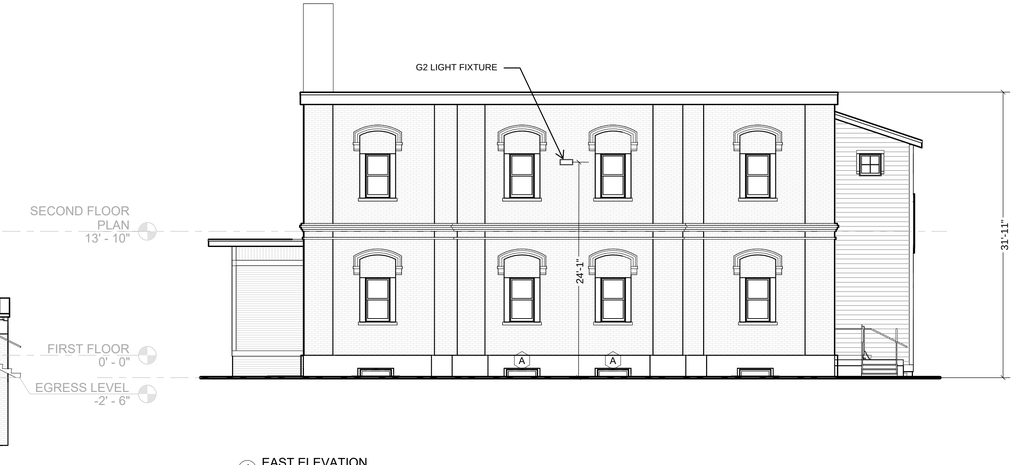
4 WEST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



1 EAST ELEVATION
1/8" = 1'-0"

PROJECT
NORTH

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EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

PROJECT NUMBER: 2521

A4-0

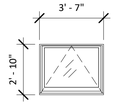
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WINDOW SCHEDULE					
Type	Manufacturer	Line	Model	Operation	Comments
A	T.B.D.	VINYL	CUSTOM	AWNING	MAXIMISE DAYLIGHT IN EXISTING MASONRY OPENING

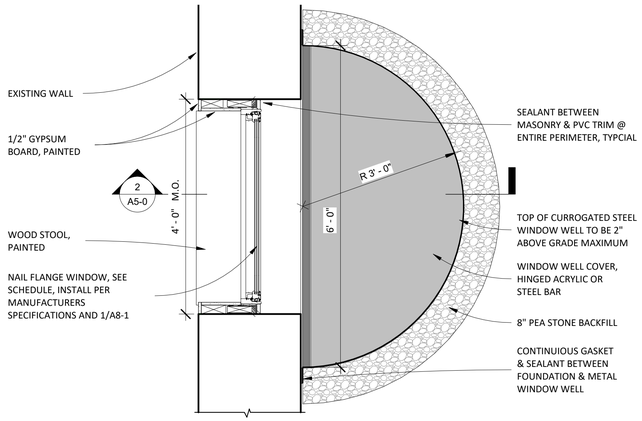


'A' - AWNING

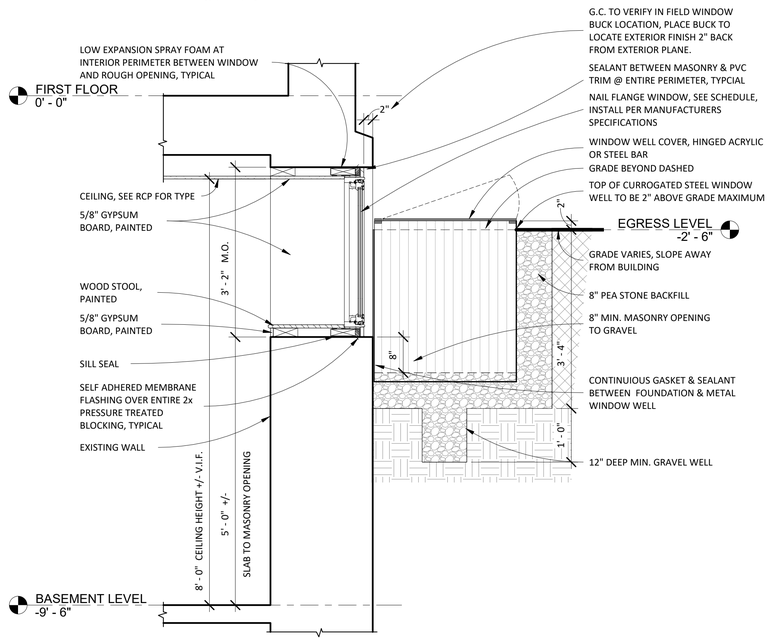
WINDOW SCHEDULE & TYPE NOTES:

1. CONTRACTOR SHALL VERIFY ALL QUANTITIES, AVAILABILITY, & ROUGH OPENING SIZES WITH THE WINDOW SUPPLIER SUBCONTRACTOR PRIOR TO ROUGH IN. NOTIFY ARCHITECT/OWNER OF ANY LEAD TIME ISSUES OR DIMENSIONAL DISCREPANCIES.
2. WINDOW BASIS OF DESIGN: CUSTOM SIZED INSULATED VINYL WINDOW TO MAXIMIZE DAYLIGHT WITHIN THE EXISTING M.O.
3. ALL WINDOWS SHALL HAVE A U-VALUE OF .35 OR LESS
4. SIZES SHOWN ON THE WINDOW TYPES INDICATE THE WINDOW FRAME SIZE
5. ALL WINDOWS SHALL HAVE WHITE HARDWARE
6. ALL SCREEN & FRAMES SHALL BE WHITE EXTERIOR AND WHITE INTERIOR, PROVIDE SAMPLE FOR OWNER/ARCHITECT APPROVAL
7. TEMPER ALL GLAZING, TYPICAL.
8. SEE EXTERIOR ELEVATIONS FOR WINDOW TYPES & LOCATIONS

4 WINDOW TYPE
1/4" = 1'-0"



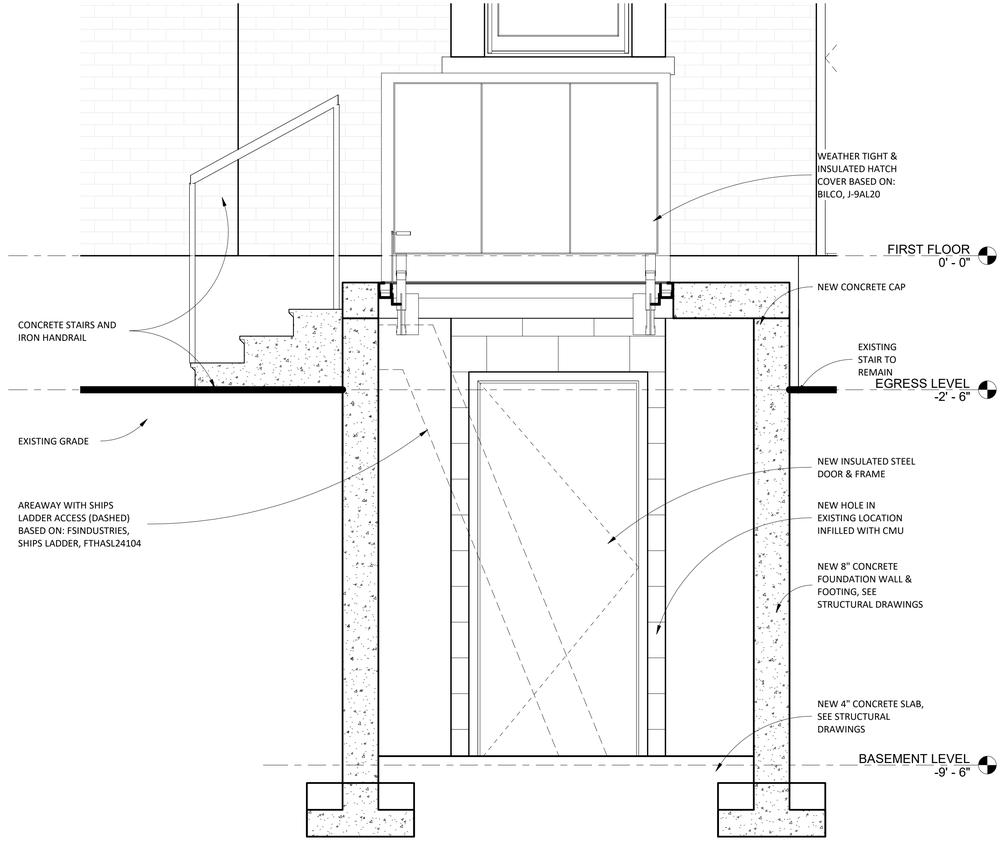
3 PLAN DETAIL @ WINDOW WELL
3/4" = 1'-0"



2 SECTION @ WINDOW WELL
3/4" = 1'-0"



TYPICAL WINDOW WELL TO BE OPENED UP



1 SECTION @ AREA WAY
3/4" = 1'-0"

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Project No.: 1811

Drawn By: WDN | Checked By: JRW

A5-0

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