

FINAL

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

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

**MEMBERS ABSENT:** None

**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 and Mr. Morris were given voting privileges for the meeting.**

**2. APPROVAL OF MINUTES**

**A. February 3, 2026**

*Mr. McDonough MOVED to approve the February 3, 2026, minutes as presented in the April 6, 2026 packet.*

*Seconded by Mr. Burtan.*

*\*The Vote on the Motion was (4-0-1).*

*Mr. Morris abstained because he was not present at the meeting.*

**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**

The applicant Lisa Dupont appeared online. Her house was built about 30 years ago. In order to stay in her house, they would like to modify the house to become a two-family residence to enable her son and his family to move in. They would like to redo the basement to make it an apartment. There have not been any modifications to the building in the past. They would be adding a kitchen and an egress window to the basement. It seems an ADU was already approved for the dwelling, so the Board questioned why it needed to be changed to a 2-family dwelling. They were having difficulty meeting all the requirements that an ADU stipulated therefore they determined design wise it was better to request a special exception to create a 2-family dwelling.

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

***Mr. McDonough MOVED On April 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Lisa Dupont, On-Line 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. No one from the public spoke in favor of or against the application.

**II. CONCLUSIONS OF LAW**

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

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

7. The granting of the Special Exception **will not** result in undue municipal expense.
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 6<sup>th</sup> day of April, 2026, hereby **GRANTS** 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.

*Seconded by Mr. Morris.*

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

- 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**

John Munsey appeared on behalf of the application. They have been planning to modify their home for several years. Other approaches would involve removing the garage and the deck, changing roof lines and moving a septic system. This design is in keeping with the design of homes in the area. The lot is very narrow, even though it is a large lot. The neighbors are not going to be impacted by this change. It is a very small ask to infringe into the setback.

Kelsey Haigh, the builder for the remodel, spoke with City Staff regarding a lot line adjustment. The variance seems like a more reasonable approach. The shape is very narrow, and the position of the house was placed in an odd place on the lot. This is the only reasonable approach to remodeling the home. It would go over the lot line by around one foot, and the footprint would increase by only 6 square feet over the line.

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

*Mr. Morris MOVED On April 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared John Munsey and Kelsey Haigh 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. No one from the public spoke for 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 Variance criteria set forth in section §801.2 of the Zoning Ordinance

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

In particular, the narrowness of the plot of land.

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 **6th day of April, 2026**, hereby **GRANTS** 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.

**Seconded by Mr. Burtan.**

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

- 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**

John Noonan with Fieldstone Land Consultants and Bobby Oakes, the applicant, appeared on behalf of the application. They are submitting applications to both the Planning Board and the Zoning Board for a 13 residential dwelling unit complex with a private road and private utilities. It would be a condominium association. In laying out the site there are steep slopes and wetlands to the eastern side. Meeting the criteria for septic systems drove the need to locate the systems, wells, and setbacks. This resulted in the road needing to be moved and that impacts the wetland buffer in order to grade the road. They would reseed and plant the wetland buffer. There would be a modest impact on the wetland buffer. They have already been to the Conservation Committee. The Commission was concerned about the walking trail and that was addressed, primarily with dog stations.

They are meeting the intent by preserving the Wetland resource itself. The impact to the buffer is temporary until they are reestablished. One shed is under 100 square feet and it is the only one is within the buffer, less than the allowable size. The trees are being maintained and only the grass would be temporarily impacted.

The applicants discussed how storm water from the development would not impact the water buffer. They are using a closed drainage to a storm water basin. It would not impact the wetlands. They are required to meet State standards for this. During ice and storm events they would be using a sand and salt mix. The storm water design and the sump pumps go to a basin and remove the salt through treatment. The construction process does not impose any threats to the wetlands.

The members asked for a response to the Conservation Commission recommendations. Walking paths are unpaved and no salt would be used. Dog waste disposal stations are on the plan. There would be no snow removal through the buffer. All sheds are placed outside the buffer, with the exception of one. They would like a special exception for one shed of 100 square feet. The planting in the impact area would follow the notes they have already submitted. This level of homes needs to be allowed to plant grass and plantings like the average home.

They are willing to follow the conservation commission recommendations but object to the need to have yards become meadow lands and they are requesting one shed be allowed in the buffer zone.

**Chair Katz opened the Public Hearing and hearing no one the Public Hearing was closed.**

***Mr. McDonough MOVED On April 6th, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Jonathan Nooan and Robert Oakes 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 14,380 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. No one from the Public spoke for or against this application.

**II. CONCLUSIONS OF LAW**

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

1. 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. (§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 **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** consistent with the purpose and intent of §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will** 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 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** capable of conforming to all existing best management practices, as referenced in Appendix A of the Zoning Ordinance, and **will** 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 6<sup>th</sup> day of April 2026 hereby **GRANTS** 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. There were six conditions that were handed down by the Conservation Committee that the applicant has agreed to comply with, except for the existence and or the. Construction of one of the sheds in the area that would be considered the wetland buffer at 115 square feet. We had 100 square feet, 100 square feet.
2. In addition, they do not agree and they're not ordered to comply with the type of plantings that will be in the front yards of people to have it look like natural meadows.

***Secoded by Mr. Burtan.***

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

Chair Katz recused himself from the next hearing and turned over the remainder of the meeting to Vice Chair Newlove.

***Mr. Burtan moved to take a short recess at 7:53 pm to seek legal counsel.***

***Secoded by Mr. Morris.***

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

***Vice Chair Newlove gaveled for the return of the meeting.***

- 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**

Tim Sidore with Execusuite appeared on behalf of the application. Vice Chair Newlove informed the applicant that they base their decisions on what is received in the packet and on what the Lebanon laws are. One of the things discussed is there are at least a few pages of missing information. There are a couple of things that can happen. It is helpful to have a full packet. They can dismiss the case because the packet is not complete. Rather they suggest that the hearing should be continued to May 4, 2026 to allow the Board to receive all the necessary information to make a decision. For example, there is a discrepancy on the number of units in the descriptions.

***Mr. Burtan MOVED to continue until the next Board meeting on May 4, 2026.***

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

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

The applicant was informed that he is entitled to have 5 members hear his application. One Board member has recused himself, and therefore it would be a long delay if the applicant determined he needed to wait for 5 voting members. A decision requires 3 supporting members to approve the application,

#### **4. STAFF COMMENTS**

The members were informed about some training opportunities that they are invited to join. The meetings are usually held over the noon hour and are online. There is also an annual training coming up regarding zoning in April and the City will pay the fees for anyone who wishes to attend. It is usually down in Concord on a Saturday.

#### **5. ADJOURNMENT**

***Mr. Mprris MOVED to adjourn the meeting at 8:33 PM.***

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

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

Respectfully submitted,  
Linda Billings, Recording Secretary