



**LEBANON ZONING BOARD OF ADJUSTMENT
JUNE 1, 2026 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 1-929-229-5356 (access code: 164 889 694#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

2. Approval of Minutes

- A. May 4, 2026

3. Public Hearing Items

- A. **Guyer Cardigan Legion Post #22, 189 Mechanic St (Tax Map 105, Lot 113), Zoned GC:** An appeal of the Zoning Administrator's decision that 1) Section 206 of the Zoning Ordinance applies to the installation of a new sign and 2) the sign permit application submitted on 2/17/2026 is incomplete, pursuant to Section 801.1 of the Zoning Ordinance **ZB2026-10-AAD**

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, May 4, 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

1 **1. CALL TO ORDER**

2
3 Chair Katz called the meeting to order at 7:00 PM.

4
5 Mr. Reichert gave the Right to Know, NH RS 91A public announcement.

6
7 **2. APPROVAL OF MINUTES**

8
9 **A. April 6, 2026**

10
11 *Mr. Burtan MOVED to approve the April 6, 2026, minutes as presented in the May 4, 2026 packet.*

12
13 *Seconded by Mr. Morris.*

14
15 **The Vote on the Motion was (5-0).*

16
17 **3. PUBLIC HEARING ITEMS**

18
19 **A. Execusuite LLC, 22 School St (Tax Map 92, Lot 2), Zoned R-O:** The applicant requests a
20 Special Exception from Section 311.2, pursuant to Sections 801.3 and 601 of the Zoning
21 Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling.
22 **ZB2026-02-SE** Continued from 4/6/2026 meeting

23
24 No new materials have been submitted since the April 6, 2026 meeting.

25
26 Chair Katz recused himself from this hearing. Vice Chair Newlove took over for this hearing and
27 rearranged the agenda allowing this hearing to be heard at 7:30 PM tonight.

28
29 Attorney Decker is present if the Board would like to caucus and seek legal counsel.

30 Vice Chair Newlove called the hearing. No one was in attendance or online for the application.

31
32 Attorney Decker said that if no one is present to speak for the application the Board can look at the
33 completeness of the application. At the last meeting, it was felt the application was incomplete. Vice
34 Chair Newlove said he reviewed the 2014 and 2017 previous applications and decisions of the Zoning
35 Board and described those decisions and applications to the other members. In 2017, 9 apartments were
36 approved, but in the current application 8 additional apartments are proposed, and it is not clear if this is
37 in addition to the previously approved 9 apartments. It is not clear how the apartments would be situated

1 within the building and how many studios or apartments they are asking to have approved. It also is not
2 clear how the garage would be used. Other members are also confused about the application. It is
3 possible that there has been some improper use of the building previous to this application.

4
5 The agenda was adjusted to move this application until 7:30 PM. If an applicant appears the application
6 will be heard.

7
8 Chair Katz returned to the meeting.

9
10 **B. Paula & John Maville, 15 Floyd Ave (Tax Map 87, Lot 57), Zoned R-3:** The applicants
11 request a Variance from Section 310.3, Pursuant to Section 801.2, of the Zoning Ordinance to
12 allow a deck to be located +/-3 ft from the left-side property line where 15 ft is required.
13 **ZB2026-09-VAR**

14
15 An additional document showing the deck was added to the packet for this application.

16
17 Mr. McDonough is a friend of the applicant and believes he can adjudicate correctly.

18
19 Ms. Maville spoke on behalf of the application. They would like to add additional footage to their
20 existing deck to add a staircase. It would be moved to the other side of the deck, and the deck would
21 come down a little lower than the existing deck and would connect by that staircase to the yard.
22 Originally, they had access to their backyard, but the cement and stone wall that was originally there was
23 damaged and needed to be replaced. Access to the backyard was removed when the new retaining wall
24 was built. This variance would allow them to access their backyard and would not impinge on their
25 neighbors. There would be spaces between the Trex decking on the steps that would allow drainage.
26 Members asked if it was possible to add steps to the back of the deck. It would make the steps a lot
27 higher and more difficult to traverse. There is a steep slope on the back of the lot, and this slope is
28 already about 8 feet high. The slope is the hardship of the property. This lot is narrower than most lots
29 on this block. The neighbor’s garage is right next to the property line.

30
31 Chair Katz opened the Public Hearing. Hearing no one, the Public Hearing was closed.

32
33 The members discussed the application. The testimony is that the lot is the narrowest and the steepest in
34 the neighborhood.

35
36 **Mr. Burtan MOVED On May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of**
37 **Adjustment, there appeared Paula Mayville regarding 15 Floyd Ave (Tax Map 87, Lot 57), Zoned R-3:**
38 **The applicants request The applicants request a Variance from Section 310.3, Pursuant to Section**
39 **801.2, of the Zoning Ordinance to allow a deck to be located +/- 3 ft from the left-side property line**
40 **where 15 ft is required.**

41
42 **I. FINDINGS OF FACT**

43
44 Based on testimony given, application materials presented, and supporting documents submitted, the
45 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 46
47 1. The applicant has submitted testimony addressing Section §801.2 criteria in an application
48 received by the Planning & Development Dept. on April 13, 2026.
49
50 2. The subject property is improved with a dimensionally conforming 1-family home that was
51 constructed in 1960.

- 1
- 2 3. The applicant wished to construct a 14ft x 8ft lower-level extension onto their existing deck with
- 3 stairs that will access the backyard. The extension will be +/- 3 ft from the left-side property line.
- 4
- 5 4. There were no comments from the public for or against the exception.
- 6

7 **II. CONCLUSIONS OF LAW**

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

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

24
25 Specifically, the significant slope in the backyard prevents access from the current existing deck
26 and the retaining wall.

- 27
- 28 6. There **is not** a fair and substantial relationship between the general public purposes of the
- 29 ordinance provision and the specific application of that provision to the property.
- 30
- 31 7. The proposed use **is** a reasonable one.
- 32

33 **III. DECISION**

34
35 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 4th day of May, 2026,
36 hereby **GRANTS** the requested Variance to allow a deck to be located +/- 3 ft from the left-side property
37 line where 15 ft is required pursuant to Section §801.2 of the Zoning Ordinance to allow as set forth
38 above and per testimony, plans, and materials submitted, and per the following conditions:

- 39
- 40 1. The applicant shall obtain a building permit and shall comply with all applicable local, state, and
- 41 federal regulations to ensure the project is compliant with pertinent codes.
- 42

43 *Seconded by Mr. Morris.*

44
45 **The Vote on the Motion was (5-0).*

46
47 At 7:30 PM the Board returned to the Execusuite, LLC application. Chair Katz recused himself
48 once again.

49

1 At the last meeting where this hearing was opened, additional information was requested. No
2 additional information has been provided, therefore the Board is rejecting the application.

3
4 **Mr. Burtan MOVED to deny the application without prejudice.**

5
6 **Seconded by Mr. McDonough.**

7
8 ***The Vote on the Motion was (4-0).**

9
10 Chair Katz returned to the meeting.

11
12 **C. Mason Storage LLC, 38 Spencer St (Tax Map 78, Lot 39), Zoned LD:** The applicant
13 requests a Variance from Section 307.7, pursuant to Sections 801.2 of the Zoning Ordinance,
14 to allow mechanical equipment to be located +/- 2.3 ft from the rear property line where 10 ft
15 is required. **ZB2026-07-VAR**

16
17 Patrick Shawn Mason, Amy Mason, and Dash Nash, engineer for the applicant, appeared on behalf of the
18 application. They would like to add HVAC units at the back of the property where the units would be
19 less intrusive and obstructive. There is a berm that would conceal the view of all the units and there are
20 no abutting properties.

21
22 Amy Mason spoke, reviewing the application materials that have been submitted. There are HVAC units
23 already placed there and there already exists buffering and screening. This location makes the units
24 hidden, whereas other placement would infringe on neighbors. This is a corrective application to
25 legitimize what is already there. There are no obligations regarding flooding. They have a flood plain
26 certificate. The siding is above the flood plain therefore the units would be properly protected and
27 elevated above the flood plain.

28
29 Chair Katz opened the Public Hearing. No one spoke for or against the application, and the Public
30 Hearing was closed. The members discussed the application.

31
32 **Mr. McDonough MOVED on May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of**
33 **Adjustment, there appeared Patrick Mason, Amy Mason and Dan Nash regarding 38 Spencer St (Tax**
34 **Map 78, Lot 39), Zoned LD: The applicant requests a Variance from Section 307.7, pursuant to**
35 **Sections 801.2 of the Zoning Ordinance, to allow mechanical equipment to be located +/- 2.3 ft from**
36 **the rear property line where 10 ft is required.**

37
38 **I. FINDINGS OF FACT**

39
40 Based on testimony given, application materials presented, and supporting documents submitted, the
41 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 42
43 1. The applicant has submitted testimony addressing Section §801.2 criteria in an application
44 received by the Planning & Development Dept. on April 13, 2026.
45
46 2. The subject property is improved with a dimensionally conforming commercial warehouse
47 originally constructed in 1984; a +/- 30,000 sq ft addition was completed in 2025.
48
49 3. Site Plan approval was granted in 2024 to include 3 HVAC units on each side of the building.
50

- 1 4. The HVAC units were installed at the rear of the building without prior approval and are located
- 2 +/- 2.3 ft away from the property line.
- 3
- 4 5. Section 307.7.B.2 requires “all principal buildings with a building height of less than 45 feet shall
- 5 maintain a minimum setback of 10 feet from any side or rear lot line that is directly adjacent to a
- 6 residential district”.
- 7
- 8 6. No one from the Public appeared in favor or against this application.
- 9

10
11 **II. CONCLUSIONS OF LAW**

12
13 As a result of the above findings of fact and based on testimony given, application materials presented,
14 and supporting documents submitted, the Board concludes the following with respect to the Variance
15 criteria set forth in §801.2 of the Zoning Ordinance:

- 16
- 17 1. The variance **will not** be contrary to the public interest.
- 18
- 19 2. The spirit of the ordinance **is** observed.
- 20
- 21 3. Substantial justice **is** done.
- 22
- 23 4. The values of surrounding properties **are not** diminished.
- 24
- 25 5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
- 26 Owing to **[the following]** special conditions of the property that distinguish it from other
- 27 properties in the area.
- 28

29 There are two considerations. One is that the location in the petition is the best functional location
30 for this particular machinery because of the sunlight on that side versus other sides of the
31 building.

32
33 And the Petitioner also agrees to submit a FEMA elevation certificate before completion.

- 34
- 35 6. There **is not** a fair and substantial relationship between the general public purposes of the
- 36 ordinance provision and the specific application of that provision to the property.
- 37
- 38 7. The proposed use **is** a reasonable one.
- 39

40 **III. DECISION**

41
42 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 4th day of May, 2026,
43 hereby **GRANTS** the requested Variance to allow mechanical equipment to be located +/- 2.3 ft from the
44 rear property line where 10 ft is required building pursuant to Section §801.2 of the Zoning Ordinance to
45 allow as set forth above and per testimony, plans, and materials submitted, and per the following
46 conditions:

- 47
- 48 1. The applicant shall submit the FEMA certificate.
- 49

50 **Seconded by Mr. Burtan.**

1
2 **The Vote on the Motion was (5-0).*

3
4 **D. Glenna Giveans, Owner, and J. Jordan Romano, Applicant, 23 Union St (Tax Map 92,**
5 **Lot 171), Zoned R-2:** The applicants request three Variances, 1) from Section 309.3 of the
6 Zoning Ordinance to allow 4-dwelling units on a +/- 11,325 sq ft lot where a minimum of
7 16,000 sq ft is required, 2) from Section 601.2 of the Zoning Ordinance to allow proposed
8 off-street parking to occupy the front yard on the Union St side of the lot, and 3) from Section
9 601.2 of the Zoning Ordinance to allow the proposed expansion of existing off-street parking
10 on the Kimball St side of the lot; all pursuant to Section 801.2 of the Zoning Ordinance.
11 **ZB2026-08-VAR**

12
13 Jordan Romano appeared on behalf of the application. They are requesting the variance to
14 convert a 2-family dwelling into 4 dwelling units. The building is exceptionally large, and it
15 would help meet the housing needs of Lebanon.

16
17 This would not be contrary to the public interest as other dwellings are designed like this and
18 they are on even smaller properties. There are similar homes in the neighborhood. Their
19 application includes illustrations of similar surrounding properties. They do not intend to
20 increase the size of the footprint of the property. There is significant unused area in the existing
21 dwelling. The members asked for clarification about the hardship of the property.

22
23 The proposed parking was discussed. There are currently 2 existing parking spaces, and he
24 would like to have 6 additional off street parking spaces. There is a new requirement for EV
25 parking based on the number of bedrooms. If he asks for 6 parking spots, he can have a
26 dedicated EV space for any unit that would need it. In this case, they are asking for permission
27 to use a specific location and not specifically asking for the number of spaces. They are
28 proposing two spots off Union Street, four off Kimble Street. Part of the issue is the distance
29 from the setback on the Kimble Street side. Parking would not require a variance for the Union
30 Street side. They would like to locate the car parking in the stated places, to continue to allow
31 the use of the backyard by the tenants. There is adequate space for snow to be piled in the same
32 area. There is an existing driveway, and they may request to have an additional curb cut to allow
33 pulling straight into the parking spaces.

34
35 They intend to change the garage and the space above it into dwellings and the parking would
36 not be covered. They intend to build 7 additional bedrooms. The majority of unused space is in
37 the garage and barn on the back half of the garage. The back barn may be removed. Other
38 unused spaces include the third floor in the front of the building. The applicant is currently
39 intending to purchase the property. The closing time was modified for separate reasons. The
40 applicant currently lives in Boston.

41
42 The members commented that the request is for parking, but the applicants want to eliminate
43 parking places they already have, because they want to turn parking areas into living spaces. The
44 applicant feels he is at a disadvantage because other properties have more parking. It was
45 pointed out that they are creating their own problem of a lack of parking. In its current use, the
46 condition of the garage structure needs to be revamped. The structure needs to be rebuilt from its

1 current form. The applicant believes the best use of the property is to do what others have done,
2 build more dwellings.

3
4 There are two historical pathways. There have been a number of large homes on small lots and
5 many applications have been made to convert to multiple dwellings. The ordinance changed
6 because this is not a preferred use. Others may have been grandfathered in. It was asked if there
7 is a history of recent expansions in the neighborhood. It is likely that most of the housing was
8 dense prior to the new ordinances. In the surrounding neighborhood nearly 65 percent of the
9 houses in this area have some extent of non-conforming aspect. The applicant feels that he is
10 making an effort to improve housing and also keep the parking off the street.

11
12 Chair Katz opened the Public Hearing.

13
14 Dan Winny is a homeowner neighbor with an ADU abutting the property. His house was built
15 over 100 years ago and was built 6 feet from the property line. The proposed parking lot would
16 be adjacent to his house. He received notice of this hearing 5 days ago, and they have not seen
17 the requested parking placement. On behalf of 21 owners, he read a statement.

18
19 Amongst other things he mentioned, the lot size under zoning only supports 2 units, not the 4
20 requested. The statement focused on the hardship and states that there are no special hardships
21 to the property. The applicant feels that limiting the property to 2 units interferes with his use of
22 the property and that the garage is useless space. There are 29 properties in the area, and 21
23 people have signed the statement they are submitting. There are 25 single family homes with 3
24 homes with accessory rental units. The neighborhood is primarily single family. Twenty-Three
25 Union Street is not being held to a higher standard than the neighbors. The presence of non-
26 conforming properties is not a justification to build additional parking lots on the properties. It is
27 felt that this applicant intends to increase the density and does not state a reasonable hardship
28 with the property. The signatories request that the application is not granted. They welcome the
29 new neighbor and hope he can keep the property similar to what it is currently doing. So far, 14
30 properties have signed the statement.

31
32 Chair Katz spoke about a hardship. It is not the land itself, but also the improvements on the
33 property. The hardship is stated as a small lot with a large building and unused space. He asked
34 if the building is large in comparison to the lot. There are several large buildings in the area that
35 are comparable to 23 Union street. But there are also many small dwellings.

36
37 Dominic Fatciponte thanked everyone for the work that has been done. The area and street are
38 already too busy. It is unsafe for the children and families that already live on the properties in
39 the neighborhood. He lives at 18 Union Street.

40
41 Alyssa Smith lives at 30 Kimble Street, across the street from the property. They have lived
42 there for 23 years. She referenced the zoning ordinances and that this application conflicts with
43 the vision for this district. This level of change undermines the zoning ordinances. This
44 property can continue to be used as it currently exists, a 2-dwelling unit.

1 Deborah Howe, 46 Green Street, stated that across from their single-family home, there is a
2 house that is converted to apartments and the numerous cars moving in and out of this parking
3 lot impacts their housing. The additional parking areas and vehicles is a distraction.
4

5 Lynn Fisher, 11 Union Street remarked that she knows some of the neighbors that rent another
6 property that Mr. Romano owns. The neighborhood does not need more non-owner-occupied
7 properties. When the owner is not living there, it severely impacts the nature of the
8 neighborhood.
9

10 Kathie Romano, mother of Jordan the applicant, said she has seen this property. It has a small
11 one-bedroom apartment. The rest of the house could be a 5-to-6-bedroom house. The number of
12 people who could live in that property might not be different than if it was 4 units. The current
13 garage is in disrepair. The City has a stated purpose to increase the number of houses in
14 downtown Lebanon.
15

16 Tammara Gerlach lives at 30 Union Street. She lives on a lot the same as 23 Union Street. They
17 live in a large house, about the same as this house. They also have a small apartment that their
18 family uses. They have a lot of unused parking; they could also ask to have a 4-dwelling unit
19 with lots of parking. But she feels it would not be in the best interest of the neighborhood. She
20 feels that increasing the living quarters in this area could lead to more street parking which is
21 already not available.
22

23 Collin Smith lives across from the property. In recent years the garage was used. Adding
24 parking adjacent to the neighbor would make it very unpleasant for the owners in the Winny
25 residence that would be a few feet away from the vehicles.
26

27 Robert Tichner, homeowner at 20 Union Street, lives directly across the street from rental
28 housing. The zoning and parking are negatively impacted by the non-owner-occupied facilities.
29 Adding this only adds to the impact on the neighborhood.
30

31 No one else appeared in person or online to speak.
32

33 Mr. Romano was asked if he would like to add any additional information. He is grateful that his
34 neighbors advocate for the neighborhood. He completed his medical training in the area, and his
35 way of giving back is to try to better the town by building and improving housing in the area. He
36 is open to working with his neighbors to make sure his tenants have a good impact on the
37 neighborhood. He believes the character of a neighborhood changes over time. He is willing to
38 amend his thoughts about developing the area, and he has intentionally tried to design things that
39 would have the least negative impact on neighbors and the neighborhood.
40

41 The Board asked a few follow-up questions. The property is under contract, and the purchase
42 has not been completed as there was a delay in closing.
43

44 A previous variance that was granted on Elm Street was discussed. When the variance was
45 granted historically, they made the decision, as there was no other use for that building without
46 adding dwellings. This hearing, it appears the garage has to be rebuilt, and it needs attention to

1 be useful. There is a building that needs to be filled up, and there is a garage, that needs to be
2 rebuilt, and they would like to turn it into housing.

3
4 Hearing no one else from the Public, the Public Hearing was closed.

5
6 There are three requests for variance. They can be bundled together or taken one at a time.
7 Mr. McDonough thanked the community members for coming out. The Board is not here for
8 neighborhood preservation. They also are not safety monitors. They have a limited ability to determine if
9 there is a significant and unique difference about this property. The members struggled with identifying
10 if there was a hardship with the property. The variances stem from one another. It is entirely possible to
11 approve some of the requested variances and not others. Chair Katz says in this district, 4 dwelling units
12 are permitted. The need for the requested variance is due to the size of the lot. To convert they have to
13 meet the existing neighborhood architecturally. Parking has to be adequate off-street parking. Such
14 parking shall not occupy the front yard unless it exists, expanding requires a variance. The minimum
15 required parking is one spot per unit, and one has to be an EV. They are actually asking for more parking.
16 Chair Katz is in favor of denying the parking variances but approving the conversion. The size of the
17 building was the key driver, the size of the building to the size of the lot.

18
19 ***Mr. Newlove MOVED On May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of***
20 ***Adjustment, there appeared Jason Romano regarding 23 Union St (Tax Map 92, Lot 171), Zoned R-2:***
21 ***The applicants request three Variances, 1) from Section 309.3 of the Zoning Ordinance to allow 4-***
22 ***dwelling units on a +/- 11,325 sq ft lot where a minimum of 16,000 sq ft is required, 2) from Section***
23 ***601.2 of the Zoning Ordinance to allow proposed off-street parking to occupy the front yard on the***
24 ***Union St side of the lot, and 3) from Section 601.2 of the Zoning Ordinance to allow the proposed***
25 ***expansion of existing off-street parking on the Kimball St side of the lot; all pursuant to Section 801.2***
26 ***of the Zoning Ordinance.***

27
28 **I. FINDINGS OF FACT**

29
30 Based on testimony given, application materials presented, and supporting documents submitted, the
31 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 32
33 1. The applicant has submitted testimony addressing Section §801.2 criteria in an application
34 received by the Planning & Development Dept. on April 13, 2026.
35
36 2. The subject property is improved with a dimensionally non-conforming 2-family dwelling
37 originally constructed in 1860.
38
39 3. The subject property is +/- 11,325 sq ft in size.
40
41 4. The subject property contains an existing non-conforming off-street parking area within the front
42 yard on the Kimball Street side of the property.
43
44 5. The applicant proposes +/- 4,004 sq ft of impermeable coverage and unpaved parking and
45 driveway areas where up to +/- 7,361 sq ft is allowed.
46
47 6. Twenty-one people signed a petition with 14 of those people being owner properties. There was
48 one person who spoke in favor of the variance and there was one additional person. Those who
49 testified were Dan Winny at 29 Campbell Street, Dominic Factiponte at 18 Union Street, Alyssa

Smith of 30 Kimball Street, Deborah Howe of 46 Green Street, Lynn Fisher of 11 Union Street, Kathy Romano of 13 Apple Blossom Drive and Tamara Gerlach of 30 Union Street.

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 be** contrary to the public interest.
2. The spirit of the ordinance **is not** observed.
3. Substantial justice **is** done.
4. The values of surrounding properties **are** diminished.
5. Literal enforcement of the provisions of the ordinance **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** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.
7. The proposed use **is not** a reasonable one.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 4th day of May 2026, hereby **DENIES** the requested Variances

- 1) From Section 309.3 to allow 4-dwelling units on a +/- 11,325 sq ft lot where a minimum of 16,000 sq ft is required.
- 2) From Section 601.2 to allow off-street parking to occupy the front yard on the Union St side of the lot.
- 3) From Section 601.2 to allow the expansion of existing off-street parking within the front yard on the Kimball St side of the lot.

Seconded by Mr. McDonough.

Chair Katz finds some of these findings not supported with evidence and determinations excessively harsh.

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

Chair Katz voted against the motion.

4. STAFF COMMENTS

1 Staff will tell Cyber Services that enhanced access did not work well. Staff was asked to please
2 provide hard copies. Packets did not get fully delivered this month.

3
4 Mr. Newlove will be out the June meeting. Other members can attend. Applicants are entitled to be
5 heard by five members. Applicants for the June meeting will be given the opportunity to have a full
6 Board. There was an appeal filed, but the applicant has asked for a July hearing.

7
8 Primitive Pickings is in a Zoning Administration case, and it is thought that the property is going into
9 bankruptcy. The City has a judgement and there is a lien to move to foreclosure.

10
11 **5. ADJOURNMENT**

12
13 *Mr. Burtan MOVED to adjourn the meeting at 8:33 PM.*

14
15 *Seconded by Mr. McDonough*

16
17 **The Vote on the Motion was (5-0).*

18
19 Respectfully submitted,
20 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

**Guyer Cardigan Legion Post #22
189 Mechanic Street**

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*
& Tiffany Adams, *Zoning Executive Assistant*
Date: June 1, 2025 – Regular Meeting
Application Number: ZB2026-10-AAD

HEARING NOTICE:

Guyer Cardigan Legion Post #22, 189 Mechanic St (Tax Map 105, Lot 113), Zoned GC: An appeal of the Zoning Administrator's decision that 1) Section 206 of the Zoning Ordinance applies to the installation of a new sign and 2) the sign permit application submitted on 2/17/2026 is incomplete, pursuant to Section 801.1 of the Zoning Ordinance ZB2026-10-AAD

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with building constructed in 1989 per the City Assessor's records and is non-conforming to the GC zoning district, Class 1, minimum lot size requirement of 50,000 sq ft with +/- 37,026 sq ft and is within the Riverbank Protection, NH Shoreland Protection, and FEMA flood zone overlay districts. Previous ZBA action includes:

- 2015 Special Exception to expand the non-conforming structure



TO: Zoning Board of Review
RE: ZB2026-10-AAD_189 Mechanic St. 105-113
Zoning Official’s Rebuttal
DATE: 28 May 2026

Section 1: Jurisdiction

The appeal currently before the Zoning Board is not in order.

1. The Appellant has not filed an appeal within the applicable 30-day time frame pursuant to 801.1. Administrative Appeals.

- a. *“An appeal under this section shall be made within 30 days of the date of the administrative decision being appealed, or within 30 days of the time that the person filing the appeal knew or had reason to know that the administrative decision had been made. The effect of an appeal shall be as set forth in RSA 676:6.”*
- b. The determination of the applicability of Section 206 Sight Distance at Street and Driveway Intersections which requires a Special Use Permit to be issued by the Zoning Board was made in the Notice of Violation 24 September 2025.
- c. Once a determination has been made by the Zoning Official has been made and not appealed it stands as unappealable. As such any subsequent discussion of the matter is a re-statement of the previously made determination.
- d. If the Appellant does not appeal a determination in a timely fashion, does asking the same question over and over again in the same manner re-start the 30-day time limit? If it does, then no administrative certainty can ever be achieved by the Zoning Official or for that matter the Zoning Board. An Appellant need only ask the same question over and over again and appeal ad infinitum as a means to avoid the inevitable consequence of breaking the Zoning Ordinance.
- e. Section 206 is clearly cited in the Notice of Violation and was not appealed therefore the determination by the Zoning Official stands having not been appealed in a timely fashion.
- f. Further the Appellant sought to comply with the determination having filed multiple incomplete Zoning Board Special Exception applications.

2. The Appellant has not clearly identified an area of the Ordinance in which the Zoning Official is in question.

- a. The specific passage of the Ordinance that is being questioned in this Appeal remains undefined by the Appellant. The appeal does not clearly state for the Board what has been misinterpreted, errored or misjudged by the Zoning Official. Nor is there any proof that the Zoning Official errored in judgement or interpretation of any section of the Ordinance as is required for the Board to overturn a Zoning Official’s determination.



- b. As the Burden of Persuasion rests with the Appellant, understanding what area of the Zoning Ordinance was misinterpreted is essential for the Board to find error in the Zoning Official’s determination.
- c. Should the Board seek to proceed, Staff have anticipated a series of Ordinances that have been discussed in this case. The Brief that follows is the Zoning Officials best guess as to what the Appellant seeks to prove is wrong about the Determinations being made by the Zoning Official.

3. Immediate Consideration is Required.

- a. The Zoning Official has sought since September of 2025 a settlement agreement and stipulation with the applicant. The Applicant has rejected settlement and has chosen to proceed by forcing the City into further Enforcement action. Thereby costing the City treasury and Lebanon taxpayers unnecessary Staff and Legal time to enforce the ordinance.
- b. Therefore, any delay in considering this case is a delay in the City’s right to justice, the enforcement of the Zoning Ordinance and the collection of applicable fees from the Appellant for breaking the Zoning Ordinance on three counts.
- c. The City’s position has been for over three years to have the Appellant comply with the Zoning Ordinance. The City has amended the ordinance to allow the sign that was erected without permits to be permissible.

Section 2: Powers, Duties and Rules of Procedure

The Zoning Board is Guided by the Following Powers and Duties and Rules of Procedure.

Please note 802.3.C. “Burden of Persuasion: The applicant bears the burden of introducing sufficient evidence, through testimony or otherwise, to persuade the Board that the application should be granted.”

SECTION 801 POWERS AND DUTIES.

The powers and duties of the Board shall be as prescribed by NH RSA 674:33, as amended. The powers and duties are:

801.1 Administrative Appeals.

As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be taken by the applicant, an abutter as defined by RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

For the purposes of this section:

- (a) The "administrative officer" shall mean the Zoning Administrator.*



81 *(b) As set forth in RSA 676:5, II, a "decision of the administrative officer" includes any*
82 *decision involving construction, interpretation or application of the terms of the Zoning*
83 *Ordinance. It does not include a discretionary decision to commence formal or informal*
84 *enforcement proceedings, but does include any construction, interpretation or*
85 *application of the terms of the Zoning Ordinance which is implicated in such enforcement*
86 *proceedings.*

87
88 *An appeal under this section shall be made within 30 days of the date of the administrative*
89 *decision being appealed, or within 30 days of the time that the person filing the appeal knew or*
90 *had reason to know that the administrative decision had been made. The effect of an appeal shall*
91 *be as set forth in RSA 676:6.*

92
93 **802.3 Hearing Procedure.**

94 *All hearings shall be conducted in accordance with the Rules of Procedure adopted by the*
95 *Board.*

96 *A. Witnesses: The Chairman shall have the power to administer oaths and compel the*
97 *attendance of witnesses.*

98 *B. Testimony: The Board shall hear all abutters who desire to testify and all non-*
99 *abutters who can demonstrate that they are affected directly by the application under*
100 *consideration. The Board may hear such others as it deems appropriate.*

101 ***C. Burden of Persuasion: The applicant bears the burden of introducing sufficient***
102 ***evidence, through testimony or otherwise, to persuade the Board that the application***
103 ***should be granted.***

104 *D. Conflicts of Interest: Conflicts of interest are governed by RSA 673:14, the City of*
105 *Lebanon Ethics policy (ADM-108, as amended), and the Board's Rules of Procedure. No*
106 *member of the Board shall sit upon the hearing of any question which the Board is to*
107 *decide in a judicial capacity if that member would be disqualified for any cause to act as*
108 *a juror upon the trial of the same matter in any action at law. Reasons for*
109 *disqualifications do not include exemption from service as a juror or knowledge of the*
110 *facts involved gained in the performance of the member's official duties. If a member is*
111 *disqualified or unable to act in any particular case pending before the Board, the*
112 *chairman shall designate an alternate to act in his place.*

113 *E. Joint Hearings with Planning Board: In accordance with NH RSA 676:2, as amended,*
114 *the Board of Adjustment and the Planning Board may hold joint meetings and hearings*
115 *when the subject matter of an application is within the responsibilities of both Boards.*
116 *Each Board shall be responsible for rendering a decision on the subject matter which is*
117 *within its jurisdiction.*

118
119 **802.4 Decisions of the Board.**

120 *A. Majority Vote: The concurring vote of 3 members of the Board shall be necessary to reverse*
121 *any action of the administrative official or to decide in favor of the applicant or any matter on*
122 *which it is required to pass.*



Section 3: Notice of Violation

126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169

A. A Notice of Violation has been issued in this case.

1. Three Violations were cited in the unappealed Notice of Violation.

a. Violation 1: *Per Section 901.1 General. Written application for a zoning permit must be filed by the owner or his agent with the City of Lebanon for any of the following. Until such a permit has been received, none of the following shall be commenced: A. The erection or use of any new building, exterior sign, or other structure.*

1. Zoning Approval was not sought nor approved at the time the sign was erected by the Appellant.

b. Violation 2: *Per Section 608.2.B: Building Permit Required. A building permit from the Planning Department is required prior to the display and erection of any sign, except as provided in Section 608.7.*

1. No Building Permit has been approved nor was a permit approved at the time of the installation of the unpermitted sign.

c. Violation 3: *Section 206 Sight Distance at Street and Driveway Intersections There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.*

1. The 206 Sight distance requirement was not appealed in a timely fashion.
2. The 206 requirements still apply as the proposed sign is within 3’ and 10’ tall and is in the 25’ triangle.
3. The Zoning Board receives a complete application for a Special Exception to grant the use of a sign within this triangle. Despite several attempts as application Appellant was unable to generate a complete application that meets the Zoning Board’s requirements.

As was clearly articulated in the Notice of Violation issued September 24th which included an email from Nathan Reichert – Zoning Official and Tiffany Adams – Zoning Executive Assistant:

Please review Attached Notice of Violation in its entirety. The Appeal rights on the Notice of Violation expired on October 24th 2025.



Section 4: What is being Appealed?

The Appellant seeks the following:

“The Legions appeals the administrative decision that the Sign Application is incomplete and that a special exception is required.”

There is no specific Zoning Ordinance code cited in the Appeal. Upon what grounds is this appeal made and based upon what text? The Staff is at a significant disadvantage when rebutting the appeal that is unclear as it does cite a specific text of zoning ordinance, as is the Board in determining if an error has been made.

Due to a lack of clarity Staff asserts and retains its right to further supplement the record with testimony and evidence as needed to rebut claims being made by the Appellant. If the Appellant seeks to confuse and obfuscate the record for the Zoning Official and the Zoning Board, they have succeeded. Unfortunately for all confusion breeds delay in compliance with the Zoning Ordinance.

4.A. Completeness:

The question of completeness is rather simple, the Case presented by the Appellant clearly admits that they did not address the elements that were articulated in the Notice of Violation nor multiple guidance documents that have quoted specific areas of the Zoning Ordinance that need to be addressed to achieve completeness.

Staff will attempt to construct a meaningful framework to rebut the unsubstantiated assertions being made in the appeal. Unfortunately, such large sections of the Ordinance are unaddressed in the Application and the Appeal. Pointing out an exhaustive list is difficult. Further, there is no direction made by the Appellant as to where in the Zoning Ordinance their Appeal is directed.

If the Zoning Board deems that the 30-day appeal period has not been exhausted and proceeds to the merits of the case, then the following analysis rebuts the invalid claims being made by the Appellant as follows:

4.A.1 The Appeal admits the Application provided is incomplete.

The Appeal submittal itself includes several NEW additional items seeking to supplement the record and coax a determination of completeness from the Board or the Zoning Official. Unfortunately, even with these new pieces of evidence, once again they are short of the mark for completeness as large sections of the Ordinance are simply ignored. Staff has attempted to share with the Appellant on multiple occasions in writing and orally what is required for a permit. The Appellant has chosen to ignore the advice and direction of Staff.

New information provided as a part of the Appeal: Sign Location and Property Line.



214 The Appellant included an email in the appeal from an Engineer speculating about the location
215 of the property line and the sign. If the term hearsay applies to an assertion, this is it. Again, no
216 stamped survey is provided, rather, a statement being made by a business associate about another
217 business associate who he claims says the property line has been identified. Please review the
218 entire email provided by the applicant to the Zoning Staff for the first time as a part of an appeal.
219

220 Professional standards of a Land Surveyor are to research, observe, illustrate and stamp and sign
221 with a State of New Hampshire Licensed Professional Land Surveyor (PLS) attesting to their
222 findings. None of the professional standards required to be followed by a New Hampshire PLS
223 are met. What is the Professional Engineer’s (PE) state silence number? There is no Signature on
224 the Stamp as is professionally required? What is the PLS’s name? What is their PLS number?
225 The attestation of a non PLS Engineer should clearly reference a PLS stamped survey.
226 Unfortunately, what has been provided does not share with it any level of professional standard
227 that is required by a New Hampshire PLS, PE or the standards of this Zoning Board.
228

229 Finally, the pseudo-attestation provided by the Engineer was in the form of an unstamped and
230 attributed email. If it was in the form of a site plan drawing following professional rules of
231 conduct by a Professional Engineer (PE) or a Professional Land Surveyor (PLS) as required by
232 the Zoning Ordinance it would likely be acceptable. Until then we are left with an unproven
233 claim about the sign and its relationship with the property line. Without such proof the Zoning
234 Official and the Board cannot conclude that the application meets the standards of the ordinance.
235

236 The clear solution in this case is for the Appellant to submit a Surveyed Sight plan stamped by a
237 PLS that meets the requirement of the ordinance as a part of a Special Exception application to
238 the Zoning Board. Advise the Staff has given multiple times and which has not been followed by
239 the Appellant for nearly 18-months.
240

241 **4.A.2 Ordinance that Applies**

242 Below are the sections of the Ordinance that must be met for a determination of completeness.
243 On multiple occasions staff has explained to the Appellant that the following areas of the
244 Ordinance Apply to any application. Despite coaching, oral and written communication about
245 what is applicable and required, multiple applications were filed without addressing much of
246 what is required.
247

248 A review of each of the standards articulated below needs to be made in the affirmative to make
249 a determination of completeness:
250

251 **General Zoning Application Requirements**

252
253 *901.1 General.*

254 *Written application for a zoning permit must be filed by the owner or his agent with the*
255 *City of Lebanon for any of the following. Until such a permit has been received, none of*
256 *the following shall be commenced:*

- 257 *A. The erection or use of any new building, exterior sign, or other structure.*



258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302

901.2 Application Requirements.

Application for a zoning permit shall be upon an appropriate form to be prescribed by the City and shall be accompanied by:

A. Plans, drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing buildings, and of proposed new buildings or structures.

B. Information as to the existing and intended use of each building, lot or part thereof, and as to the number of families, lodgers, or other occupants which any building upon the premises is designed to accommodate.

C. A copy of the plans and information described above shall also be submitted to the City Planner or his or her designee for review in accordance with the provisions of Article III of the City of Lebanon Site Plan Review Regulations.

Sign Specific Application Requirements

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

1. A photograph of any existing signs to be refaced, and the sign area and dimensions of each sign to be refaced.

2. A drawing to scale of each proposed sign. Each rendering shall identify:

a. the total sign area in square feet;

b. the dimensions of the sign in feet and inches;

c. the height of the sign;

d. the proposed location of the sign on the building, if applicable;

e. construction materials; and

f. landscaping specifications, if applicable.

3. A scaled plot plan of the lot depicting the proposed location of any freestanding sign and any associated landscaping.

4. Specifications for the construction or display of the sign and for its illumination and mechanical movement, if any.

5. Where internal illumination is proposed, documentation necessary to demonstrate compliance with Section 608.4.A.6 (“Illumination”).

6. All applicable dimensions, measurements, and sign area calculations required to support the approval of the sign permit requested.

Freestanding Sign Application Requirements

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

a. Sign Area and Height Regulations.

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



303

	Zoning District						
<u>Maximum</u>	<u>GC & GC-1</u>	<u>CB</u>	<u>LD</u>	<u>IND-L</u>	<u>IND-RA</u>	<u>IND-H</u>	<u>MC2</u>
<u>height</u>	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
<u>sign area</u>	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

304

305

306

307

308

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

309

310

311

312

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

313

314

315

316

317

318

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

319

b. *Design Standards.*

320

321

322

323

324

325

326

327

i. *Landscaping.* A landscaped area located around the base of a freestanding sign equal to two and one-half square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial ground cover plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the freestanding signs structure is encouraged.

328

329

330

331

ii. *Spacing.* Freestanding signs must be spaced at least 150 feet apart on public streets with posted travel speeds under 40 miles per hour, and at least 300 feet apart on public streets with posted travel speeds of 40 miles per hour and over.

332

Freestanding Digital Sign Application Requirements

333

334

335

e. *Freestanding Digital Signs.* Freestanding Signs may incorporate a digital sign subject to the following:

336

337

338

339

340

341

342

i. *Freestanding digital signs* are only allowed in the General Commercial (GC) district on properties with frontage on the following streets:

- *Mechanic Street*
- *Miracle Mile*
- *Plainfield Road*
- *South Main Street*

ii. *No more than one (1) display per hour* shall be allowed



- 343 *iii. Displays shall contain static messages only*
- 344 *iv. Freestanding Digital Signs shall be programed to automatically freeze in a single*
- 345 *display in the even of a malfunction or computer/system error.*
- 346 *v. The Planning and Development Department shall be provided with an on-call contact*
- 347 *person and phone number for each freestanding digital sign. The contact person must*
- 348 *have the ability and authority to make immediate modifications to the displays and*
- 349 *lighting levels should the need arise.*
- 350 *vi. The digital sign and freestanding digital sign may be no larger than 50% on the sign*
- 351 *area of the freestanding digital sign*
- 352 *vii. No Freestanding digital sign may be located within one hundred (100) feet of a*
- 353 *residential dwelling*
- 354 *viii. Freestanding digital signs shall operate with no more than 0.3 footcandles at the*
- 355 *property line*
- 356 *ix. If a freestanding digital sign is located in the line of sight of a residential dwelling,*
- 357 *such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles*
- 358 *above ambient light levels (at measurement conditions) as measured to the nearest*
- 359 *property line of the residential dwelling from the electronic sign.*

Clear Vision and Special Exception Required

D. Clear Vision & Movement. No sign may obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property. All signs are subject to the requirements of Article II, Section 206, "Sight Distance at Street4.B Location on Private Property: Intersections" except when the following conditions are met an administrative approval by the Zoning Official may be made:

1. A freestanding sign or portion thereof to be placed in a commercial or industrial district is not within ten feet of a street, sidewalk, crosswalk, driveway, driveway exit stop line, bus stop, or other similar improvement and

2. Clear sightlines are demonstrated by a sightline drawing, and Intersections" except when the following conditions are met an administrative approval by the Zoning Official may be made:

1. A freestanding sign or portion thereof to be placed in a commercial or industrial district is not within ten feet of a street, sidewalk, crosswalk, driveway, driveway exit stop line, bus stop, or other similar improvement and

2. Clear sightlines are demonstrated by a sightline drawing, and

3. No sign or portion thereof is within the public right of way.

Sec 206 Clear Lines and Special Exception continued

*SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS.
There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special*



388 *exception to this requirement, pursuant to Section 801.3, in the commercial and*
389 *industrial districts only.*

390
391 **Sign not permissible in the Right of Way:**

392 Further complicating the matter is a determination of where the property line is for the property
393 and a determination as to the sign being 100% on the Appellant’s property.

394
395 *608.3 Prohibited Signs.*

396 *B. Signs located within public streets, or rights of way except as set forth in Section*
397 *608.4.A.5.b (projecting signs in the CB and LD Districts) and Section 608.6.A.6*
398 *(sandwich board sign regulations) and as may otherwise be allowed pursuant to Chapter*
399 *152 (“Streets and Sidewalks”) of the Code of the City of Lebanon.*

400
401 Simply put, the Zoning Official or the Zoning Board cannot grant permission for a sign to be
402 placed in the Right-of-Way (ROW). Staff provided a City Survey to the Appellant showing that
403 the property line appears to run through the area previously occupied by the former sign. It
404 appears that the sign is in part on City ROW. If the Appellant seeks a permit, then they need to
405 demonstrate to the Zoning Official and/or Zoning Board that the proposed sign is not within the
406 City ROW. No site specific Survey has been provided that would clearly confirm the proposed
407 location of the sign.

408
409 **Claim of Legal Non-conforming**

410
411 One of the Appellant’s claims is that the sign is legal non-conforming and therefore does not
412 need a section 206 Special Exception Permit. While this argument is being made outside of the
413 30-day appeal period which expired in October of 2025 staff rebuts the fallacy of the assertion on
414 the merits as well.

415
416 Staff have consistently included a rejection of the claim of non-conformity based upon the
417 Ordinance and the fact that the sign being proposed is a new sign. Not until months later in the
418 form of this appeal was this determination called into question. If you need a Special Exception
419 then you do not have a Non-Conformity.

420
421 The Ordinance provides clear guidance about Non-conformity and the fact that the sign’s non-
422 conformity was abandoned based on a plane reading of the text:

423
424 *608.8 Non-Conforming Signs.*

425 *Except as set forth in Section 608.8.C, any sign located within the City as of August 15,*
426 *2018 which does not conform with this Ordinance, is a "legal non-conforming sign" if the*
427 *sign was in compliance with applicable laws at the time it was installed.*

428
429 *Notwithstanding, legal non-conforming signs are subject to the requirements of Section*
430 *608.2.D (“Clear Vision & Movement”) and Section 608.2.E (“Maintenance”); and the*
431 *illumination aspects of the existing sign shall not be considered lawfully nonconforming,*



432 *and any new or replacement sign structures must comply with the current illumination*
 433 *requirements of Section 608.4.A.6 of this Section.*
 434 *A. Loss of Legal Non-Conforming Status. A legal non-conforming sign shall lose*
 435 *its legal non-conforming status if it is altered, reconstructed, replaced, or*
 436 *expanded. A mere change in copy is not an alteration or replacement for purposes*
 437 *of this Section.*
 438 *B. Maintenance. Maintenance of legal non-conforming signs as required by*
 439 *Section 608.2.E includes repainting, cleaning, and replacing or repairing worn or*
 440 *damaged parts of a sign in order to return it to its original state. Such*
 441 *maintenance shall not result in a loss of non-conforming status under Section*
 442 *608.8.A.*
 443 *C. Removal. Removal of a legal non-conforming sign by the property owner*
 444 *and/or sign owner is required when:*
 445 *1. The sign has lost legal non-conforming status per Section 608.8.A; or*
 446 *2. The sign, or a substantial part of the sign, is blown down, destroyed, or for any*
 447 *reason or by any means taken down. As used in this subsection, “substantial”*
 448 *means 50 percent or more of the entire street graphic structure; or*
 449 *3. The use of the sign or the lot on which it is located, has ceased, become vacant,*
 450 *or been unoccupied for a period of 180 consecutive days or more.*
 451 *D. Separation. No sign that is non-conforming solely because it violates a requirement*
 452 *for the spacing of freestanding signs shall be required to eliminate that nonconformity if*
 453 *compliance with the spacing regulation on the lot is not possible.*
 454 *E. Temporary Signs. Temporary signs that are non-compliant with the requirements of*
 455 *Section 608.6 as of August 15, 2018 shall not be considered legal non-conforming and*
 456 *shall be removed.*

Zoning Non-Conformity Test:

458 While the Appellant provided no information about the “*Non-Conforming Signs*” section of the
461 Ordinance, they claim that the sign is none-the less non-conforming.

463 Please be reminded that the Burden of Persuasion rests with the Appellant not with Staff.

465 The new LED sign that has been installed without the benefit of permits is a wholly new sign in
466 shape, function and permissibility. The sign is the first and only sign to seek permits under the
467 newly enacted ordinance that was passed by the legislative body for the primary benefit of the
468 Appellant. The type of sign is new and has not been permitted before.

470 The OLD sign was analog, manually changed had two support posts, not just one, and had
471 entirely different text and lighting.

473 Review the pictures of both signs and there is no intellectually honest manner in which any
474 reasonable human could conclude that what existed before is the same as what exists now.

475



476 A standard Zoning non-conformity legal test is rather simple when applied to the previous torn
477 down sign:

- 478 1. Was Use legal at the time that it was created?
- 479 2. Was there an overt act of abandonment?
- 480 3. Can the Use be made Legally conforming under current Ordinance?
- 481
- 482 1. Was the sign legal at the time it was created? Answer is UNKNOWN.
- 483 a. No permits or approvals are provided by the applicant about the origin of the
- 484 previous sign. While it is easy to determine that the sign has been there for a long
- 485 time there is no proof it was legally permitted at the time of its installation
- 486 provided. Additionally, the old sign may have been on City property which in and
- 487 of itself invalidates the legality of the use. A private entity cannot claim adverse
- 488 possession of property owned by the City.
- 489 2. Did an overt act of abandonment occur: YES
- 490 a. The pervious OLD sign was torn town.
- 491 3. Is there a means to permit the sign under current ordinance? YES
- 492 a. Permitting the sign under current ordinance will eliminate the non-conformity and
- 493 is in fact the best outcome.

494 The OLD sign was likely legally non-conforming. The nonconformity was abandoned when it
495 was torn down. Any new sign or land use that is proposed is required to meet the current zoning
496 ordinance.

497
498 **Sign non-conformity test Pursuant to section 608.**

499
500 *608.8 Non-Conforming Signs A. Loss of Legal Non-Conforming Status. A legal non-*
501 *conforming sign shall lose its legal non-conforming status if it is altered, reconstructed,*
502 *replaced, or expanded. A mere change in copy is not an alteration or replacement for*
503 *purposes of this Section.*
504

505 The previous nonconforming sign was torn down. The act of tearing it down constitutes
506 abandonment of the non-conforming status because it was “*altered, reconstructed, replaced or*
507 *expanded.*” The act of removing the old sign terminated its nonconformity entirely. Any new
508 sign that the Appellant seeks place on their property must therefor meet all aspects of the Current
509 Zoning Ordinance.

510
511 **Conclusion**

512 Staff continue to recommend to the applicant that a complete Special Exception be filed to
513 permit the sign. The application requirements are articulated clearly in the Zoning Ordinance.
514 Obtaining the applicable permits is a requirement to satisfy the Zoning Ordinance and fully
515 comply.

516
517



Record No: PLN-26-158

Sign Permit (old)

Status: Stopped

Submitted On: 2/17/2026

Primary Location

189 MECHANIC ST
LEBANON, NH 03766

Owner

GUYER CARIGNAN LEGION
POST #22/ATTN:
COMMANDER
189 MECHANIC ST LEBANON,
NH 03766

Applicant

Barry Schuster
 603-448-4780
 barry@ivylegal.com
 PO Box 388
Lebanon, NH 03766

Project Information

Is this work related to a project currently in progress? *



Please provide the project number or project name of the related project.

Yes

Describe the nature of the proposed work, in detail.*

replacement of a sign in kind

Enter the total estimated cost of construction in whole dollars only (e.g. \$10,250 = 10250).*



What is the proposed start date for the project? *

23000

10/01/2025

[STAFF] Permit Conditions

Building Permit Conditions

Zoning Conditions

Electrical Conditions 

Heritage Commission Conditions 

Type of Occupancy

Current Occupancy *

Mixed-Use

Primary Current Use Type* 

Assembly

Additional Mixed-Use Type 

Assembly

Sign Information

Will you be installing a brand new sign (not a replacement)?

No

Are there any existing signs on the property?

Yes

Are you replacing an existing sign?

Yes

Will you be removing any existing sign(s)?

Yes

Will the replacement sign(s) be the same size as the previous sign(s)?

No

Does this project include a building sign(s)?

No

Does this project include a free-standing sign?

Yes

Will the proposed sign(s) be illuminated?

Yes

You will need to apply for an electrical permit in addition to this sign permit. You can apply for an electrical permit at LebanonNH.gov/ElectricalPermit.

Maximum Allowed Sign Area

Enter the linear width of the principal façade of the principal building on the lot.*

100

Enter the size (area) of the principal façade of the principal building on the lot*

1600

Please note that the maximum allowed sign area (sq. ft.) for the principal building is the **larger of the two numbers** calculated below.

Linear Width Calculation 

80 

Façade Area Calculation 

80 

Existing Sign(s)

Please provide the last permit number received for existing signage.

pre-existing sign

What is the total sign area (sq. ft.) of any existing freestanding sign?*

88

Will the existing freestanding sign remain?*

No

Contractor Information

Contractor Business Name* 

Steward Sign Co

Contractor First Name*

Christie

Contractor Last Name*

Masland

Contractor Office Phone #*

941-867-1847

Contractor Cell Phone

Contractor Email Address*

cmaslin@stewartsigns.com

Contractor Street Address (Mailing)*

2201 Cantu Court, suite 215

Contractor City (Mailing)*

Sarasota

Contractor State (Mailing)*

Florida

Contractor Zip Code (Mailing)*

34232

Certifications and Acknowledgement


Are you the property owner or an authorized agent of the property owner?*

I am an authorized agent of the property owner of record.


I certify that all information given is correct and that all pertinent mechanical ordinances will be complied with in performing the work for which this permit is issued. *



By submitting this application, I affirm that I have received explicit consent from the property owner to act as an authorized agent on their behalf. Any representations made in this application are binding, and the property owner understands, acknowledges, and agrees to be bound by any official decisions made based on these representations.*

 Barry Schuster
Feb 4, 2026

I hereby request a building/zoning permit for the stated use, based on the details provided in this application and its accompanying documents. I affirm that all information and statements herein are true and accurate to the best of my knowledge. I understand that any misrepresentation will render this permit null and void, and I may be subject to legal consequences or penalties for intentional misrepresentation. I am fully aware that I must ensure all construction or related work complies with Federal, State, and Local laws, including the State Building Code NHRSA 155-A. I am responsible for facilitating all required inspections by the City, and ensuring no structure is used in violation of any laws, codes, or ordinances. Construction may only commence after the permit is officially issued.*

 Barry Schuster
Feb 4, 2026

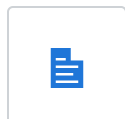
Property Owner Email Address* 

189 Mechanic Street, Lebanon, NH

Property Owner Phone #* 

603-448-3924





Attachments



2026 2-17 Statement in Support of Sign Permit Application.pdf

2026 2-17 Statement in Support of Sign Permit Application.pdf

Uploaded by Barry Schuster on Feb 17, 2026 at 12:03 PM

	Drawings (Freestanding) Stewart Sign - sign details Post22.pdf Uploaded by Barry Schuster on Feb 4, 2026 at 2:41 PM	REQUIRED
	Photographs of Existing Signs old sign American Legion Post 22.pdf Uploaded by Barry Schuster on Feb 4, 2026 at 2:42 PM	REQUIRED
	Construction and Illumination Specifications Sign specs Post 22 Sign Info3103339.pdf Uploaded by Barry Schuster on Feb 4, 2026 at 2:45 PM	REQUIRED
	Other Ad-hoc Attachments E-101 Inset from Plans Mechanic St Sidewalk Contract Plans.pdf Uploaded by Barry Schuster on Feb 4, 2026 at 2:47 PM	









Record Activity

Barry Schuster started a draft Record	02/04/2026 at 2:26 pm
Barry Schuster added file Stewart Sign – sign details Post22.pdf	02/04/2026 at 2:41 pm
Barry Schuster added file old sign American Legion Post 22.pdf	02/04/2026 at 2:42 pm
Barry Schuster added file Sign specs Post 22 Sign Info3103339.pdf	02/04/2026 at 2:45 pm
Barry Schuster added file E-101 Inset from Plans Mechanic St Sidewalk Contract Plans.pdf	02/04/2026 at 2:47 pm
Barry Schuster added file 2026 2-17 Statement in Support of Sign Permit Application.pdf	02/17/2026 at 12:03 pm
Barry Schuster submitted Record PLN-26-158	02/17/2026 at 12:07 pm
OpenGov system altered approval step Zoning Administrator Technical Review, changed status from Inactive to Active on Record PLN-26-158	02/17/2026 at 12:07 pm
OpenGov system assigned approval step Zoning Administrator Technical Review to Tiffany Adams on Record PLN-26-158	02/17/2026 at 12:07 pm
OpenGov system changed the deadline to Feb 22, 2026 on approval step Zoning Administrator Technical Review on Record PLN-26-158	02/17/2026 at 12:07 pm

Tiffany Adams altered approval step Zoning Administrator Technical Review, changed status from Active to Rejected on Record PLN-26-158 04/06/2026 at 4:12 pm

Tiffany Adams altered Record PLN-26-158, changed status from Active to Stopped 04/06/2026 at 4:12 pm

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 Zoning Administrator Technical Review	2/17/2026, 12:07:18 PM	4/6/2026, 4:12:53 PM	Tiffany Adams	2/22/2026	Rejected
 Building Official Review	-	-	-	-	Inactive
 Building Permit Fee	-	-	Barry Schuster	-	Inactive
 Permit Issued	-	-	-	-	Inactive
 Building Inspections	-	-	-	-	Inactive
 Building Official Final Review	-	-	-	-	Inactive
 Final Certificate of Completion	-	-	-	-	Inactive
 Administrative Filing	-	-	-	-	Inactive



Zoning Administrator Technical Review

Record No. PLN-26-158

Status Rejected

Became Active February 17, 2026

Type Approval

Due Date February 22, 2026

Assignee Tiffany Adams

Record No: PLN-26-158

Sign Permit (old)

Status: Stopped

Submitted On: 2/17/2026



Primary Location

189 MECHANIC ST
LEBANON, NH 03766

Owner

GUYER CARIGNAN LEGION POST
#22/ATTN: COMMANDER
189 MECHANIC ST LEBANON, NH
03766

Applicant

 Barry Schuster
 603-448-4780
 barry@ivylegal.com
 PO Box 388
Lebanon, NH 03766

Messages

Barry Schuster

February 17, 2026 at 12:07 pm

Please let me know if you need any additional information.

Barry Schuster

Tiffany Adams

April 6, 2026 at 4:12 pm

Barry - the submitted info is unchanged from prior applications and does not provide the required/requested information. In order for this application to move forward all information must be provided.

Zoning Admin. has determined that this is not an in-kind sign replacement (2-post analog sign to 1-post digital sign).

608.8: Loss of Legal Non-Conforming Status. A legal non-conforming sign shall lose its legal non-conforming status if it is altered, reconstructed, replaced, or expanded. A mere change in copy is not an alteration or replacement for purposes of this Section.

Barry Schuster

April 6, 2026 at 4:19 pm

Tiffany,

Thank you. Do I understand that this is an administrative decision on the submitted application?

Barry

Tiffany Adams

April 6, 2026 at 4:31 pm

Yes, you correctly understand that the Zoning Admin. has determined that pursuant to ZO Section 608.8 the previous sign lost legal non-conforming status when it was replaced with the new digital sign and the new sign must now meet all required zoning regulations.

Nathan Reichert

April 6, 2026 at 6:01 pm

Barry are you interested in a fight or an approval? The City is interested in an approval and a settlement to avoid the unnecessary cost of enforcement action in the court.

Your current, and previous applications were and are incomplete. They lack the required items to constitute a complete application. You make an argument that your client did not erect a new sign, on its face that is an interesting turn of sophistry, and the point is not well taken by the Zoning staff.

Here I am, yet again, explaining to you and your client what is needed to move their required permits forward. When we spoke with your client, verbally and in writing, on numerous occasions over the past year the pathway forward was made exceptionally clear. Obtain a Special Exception from the Zoning Board then move onto building permits. Unfortunately, neither you nor your client have taken our advice on how to resolve this matter.

Further the City offered a settlement agreement framework to resolve the NOV. The settlement agreement will avoid the need to go to court. The City insists that the settlement agreement include a penalty fee which recognizes the unpermitted actions taken by your client. This offer was made to your client and you at our meeting in September. No settlement offer has ever been made by you or your client.

The City's advice is simply put, obtain all necessary permits, pay a fine and move forward. Avoid unnecessary appeals, legal action, and legal fees. Thereby resolving the matter in the most expeditious means possible and putting your client's incredulity behind us all as well as saving them significant fines and legal fees.

The basic fact remains that the sign was erected knowingly and wantonly by your client without the benefit of Zoning or Building Permits. The NOV was never appealed and must be resolved.

Should you choose to appeal, we remind you that the burden of proof in an appeal rests with you the applicant. You will have to prove to the Board that "there is error in any order, requirement, decision, or determination made by an administrative official".

The City seeks to settle this matter and avoid the need to go to court to enforce the zoning ordinance. If your client seeks the same the, City invites you to submit a settlement agreement, with applicable fine and covering the City's costs, and file a complete Special Exception application for the Zoning Board's consideration as requested in the NOV. After Zoning Board action then, applicable Building permits must be obtained. (building and

electrical) Once the Building permits are completed it will yield a certificate of completion from the Building Official. Along with the fee payment your ordeal will be resolved.

Here is an abstract of applicable Zoning Ordinance and State RSA.

Zoning Sign Ordinance

D. Clear Vision & Movement. No sign may obstruct visibility or movement of vehicles or pedestrians or otherwise cause any hazard to any person or property, and all signs are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections".

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS. There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

a. Sign Area and Height Regulations.

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

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

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

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

b. Design Standards.

i. Landscaping. A landscaped area located around the base of a freestanding sign equal to two and one-half square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area

shall contain living landscape material consisting of native shrubs and/or annual or native perennial ground cover plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the freestanding signs structure is encouraged.

ii. Spacing. Freestanding signs must be spaced at least 150 feet apart on public streets with posted travel speeds under 40 miles per hour, and at least 300 feet apart on public streets with posted travel speeds of 40 miles per hour and over.

e. Freestanding Digital Signs. Freestanding Signs may incorporate a digital sign subject to the following:

i. Freestanding digital signs are only allowed in the General Commercial (GC) district on properties with frontage on the following streets: • Mechanic Street • Miracle Mile • Plainfield Road • South Main Street

ii. No more than one (1) display per hour shall be allowed

iii. Displays shall contain static messages only

iv. Freestanding Digital Signs shall be programmed to automatically freeze in a single display in the even of a malfunction or computer/system error.

v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each freestanding digital sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.

vi. The digital sign and freestanding digital sign may be no larger than 50% on the sign area of the freestanding digital sign

vii. No Freestanding digital sign may be located within one hundred (100) feet of a residential dwelling

viii. Freestanding digital signs shall operate with no more than 0.3 footcandles at the property line

ix. If a freestanding digital sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

802.3 Hearing Procedure.

All hearings shall be conducted in accordance with the Rules of Procedure adopted by the Board...

C. Burden of Persuasion: The applicant bears the burden of introducing sufficient evidence, through testimony or otherwise, to persuade the Board that the application should be granted.

RSA 674:33 Powers of Zoning Board of Adjustment. – I. (a) The zoning board of adjustment shall have the power to:

(1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16;

801.1 Administrative Appeals. As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be taken by the applicant, an abutter as defined by RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

For the purposes of this section:

(a) The "administrative officer" shall mean the Zoning Administrator.

(b) As set forth in RSA 676:5, II, a "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the Zoning Ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the Zoning Ordinance which is implicated in such enforcement proceedings.

An appeal under this section shall be made within 30 days of the date of the administrative decision being appealed, or within 30 days of the time that the person filing the appeal knew or had reason to know that the administrative decision had been made. The effect of an appeal shall be as set forth in RSA 676:6.

cc. Attorney Matt Decker, City Administrator Andrew

Step Activity

OpenGov system activated this step	02/17/2026 at 12:07 pm
OpenGov system assigned this step to Tiffany Adams	02/17/2026 at 12:07 pm
OpenGov system changed the deadline to Feb 22, 2026 on approval step Zoning Administrator Technical Review	02/17/2026 at 12:07 pm
Barry Schuster added comment "Please let me know if you need any additional information. Barry Schuster"	02/17/2026 at 12:07 pm
Tiffany Adams added comment "Barry - the submitt..."	04/06/2026 at 4:12 pm
Tiffany Adams altered approval step Zoning Administrator Technical Review, changed status from Active to Rejected	04/06/2026 at 4:12 pm
Barry Schuster added comment "Tiffany, Thank you. Do I understand that this is an administrative decision on the submitted ap..."	04/06/2026 at 4:19 pm
Tiffany Adams added comment "Yes, you correctly ..."	04/06/2026 at 4:31 pm
Nathan Reichert added comment "B..."	04/06/2026 at 6:01 pm

Guyer Carignan American Legion Post # 22

Statement in Support of Sign Permit Application

The Guyer Carignan American Legion Post # 22 requests a permit for its replacement sign at 189 Mechanic Street.

The Legion Post # 22 has maintained its freestanding sign at the entrance to its property since 1985. When it was installed at that time, the 80 square foot was sited within a rectangular landscaped planter, a photograph of which is included in the sign permit application package. Over the years, the weather took its toll on the sign and it was in need of repair or replacement. The Legion investigated options and, with the addition to the City ordinance permitting an electrically controlled sign, the Legion proceeded to obtain a sign that would identify the Legion and also allow it to provide a message of events. The new sign selected by the Legion is smaller in size than the previously existing sign and is only 5 feet by 6 feet, or 30 square feet in area. It is installed in the same location and in the same location in the same planter where the prior sign had been installed. No change in location has occurred and the only change is that a new smaller electronic sign has been installed.

Although the Legion's sign had been an existing use for over 35 years in its location, if required, the Legion will re-apply for a special exception under Section 206 as it did in August 2025, and on which no action had yet been taken. That Section concerns the calculation of a triangular area for site distances as described in Section 206 of the Ordinance.

The Legion initially submitted a sign permit application in November 2025. No action was taken on that application. The sign permit application submitted here with this Support Statement is intended to address all of the requirements set forth in the Zoning Ordinance, the items shown on the OpenGov e-filing application, and the items referenced in correspondence with the Planning Department, all of which are as follows:

1. Plan detailing the location of the proposed sign completely within property lines (to include sign base, head, and surrounding planter – the current planter must be removed or altered in order to be located fully within property lines)

Response: Plans C-101 and E-101 are included in the application. These plans were prepared by Stantec as part of the NH DOT plan for the Mechanic Street Sidewalk Construction. The plans show the location of the existing sign which located where the replacement sign will be placed. These plans also show the existing landscaping of eight cedar trees and the floral planter within which the base of the sign had been and will continue to be located. The prior larger sign that was removed was 8 feet wide and may have encroached into the Mechanic Street right of way but the new sign is only six feet wide and therefore should not encroach into the right of way. The planter is not part of the sign but only serves to provide a pleasant location for the sign.

2. Sight distance triangle calculations

Response: Attached is the application for a special exception that was filed with the City in August 2025, and which explains compliance with the special exception criteria in the Ordinance. Additionally, as the sign pre-exists the “triangle” regulation in the Ordinance, it is a permitted non-conforming use.

3. Landscaping plan that meets Zoning Ordinance Section 608.4.A.b.i requirements (all required landscaping must be located completely within property lines)

Response: Section 608.4.A.b.i requires that a “landscaped area located around the base of a *freestanding sign* equal to two and one-half square feet for each square foot of *sign area*, is required for all *freestanding signs*.” As shown on the Stantec plans, attached, there exist eight cedar trees around the sign and the planter contains a variety of shrubs and plants. Both the planter and the cedar trees have existed for many years and altogether more that exceed in area that required for landscaping.

4. Sign foundation plan that depicts location (all parts of required foundation must be completely within property lines)

Response: The sign foundation and location has not changed with the installation of the new sign. Additionally, as shown on the Stantec plans, the sign foundation is located completely within the property lines of the Legion’s property.

5. Response/acknowledgment of Section 608.4.A.4.e.ii-ix – freestanding digital sign requirements:

Response: The applicant is aware of the following regulations and acknowledges that the sign will comply. Additionally, the on-call contact person and number are provided on the cover page of the application for special exception provided.

- ii. No more than one (1) display per hour shall be allowed
- iii. Displays shall contain static messages only
- iv. Freestanding Digital Signs shall be programed to automatically freeze in a single display in the event of a malfunction or computer/system error.
- v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each freestanding digital sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.
- vi. The digital sign and freestanding digital sign may be no larger than 50% on the sign area of the freestanding digital sign
- vii. No Freestanding digital sign may be located within one hundred (100) feet of a

residential dwelling

- viii. Freestanding digital signs shall operate with no more than 0.3 footcandles at the property line
- ix. If a freestanding digital sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

6. Plan detailing the location of the proposed sign completely within property lines (to include sign base, head, and surrounding planter – the current planter must be removed or altered in order to be located fully within property lines)

Response: The planter is not part of the sign and, to the extent that it is near to the property line, is a pre-existing, non-conforming structure which is permitted by Section 700 of the Zoning Ordinance.

The location of the sign does not change and plans for the sign are included in the OpenGov application.

995100-2-s

Flat Surface Dimensions: 24.125" x 67.875"

With Bleed: 24.625" x 68.375"



Stewart Signs
 ONE SIGN. ONE COMPANY

1-800-237-3928 stewartsigns.com

TekStar Color 10mm 64x160

Cabinet Size: 5'x6'

Sk: 995100-2-s Cust: 3103339

6/21/2022 CgO/aNapolitano SOLD

Scale: 1/2"=1' Cabinet Color: Blue

Signature _____

Date _____



Prepared for

Guyer Carignan American Legion Post 22

189 Mechanic Street
Lebanon, NH 03766

Prepared by

Anthony Napolitano

anapolitano@stewartsigns.com
1.888.237.3928 x2340

<p>Double Sided Full Color TekStar Outdoor LED Sign LED display integrated inside of an aluminum sign cabinet with solar-grade polycarbonate vandal cover to protect from impacts, vandalism and the sun. Our most popular model.</p> <p>LED display</p> <ul style="list-style-type: none"> • 10mm full color at 64 pixels high by 160 pixels wide (10,240 total pixels per side) • Active display area 2'1" x 5'3" (11.0 square feet per side) • 1 to 8 rows of text and use your own images and video clips • Entire sign UL Listed and FCC Part 15 compliant <p>View full display capabilities</p> <p>Communication method Communication provided by cellular modem and LIFETIME Cell Connect data plan. See full specifications</p> <p>Sign structure and faces</p> <ul style="list-style-type: none"> • Double sided 5' x 6' sign cabinet with 12" deep extruded aluminum • TCI® industrial powder coat finish, color: Blue • Graphics digitally printed on 3M™ vinyl and adhered to inside of sign face • Internal illumination with LED lamps • TUFFAK® SL pan-formed faces removable via internal retainers • Dual leg mount with cowling (creates pedestal appearance), stub leg connection method • Leg height: 5'6", Leg width: 2'8", Overall sign height: 11' • Minimum wind load rating: 120mph, exposure B • Lifetime warranty on structure and faces, including vandalism <p>Electrical specifications</p> <ul style="list-style-type: none"> • One 20 amp circuit, 120 volts; Max draw: 6.75 amps <p>Custom options</p> <ul style="list-style-type: none"> • Top trim #1 	<hr style="border: 1px solid red;"/>
<p>Software SignCommand.com Cloud-based LED Sign Software FREE for the lifetime of the product. Control your sign from anywhere using any device. No monthly fees. Learn more.</p>	<p>Included</p>

Prepared for: Guyer Carignan American Legion Post 22 • Lebanon, NH
Prepared by: Anthony Napolitano • anapolitano@stewartsigns.com • 1.888.237.3928 x2340

SHIPPING INFORMATION

All items related to this order

ATTN: Peter St. Pierre 189 Mechanic Street
Lebanon, NH 03766
603-448-3429

Invoices

Guyer Carignan American Legion Post 22
189 Mechanic Street
Lebanon, NH 03766

Shipping terms: FOB Origin. Storage and other freight services may be added to your invoice should they be required. Unless managed installation services are included, customer is responsible for unloading of sign upon delivery. Signs greater than 6 feet wide are not eligible for lift gate services.

TERMS & CONDITIONS (unless noted elsewhere in this quote)

TAX: Any applicable sales tax will be added to your invoice. Organizations exempt from sales tax must include exemption certificate with order.

PERMITS: Permits and zoning are the responsibilities of the buyer. Check with your city or county zoning office for proper permitting procedures in your area. Sealed engineer drawings available at additional cost.

INSTALLATION: Installation of footers, erection, electrical service to sign site, electrical hook-up, removal and/or disposal of any existing signage, and any decorative masonry are the responsibilities of the buyer. Managed installation services are available at additional cost.

CANCELLATION: Any cancellation may be subject to cancellation, return, and/or restocking fees. A late fee of 1.5% per month will be charged on any overdue balances. In the event of a payment default, customer will be responsible for all of Stewart Signs' costs of collection, including but not limited to court costs, filing fees and attorney fees.

SUPPORT: US-based phone and internet support are provided FREE for the lifetime of the product. A premier service warranty is available at additional cost.

SOFTWARE: By purchasing the SignCommand.com software product, you are agreeing with the Website Terms of Use (<https://www.signcommand.com/terms>) and Software End User License Agreement (<https://www.signcommand.com/eula>).

COMMUNICATION: Connectivity requires cell service at sign site. Must be within the United States (including Puerto Rico) with 4G LTE coverage shown on the Verizon Coverage Map (<https://www.stewartsigns.com/verizon-map>).

DATA PLAN: By purchasing the Cell Connect Data Plan, you are agreeing with the Data Plan Terms and Conditions (<https://www.signcommand.com/data-plan>).

ORDERING INSTRUCTIONS

1. Review this quote for accuracy. Sign and date the quote here.
2. Review any corresponding artwork provided with this quote. Check all spelling and colors. Sign and date the artwork.
3. Submit both documents along with your deposit payment to your sign consultant. Speak with your consultant about payment method options.

Customer's authorized signature for quote #995100-3

▶

Anthony Napolitano
Anthony Napolitano, Sign Consultant

6/21/2022

Limited Product Warranty ("Limited Warranty")



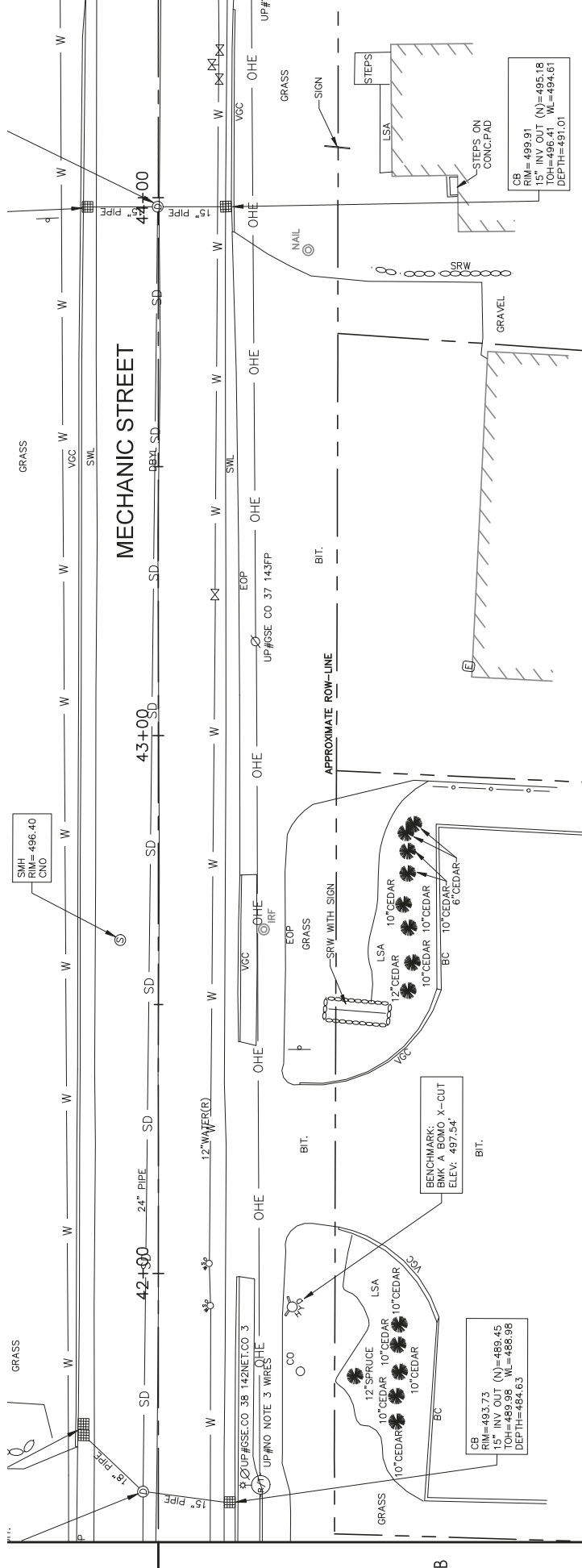
Prepared for

Guyer Carignan American Legion Post 22
189 Mechanic Street
Lebanon, NH 03766

Prepared by

Anthony Napolitano
anapolitano@stewartsigns.com
1.888.237.3928 x2340

<p>Double Sided Full Color TekStar Outdoor LED Sign LED display integrated inside of an aluminum sign cabinet with solar-grade polycarbonate vandal cover to protect from impacts, vandalism and the sun. Our most popular model.</p> <p>LED display</p> <ul style="list-style-type: none"> • 10mm full color at 64 pixels high by 160 pixels wide (10,240 total pixels per side) • Active display area 2'1" x 5'3" (11.0 square feet per side) • 1 to 8 rows of text and use your own images and video clips • Entire sign UL Listed and FCC Part 15 compliant <p>View full display capabilities</p> <p>Communication method Communication provided by cellular modem and LIFETIME Cell Connect data plan. See full specifications</p> <p>Sign structure and faces</p> <ul style="list-style-type: none"> • Double sided 5' x 6' sign cabinet with 12" deep extruded aluminum • TCI® industrial powder coat finish, color: Blue • Graphics digitally printed on 3M™ vinyl and adhered to inside of sign face • Internal illumination with LED lamps • TUFFAK® SL pan-formed faces removable via internal retainers • Dual leg mount with cowling (creates pedestal appearance), stub leg connection method • Leg height: 5'6", Leg width: 2'8", Overall sign height: 11' • Minimum wind load rating: 120mph, exposure B • Lifetime warranty on structure and faces, including vandalism <p>Electrical specifications</p> <ul style="list-style-type: none"> • One 20 amp circuit, 120 volts; Max draw: 6.75 amps <p>Custom options</p> <ul style="list-style-type: none"> • Top trim #1 	<hr style="border: 1px solid red;"/>
<p>Software SignCommand.com Cloud-based LED Sign Software FREE for the lifetime of the product. Control your sign from anywhere using any device. No monthly fees. Learn more.</p>	<p>Included</p>



MAP 105 LOT 111
 NOW OR FORMERLY
 PTLD PARTNERS LLC
 BK 4090 PG 425
 181 MECHANIC STREET

MAP 105 LOT 112
 NOW OR FORMERLY
 PTLD PARTNERS LLC
 BK 3699 PG 212
 187 MECHANIC STREET

MAP 105 LOT 113
 NOW OR FORMERLY
 GUYER CARIGNAN LEGION POST #22
 NO REFERENCE
 189 MECHANIC STREET

CB
 RIM=493.73
 15" INV OUT (N)=489.45
 TOH=489.98 WL=489.98
 DEPTH=484.63

BENCHMARK:
 BMK A BOMO X-CUT
 ELEV. 497.54

CB
 RIM=499.91
 15" INV OUT (N)=495.18
 TOH=496.41 WL=494.61
 DEPTH=491.01

B

From: [Tiffany Adams](#)
To: [Barry Schuster](#)
Cc: [Nathan Reichert](#)
Subject: 189 Mechanic St ZBA Application
Date: Monday, August 11, 2025 3:22:37 PM

Barry,

We received a Zoning Board application regarding 189 Mechanic Street for the placement of a sign within the 25 ft triangular area where the street and driveway meet. The application has been deemed incomplete for the reason(s) listed below. All additional information must be received no later than Wednesday August 13th in order to appear on the September 2nd meeting agenda.

- Plan detailing the location of the proposed sign completely within property lines (to include sign base, head, and surrounding planter – the current planter must be removed or altered in order to be located fully within property lines)
- Landscaping plan that meets Zoning Ordinance Section 608.4.4.b.i requirements (all required landscaping must be located completely within property lines)
- Sign foundation plan that depicts location (all parts of required foundation must be completely within property lines)
- Image of proposed sign
- Sight distance calculations

Please see supporting Ordinance requirements below, as provided by Nate.

Let me know if you have any questions.

Thank you,

Tiffany Adams

Executive Assistant
City of Lebanon
Planning & Development Dept.
603-448-1457 x6125

Monday – Thursday: 7am-5pm
Friday: CLOSED

From: Nathan Reichert <Nathan.Reichert@lebanonnh.gov>
Sent: Monday, August 11, 2025 1:54 PM
To: Tiffany Adams <Tiffany.Adams@lebanonnh.gov>
Subject: RE: 189 Mechanic St ZBA Application

B. Building Permit Required. A building permit from the Planning Department is required prior to

the display and erection of any sign, except as provided in Section 608.7 (“Signs Allowed Without a Building Permit”). Every building permit application shall include:

1. A photograph of any existing signs to be replaced, and the sign area and dimensions of each sign to be replaced.

2. A drawing to scale of each proposed sign. Each rendering shall identify:

- a. the total sign area in square feet;
- b. the dimensions of the sign in feet and inches;
- c. the height of the sign;
- d. the proposed location of the sign on the building, if applicable;
- e. construction materials; and
- f. landscaping specifications, if applicable.

3. A scaled plot plan of the lot depicting the proposed location of any freestanding sign.

4. Specifications for the construction or display of the sign and for its illumination and mechanical movement, if any.

5. Where internal illumination is proposed, documentation necessary to demonstrate compliance with Section 608.4.A.6 (“Illumination”).

b. Design Standards.

i. Landscaping. A landscaped area located around the base of a freestanding sign equal to two and one-half square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial ground cover plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the freestanding signs structure is encouraged.

e. Freestanding Digital Signs. Freestanding Signs may incorporate a digital sign subject to the following:

i. Freestanding digital signs are only allowed in the General Commercial (GC) district on properties with frontage on the following streets:

- Mechanic Street
- Miracle Mile
- Plainfield Road
- South Main Street

ii. No more than one (1) display per hour shall be allowed

iii. Displays shall contain static messages only

iv. Freestanding Digital Signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.

- v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each freestanding digital sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.
- vi. The digital sign and freestanding digital sign may be no larger than 50% on the sign area of the freestanding digital sign
- vii. No Freestanding digital sign may be located within one hundred (100) feet of a residential dwelling
- viii. Freestanding digital signs shall operate with no more than 0.3 footcandles at the property line
- ix. If a freestanding digital sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign

D. Clear Vision & Movement. No sign may obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property, and all signs are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections".

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS.

There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

Nathan Reichert
Director Planning and Development
City of Lebanon, NH
51 N Park Street
Lebanon, NH 03766
603-448-1524
Nathan.reichert@lebanonnh.gov

**CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION**

SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input type="checkbox"/>	<input type="checkbox"/>	APPEAL OF AN ADMIN DECISION
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

PROPERTY OWNER (APPLICANT):

NAME: Guyer Carignan Legion Post #22 TEL#: 603-448-3429
 MAILING ADDRESS: 189 Mechanic St, Attn: Commander, Lebanon, NH 03766
 E-MAIL ADDRESS: ALPost22@Legion22.comcastbiz.net

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Les St. Pierre, Commander TEL#: 603-448-3429
 MAILING ADDRESS: 189 Mechanic St., Lebanon, NH 03766
 E-MAIL ADDRESS: Barry Schuster barry@ivylegal.com

PROJECT LOCATION:

TAX MAP #: 105 LOT#: 113 PLOT #: ZONE: GC
 STREET ADDRESS: 189 Mechanic St., Lebanon
 IS THIS PROPERTY LOCATED IN THE: WETLANDS YES NO HISTORIC DISTRICT YES NO
 FLOOD PLAIN YES NO

REQUEST DESCRIPTION:

Special exception under Section 206 for the replacement of an existing sign within 25 feet of the driveway and street line. The proposed replacement sign will be in the same location where the existing sign had been located.

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 _____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.
 Owner Signature: Les St. Pierre Commander DATE: August 7, 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: Les St. Pierre Commander DATE: August 7, 2025

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

I (we) hereby request a Special Exception as provided for in Article(s) II, Section(s) 206, 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 Legion Post has always had a sign at the entrance to its property. We decided to update our sign to replace the faded upper part that has "American Legion" with a new sign that is slightly smaller. We also have lettering at the bottom which we change whenever we have a new event. We are replacing the lettering which we have to change by hand with an electric sign letters that we can change more conveniently each time we have an event. Because the sign will be within the 25 foot triangle at the entrance along the street, we need a special exception.

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:
Section 206 authorizes the special exception

_____.
- B. That all special conditions required of the special exception have been met:
There are no special conditions. The sign will meet all other City requirements.

_____.
- 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.

_____.

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

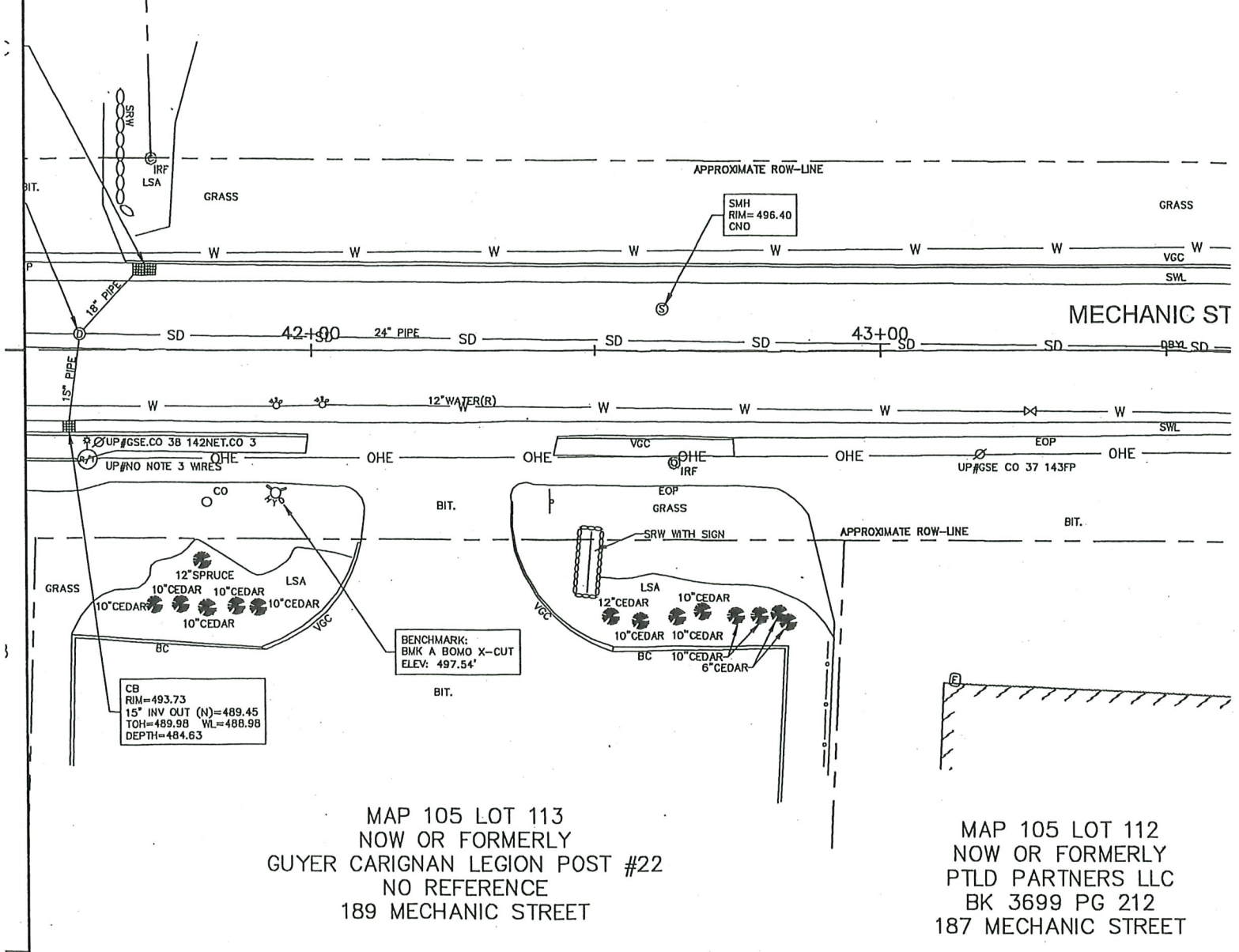
Page 2

- D. That the character of the area shall not be adversely affected:
The character of the area will not be affected because we are only
replacing a new sign in the same exact location where we have had a sign
for over 30 years.
- E. That no hazard or nuisance will be created:
No hazard will be created. The new sign will actually be a bit smaller than
the present sign
- F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:
There will be no impact on City services.
- G. That granting the special exception will not result in undue municipal expense:
There will be no impact on City expenses.
- H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:
The sign will be just like the existing sign.
- I. That the general welfare of the City will be protected:
Having a new sign that is clearly visible will provide easy directions to
visitors.

Please Note:

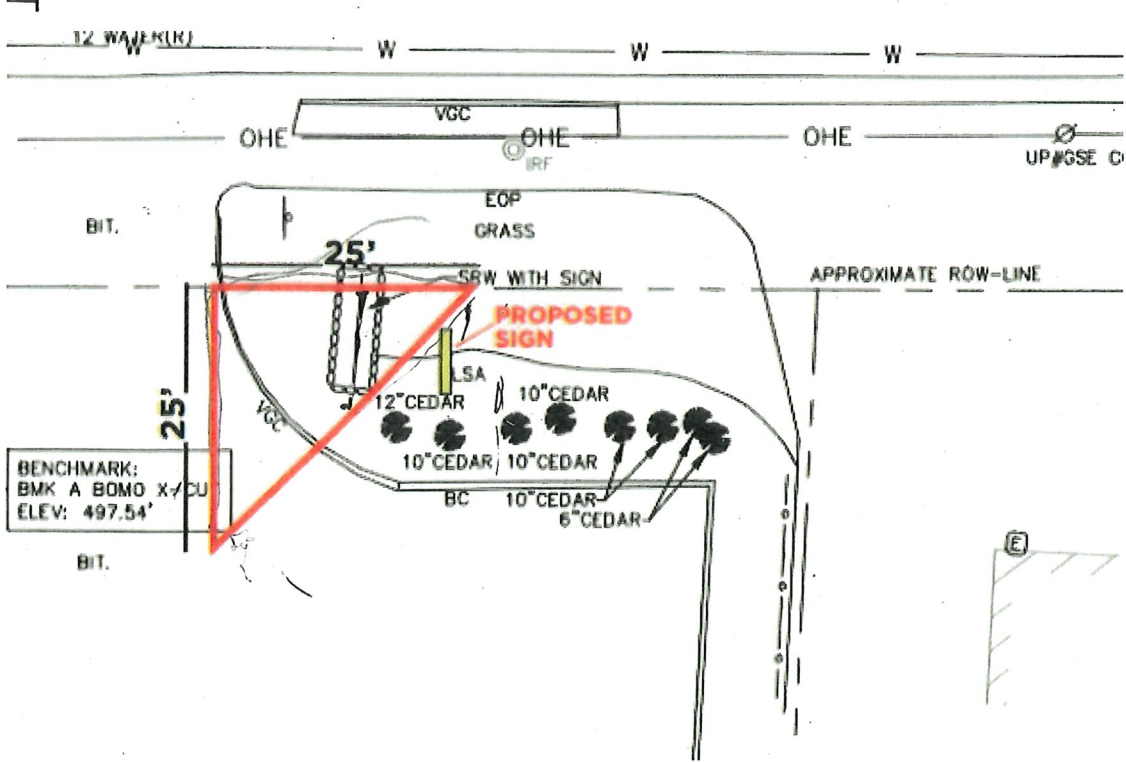
Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

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.



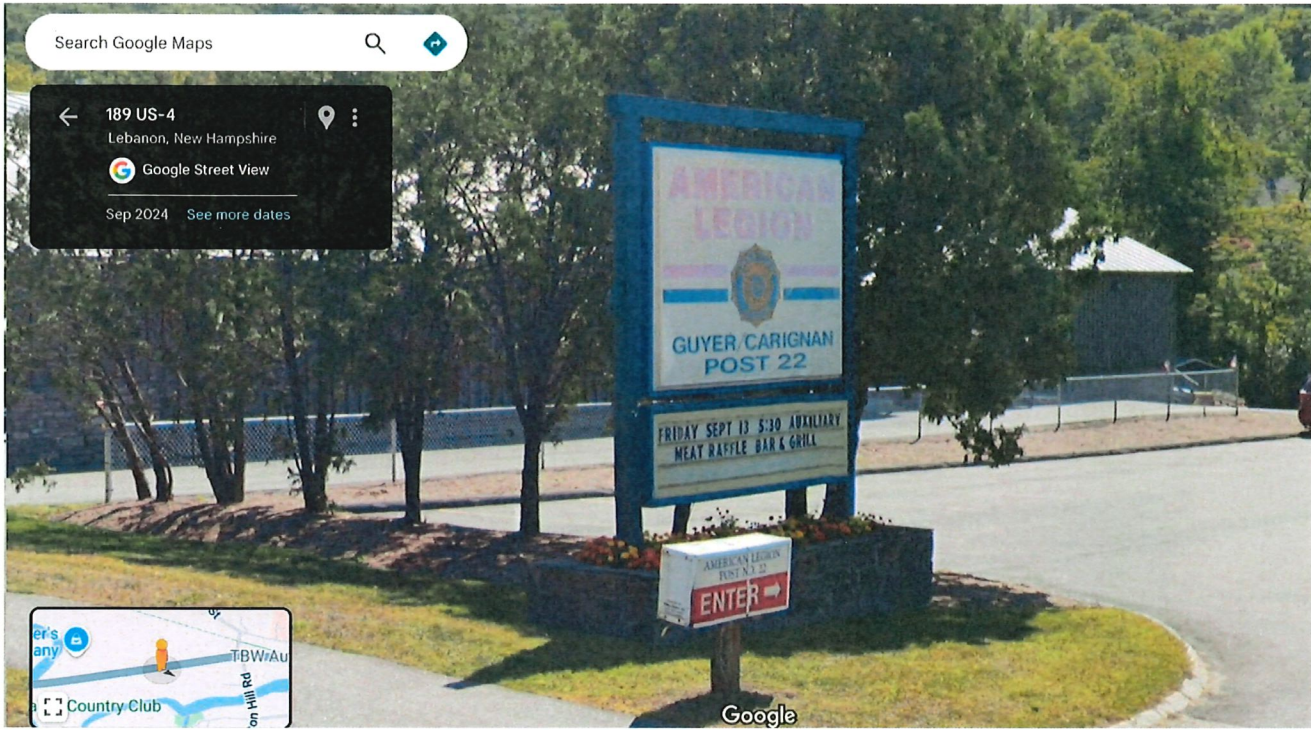
MAP 105 LOT 113
 NOW OR FORMERLY
 GUYER CARIGNAN LEGION POST #22
 NO REFERENCE
 189 MECHANIC STREET

MAP 105 LOT 112
 NOW OR FORMERLY
 PTLD PARTNERS LLC
 BK 3699 PG 212
 187 MECHANIC STREET













CITY OF LEBANON ~ PLANNING & DEVELOPMENT

September 24th, 2025

OWNER Via Certified Mail and Email

Guyer Carigan Legion Post #22
Larry Greenwood – Secretary
Lisa Buck Rogers – Director
189 Mechanic Street, Lebanon NH 03766
alpost22@legion22.comcastbiz.net

NOTICE OF VIOLATION

Re: 189 Mechanic Street (Tax Map 105, Lot 113), Guyer Carigan Legion Post #22 (owner)

Violation of Zoning Ordinance Sections: 206, 901.1, and 608.2.B

To whom it may concern,

It has come to our attention that the above-referenced property is in violation of the City of Lebanon Zoning Ordinance. According to the City's records, Guyer Carigan Legion Post #22 is the owner of 189 Mechanic Street Lebanon, NH. As the owner, you are responsible for the violations described below.

You are hereby ordered to bring all aspects of the property into compliance with the Zoning Ordinance. Please be advised that should you fail to take action within the timeframe outlined below, the City of Lebanon will commence legal action against you in court.

Background

The subject property is situated in the General Commercial (GC) zoning district. The property is improved with a +/- 4,654 sq ft building footprint which is presently operating as American Legion Post #22.

Over recent months the American Legion has been seeking permits to erect a new freestanding LED sign at 189 Mechanic Street; various permit applications have been submitted and have been deemed incomplete. City Staff have had multiple meetings with Legion representatives regarding what is needed to obtain the required sign permit at this location. The most recent meeting took place on July 31st with the Planning and Development Director, Les St. Pierre, and another member of the organization, during which the requirements to obtain a zoning approval and then a building permit for the sign were discussed. The meeting cordially concluded with an understanding that the Legion would seek to move the sign's placement outside of the 25' x 25' sight distance triangle that necessitated a Special Exception being granted by the Zoning Board.

On August 11, 2025, Attorney Barry Schuster filed a Zoning Board Special Exception application that would allow the sign to be placed within the 25' x 25' sight distance triangle of the lot. Upon review of the application by Staff, the application was deemed incomplete. Items required for the application to be deemed complete were communicated to Attorney Schuster on August 11, 2025. A deadline to file the additional materials was established as August 13th, 2025. No additional materials were filed by the applicant.

On Friday August 15, 2025 the Planning Director and Zoning Official drove by the Legion's location and witnessed that the sign had been erected. Pictures were taken. The sign was erected without the benefit of permits therefore creating the Zoning Violations articulated here in. Photographs of the unpermitted sign are attached.

On Tuesday September 23, 2025 the Planning Director and Zoning Official drove by the Legion's location and witnessed that the sign has been illuminated. The sign was electrified and illuminated without the benefit of permits. A zoning violation and a possible Electrical Code violation have been created.

The building presently contains signage that is in violation of Zoning Ordinance requirements.

Violations of the Zoning Ordinance City of Lebanon, New Hampshire:

Violation 1: *Per Section 901.1 General. Written application for a zoning permit must be filed by the owner or his agent with the City of Lebanon for any of the following. Until such a permit has been received, none of the following shall be commenced:*

*A. The erection or use of any new building, **exterior sign**, or other structure.*

Zoning Approval has not been granted.

Violation 2: *Per Section 608.2.B: Building Permit Required. A building permit from the Planning Department is required prior to the display and erection of any sign, except as provided in Section 608.7.*

Building Permit has not been approved.

Violation 3: Section 206 Sight Distance at Street and Driveway Intersections

There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

Special Exception has not been approved by the Zoning Board.

Remedies

YOU ARE HEREBY REQUIRED TO:

- (A) WITHIN SEVEN DAYS OF THIS NOTICE, OCTOBER 1st 2025 , REMOVE THE UNPERMITTED SIGN FROM THE SUBJECT PROPERTY.**
- (B) IMMEDIATELY COMPLETE THE SPECIAL EXCEPTION APPLICATION BY PROVIDING THE NECESSARY DATA OUTLINED IN THE EMAIL SENT ON MONDAY AUGUST 11TH TO ATTORNEY SCHUSTER BY ZONING STAFF TIFFANY ADAMS. FILE A COMPLETE SPECIAL EXCEPTION APPLICATION AND OBTAIN AN APPROVED SPECIAL EXCEPTION FROM THE ZONING BOARD.**
- (C) IMMEDIATELY APPLY FOR SIGN PERMIT AND COMPLY WITH THE REQUIREMENTS OF 608.4.e FREESTANDING DIGITAL SIGNS.**

Per Section 608.2.C of the Zoning Ordinance *“Enforcement. Any sign displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676.”*

Per Section 903.3 of the Zoning Ordinance *“The Zoning Administrator shall institute, in the name of the City, any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this Ordinance or to prevent in or about the premises any act, conduct, or use constituting a violation, and shall have all enforcement powers provided by statute including but not limited to RSA 676:15, 676:17, 676:17-a, and 676:17-b”.*

Failure to comply with this order within the times stated herein may result in a civil penalty of **\$275 per violation** for the first offense, and **\$550 per violation** for subsequent offenses, for each day that such violations are found to continue after the date on which you receive this notice.

Should you not voluntarily abate these violations, the City will seek (1) **injunctive relief** under RSA 676:15 or RSA 31:39-d to enforce this order, (2) **civil penalties** under RSA 676:17, I, **to the maximum extent allowed by law**, and (3) the recovery of its **attorney’s fees and costs** under Section 903.5 of the Zoning Ordinance and RSA 676:17, II. Additionally, the City may be authorized under state law to enter upon your property and cause said violations to be remediated, removed or destroyed. If the City does undertake such action, state law also provides that you, as the property owner, will be liable for the expense of the removal and proper disposal of the items causing these violations. The City’s costs shall constitute a lien against the real estate, enforceable in the same manner as real estate taxes, including the possible loss of the property if not paid.

This is a decision of the administrative officer, which you have the right to appeal to the Zoning Board of Adjustment. Should you wish to appeal my interpretation, application or construction of the Zoning Ordinance you have thirty (30) days from the date of this Notice of Violation to file an appeal. Forms to appeal an administrative decision pursuant to RSA 674:33, I(a) and Section 801.1 of the Zoning Ordinance can be obtained from the Planning and Development Department or online at www.lebanonnh.gov.

Respectfully,



Nathan Reichert
Planning & Development Director and Zoning Administrator
City of Lebanon New Hampshire

Cc: Property File, Map 105 Lot 72

Photo taken by the Zoning Official on August 15th 2025 of the unpermitted sign.



Photo taken by the Zoning Official on September 24th 2025 of the unpermitted illuminated freestanding digital sign.



From: [Barry Schuster](#)
To: [Nathan Reichert](#); [Tiffany Adams](#)
Subject: [EXTERNAL] RE: 189 Mechanic St ZBA Application
Date: Tuesday, August 19, 2025 4:20:43 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Nate,

Thanks for the email which I have forwarded to the Legion Post.

Barry

Barry C. Schuster, Esq.
Schuster, Buttrey & Wing, P.A.
79 Hanover Street
P.O. Box 388
Lebanon, NH 03766
603-448-4780 - office



The confidentiality of email communication cannot be assured.

From: Nathan Reichert <Nathan.Reichert@lebanonnh.gov>
Sent: Tuesday, August 19, 2025 3:48 PM
To: Tiffany Adams <Tiffany.Adams@lebanonnh.gov>; Barry Schuster <barry@lvylegal.com>
Subject: RE: 189 Mechanic St ZBA Application

It appears that the additional information needed for this application has not been submitted. We are not going to place it on the next agenda as it is incomplete.

Additionally, the Legion has moved forward with the installation of the sign without the benefit of permits. Zoning staff will be issuing an NOV for the installation of the sign without permits. Having met with the leaders of the Legion about this sign multiple times and having changed the zoning ordinance on their behalf to allow for an LED sign to be placed at this location it is disheartening that they have chosen to not follow our advice in getting this approval done and instead they have chosen to disrespect the City, its ordinance and the Zoning Office by erecting the sign without permits.

Nate

Nathan Reichert
Director Planning and Development
City of Lebanon, NH
51 N Park Street
Lebanon, NH 03766
603-448-1524
Nathan.reichert@lebanonnh.gov

From: Tiffany Adams <Tiffany.Adams@lebanonnh.gov>
Sent: Monday, August 11, 2025 3:23 PM
To: Barry Schuster <barry@ivylegal.com>
Cc: Nathan Reichert <Nathan.Reichert@lebanonnh.gov>
Subject: 189 Mechanic St ZBA Application

Barry,

We received a Zoning Board application regarding 189 Mechanic Street for the placement of a sign within the 25 ft triangular area where the street and driveway meet. The application has been deemed incomplete for the reason(s) listed below. All additional information must be received no later than Wednesday August 13th in order to appear on the September 2nd meeting agenda.

- Plan detailing the location of the proposed sign completely within property lines (to include sign base, head, and surrounding planter – the current planter must be removed or altered in order to be located fully within property lines)
- Landscaping plan that meets Zoning Ordinance Section 608.4.4.b.i requirements (all required landscaping must be located completely within property lines)
- Sign foundation plan that depicts location (all parts of required foundation must be completely within property lines)
- Image of proposed sign
- Sight distance calculations

Please see supporting Ordinance requirements below, as provided by Nate.

Let me know if you have any questions.

Thank you,

Tiffany Adams

Executive Assistant
City of Lebanon

Planning & Development Dept.
603-448-1457 x6125

Monday – Thursday: 7am-5pm
Friday: CLOSED

From: Nathan Reichert <Nathan.Reichert@lebanonnh.gov>
Sent: Monday, August 11, 2025 1:54 PM
To: Tiffany Adams <Tiffany.Adams@lebanonnh.gov>
Subject: RE: 189 Mechanic St ZBA Application

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

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

b. Design Standards.

- i. Landscaping. A landscaped area located around the base of a freestanding sign equal to two and one-half square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial ground cover plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the freestanding signs structure is encouraged.

e. Freestanding Digital Signs. Freestanding Signs may incorporate a digital sign subject to the following:

i. Freestanding digital signs are only allowed in the General Commercial (GC) district on properties with frontage on the following streets:

- Mechanic Street
- Miracle Mile
- Plainfield Road
- South Main Street

ii. No more than one (1) display per hour shall be allowed

iii. Displays shall contain static messages only

iv. Freestanding Digital Signs shall be programmed to automatically freeze in a single display in the even of a malfunction or computer/system error.

v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each freestanding digital sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.

vi. The digital sign and freestanding digital sign may be no larger than 50% on the sign area of the freestanding digital sign

vii. No Freestanding digital sign may be located within one hundred (100) feet of a residential dwelling

viii. Freestanding digital signs shall operate with no more than 0.3 footcandles at the property line

ix. If a freestanding digital sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign

D. Clear Vision & Movement. No sign may obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property, and all signs are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections".

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS.

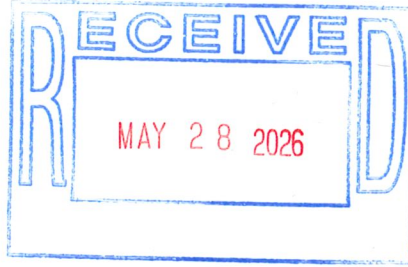
There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

Nathan Reichert
Director Planning and Development
City of Lebanon, NH
51 N Park Street
Lebanon, NH 03766
603-448-1524
Nathan.reichert@lebanonnh.gov

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**Shaheen
& Gordon**
ATTORNEYS AT LAW

Barry C. Schuster
Attorney at Law
bschuster@shaheengordon.com



Office: 603-448-4782
Direct: 603-845-1220
79 Hanover Street
Lebanon, NH 03766

Licensed in NH

VIA Hand Delivery

May 28, 2026

Mr. Nathan Reichert
Planning & Development Director
51 N. Park St.
5th floor
Lebanon, NH 03766

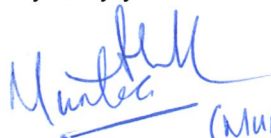
RE: Guyer Carignan Legion Post 22

Dear Mr. Reichert,

On behalf of the Guyer Carignan Legion Post 22, I am requesting that the hearing on the Legion's appeal of administrative decision before the Zoning Board, scheduled for June 1st, be continued until the regularly-scheduled meeting of the Zoning Board in July. As I had previously explained to your office, I am out of town all next week and there is no one at my firm familiar with the administrative appeal process. The Legion members have requested that I appear on their behalf.

Thank you for your consideration and for that of the Zoning Board.

Very truly yours,


(MURTAZA AKHTAR)
For Barry C. Schuster, Esq.
bschuster@shaheengordon.com

Affiliated Firms:
Schuster, Buttrey & Wing, P.A.

shaheengordon.com · Offices across New England · *It's different here*

**CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION**

SPECIAL EXCEPTION	<input type="checkbox"/>	<input type="checkbox"/> BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input type="checkbox"/>	<input checked="" type="checkbox"/> APPEAL OF AN ADMIN DECISION
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

PROPERTY OWNER (APPLICANT):			
NAME:	Guyar Carignan Legion Post #22	TEL.#:	603-448-3429
MAILING ADDRESS:	189 Mechanic St, Attn: Commander, Lebanon, NH 03766		
E-MAIL ADDRESS:	ALPost22@Legion22.comcastbiz.net		
CO-APPLICANT, AGENT, OR LESSEE:			
NAME:	Les St. Pierre, Commander	TEL.#:	603-448-3429
MAILING ADDRESS:	189 Mechanic St., Lebanon, NH 03766		
E-MAIL ADDRESS:			
PROJECT LOCATION:			
TAX MAP #:	105	LOT#:	113
PLOT #:		ZONE:	GC
STREET ADDRESS:	189 Mechanic St., Lebanon		
IS THIS PROPERTY LOCATED IN THE:	WETLANDS	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HISTORIC DISTRICT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	FLOOD PLAIN	<input type="checkbox"/> YES <input type="checkbox"/> NO	
REQUEST DESCRIPTION:			
Appeal of April 6, 2026 administrative decision that sign application is incomplete and that a special exception under Section 206 is required for the replacement of an existing sign. Support statement attached.			
USE TYPE:			
EXISTING:	<input type="checkbox"/> VACANT	<input type="checkbox"/> ONE FAMILY	<input type="checkbox"/> TWO FAMILY
	<input type="checkbox"/> MULTI-FAMILY	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> INDUSTRIAL
PROPOSED:	<input type="checkbox"/> VACANT	<input type="checkbox"/> ONE FAMILY	<input type="checkbox"/> TWO FAMILY
	<input type="checkbox"/> MULTI-FAMILY	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> INDUSTRIAL
If use is COMMERCIAL OR INDUSTRIAL please note specific use: _____			
SIGNATURE BLOCK:			
I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.			
Owner Signature:	<i>Les St. Pierre</i> Commander	DATE:	April 28, 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:	<i>Les St. Pierre</i> Commander	DATE:	April 28, 2026

DATE RECEIVED: 4-30-26

APPLICATION #: ZB2026-10-AAA

Statement in Support of Administrative Appeal
by
Guyer-Carignan Post #22

On April 6, 2026, the planning staff notified the Guyer-Carignan Post #22 that the Legion's sign application was incomplete and that a special exception was required because the sign was within 25 feet of a driveway. A copy of the City's notice from "opengov.com" is attached. Although the Legion had submitted three sign applications since March 2025, it was not until meeting with the Deputy Planning Director on April 14, 2026, that the City explained that the only items missing from the sign application were a landscape plan and a boundary line determination. As for the City's demand that a special exception be obtained, the sign pre-dates the enactment of the Section 206 of the zoning ordinance of which the planning staff had been unaware.

The Legion appeals the administrative decision that the sign application is incomplete and that a special exception is required.

A chronology of the Legion's efforts to obtain a sign permit is attached. Since March 2025, the Legion has submitted three applications. Since then, each time the planning staff has only stated, without any specification, that the applications were incomplete. Rather, the planning director only referred the Legion to the zoning regulations. Once it was confirmed by Deputy Planning Director in April 2026, for the first time, that only two items were missing, namely a boundary determination and a landscape plan, those items were provided to the City planning staff. Exhibits attached. To date, the planning staff has not indicated whether the submission of those items completes the sign permit application.

With regard to the City's position that a special exception under Section 206 of the Ordinance is required, at no time did the City consider when the original sign was erected or when Section 206 of the Ordinance was enacted. The original Legion sign was erected in 1988 at the time that the Legion's building was constructed. The first reference to Section 206 restricting the location of signs was enacted on December 5, 1990, two years after the sign was erected. 1990 Ordinance excerpt attached.

The Guyer-Carignan Post requests that the zoning board find the sign application complete and that a permit should be issued. The Legion also requests that the Board find that the sign pre-existed the enactment of Section 206 and that, therefore, a special exception is not required.

Sign Permit
PLN-26-158

Your Submission
Attachments
Guests (0)

⊗ Zoning Administrator Technical Review

- Building Official Review
- Building Permit Fee
- Permit Issued
- Building Inspections
- Building Official Final Review
- Final Certificate of Completion
- Administrative Filing

Zoning Administrator Technical Review

⊗ Stopped. This step was stopped on Apr 6, 2026 at 4:12pm.



Nathan Reichert

Apr 6, 2026 at 6:01 pm

Barry are you interested in a fight or an approval? The City is interested in an approval and a settlement to avoid the unnecessary cost of enforcement action in the court.

Your current, and previous applications were and are incomplete. They lack the required items to constitute a complete application. You make an argument that your client did not erect a new sign, on its face that is an interesting turn of sophistry, and the point is not well taken by the Zoning staff.

Here I am, yet again, explaining to you and your client what is needed to move their required permits forward. When we spoke with your client, verbally and in writing, on numerous occasions over the past year the pathway forward was made exceptionally clear. Obtain a Special Exception from the Zoning Board then move onto building permits. Unfortunately, neither you nor your client have taken our advice on how to resolve this matter.

Further the City offered a settlement agreement framework to resolve the NOV. The settlement agreement will avoid the need to go to court. The City insists that the settlement agreement include a penalty fee which recognizes the unpermitted actions taken by your client. This offer was made to your client and you at our meeting in September. No settlement offer has ever been made by you or your client.

The City's advice is simply put, obtain all necessary permits, pay a fine and move forward. Avoid unnecessary appeals, legal action, and legal fees. Thereby resolving the matter in the most expeditious means possible and putting your client's incredulity behind us all as well as saving them significant fines and legal fees.

The basic fact remains that the sign was erected knowingly and wantonly by your client without the benefit of Zoning or Building Permits. The NOV was never appealed and must be resolved.

Should you choose to appeal, we remind you that the burden of proof in an appeal rests with you the applicant. You will have to prove to the Board that "there is error in any order, requirement, decision, or determination made by an administrative official".

The City seeks to settle this matter and avoid the need to go to court to enforce the zoning ordinance. If your client seeks the same the, City

invites you to submit a settlement agreement, with applicable fine and covering the City's costs, and file a complete Special Exception application for the Zoning Board's consideration as requested in the NOV. After Zoning Board action then, applicable Building permits must be obtained. (building and electrical) Once the Building permits are completed it will yield a certificate of completion from the Building Official. Along with the fee payment your ordeal will be resolved.

Here is an abstract of applicable Zoning Ordinance and State RSA.

Zoning Sign Ordinance

D. Clear Vision & Movement. No sign may obstruct visibility or movement of vehicles or pedestrians or otherwise cause any hazard to any person or property, and all signs are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections".

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS. There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

a. Sign Area and Height Regulations.

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

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

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

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

b. Design Standards.

i. Landscaping. A landscaped area located around the base of a freestanding sign equal to two and one-half square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial ground cover plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the freestanding signs structure is encouraged.

ii. Spacing. Freestanding signs must be spaced at least 150 feet apart on public streets with posted travel speeds under 40 miles per hour, and at least 300 feet apart on public streets with posted travel speeds of 40 miles per hour and over.

e. Freestanding Digital Signs. Freestanding Signs may incorporate a digital sign subject to the following:

i. Freestanding digital signs are only allowed in the General Commercial (GC) district on properties with frontage on the following streets: • Mechanic Street • Miracle Mile • Plainfield Road • South Main Street

ii. No more than one (1) display per hour shall be allowed

iii. Displays shall contain static messages only

iv. Freestanding Digital Signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.

v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each freestanding digital sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.

vi. The digital sign and freestanding digital sign may be no larger than 50% on the sign area of the freestanding digital sign

vii. No Freestanding digital sign may be located within one hundred (100) feet of a residential dwelling

viii. Freestanding digital signs shall operate with no more than 0.3 footcandles at the property line

ix. If a freestanding digital sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

802.3 Hearing Procedure.

All hearings shall be conducted in accordance with the Rules of Procedure adopted by the Board...

C. Burden of Persuasion: The applicant bears the burden of introducing sufficient evidence, through testimony or otherwise, to persuade the Board that the application should be granted.

RSA 674:33 Powers of Zoning Board of Adjustment. – I. (a) The zoning board of adjustment shall have the power to:

(1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16;

801.1 Administrative Appeals. As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be taken by the applicant, an abutter as defined by RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

For the purposes of this section:

(a) The "administrative officer" shall mean the Zoning Administrator.

(b) As set forth in RSA 676:5, II, a "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the Zoning Ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the Zoning Ordinance which is implicated in such enforcement proceedings.

An appeal under this section shall be made within 30 days of the date of the

administrative decision being appealed, or within 30 days of the time that the person filing the appeal knew or had reason to know that the administrative decision had been made. The effect of an appeal shall be as set forth in RSA 676:6.

cc. Attorney Matt Decker, City Administrator Andrew



Tiffany Adams

Apr 6, 2026 at 4:31 pm

Yes, you correctly understand that the Zoning Admin. has determined that pursuant to ZO Section 608.8 the previous sign lost legal non-conforming status when it was replaced with the new digital sign and the new sign must now meet all required zoning regulations.



Barry Schuster

Apr 6, 2026 at 4:19 pm

Tiffany,
Thank you. Do I understand that this is an administrative decision on the submitted application?
Barry



Tiffany Adams

Apr 6, 2026 at 4:12 pm

Barry - the submitted info is unchanged from prior applications and does not provide the required/requested information. In order for this application to move forward all information must be provided.

Zoning Admin. has determined that this is not an in-kind sign replacement (2-post analog sign to 1-post digital sign).

608.8: Loss of Legal Non-Conforming Status. A legal non-conforming sign shall lose its legal non-conforming status if it is altered, reconstructed, replaced, or expanded. A mere change in copy is not an alteration or replacement for purposes of this Section.



Barry Schuster

Feb 17, 2026 at 12:07 pm

Please let me know if you need any additional information.
Barry Schuster

Message the reviewer

Send Message

City of Lebanon, NH

Your Profile

Your Records (</dashboard/records>)

Resources

Search for Records (</search>)

Claim a Record (</claimRecord>)

Employee Login (<https://lebanonnh.workflow.opengov.com>)

Portal powered by **OpenGov**

Legion Post/City - Sign Chronology

(black - Legion; red-City; blue-Legion)

- 2/19/25 City Council passes sign regulation to allow freestanding digital sign on certain streets in the GC District
- March 2025 Legion removed old sign
- 4/21/25 First sign application - Granite State Sign submitted application # PLN-25-364. Application is dated 3/20/25 and states "Install new sign - see attached specs"
- 4/22/25 Staff corresponds with Granite State Sign re: sign size
- 4/25/25 Legion Post grants Temporary Easement to City for use during the construction of the Mechanic Street sidewalk.
- 5/7/25 Granite State Sign replies to staff w/ corrected sign size
- 5/7/25 Staff provides City survey to Granite State Sign for use as a site plan to provide sign & landscaping location. Advises that sign/planter appear to be located partially within the ROW. Advises of Section 206 sight distance requirements.
- 5/8/25 Granite State Sign provides Google image of property in response to City survey – disputes accuracy of City survey
- 5/19/25 Granite State sign Company forwarded to the Legion an email from Tiffany Adams with comments on sign application re: right of way line, sight distance, landscaping, foundation plans and electrical diagram.
- 5/21/25 Staff requests progress update re: 5/7/25 correspondence
- 6/4/25 Staff requests progress update re: 5/7/25 correspondence
- 6/17/25 Staff rejects application as additional info requested on 5/7/25 was not submitted
- July 2025 Legion meeting with City to review sign application with discussion of location of concrete foundation footing; 5/7/25 staff info request and other requirements discussed
- 7/30/25 Granite State Sign to Legion with foundation footing plan and information

American Legion/City - Sign Chronology

- 8/7/25 Application filed by Legion for Special Exception under Section 206 for sight distance with supporting materials
- 8/11/25 Email from staff to Atty. Schuster requesting additional information re: ZBA application, requests info provided by 8/13/25
- 8/12/25 Legion voted to install replacement sign.
- 8/13/25 Replacement sign installed
- 8/19/25 Email from staff (Planning Director) to Atty. Schuster stating requested additional info not received, ZBA application deemed incomplete
- 9/24/25 Notice of Violation sent from City to Legion
- 9/30/25 Legion request to meet with planing department to address concerns
- 10/9/25 Planning Director meets w/ Atty. Schuster & Legion to discuss NOV & info/plan requirements,
- 11/17/25 [Second sign application](#) - Application PLN 25-1320 for sign permit filed on-line - application #PLN-25-1320
- 11/19/25 Staff corresponds w/ applicant in OpenGov: "application does not appear to include the relocation of the sign to be within the property lines. Property owner will need Zoning Board approval to locate the sign within the sight distance triangle. Please reapply with the necessary documents."
- 12/3/25 email and technical review from Tiffany Adams with responses to sign permit application.
- 12/5/25 Email request to Planning Office to meet and review sign application and special exception application. Follow-up request on 12/15/25.
- 1/27/26 Notice that application PLN-25-1320 is rejected.
- 1/28/26 Renewed request to meet to review applications
- 1/28/26 City response advising Legion to submit a complete application
- 2/17/26 [Third sign application](#) - Legion submits sign application PLN 26-158

American Legion/City - Sign Chronology

- 4/6/26 Staff corresponds w/ applicant within OpenGov: “the submitted info is unchanged from prior applications and does not provide the required/requested information. In order for this application to move forward all information must be provided. Zoning Admin. has determined that this is not an in-kind sign replacement (2-post analog sign to 1-post digital sign). 608.8: Loss of Legal Non-Conforming Status. A legal non-conforming sign shall lose its legal non-conforming status if it is altered, reconstructed, replaced, or expanded. A mere change in copy is not an alteration or replacement for purposes of this Section.”
- 4/6/26 City response; discussion regarding non-conforming status of sign; response from Nathan Reichert.
- 4/14/26 Meeting with City to review applications. Landscaping and boundary are only issues.
- 4/22/26 Legion advises City that sign in current location predates adoption of Section 206 of the zoning ordinance.
- 4/29/26 Correspondence from Pathways Consulting, Jeffrey Goodrich, that the sign is entirely on Legion property. Landscape plan submitted.

From: Jeff Goodrich <Jeff.Goodrich@pathwaysconsult.com>
Sent: Tuesday, April 28, 2026 4:13 PM
To: Barry Schuster
Cc: Skip Nalette; Scott Hazelton (Scott.A.Hazelton@des.nh.gov); Megan Boy; Matt Shinn
Subject: RE: American Legion Site Plans from T&M Archives Project No. 199586

Barry, it was great to see you on-site today with our survey manager (the timing was amazing and a blessing). As we discussed, my/our predecessor firm (T&M Associates, Inc.) prepared plans in 1988, including establishing the location of existing property monuments, for site plan permitting with the City (believe it or not, I remember this project). At the time, T&M confirmed that existing monuments along the Mechanic Street right-of-way (ROW) were 33 feet from the centerline of the roadway, indicating a 4-rod road ROW. Using a metal detector, our surveyor was able to identify and dig out the northwest monument (placing a stake at this location), which was measured 31 feet from the current road centerline. Our surveyor was able to identify a metal object at the northeast corner of the parcel, but could not dig it up since it appeared to be under the pavement of the neighboring access drive.

Even though it appears that road and utility components have changed since 1998, I/we believe the monuments located in 1988 were, and are, an accurate representation of the northern boundary for the Legion property, which now appears to be 31 feet from the striped centerline of the road. At 31 feet, the stone landscape feature in which the Legion sign is located appears to be on Legion property. The Legion sign is clearly on the Legion property, regardless of whether the measurement from the painted road centerline is 31 or 33 feet.

As we discussed, our shop is working for the City to provide construction observation for the sidewalk, designed by Stantec, that will soon be installed. The Stantec plans do not include any formal boundary information and are based on the current road configuration.

I will be out of Town for the next week (hope to be back late next Wednesday) with limited access to email. Nonetheless, please forward any more questions so we can continue to try to help you and the Legion.

Jeff

From: Jeff Goodrich
Sent: Wednesday, April 22, 2026 12:05 PM
To: Barry Schuster (barry@ivylegal.com) <barry@ivylegal.com>
Cc: Megan Boy <Megan.Boy@pathwaysconsult.com>
Subject: American Legion Site Plans from T&M Archives Project No. 199586

Barry, I spent some time going through T&M archives (more than 50 projects along Mechanic Street) and grabbed and attached plan sheets 1, 2, and 3 last revised 10/24/88. My recollection is that we assisted the Legion with Site Plan review. Metes and bounds with monuments and reference to a 4-rod ROW are on all three plans. There are more plans, but these look like what you are after.

Jeff

Jeffrey S. Goodrich, P.E.
President

Pathways Consulting, LLC

Planning • Civil & Environmental Engineering • Landscape Architecture • Surveying • Construction Assistance

Main Office:

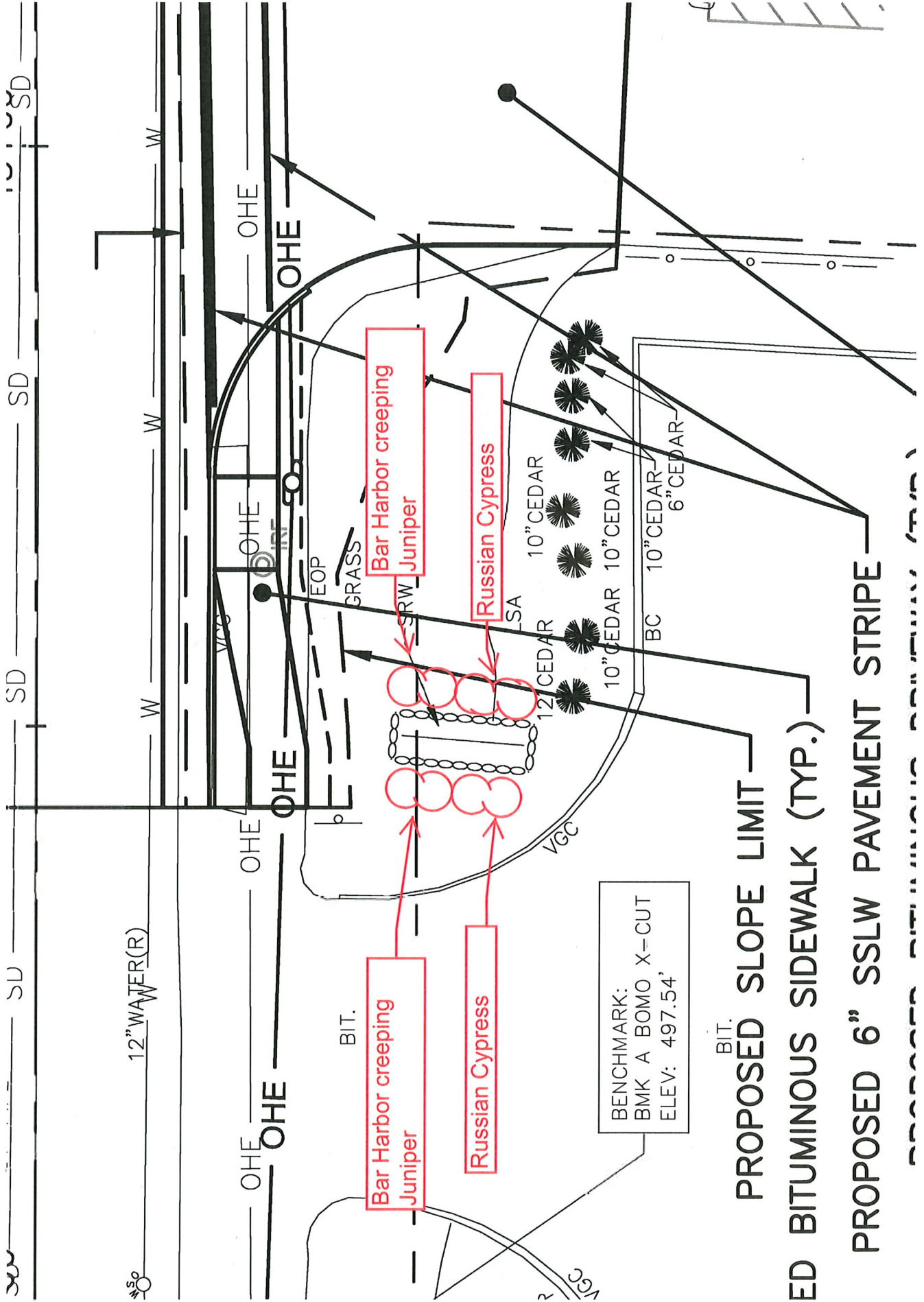
240 Mechanic Street, Suite 100
Lebanon, New Hampshire 03766

Phone: (603) 448-2200 Ext. 105 Fax: (603) 448-1221

Vermont Office:

2060 Hartford Avenue
Wilder, Vermont 05088

Phone: (802) 295-5101



Bar Harbor creeping Juniper

Russian Cypress

Bar Harbor creeping Juniper

Russian Cypress

BENCHMARK:
BMK A BOMO X-CUT
ELEV: 497.54'

PROPOSED BITUMINOUS SIDEWALK (TYP.)

PROPOSED 6" SSLW PAVEMENT STRIPE

ZONING ORDINANCE

ORDINANCE #2

CITY OF LEBANON
NEW HAMPSHIRE

ADOPTED: DECEMBER 5, 1990

§ 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT.

There shall be only one principal structure on a lot in residential districts R-1, R-2, R-O, R-3, RL-1, RL-2, RL-3 except when:

205.1 Approved pursuant to the PUD provisions of this ordinance or

205.2 When part of the remodeling of existing buildings for multi-family use and/or construction of new buildings for multi-family use, as otherwise permitted by this ordinance.

§ 206 SIGHT DISTANCE AT STREET INTERSECTIONS.

There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within the triangular area formed by the intersection of two street property lines and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to § 801.3, in the commercial and industrial districts only.

§ 207 YARD SALES.

A yard sale from any one location shall not be considered a use regulated under this ordinance, providing that it does not occur more than twice within any calendar year for a period of not more than two consecutive days each and does not contain items purchased expressly for such sale. Any such type of sale exceeding these limits shall conform to the provisions of this ordinance and shall require a zoning permit.

§ 208 OFF-STREET LOADING.

Off-street loading facilities shall be provided for all institutional, commercial and industrial uses. These facilities shall be located so that delivery vehicles are parked completely outside of the street right-of-way.

§ 209 MOBILE HOMES.

Mobile homes are permitted only in mobile home parks or in mobile home subdivisions or mobile home cluster subdivisions. See § 503, § 504.

§ 210 OPEN BUILDING EXCAVATIONS.

Within six months after work on an excavation for a building has begun, the excavation shall be covered (such as with building construction) or filled to normal grade. For safety purposes, excavations with slopes exceeding one horizontal to two vertical shall be protected by a fence at least four feet in height.