



**LEBANON ZONING BOARD OF ADJUSTMENT
JULY 6, 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: 972 647 24#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

2. Approval of Minutes

- A. June 1, 2026

3. Public Hearing Items

- A. **Jacob Furlon & Kayla Betit, 49 Storrs Hill Rd (Tax Map 136, Lot 15), Zoned RL-2:** The applicants request a Variance from Section 313.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow an addition to the existing single-family home to be located +/- 21 ft from the right-side property line where 35 ft is required. **ZB2026-12-VAR**
- B. **Execusuite, LLC, 22 School St (Tax Map 92, Lot 2), Zoned R-O:** The applicant requests a Special Exception from Section 311.2, pursuant to Sections 601 and 801.3 of the Zoning Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling. **ZB2026-11-SE**
- C. **Guyer Cardigan Legion Post #22, 189 Mechanic St (Tax Map 105, Lot 113), Zoned GC,** The applicant requests a Special Exception from Section 206, pursuant to Section 801.3, of the Zoning Ordinance to allow a freestanding digital sign pursuant to Section 608 Signs to be located within the 25 ft sight distance triangle at a Street and Driveway Intersection.. **ZB2026-13-SE**

4. Other Business

- A. 2026 Meeting Schedule Changes
- B. Proposed zoning amendments: Sections 205 and 604

5. Staff Comments

6. 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.

**Lebanon Zoning Board of Adjustment Agenda
July 6, 2026**

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, June 1, 2026
7:00 PM**

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

MEMBERS ABSENT: Vice Chair Dave Newlove, Michael Morris (alternate)

STAFF PRESENT: Nathan Reichert – Zoning Administrator
Tim Corwin – Deputy Director Planning and Development

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. May 4, 2026**
10

11 *Mr. Burtan MOVED to approve the May 4, 2026, minutes as presented in the June 1, 2026 packet.*
12

13 *Seconded by Mr. McDonough.*
14

15 **The Vote on the Motion was (3-0).*
16

17 **3. PUBLIC HEARING ITEMS**
18

- 19 **A. Guyer Cardigan Legion Post #22, 189 Mechanic St (Tax Map 105, Lot 113), Zoned**
20 **GC:** An appeal of the Zoning Administrator’s decision that 1) Section 206 of the Zoning
21 Ordinance applies to the installation of a new sign and 2) the sign permit application
22 submitted on 2/17/2026 is incomplete, pursuant to Section 801.1 of the Zoning Ordinance
23 **ZB2026-10-AAD**
24

25 Ken Olney, a past Legion Commander, appeared on behalf of the application. They would like
26 to ask for a continuance because their attorney could not attend tonight’s meeting. Because this
27 is an enforcement issue, the City takes the position that they need to expedite the decision as
28 quickly as possible.
29

30 The Board discussed the option to provide a continuance and the need to expedite a decision as
31 this has already been ongoing for a long time. Out of respect for petitioners, the Board tries to
32 accommodate continuances, but there is less flexibility in the matter of an enforcement issue.
33 After several conversations between the City and the Legion’s Attorney, it was never determined
34 that the hearing could be postponed. A motion to extend would require a vote of at least 3
35 members and there was a difference of opinion regarding the matter amongst three members who
36 were present. Some members saw no advantage to the petitioner to postpone the hearing.

1 **Mr. McDonough MOVED to continue this matter due to the absence of Attorney Schuster,**
2 **and to schedule this hearing until the 6th or 7th of July.**

3
4 **Seconded by Mr. Burtan.**

5
6 The members discussed whether a continuance is necessary. Previous continuances have been
7 for special exceptions and do not pertain to a violation. This has been ongoing for a year or
8 longer. There is not an opportunity to get answers to the Board's questions from the Attorney.
9 This will be heard tonight if a motion to continue the hearing is not passed because there is a
10 quorum of the Board present.

11
12 ***The Vote on the Motion was (1-2).**

13 **Mr. McDonough voting Yea and Mr. Burtan and Chair Katz voting Nay.**

14
15 The Board moved forward with the hearing. Chair Katz suggested looking at the two separate
16 issues. First, is this a new sign or is it just replacing an existing sign. The second is the City has
17 said the application is not complete and that it should not be sent to the Board. The petitioner's
18 attorney says the application is ready to go.

19
20 The applicant and the members of the Board continued to discuss the application. The normal
21 process was followed regarding abutters and notice of the hearing. Overtime, the last year or
22 more, the City and applicant continued to communicate regarding the materials submitted and
23 what would make the application more adequate. If the application was not complete from the
24 Board's perspective, it is the Board's prerogative to deny the special exception. This situation
25 has been going on back nearly 2.5 years. In the intervening time, the City changed its ruling and
26 now allows an LED sign in this situation, with specific rules of where the sign can be installed.
27 At this time, it was felt a non-public discussion with the City's attorney would be helpful.

28
29 **Chair Katz MOVED at 7:57 to take a temporary recess to discuss this hearing with Attorney**
30 **Decker.**

31
32 **Seconded by Mr. Burtan.**

33
34 **Roll Call Vote: Mr. Burtan, Mr. McDonough and Chair Katz vote yea (3-0).**

35
36 The Board left the room during their discussion.

37
38 **Mr. Burtan MOVED to return from nonpublic session at 8:20 PM.**

39
40 **Seconded by Mr. McDonough.**

41
42 **Roll Call Vote: Mr. Burtan, Mr. McDonough and Chair Katz vote yea (3-0).**

43
44 Mr. Corwin clarified there are 2 aspects of the appeal. First is the appeal that the sign permit
45 application is complete. It is not the subject of appeal. The Board cannot opine on this matter.

1 Second, is a special exception per Section 206 required or not. It is thought the Board does not
2 have jurisdiction regarding this.

3
4 Chair Katz reviewed the application materials several times. He agrees that there is a clear
5 ruling that the sign is new and there was a period of 30 days to appeal. It is not clear if the
6 applicant believes in their way, that the applicant was attempting to get the application correct.
7 Mr. Corwin said they believe they supplied a complete application. Many materials were
8 provided as historical information from the City for background.

9
10 **The Public Hearing is closed.**

11
12 Chair Katz made several points. We as a Board cannot make a decision on grandfathering.
13 There was no appeal within 30 days, and the Board has no jurisdiction as the period expired in
14 2025.

15
16 Two sides can be seen regarding whether an administrative process is. It is hard to see a Special
17 Exception application, filed in 2025, that never came before the Board. Advice was given on
18 how an application should be completed. Staff can give advice, and if it is not complete, then it
19 is the applicant’s decision when it is submitted, even if it is not adequate.

20
21 The Board should give a ruling on whether a Special Exception should be heard. An applicant
22 should be able to pay a fee and have it heard. It is fair that they should have that right to have the
23 application heard. The City and planning do their best to help applicants, and if it is submitted
24 and it is a poor application, then the Board should hear it and determine if it is not adequate to be
25 awarded.

26
27 In summary, the appeal that was put forward is going to be denied and an opinion of the Board
28 put forward that the applicant is able to file a special exception for the sign. Please be sure it is
29 as complete as possible so the Board can move forward.

30
31 ***Chair Katz MOVED In the matter of Guyer Cardigan Legion Post #22, 189 Mechanic St (Tax Map***
32 ***105, Lot 113), Zoned GC: An appeal of the Zoning Administrator’s decision that 1) Section 206 of the***
33 ***Zoning Ordinance applies to the installation of a new sign and 2) the sign permit application submitted***
34 ***on 2/17/2026 is incomplete, pursuant to Section 801.1 of the Zoning Ordinance ZB2026-10-AAD***
35

36 The Guyer Carignan Legion Post #22 (which we would refer to as Legion throughout) at 189 Mechanic
37 Street appeals an administrative decision on two grounds. One ground is that a special exception is
38 required for the replacement of an existing sign. The second is that a sign application is incomplete. The
39 Board addresses each of these issues.

40
41 Regarding the requirement of a special exception for the sign. Neither party argues that compliance with
42 Sections 901.1, 608.2.B and 206 of the Ordinance is NOT mandatory for a Landowner that desires to
43 install a new sign. The Board construes the Legion’s complaint not to be that Section 206 is invalid, but
44 rather that it is inapplicable to the current situation because the sign is not “new.” Specifically, the
45 Legion contends that the sign (or at least its general size and location) was lawfully nonconforming to the
46 Ordinance requirements at the time of the relevant adoption and are therefore exempted from the future,
47 more restrictive requirements. The burden of proof to demonstrate lawfully nonconforming,
48 grandfathered status rests with the party asserting that claim.

1
2 The Board further **FINDS, AS A MATTER OF FACT** that The City’s Notice of Violation dated
3 September 24, 2025:

- 4
- 5 1) Interpreted that the sign installation (at least, from the City’s perspective) is for a new sign,
6 and
- 7
- 8 2) Clearly informed the landowner that the notice is a decision of the administrative officer, and
9
- 10 3) Clearly informed the landowner of its right to appeal, the timeline for appeal, and the manner
11 of appeal.
- 12

13 The time to file an appeal with the ZBA started on September 25, 2025, and expired 30 days later.
14 Jurisdiction of the ZBA to hear an appeal of an administrative decision is strictly construed by courts and
15 only exists if the appellant acts timely. The appeal filed April 28, 2026, is more than 200 days after the
16 decision of the zoning administrator. It is untimely filed, relative to the question of whether the sign is
17 grandfathered as lawfully nonconforming and the ZBA dismisses that appeal for lack of subject matter
18 jurisdiction.

19
20 The Applicant also appeals the 2026 ruling of administrative permits being incomplete, which the Board
21 construes as being an extension of much back-and-forth on requests for sign relief dating back to the
22 August 2025 application for special exception, which was not forwarded to the Board on the basis of
23 being incomplete. Regarding the completeness of an application for special exception, the Board finds as
24 follows.

25
26 The requirements to be completed for an application to the Board are fundamentally administrative
27 requirements. Namely, are the proper forms completed, the proper abutters identified, and all required
28 fees paid. These forms, generally, are akin to the ZBA Application and the certified abutters list.

29
30 The ZBA hopes that applicants will submit all information that will allow for a thorough review, robust
31 hearing, and considered determination of requests. Relief granted by the ZBA requires the applicant to
32 meet its burden of proof, and most applications before the ZBA require an applicant to present sufficient
33 facts and argument to meet each and every requirement in order for relief to be granted. Furthermore,
34 denials of requests have substantial ramifications, including in many cases, the inability to refile the same
35 request for a substantial period of time.

36 Apart from the required application, abutters list, and fee, however, the determination of whether a ZBA
37 application is “ready” for a ZBA hearing is soundly within the discretion of the applicant and not City
38 Staff. City Staff are correct to provide help and assistance in advising an applicant that their filing could
39 be at risk of ZBA denial if the required elements for approval are not submitted. They are also free to
40 opine to an applicant as to whether they view a filing to be strong or weak, based upon their specific
41 experience and expertise. Finally, City Staff are free and generally expected to advise the ZBA of their
42 opinion that an application is deficient and fails to meet the standards for relief under the Ordinance.

43
44 All of that said, if an applicant insists on submitting a request that staff finds to be weak or deficient, the
45 proper remedy is not refusal to schedule that application on the ZBA agenda. That has the effect of
46 denying an applicant the right to be heard in front of the Board that has been statutorily charged with
47 granting or denying them the relief that they seek. Applicants submit their requests for relief at their own
48 discretion and at their own peril. Provided the mandated municipal fee is paid, the application form
49 received, and the specific relief requested identified such that the ZBA, noticed abutters and the public
50 clearly understand the nature of the relief requested, it should be scheduled for hearing. City staff may

1 identify perceived deficiencies to applicants to help them strengthen their application (and applicants are
2 free to reject advice if they feel they know better). City staff should identify perceived deficiencies within
3 its staff memorandum to the ZBA. This would allow for matters of this sort to be efficiently heard and
4 decided. SEE 802.1(C) - The Decision of completeness of an application shall be made by the Board of
5 Adjustment.
6

7 Tonight’s hearing was noticed exclusively as an appeal of an administrative decision and not a hearing on
8 a special exception. The Legion’s request should be heard on a special exception application to the extent
9 that the Legion has or will meet the requirements set forth in tonight’s order. Consistent with this ruling,
10 if the Legion believes it has a special exception application ripe for consideration, and it has been filed
11 with all fees paid, then the City should schedule a hearing for a special exception on its next available
12 agenda, providing public notice and certified abutters notices. Upon scheduling such a hearing, the ZBA
13 will review the positions of the Legion, City Staff, and any other parties wishing to appear and issue a
14 decision on the merits.
15

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

17
18 ****The Vote on the Motion was (3-0).***
19

20 **4. STAFF COMMENTS**
21

22 Attorney Decker is present tonight. The Board will be provided with ongoing training. Attorney
23 Decker has been asked to provide opportunities for the Board to understand how to make good
24 decisions. Chair Katz believes it is important and it is important for all members to be present. It
25 could be offered prior to a Zoning Board meeting. In person is preferable to online. There is no
26 reason for the instructions to not be provided to the public as well, but it could also be private. The
27 topics will be background discussions not related to specific hearing. The Board will look at July and
28 August, but the training is more apt to have full attendance closer to September.
29

30 Staff are soliciting members but at this time there is no one applying to the Board.
31

32 **5. ADJOURNMENT**
33

34 ***Mr. Burtan MOVED to adjourn the meeting at 8:55 PM.***

35
36 ***Seconded by Mr. McDonough***

37
38 ****The Vote on the Motion was (3-0).***
39

40 Respectfully submitted,
41 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

Jacob Furlon & Kayla Betit
49 Storrs Hill Road

To: Zoning Board of Adjustment

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

Date: April 6, 2026 – Regular Meeting

Application Number: ZB2026-12-VAR

HEARING NOTICE:

Jacob Furlon & Kayla Betit, 49 Storrs Hill Rd (Tax Map 136, Lot 15), Zoned RL-2: The applicants request a Variance from Section 313.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow an addition to the existing single-family home to be located +/- 20 ft from the right-side property line where 35 ft is required. ZB2026-12-VAR

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming 1-family home constructed in 1977, per the City Assessor's records, is conforming to the RL-2 zoning district, Class 3, minimum lot size requirement of 3 acres with +/- 6.20 acres and is not within any overlay district. There has been no previous ZBA action since 1995.

PROPOSAL:

The applicant proposes to construct a 12 ft x 32 ft, addition on the front-side of the existing single-family dwelling. The addition will extend +/- 10 ft into the required 35 ft right-side setback; shared with 59 Storrs Hill Road (tax map 136, lot 16).

ZONING ORDINANCE REQUIREMENTS – VARIANCE:

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

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

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

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

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

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

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

- a. Special Conditions:** According to the Board of Adjustment in NH, 2012 Edition, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically, the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.
- b. Fair and Substantial Relationship:** Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.
- c. Reasonable Use: Is the proposed use a reasonable one?** All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

STAFF COMMENTS:

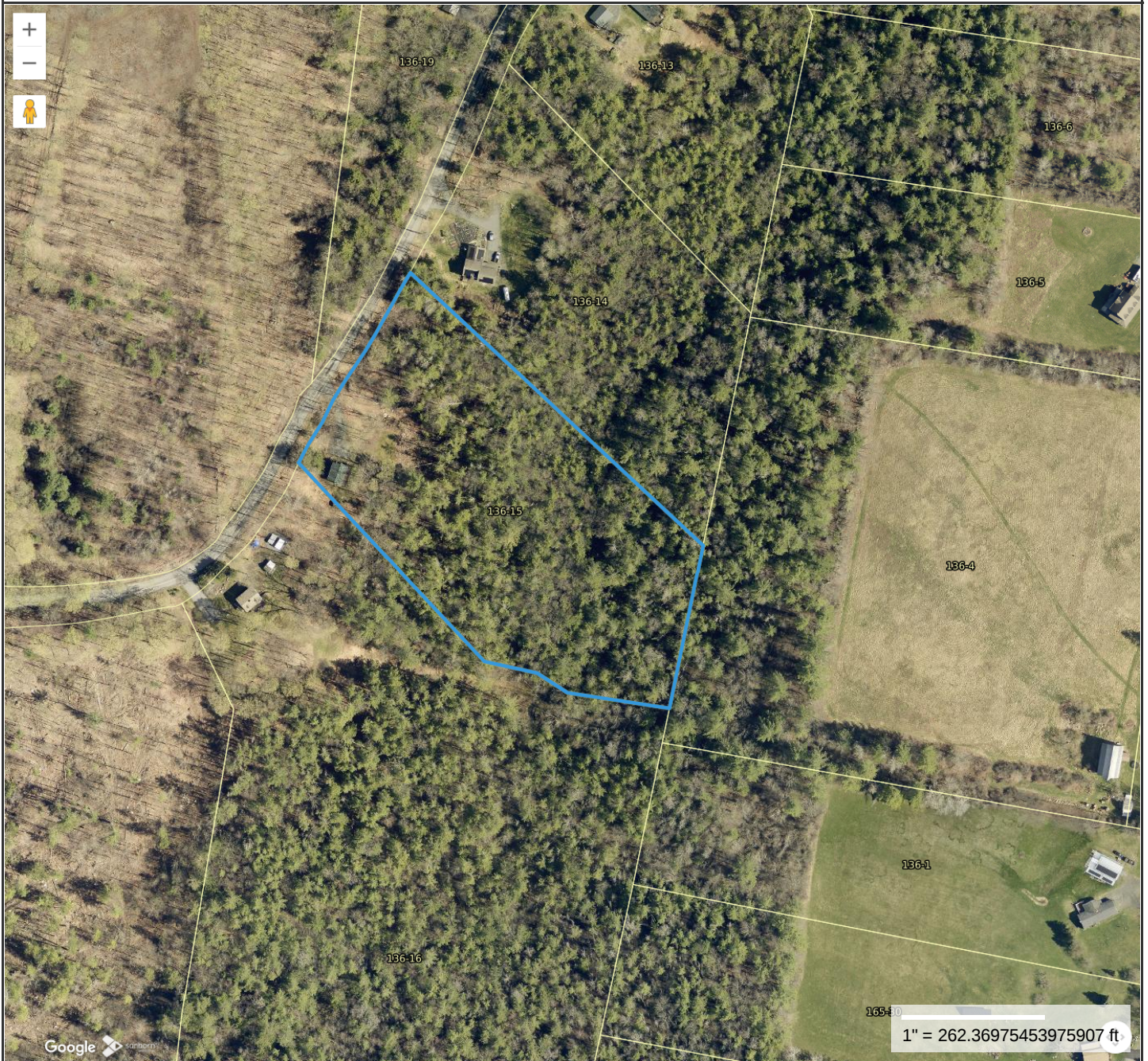
Staff see the application as complete to accept jurisdiction.

The Zoning Board may wish to discuss the Applicant's ability to define the property line from which the dimensional relief is sought.

Staff recommends the following condition be added to an approved Variance request: At the time of the footing inspection the Zoning Official or Building Official shall confirm that the construction layout meets the setback as approved by the Zoning Board. If the Zoning Official or Building Official cannot make a confirmation that a Land Surveyor may be required, at the Property Owner's expense, to confirm the provided distance conforms with the dimensions of the Zoning Board's decision and that a formal As-built drawing may be required.

Proposed condition has been added to the Decision template.

49 Storrs Hill Rd



Property Information

Property ID 136-15
Location 49 STORRS HILL RD
Owner BETIT KAYLA



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

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

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

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

49 STORRS HILL RD

Location 49 STORRS HILL RD

Mblu 136/ 15/ / /

Acct# 5924

Owner BETIT KAYLA

PBN

Total Market Value \$448,480

Appraisal \$448,480

PID 4636

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2025	\$314,000	\$134,480	\$448,480
Assessment			
Valuation Year	Improvements	Land	Total
2025	\$314,000	\$134,480	\$448,480

Owner of Record

Owner BETIT KAYLA

Sale Price \$515,000

Co-Owner FURLON JACOB
 Address 49 STORRS HILL RD
 LEBANON, NH 03766

Certificate
 Book & Page 4986/0706
 Sale Date 12/22/2025
 Instrument 01

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BETIT KAYLA	\$515,000		4986/0706	01	12/22/2025
BUCCI, AMY R	\$290,000		4446/0525	99	06/28/2019
BROWN, VANESSA A &	\$96,000		2257/0001	99	05/20/1997
BROWN, VANESSA A	\$112,000		01981/0858	99	08/07/1992
CHAVEZ, DAVID R	\$112,000		1981/0858	99	08/05/1992

Building Information

Building 1 : Section 1

Year Built: 1977
 Living Area: 1,344
 Replacement Cost: \$377,408
 Building Percent Good: 83
 Replacement Cost
 Less Depreciation: \$313,200

Building Attributes	
Field	Description
Model	RESIDENTIAL

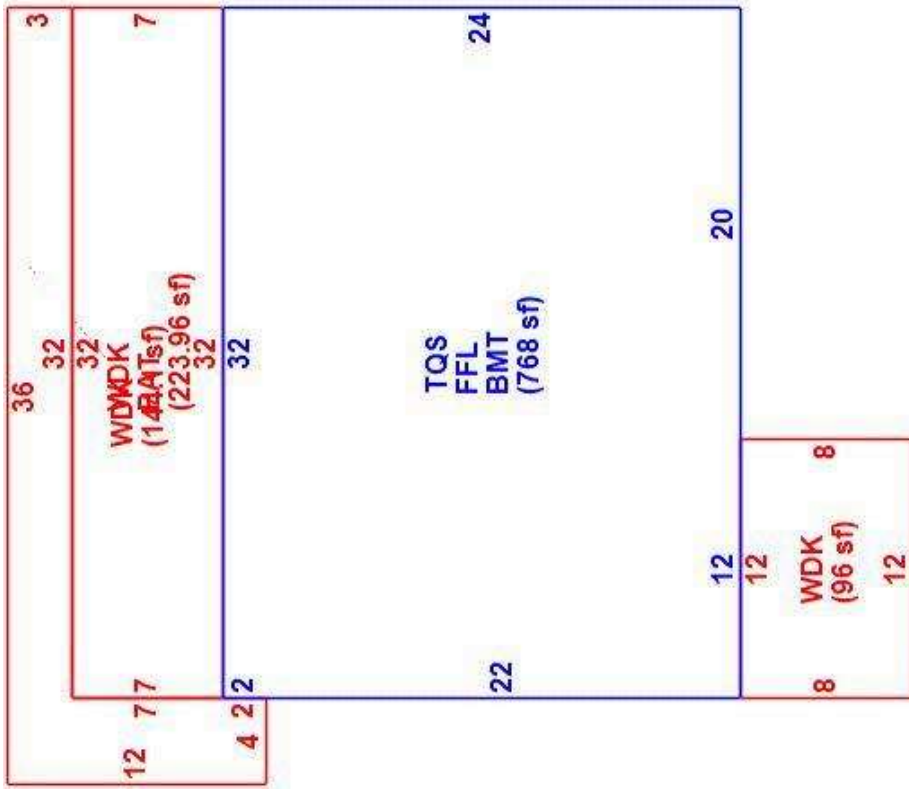
Building Photo



(<https://images.vgsi.com/photos/lebanonnh/photos/6216.JPG>)

Style	CAPE
Grade	AVERAGE
Stories	1T
Residential Units	1
Comm Units	0
Exterior Wall 1	LOGS
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	STD SEAM
Interior Wall 1	DRYWALL
Interior Wall 2	PANEL
Interior Floor 1	HARDWOOD
Interior Floor 2	
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	OIL
Heat Type	FORCED H/W
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	3
Full Bath(s)	1
Bath Rating	AVERAGE
3/4 Bath(s)	
Half Bath(s)	0
Extra Fixture(s)	0

Building Layout



(ParcelSketch.ashx?pid=4636&bid=4636)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	768	768
TQS	3/4 STORY	768	576
BMT	BASEMENT	768	0
PAT	PATIO	224	0
WDK	WOOD DECK	464	0

Plumbing	TYPICAL
Kitchen(s)	1
Kitchen Rating	AVERAGE
Total Rooms	6
Frame	WOOD
Foundation	CONCRETE
Bsmt Garage	0
Finished Bsmt	
Rec Room	
Fin Attic	
Parking	
Fireplace(s)	0
Fireplace Rating	
WS Flues	1
WS Flue Rating	AVERAGE
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Partition	TYPICAL
Solar Hot Water	No
Central Vac	No
Nbhd Modifier	
MH Make	

	2,992	1,344
--	-------	-------

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use **Land Line Valuation**

Use Code	1010	Size (Acres)	6.2
Description	ONE FAM	Frontage	
Zone	RL2	Depth	
Neighborhood	R6	Total Market Land	\$134,480
Alt Land Appr	No	Appraised Value	\$134,480
Category			

Outbuildings

Outbuildings				Legend		
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
02	SHED/FR			84.00 SF	\$800	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2025	\$314,000	\$134,480	\$448,480

2024	\$214,000	\$110,900	\$324,900
2023	\$214,000	\$110,900	\$324,900

Assessment			
Valuation Year	Improvements	Land	Total
2025	\$314,000	\$134,480	\$448,480
2024	\$214,000	\$110,900	\$324,900
2023	\$214,000	\$110,900	\$324,900

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CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2026-12-VAR
July 6, 2026 Regular Meeting
Jacob Furlon & Kayla Betit – 49 Storrs Hill Road**

DRAFT MOTION for:
Agenda Item 3.A
Case ZB2026-12-VAR
Request for Variance from Section §313.3

Motion made by: _____

On July 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 49 Storrs Hill Rd (Tax Map 136, Lot 15), Zoned RL-2: The applicants request a Variance from Section 313.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow an addition to the existing single-family home to be located +/- 20 ft from the right-side property line where 35 ft is required.

I. FINDINGS OF FACT

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

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

II. CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **6th day of July, 2026**, hereby **GRANTS / DENIES** the Variance from Section §313.3, pursuant to Section §801.2 of the Zoning Ordinance to allow an addition to the existing single-family home to be located +/- 20 ft from the right-side property line where 35 ft is required, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Applicant shall apply for a building permit.
2. At the time of the footing inspection the Zoning Official or Building Official shall confirm that the construction layout meets the setback as approved by the Zoning Board. If the Zoning Official or Building Official cannot make a confirmation that a Land Surveyor may be required, at the Land Owner's expense, to confirm the provided distance conforms with the dimensions of the Zoning Board's decision and that a formal As-built drawing may be required.
3. _____

Motion seconded by: _____

Vote: _____

**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 type="checkbox"/>	APPEAL OF AN ADMIN DECISION
VARIANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

PROPERTY OWNER (APPLICANT):

NAME: Jacob Furlon and Kayla Betit TEL.#: [REDACTED]

MAILING ADDRESS: 49 Storrs Hill Road

E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 136 LOT#: 15 PLOT #: N/A ZONE: RL-2

STREET ADDRESS: _____

IS THIS PROPERTY LOCATED IN THE: WETLANDS YES NO HISTORIC DISTRICT YES NO
FLOOD PLAIN YES NO

REQUEST DESCRIPTION:

Request to locate proposed addition +/- 21 feet away from the side property line.

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:  DATE: 6/8/2026

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: _____ DATE: _____

DATE RECEIVED: 6-8-26

APPLICATION #: ZB2026-12-VAR

SUPPORT STATEMENT FOR A VARIANCE

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

CITY OF LEBANON, NEW HAMPSHIRE

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

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

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

801.2 Variances.

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

1. That the variance, if authorized, will not be contrary to the public interest;
The variance would not be contrary to the public interest.

2. That the variance will observe the spirit of the Ordinance.
The variance will observe the spirit of the Ordinance.

3. That by the granting of the variance, substantial justice will be done;
Yes, substantial justice will be done.

4. That the variance, if authorized, will not diminish the values of surrounding properties
It will not diminish the values of and;
surrounding properties.

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

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

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

49 Storrs Hill Road, Lebanon, NH 03766; and

(ii) The proposed use is a reasonable one.

The proposed use is reasonable and will address an existing safety concern.

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

A variance is therefore necessary.

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

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

Statement of Intent:

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

**Narrative Supporting Statement for Variance Request
City of Lebanon Zoning Board of Adjustment**

We respectfully submit this narrative in support of our application for a variance to permit the construction of a 12-foot by 32-foot addition to the front-facing portion of our home. This addition is intended to provide a safe, functional primary entrance and modest office space for our family.

Our property is located in the RL-2 district and is classified as a Class 3 property, which requires a 35-foot side yard setback. The existing home, constructed prior to our ownership and prior to the establishment of current setback regulations, is situated approximately 25 feet from the side yard property line. The proposed addition would extend this to just over 20 feet from the side yard line. While this would remain compliant with setback requirements applicable to Class 1 and Class 2 properties in the RL-2 district, it does not conform to the 35-foot requirement applicable to our property classification.

We purchased this home in December 2025 without being informed of the existing nonconformity related to the side yard setback. The current placement of the home on the lot—positioned in the far western corner and not aligned with property boundaries—creates a unique and inherent constraint that distinguishes this property from others in the area.

Unnecessary Hardship

Denial of this variance would result in unnecessary hardship as defined by applicable zoning standards.

First, owing to the unique placement and orientation of the existing structure, there is no fair and substantial relationship between the general public purpose of the ordinance and its specific application to our property. The intent of setback requirements is to preserve neighborhood character, ensure adequate spacing, and protect neighboring properties. However, our home already exists within a nonconforming setback due to its historic placement. The proposed addition does not introduce a new encroachment condition but rather modestly extends an existing one, without altering the fundamental relationship between structures or impacting neighboring properties in a meaningful way.

Second, the proposed use is reasonable. The addition is designed to provide a safe primary entrance and functional living space, which are standard and expected residential improvements.

Alternatively, even if the above criteria are not fully satisfied, unnecessary hardship exists because the property cannot be reasonably used in strict conformity with the ordinance. The physical constraints of the lot severely limit viable construction alternatives:

- **Left/Front Side Constraints:** Due to the home's existing placement near the side yard boundary, any expansion in these directions inherently increases proximity to the property line.
- **Right Side Constraints:** The presence of the septic system and driveway significantly restricts construction feasibility on this side of the home.
- **Rear Constraints:** A downhill bank makes rear expansion both logistically difficult and financially burdensome.
- **Interior Layout Considerations:** Alternative expansion locations would require substantial and cost-prohibitive reconfiguration of the home's internal layout, further compounding the hardship.

Additionally, there is a significant safety concern associated with the current front entrance. The roofline above the entry allows snow and ice to accumulate and fall from a height that poses a real hazard during winter months. This condition has already forced us to avoid using the primary entrance at times, instead relying on a less accessible basement entry. The proposed addition would mitigate this hazard by altering the roofline and relocating the primary entrance to a safer location, thereby directly addressing an existing and ongoing safety issue.

Taken together, these conditions demonstrate that the hardship is not self-created but instead arises from the unique characteristics and preexisting configuration of the property.

No Adverse Impact

Granting this variance will not be contrary to the public interest and will observe the spirit of the zoning ordinance. Specifically:

- The proposed addition will not alter the essential character of the neighborhood.
- Property values of surrounding homes will not be diminished.
- No hazard or nuisance will be created; rather, an existing safety hazard will be alleviated.
- The capacity of public facilities and services will not be impacted.
- No additional municipal costs will be incurred.

- The general welfare of the community will be protected.

Importantly, the adjacent property owner on the affected side has expressed no objection to the proposed addition. Furthermore, the natural tree line and slope of the neighboring property provide a buffer that minimizes any potential visual or functional impact, both now and for any future property owners.

Conclusion

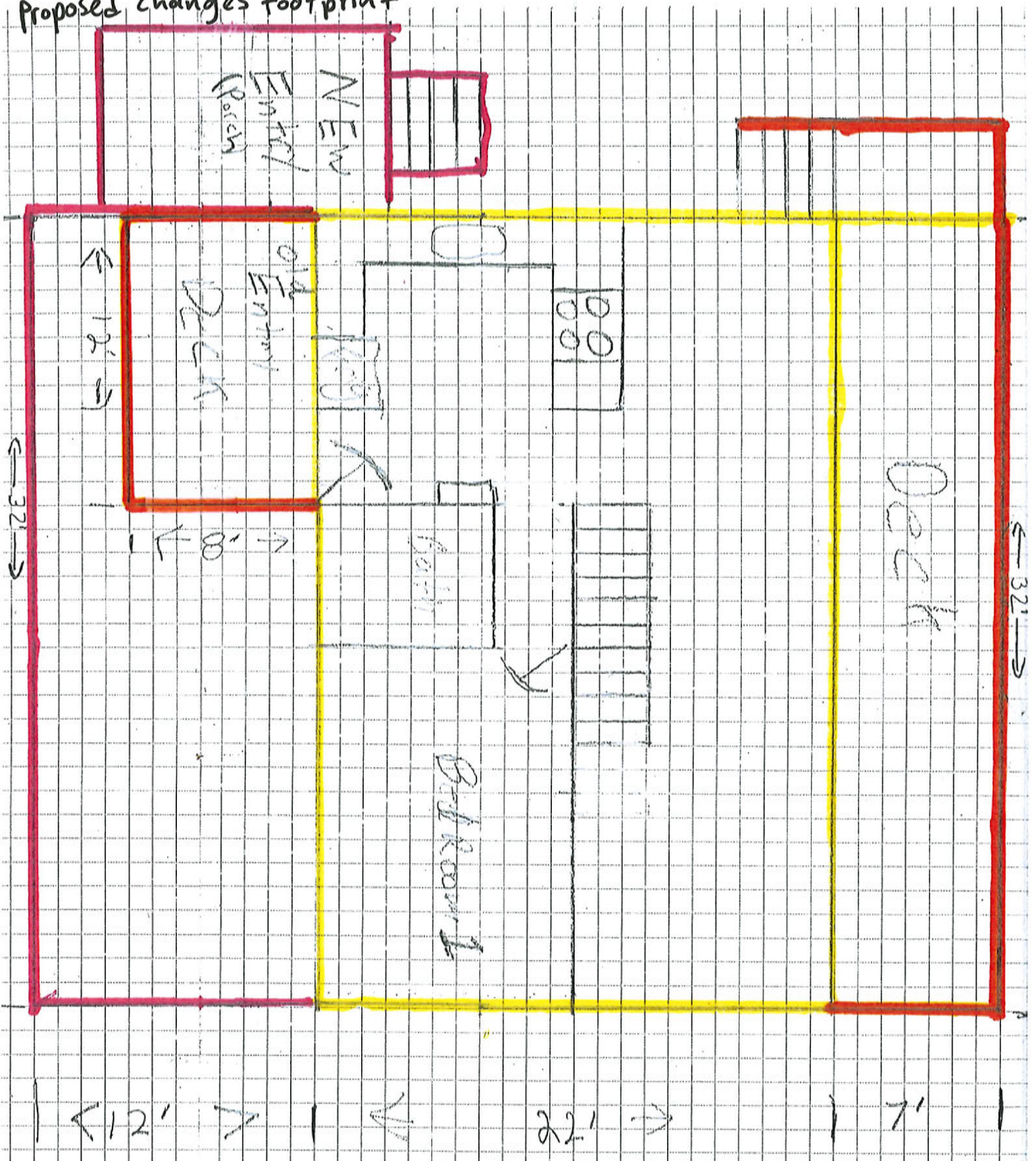
This request is driven by the unique constraints of our property, the preexisting nonconforming placement of the home, and a legitimate need to address safety and functional concerns. The variance represents a reasonable and minimal deviation from the ordinance that enables appropriate use of the property without creating adverse impacts.

For these reasons, we respectfully request that the Zoning Board of Adjustment grant the requested variance.

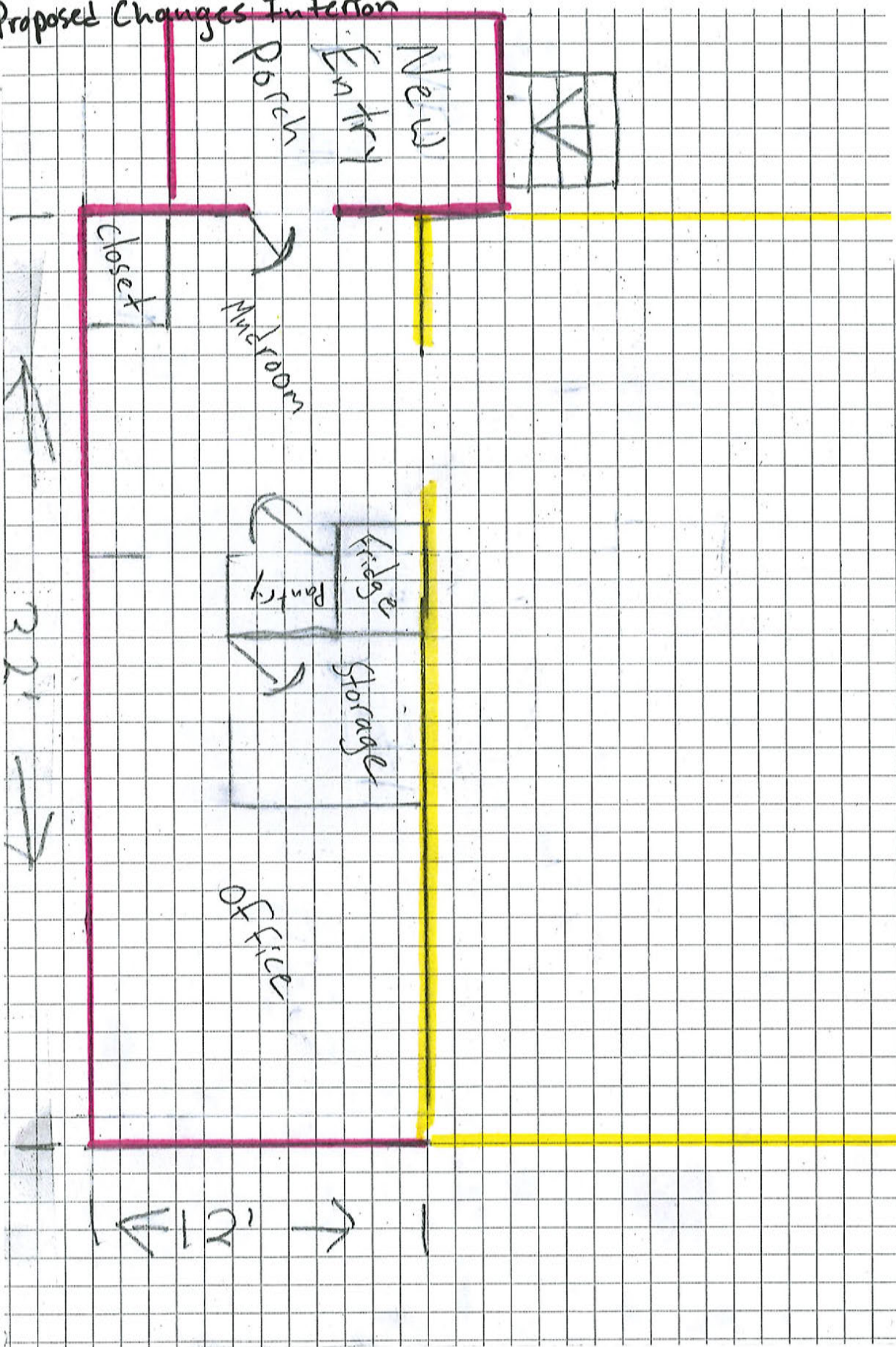
Respectfully submitted,
Jacob Furlon and Kayla Betit
49 Storrs Hill Road, Lebanon, NH 03766

49 Storrs Hill Road Site Plan

Proposed changes footprint



Proposed Changes Interior



proposed changes Exterior ~~Left~~ Yard View
Right

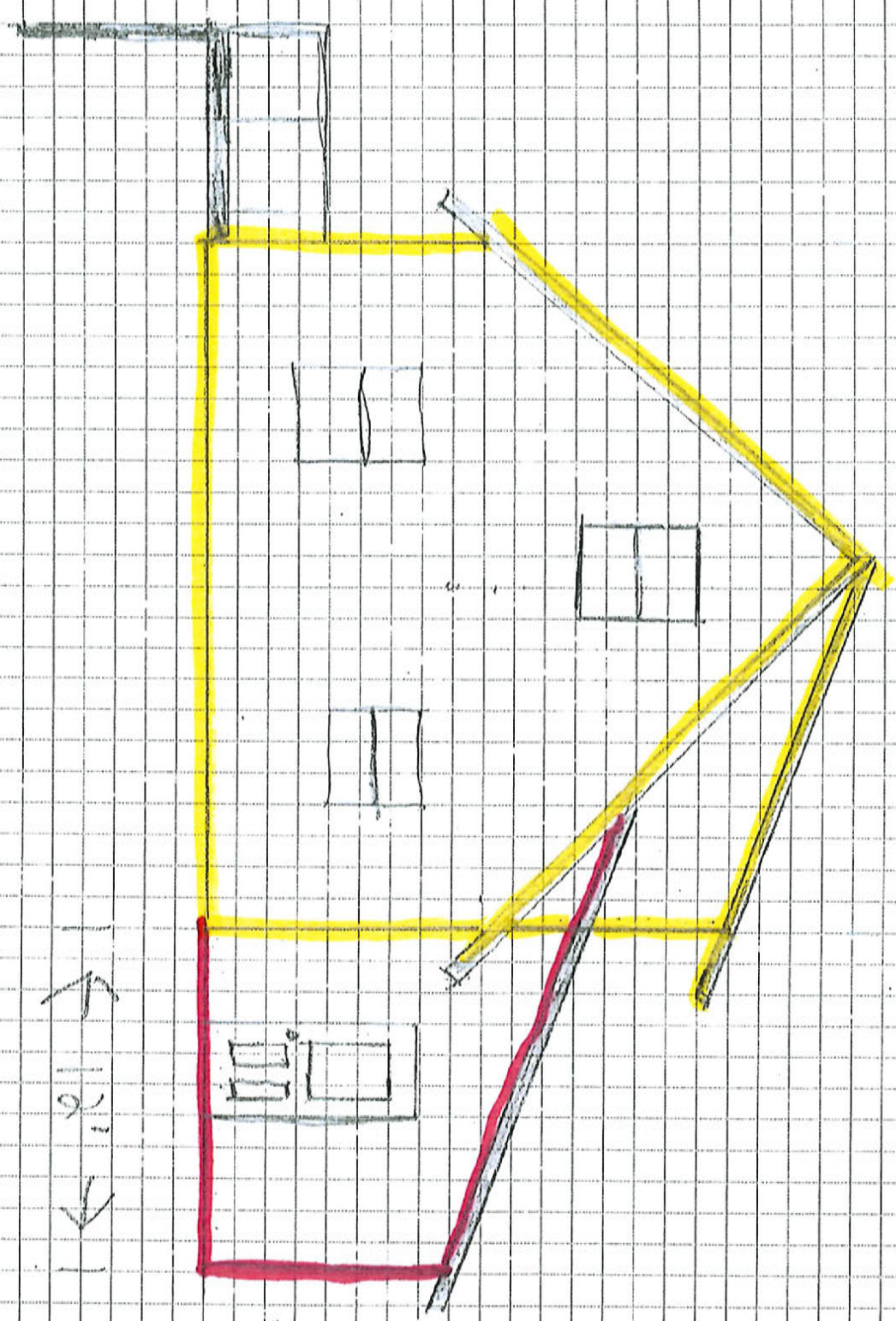


Photo support Right yard View



pg 4

Photo Support + Left / front view



Photo Support Left / Front Road View



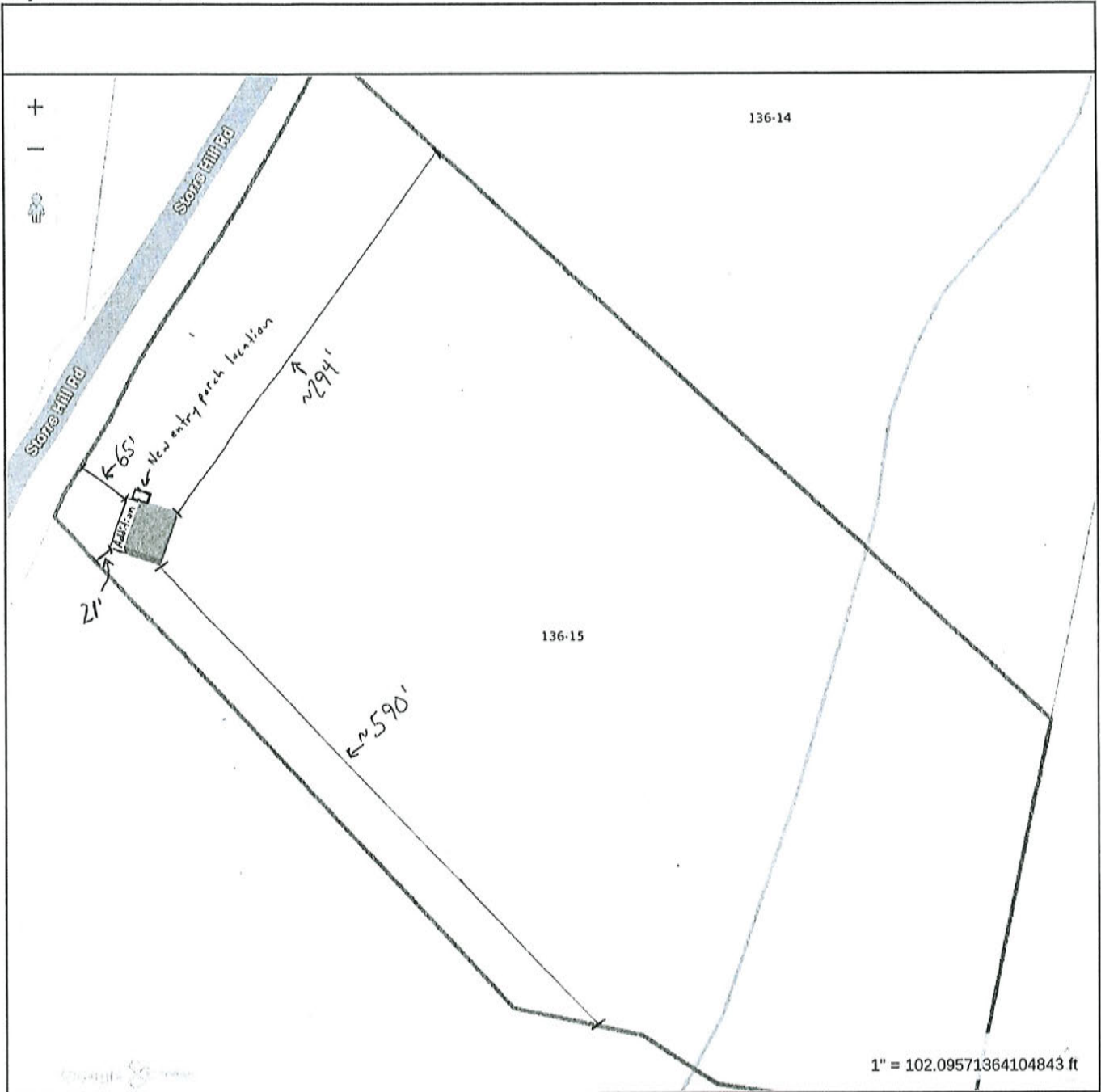
Photo Support Right/front Road view




Property Outline and Setbacks

City of Lebanon, NH

April 6, 2026



Property Information	
Property ID	136-15
Location	49 STORRS HILL RD
Owner	BETI, KAYLA + Farlon, Jacob


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

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

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

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



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

**Execusuite LLC
22 School Street**

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*
& Tiffany Adams, *Zoning Executive Assistant*
Date: July 6, 2026 – Regular Meeting
Application Number: ZB2026-11-SE

HEARING NOTICE:

Execusuite LLC, 22 School St (Tax Map 92, Lot 2), Zoned R-O: The applicant requests a Special Exception from Section 311.2, pursuant to Sections 601 and 801.3 of the Zoning Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling. ZB2026-11-SE

SITE DESCRIPTION / BACKGROUND:

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

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

PROPOSAL:

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

COMPLETENESS

Staff recommend that the application be deemed complete by the Zoning Board.

ZONING ORDINANCE REQUIREMENTS:

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

§601 SPECIAL DESIGN STANDARDS:

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

601.1 Architecture.

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the

neighborhood. New construction shall be compatible with the architectural character or the abutting properties and neighborhoods.

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

601.2 Parking & Access.

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

601.3 Coverage.

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

601.4 Density.

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

601.5 Additions to Existing Buildings.

Such remodeling may include expansion of the building by special exception provided that:

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

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

§801.3 SPECIAL EXCEPTION:

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

- 1. That the special exception is specifically authorized by a provision of this Ordinance.*
- 2. That all special conditions required of the special exception have been met.*
- 3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.*
- 4. That the character of the area shall not be adversely affected.*
- 5. That no hazard or nuisance will be created.*
- 6. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.*
- 7. That granting the special exception will not result in undue municipal expense.*
- 8. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.*

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

STAFF COMMENTS:

Permitted Conditions / Existing Conditions / Proposed Conditions:

This application is as the result of a resident housing complaint that led to enforcement action regarding the unpermitted and uninspected creation of dwelling units. Units were created without Zoning Board, Planning Board, or Building Permit applications, approvals or inspections. As this is an enforcement-related matter, Attorney Matt Decker will attend the proceedings, sit with the Zoning Board and provide legal advice.

Permitted Conditions:

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

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

Existing Conditions:

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

Proposed Conditions:

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

Zoning Staff Comments:

The application as prepared by Architect Wasser and his team is complete. Multiple issues and questions have been clarified to the satisfaction of the Zoning Staff. There are only two significant items that staff recommend the Board explore with the Applicant: 1. The use of the Garage and 2. The Architectural impact of the windows.

Staff recommend that the Zoning Board condition an approval that clarifies that the Use of the garage,

1. That any use of the garage is limited to an accessory use for 22 school street. Storage of tenant's personal items or the storage of limited equipment that exclusively benefits the maintenance of 22 School Street is required by the Zoning Ordinance. Expressing that the exterior storage of any equipment and materials is prohibited. Further the operation of a Contractor Yard is not permitted. Clarity of the use that the Board permits is essential.
2. Additionally, given the distance of the garage to the adjoining cemetery that a further limitation be expressed that no toxic chemicals or substances be permitted in the garage. The potential for contamination of the Cemetery is a significant concern and should be expressed.
3. That the Board further condition that any alteration or change in the approved plans or uses shall be approved by the Zoning Board.

The proposed conditions are as follows:

2. The existing garage shall be used only as an accessory to the multi-family dwelling primary use. It shall be used only for the ordinary storage of non-toxic chemicals or materials and/or maintenance items related to the approved residential use of the 22 School Street property. Exterior storage of materials or equipment and the operation of a Contractors' Yard is not permitted at 22 School Street.

3. At the determination of the Zoning Official, any material alteration, amendment or change to the attached approved use, site and floor plans may only be approved by the Zoning Board.

Finally, the Zoning Ordinance requires an Architectural determination be made by the Zoning Board in order to approve the Special Exception. The windows of the current building do not appear to fit the architectural character of the original building. The Board may discuss this requirement and determine if the existing windows meet the requirements:

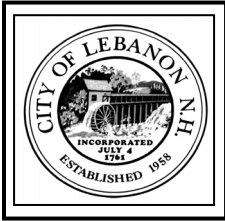
601.1 Architecture.

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

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

Respectfully submitted

Nathan Reichert
Planning and Development Director
Zoning Official



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2026-11-SE
July 6, 2026 Regular Meeting
Execusuite LLC
22 School Street**

DRAFT MOTION for:

Agenda Item: 3.B

Case: ZB2026-11-SE

Request for Special Exception per Section §601 and §801.3

Motion made by: _____

On July 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 22 School St (Tax Map 92, Lot 2), Zoned R-O: The applicant requests a Special Exception from Section 311.2, pursuant to Sections 601 and 801.3 of the Zoning Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling

I. FINDINGS OF FACT

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

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to:

Special Design Standards criteria set forth in §601 of the Zoning Ordinance:

601.1 Architecture.

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

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

601.2 Parking & Access.

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

601.3 Coverage.

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

601.4 Density.

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

601.5 Additions to Existing Buildings.

Such remodeling may include expansion of the building by special exception provided that:

- A. The architectural compatibility requirements of Section 601.1 are complied with.
 - B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.
-

Special Exception criteria set forth in §801.3 of the Zoning Ordinance:

- 1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
- 2. The following criteria of Section §801.3 **have been / have not been** met:
 - a. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.

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

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

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

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

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

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

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6th day of July, 2026, hereby GRANTS / DENIES the requested Special Exception to allow the conversion of an existing mixed-use building to a 12-unit multi-family dwelling pursuant to Sections §601 and §801.3 of the Zoning Ordinance as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, pay impact fees as required and shall comply with all applicable local, state, and federal regulations to ensure the project is compliant with pertinent codes. The Applicant shall obtain a Certificate of Occupancy for all units from the Building Official.
2. The existing garage shall be used only as an accessory to the multi-family dwelling primary use. It shall be used only for the ordinary storage of non-toxic chemicals or materials and/or maintenance items related to the approved residential use of the 22 School Street property. Exterior storage of materials or equipment and the operation of a Contractors' Yard is not permitted at 22 School Street.
3. At the determination of the Zoning Official, any material alteration, amendment or change to the attached approved use, site and floor plans may only be approved by the Zoning Board.

4. _____

Motion seconded by: _____

Vote: _____

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SITE PLAN REVIEW
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/>	SUBDIVISION
MOTION FOR REHEARING	<input type="checkbox"/>	<input type="checkbox"/>	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	<input type="checkbox"/>	<input type="checkbox"/>	CONDITIONAL USE PERMIT

OTHER _____

PROPERTY OWNER (APPLICANT):

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

MAILING ADDRESS: 77 Bank Street, Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

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

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

E-MAIL ADDRESS: [REDACTED]

PROJECT LOCATION:

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

STREET ADDRESS OF PROJECT: 22 School Street

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** YES NO **HISTORIC DISTRICT** YES NO
FLOOD PLAIN YES NO

SCOPE OF PROJECT:

TYPE OF OCCUPANCY:

EXISTING VACANT ONE FAMILY TWO FAMILY MULTI-FAMILY COMMERCIAL INDUSTRIAL
PROPOSED VACANT ONE FAMILY TWO FAMILY MULTI-FAMILY COMMERCIAL INDUSTRIAL
IF USE IS COMMERCIAL OR INDUSTRIAL, PLEASE NOTE SPECIFIC
USE: Formerly a School

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: 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 July 13, 2026, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: Jim Blodau DATE: June 8, 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.

PROPERTY OWNER: Jim Blodau DATE: June 8, 2026

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
6/8/2026		ZB2026-11-SE			

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

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

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

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

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

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

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

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

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

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

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

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

Please see attached.

- D. That the character of the area shall not be adversely affected:
There are very limited changes to the building including the re-opening of five window wells and creation of an areaway to provide access to the existing sprinkler room. The site will remain in the same configuration but improved with additional landscaping. The character is not adversely affected. Note that upper floors original windows no longer exist; they were replaced with the current windows by the school district several decades ago and will remain.
- E. That no hazard or nuisance will be created:
No hazard or nuisance is being created. The plan for additional landscaping, EV charging and bike parking is a positive for the site.
- F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:
The capacity of community facilities will not be adversely affected. The change from replacing a school and six classrooms with 10 one-bedroom/studio apartments will have a lower impact on community facilities.
- G. That granting the special exception will not result in undue municipal expense:
Per the changes noted in F. above no undue municipal expense will result.
- H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:
Per the redevelopment described in D. above the project will maintain the integrity of the school building and site in a manner compatible with the spirit and intent of the ordinance. The change from classrooms to apartments is a natural, straightforward change with minimal impacts to both the interior and exterior.
- I. That the general welfare of the City will be protected:
The redevelopment will not adversely affect the City; the general welfare of the city will be protected. It will provide a positive benefit by providing badly needed housing for the City.

Please Note:

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

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

June 4, 2026

Lebanon Planning Board
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: 22 School St. Apartments
Subject parcel 92-2
RO Zone
Stormwater Letter

Dear Lebanon Planning Board,

We have prepared this letter on behalf of Execusuite, LLC, to address section 6.5.G of the planning regulations and to request a waiver from section 6.6.

Concerning 6.5.G of the planning regulations, the quality of ground water will not be adversely affected by the proposed development, and the work complies with the New Hampshire Water Supply and Pollution Control regulations. There will be a slight overall benefit to the groundwater supply through disconnection of impervious surfaces as outlined below.

Based on the plans prepared by Studio Nexus we note an approximate reduction in overall impervious surfaces of 500 sf with the proposed site improvements. This area is composed primarily of paved surfaces that will be converted to mulched landscape beds. Due to the disconnection of these impervious areas, we expect there to be no increase in stormwater runoff rate or volume from the site and expect a slight overall decrease resulting from infiltration. Compliance with section 6.6G.2.b. has been achieved due to the parking lot grades generally shedding water to the perimeter of the site which results in 50% or more of the existing surfaces being disconnected to vegetated areas. Therefore, although a waiver is requested from a full stormwater analysis, the site improvements comply with the City of Lebanon stormwater rules and granting a waiver from section 6.6 would not be contrary to the spirit and intent of the regulations.

We look forward to presenting this project to you at the next available hearing. If you have any questions or comments or require any additional information, please give our office a call.

Sincerely,
ENGINEERING VENTURES, PC



Adam Morse, PE
Project Manager

cc: (via email): Tim Sidore, Jim Wasser

EXECUSUITE LLC

Bringing new life to our historic downtowns

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

June 8, 2026

Execusuite, LLC
77 Bank Street
Lebanon NH 03766

Dear Distinguished Members:

We respectfully submit the enclosed application and plans for 10 proposed additional apartments, situated at the School Street School, 22 School Street. These apartments will bring needed housing options to downtown Lebanon in line with the Lebanon Downtown Vision Study. The project is conceived by the owner of the property, Michael Davidson of Execusuite, LLC. Mr. Davidson has redeveloped the former Lebanon Junior High School and two units at the 22 School Street Schools; the remaining conversion of the School Street School will be completed with the same sense of preservation and attention to detail. Construction work will commence upon building permit approval.

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

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

Based on 12 total residential units, we are required to have 12 total parking spaces. The existing parking lot, long established, contains 20 parking spaces. We are proposing 18 spaces. EV and bike parking will be provided per code and the lot will be provided with additional landscape and parking lot shading to the amount feasible given the site configuration. The play structures will remain as an asset to the neighborhood.

Your consideration is greatly appreciated.

Very truly yours,



Tim Sidore
Chief of Operations
Ledgeworks, Inc
Execusuite, LLC

ESTIMATED CONSTRUCTION TIMELINE:

Zoning Board Approval – July 6, 2026

Planning Board Approval – July 13, 2026

Building Permit Submission – November 2, 2026

Building Permit Approval – February 1, 2027

Construction Begins (Interior Demolition) – February 2, 2027

Interior Fit-out Completion – June 1, 2027

Sitework Begins – April 15, 2027

Sitework Completion – June 1, 2027

22 SCHOOL STREET ZONING CODE REVIEW AND SPECIAL DESIGN STANDARDS

Zoning District: RO

Multi-Family developments in excess of 5 units permitted by Special Exception

311.1 Purpose.

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

311.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

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

Minimum Yard

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

SECTION 601 SPECIAL DESIGN STANDARDS.

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

601.1 Architecture.

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. New construction shall be compatible with the architectural character or the abutting properties and neighborhoods. For the purpose of this subsection only, the term "compatible" shall mean having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.

-- The exterior will remain essentially as is, except for the opening and renovation of five window wells to provide additional light and ventilation to the basement apartments. In addition, an areaway will be built to provide direct exterior access to the sprinkler room. These exterior improvements are primarily subsurface, will be nearly invisible to the surrounding neighborhood and are essential for both comfort and life-safety. The new window wells also remedy an unfortunate, decades-old remodel which filled the existing wells with concrete. The basement windows themselves will be replaced in-kind with energy efficient fiberglass windows, color and lite pattern to match existing windows. Drawings and a photo of the existing and proposed changes to these windows can be found on sheet A5.0.

The windows on the first and second floors, though not the original arch-topped windows were installed by the school district several decades ago and will remain. Note that the abutters include a cemetery to the south and west and a church to the north and the property is set back from the street approximately 136'.

601.2 Parking & Access.

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

-- Required parking for 12 apartments is 12 parking spaces. We are providing 18 spaces. Parking does occupy the front yard, but this is an existing condition and is exempt by the 2013 amendment.

601.3 Coverage.

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

--Proposed impermeable coverage has been reduced by 518 SF and is 57.7% of the site.

601.4 Density.

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

--Required for 12 units: $10,000\text{ sf} + 10 \times 3,000\text{ sf} = 40,000\text{ sf}$ minimum lot size; Provided: 41,301 SF. The maximum density requirements have been met.

601.5 Additions To Existing Buildings.

Such remodeling may include expansion of the building by special exception provided that:

- A. The architectural compatibility requirements of Section 601.1 are complied with.
- B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.

--Only very minor exterior changes to the exterior of the building are proposed (subsurface entry to the sprinkler room in the basement and the reopening of basement light wells); no other "expansions" are planned.

601.6 Accessory Buildings.

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

--We are not proposing any additional dwelling units in the existing garage. The existing garage will remain in use for maintenance of the building and grounds.

607.8 Electric Vehicles.

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

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

- a. EVSE-ready spaces for a minimum of 5% of proposed off-street parking spaces.
- b. EV-capable spaces for a minimum of 10% of proposed off-street parking spaces.
- c. EV-planned spaces for a minimum of one each per unit remaining plus one additional.

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



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

Execusuite

LLC 22

School

Street

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, *Director of Planning & Development and Zoning Administrator* & Tiffany Adams, *Zoning Executive Assistant*
Date: April 6, 2026 – Regular Meeting
Application Number: ZB2026-02-SE

HEARING NOTICE:

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

SITE DESCRIPTION / BACKGROUND:

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

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

PROPOSAL:

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

ZONING ORDINANCE REQUIREMENTS:

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

§601 SPECIAL DESIGN STANDARDS:

The remodeling of a residential structure and other buildings existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the

construction of new buildings for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions:

601.1 Architecture.

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

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

601.2 Parking & Access.

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

601.3 Coverage.

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

601.4 Density.

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

601.5 Additions to Existing Buildings.

Such remodeling may include expansion of the building by special exception provided that:

- A. The architectural compatibility requirements of Section 601.1 are complied with.
- B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.

§801.3 SPECIAL EXCEPTION:

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

1. That the special exception is specifically authorized by a provision of this Ordinance.
2. That all special conditions required of the special exception have been met.
3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
4. That the character of the area shall not be adversely affected.
5. That no hazard or nuisance will be created.
6. That the capacity of existing or planned community facilities and services (including streets

and highways) will not be adversely impacted.

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

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

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

STAFF COMMENTS:

Recommendation of Incomplete:

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

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

Staff Notes:

Permitted Conditions / Existing Conditions / Proposed Condition's:

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

Permitted Conditions:

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

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

Existing Conditions:

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

Proposed Conditions:

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

Number of Apartments

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

Use of the Garage

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

CONTRACTOR’S YARD: *A property and / or building used by a general contractor, excavation contractor, landscaping contractor, building contractor, or similar uses where vehicles, equipment and/or materials are stored, or where a contractor performs maintenance, shop, and/or assembly work. For the purposes of this definition, this does not include wholesale or retail sales or temporary job construction site.*

WAREHOUSE: *Includes warehouse (and self-storage warehouse) wholesale establishment, bulk storage and bulk sales outlet.*

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

The detached garage will continue to be used as a maintenance building for the apartment building and grounds. No hazardous materials will be stored there.

A Parking Variance required:

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

Future parking spaces have been deleted from the plans and narrative.

The Section 601 criteria:

601.1 Architecture.

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

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

601.1 criteria is not addressed sufficiently in the application. Most notably the windows in the building have been architecturally altered in such a way as to not be consistent with the Architectural nature of the building's design. Filling in a previously existing window in the manner in which they have done emasculates the Architectural integrity of the building thereby eliminating compliance with section 601.1. The board may seek input from the applicant as to how they will remediate this architectural diminishment and / or impose a condition that the building's windows shall be restored to their original architectural condition and fill the entire brick surround of the building's original windows. Or the applicant can apply for a variance to 601.1.

Not sure who is being referred to by "they", but the windows in question were installed by the Lebanon School District several decades ago and well before Execusuite purchased the building in 2012; visual inspection shows they are significantly older than that. I have attached a City property card with a photo dated 1/2/2001 that shows the smaller windows in place along with the date of sale to Execusuite. Again, there are minimal changes planned to the building's exterior; those planned include swapping out the basement windows, opening up the cemented window wells and adding direct exterior access to the existing sprinkler room.

I don't disagree that it would be wonderful to replace the windows with something matching the original arch-topped, but that would be an extremely costly endeavor, as each wood window would need to be custom built and would also entail the raising of the ceilings, which were dropped as part of the District's "improvements."

601.2 Parking & Access.

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

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

Future parking places have been deleted from the plans and narrative.

601.3 Coverage.

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

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

three floors of the building. It has been deleted. The building coverage on the table is correct.

601.4 Density.

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

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

Per the Narrative: Required for 12 units: 10,000 sf for first 2 + 10 x 3,000 sf for each additional unit = 40,000 sf minimum lot size. Provided: 41,301 SF. The maximum density requirements have been met.

Planning Staff Comments:

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

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

At this time, the application is incomplete.

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

- Please submit **all** materials that you would like included as part of your application and presented to the Planning Board. Please include **all** materials even if no changes have been made from the original submission.
- Your digital resubmission can be submitted electronically via e-mail to planning@lebanonnh.gov. Alternatively, Crystal Taplin can send you a link to an extranet folder where you can upload your submission.
- Please provide one (1) full-size hard copy of the plat for Planning staff's use.
- So that we can expeditiously upload documents to our on-line public portal, please name all electronic documents using the following convention: "**year-month-day_(description of document)**". So, for example, if you resubmit on 4/7, the PDF of your revised plan set would be titled, "**2026-04-07_revised plan set**".
- For tracking purposes and clarity, please provide a cover letter or transmittal memo with your resubmission identifying each document that is included with the submission.
- Please also provide a written reply to each of the comments below.
- Once we have reviewed your resubmission, Crystal will contact you regarding the number of hard copies of your application that will need to be provided and by when.

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

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

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

General

1. The Special Exception for the proposed multi-family use must be approved by the Zoning Board before the Planning Board can accept jurisdiction of the Site Plan application. **Understood.**
2. The detached garage may only be used as accessory storage for the tenants or in connection with the maintenance of the building. Please update cover letter accordingly. **Updated.**
3. Only two of the four dwelling units asserted in the cover letter to be existing are legal (a building permit was issued for a third unit following the now-expired 2018 site plan approval, but a CO was never issued). Consequently, the cover letter should be updated accordingly. **Updated.**
4. There is no minimum required parking for the detached accessory storage building. Please update the cover letter accordingly. **Updated.**
5. Update the application form as follows:
 - a. Indicate that the application is for Site Plan Review (not a Special Exception with respect to which the Planning Board has no jurisdiction). **Updated.**
 - b. Update the scope of project to indicate that a total of ten (10) new dwelling units are proposed. **Updated.**
 - c. Update type of occupancy to change the *existing* use from “multi-family/commercial” to “two-family/commercial”. **Updated.**
6. Please address any discrepancies with respect to the abutter information (name, T/M #, mailing address) as may have been identified in a separate e-mail sent by Crystal Taplin. (8.2.A.2) **Addressed.**
7. Staff does not support the requested waiver from Section 5.1.E.7 which requires the plan set to depict the “shape, size, height, and location of all existing structures, located on the site and within 200 feet of the site.” **Heights are shown on sheet G-2.**
8. Staff does not support the requested waiver from Section 5.1.E.16 requiring parking shading calculations. **Shading calculations can be found on the Landscape Plan, Sheet A0.3.**
9. On the Technical Checklist, Section 5.1.G.1 (estimated construction timeline) is incorrectly marked as “N/A”. Please update the Technical Checklist and provide an estimated construction timeline as required. **Technical Checklist updated and an estimated construction timeline added to the narrative.**
10. Identify how the project complies with Section 6.5.G (Groundwater Protection). **Please see attached letter from Adam Morse of Engineering Ventures.**
11. With respect to the requested waivers from Section 6.6 or any portion thereof, the applicant must provide a written statement addressing the stormwater waiver criteria set forth in Section 6.6.I, in addition to the general waiver criteria set forth in Section 7.1. **Understood.**

12. Provide an updated Application for Waivers and an updated Technical Checklist to identify any additional requested waivers. **Updated Application for Waivers provided.**
- a. *Note that the Board must find either Criteria A or Criteria B (as identified on the Application for Waivers) is satisfied in order to grant the waiver. Each waiver request, therefore, should demonstrate how the request meets either Criteria A or B. It is not clear to staff that all of the necessary requested waivers can be justified, and recommends that the applicant try as much as possible to provide as much of the missing information as possible.*

Plan Set Comments

General

13. Provide sheet numbers (i.e. Sheet 1 through Sheet 7) in the lower right-hand corner of all plan sheets with a prominent font size. **These have been added, but the original industry-standard numbering system retained for clarity of cross-referencing drawing details.**
14. The following information required by Article V (submission requirements) is missing or partially missing:
- a. 5.1.E.6 – “Existing topographic information shall be prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire.” **An entirely new survey is in process and will be provided.**
- b. 5.1.E.9 – requiring plan set to show depict the “Zoning District, Tax Map and Lot number, and use of abutting properties within 200 feet of the site boundary; the locations of streets, pedestrian paths/trails, and bicycle routes within 200 feet of the site boundary; and the location of curb cuts and vehicle accesses within 200 feet of the site boundary. **These have been added to sheet G-2.**
- c. 5.1.E.10 – “Show required sight distances at curb cuts and dimensions for the inside radii of all curves.” **The radii have been added to sheet A0.2. We are requesting a waiver on the site distances since the curb cut is existing and without changes.**
- d. 5.1.E.13 – Requiring a lighting plan showing “the proposed location mounting height, fixture type, lamp type, color correlated temperature (CCT), and wattage of all exterior free- standing or building-mounted light fixtures [...]” **Sheets EL1-0 and EL1-1 have been added and show this information.**
- e. 5.1.E.13 – “Manufacturer’s specification information shall be provided for each proposed light fixture and lamp.” **EL1-1 shows this information.**
- f. 5.1.E.14 – “A plan for the location of free-standing or building-mounted signs, including the location, mounting, aiming, and shielding of any remote light fixtures for externally-lit signs.” Note that for the proposed freestanding sign, the sign plan will need to demonstrate compliance with the freestanding sign requirements set forth in Section 607 of the Zoning Ordinance, including but not limited to the freestanding sign landscaping requirements. **No signs are proposed for this phase of the project.**
- g. 5.1.E.16 – “The [landscaping] plan shall show in detail the number, size (height and/or caliper), and species (botanical and common names), of all proposed shrubs and trees[,]” and “All calculations for square footage of perimeter landscaping shall be shown[,] and “[a]ll landscape plans shall show parking lot shading calculations[.]” **This information is provided on sheet A0.3**
- h. 5.1.E.20 – “Plans shall include [...] the location of all existing transit routes

- and transit stops located or passing within 1/4 mile (1,320 feet) of the property.” **These have been added to sheet G-2.**
- i. 5.1.E.21 – requiring construction details – e.g. for bike racks, outdoor lighting, fencing, screening, etc. **This information provided on sheet A0.4**
15. Without a lighting plan, staff cannot verify compliance with the applicable lighting requirements set forth in Section 6.7. **Understood.**
 16. Provide a separate landscaping plan as follows: **A separate plan has been provided with the below information. See A0.3.**
 - a. Showing calculations required per Section 5.1.E.16 demonstrating compliance with the perimeter landscaping requirements of Section 6.2.B, specifically:
 - i. Section 6.2.B.1
 - ii. Section 6.2.B.2
 - iii. Section 6.2.B.3
 - iv. Section 6.2.B.4
 - v. Section 6.3.B.5
 - b. Showing calculations required per Section 5.1.E.16 demonstrating compliance with the parking lot shading requirements of Section 6.2.E.1 C 6.Sheet 1 (“Coversheet”)
 17. Zoning Table:
 - a. Use of the detached garage as “storage” is only permissible as accessory storage for the tenants or in connection with the maintenance of the building. Please update the Zoning Table accordingly. **The building will be used for maintenance.**
 - b. Existing legal units is 2, not 4. **Noted.**
 - c. Show the gross floor area of main building and detached accessory garage separately. **Done**
 - d. There is no minimum parking required for the detached accessory garage as there is no minimum parking required for uses that are accessory to a multi-family dwelling. **Understood.**
 - e. Remove references to the future parking spaces as those spaces as depicted on the plan are prohibited by both the ZO and the SPR. **Removed.**
 - f. Identify the maximum number of permitted parking spaces, and include calculation (5.1.E.4.e.5) **Provided.**
 - g. Identify the height of both buildings (5.1.E.4.e.8) **Understood.**
 18. Update the Table of Contents to provide sheet numbers (i.e. Sheet 1 through Sheet 7). **Updated.**
 19. Add a note indicating that the plan is approved pursuant to the City of Lebanon Site Plan Review Regulations last revised April 28, 2025. **Added.**
 20. Add Planning Board application number (PB2026-02-SPR). **Added.**
 21. Add a reference to the Special Exception expected to be approved (date of approval, Section of ZO, application number, etc) **Added.**
 22. Provide date and description of revisions made (9.5.A.1) **Added.**

Sheet 2 (“Site Plan”/existing conditions/current survey)

23. Presumably this was included to meet the current survey requirement of Section 5.1.E.5. However, it also depicts proposed site improvements (which are inconsistent with the improvements depicted on the Sheet 3 Site Plan). In furtherance of the requirements of Section 5.1.E.5, please remove any proposed site improvements

- from this sheet. **An entirely new survey is in process and will be provided.**
24. Clearly depict those natural and man-made features that are to be removed, retained, or altered. (5.1.E.8) **These are shown on the demolition plan, sheet A0.1.**
 25. Depict existing grades, including topographic contours, with spot elevations, at 2-foot intervals, prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire. (5.1.E.6) **These are provided on the survey.**
 26. Note 4 is incorrect – the property is located in the R-O District, not the R-2 District. **The correct district is noted in the Zoning Table and has been eliminated from the survey.**
 27. The building coverage figures in Note 6 are inconsistent with the building coverage figure in the Zoning Table on the cover sheet. **The correct figures are on the Zoning Table and have been eliminated from the survey.**
 28. Floor size identified in Note 7 is inconsistent with the Zoning Table. **The correct district is noted in the Zoning Table and has been eliminated from the survey.**
 29. Note 8 proposed use is inconsistent with the Zoning Table. **Note 8 has been deleted.**

Sheet 3 (“Proposed Site Plan”)

30. The plan is extremely cluttered, confusing, and difficult to read. For the benefit of the Planning Board members and the site plan review process, please provide a site plan layout sheet that is readable and unadorned with unnecessary or confusing information, i.e. we need at least one plan sheet that shows only surface conditions that are proposed (whether proposed to remain or proposed to be constructed) without contours and any underground improvements. The site plan sheet should not show any existing conditions that are proposed to change or underground improvements. The idea is that Planning Board members, in general, are primarily interested in understanding how the site will operate and what it will look like above ground when its finished. **Understood.**
31. Remove “future” parking spaces and related note as new parking is prohibited in the front yard. **Removed.**
32. Provide landscaping on a separate landscaping plan. **Provided**
33. What is “LULA”? (regarding the “LOCATION OF LULA” note) **Limited Use Limited Application elevator. The note has been removed.**
34. Provide screening for all mechanical units, including but not limited to the AC unit on the north side of the building. **Provided. See sheet A0.3 and A0.4.**
35. Is the “Temp Oil Tank” above ground or underground? **Above ground and will be removed as part of this project.**
36. Identify whether curbing is proposed along landscaped areas, and/or how the landscaped areas are to be delineated from paved areas. **A detail for the edge of the landscaping has been provided. See 4/A0.4.**

Sheet 5 (“Floor Plans”)

37. Only two of the “existing” units shown on the second floor are legal. Please add a note to this effect or change the two unpermitted units from “existing” to “proposed”. **The unpermitted units are now designated as “proposed.”**

Respectfully submitted,

Nathan Reichert
 Planning and Development Director
 Zoning Official

22 SCHOOL ST

Location 22 SCHOOL ST

Mblu 92/ 2/ / /

Acct# 2801

Owner EXECUSUITE LLC

PBN

Total Market Value \$901,600

Appraisal \$901,600

PID 1974

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2025	\$512,500	\$389,100	\$901,600

Assessment			
Valuation Year	Improvements	Land	Total
2025	\$512,500	\$389,100	\$901,600

Owner of Record

Owner EXECUSUITE LLC
Co-Owner % DAVIDSON, MICHAEL
Address 31 ELM ST
 LEBANON, NH 03766

Sale Price \$200,000
Certificate
Book & Page 3936/0040
Sale Date 11/29/2012
Instrument 35

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
EXECUSUITE LLC	\$200,000		3936/0040	35	11/29/2012
LEBANON SCHOOL DISTRICT	\$0		0/0	99	01/01/1900
LEBANON SCHOOL DISTRICT	\$0		0/0	99	01/01/1900

Building Information

Building 1 : Section 1

Year Built: 1838
Living Area: 10,248

Replacement Cost: \$1,415,708

Building Percent Good: 55

Replacement Cost

Less Depreciation: \$467,200

Building Attributes

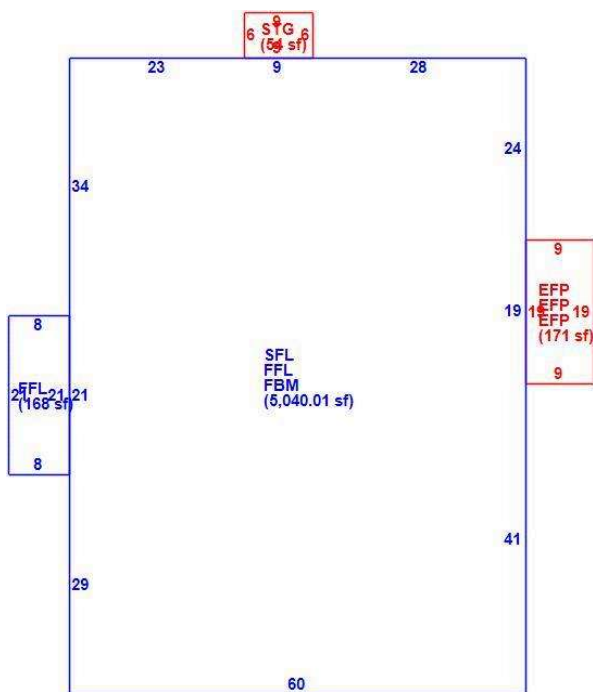
Field	Description
Model	COMMERCIAL
Style	MIXED USE OLD
Grade	Average
Stories	2
Units	5
Residential Units	3
Comm Units	2.00
Wall Height	12.00
Exterior Wall 1	BRICK
Exterior Wall 2	
Roof Structure	FLAT
Roof Cover	TAR+GRAVEL
Interior Wall 1	PLASTER
Interior Wall 2	DRYWALL
Interior Floor 1	HARDWOOD
Interior Floor 2	CARPET
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	OIL
Heat Type	STEAM
2nd Heat Type	
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	2
Full Bath(s)	3
Bath Rating	AVERAGE
3/4 Bath(s)	0
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	4
Kitchen Rating	AVERAGE
Extra Kitchen(s)	0
Total Rooms	5
Frame	OTHER
Foundation	LOOSE MSRY

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos/1923.JPG>)

Building Layout



([ParcelSketch.ashx?pid=1974&bid=1974](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	5,208	5,208
SFL	2ND FLOOR	5,040	5,040
EFP	ENCL PORCH	513	0
FBM	FINISHED BASEMENT	5,040	0
STG	STORAGE	54	0
		15,855	10,248

Violations of the Zoning Ordinance

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

Unpermitted use has ceased.

Violation 2: Section 105: Compliance with Site Plan Review Regulations:

A complete and actionable planning board application has been submitted.

Violation 3: Section 213 Impact Fees:

E. New development means an activity that results in:

(1) The creation of a new dwelling unit or units or new manufactured housing;

Per the remedy required, following site plan approval we will submit a complete impact fee calculation and immediately pay all impact fees due. We will also submit a water and sewer impact fee calculation to the Dept. of Public Works and immediately pay all water and sewer impact fees.

Violation 4: Section 311 Residential-Office District (R-O) Special Exception Uses (See section 801.3) Residential 1. Multi-Family dwelling (5 Dwelling units of more) per section 601.

A complete and actionable special exception application has been submitted.

Violation 5: Section 607.8.C.2 Electric Vehicles: Multi-Family Dwellings.

Parking for multi-family dwellings shall include:

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

b. EV-ready spaces for a minimum of 20% of proposed off-street parking spaces.

c. EV-capable spaces for a minimum of 65% of proposed off-street parking spaces.

Note: in the latest edition of the zoning code the regulations have changed regarding EV parking requirements. The Zoning and Planning Board applications meet the requirements of the current 1/26 code. If the former code is the standard for this project we will meet that requirement.

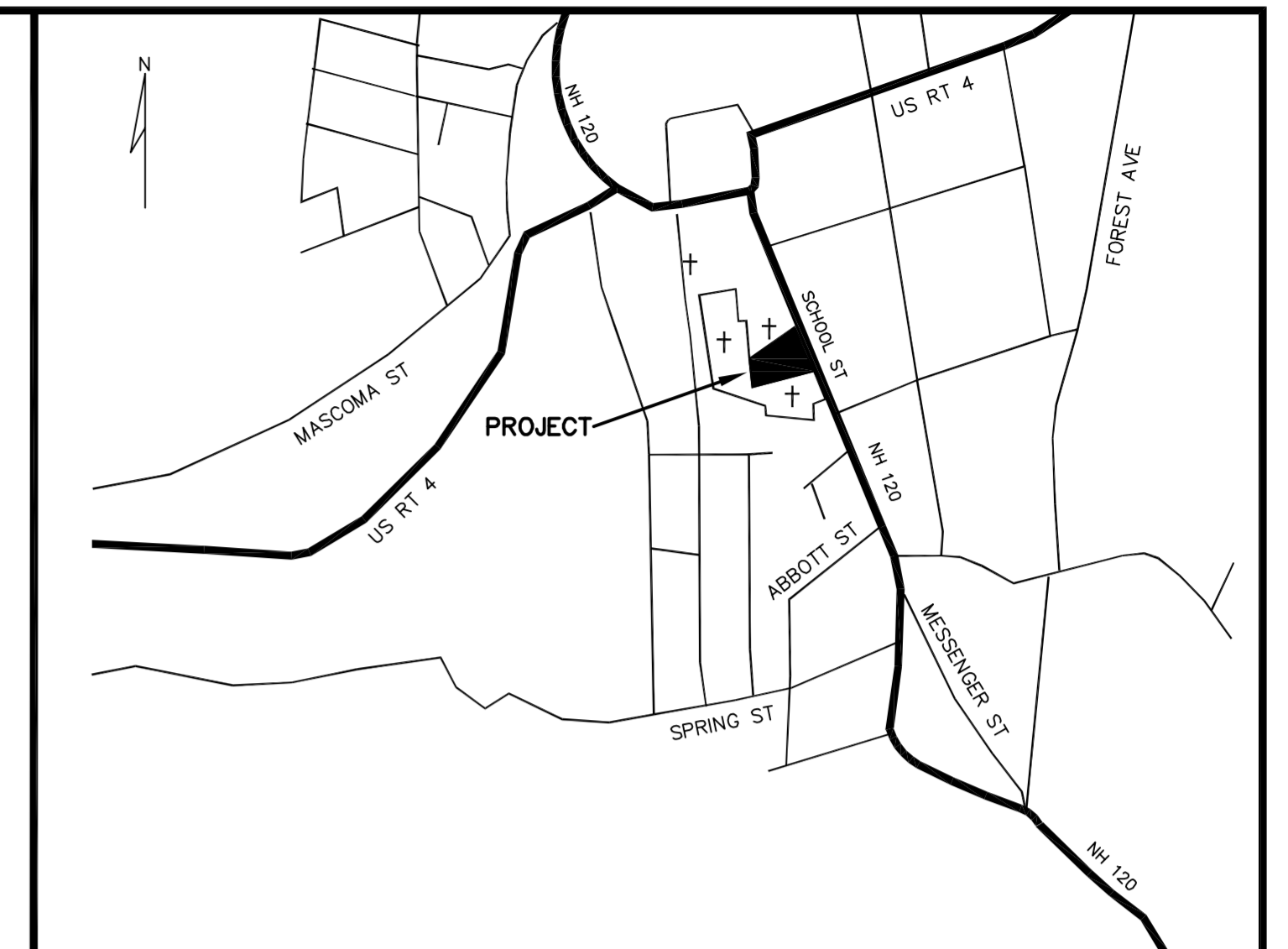
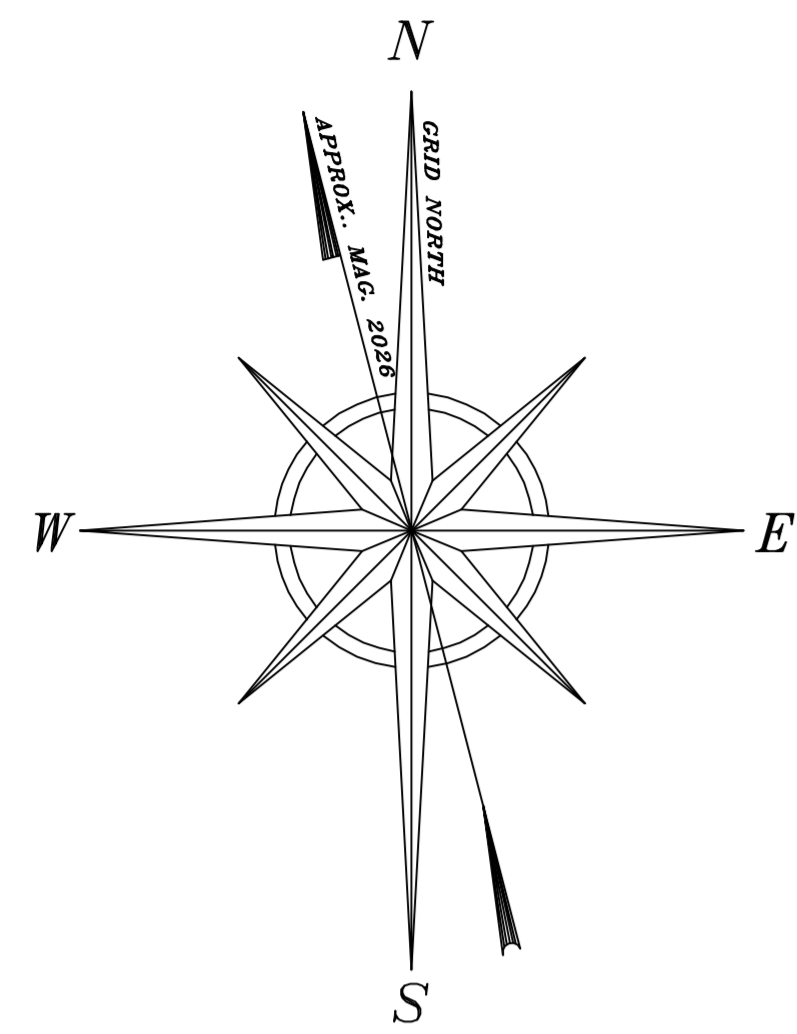
Violation 6: Section 901.1: Written application for a zoning permit must be filed by the owner or his agent with the City of Lebanon.

We are meeting this requirement with this application.

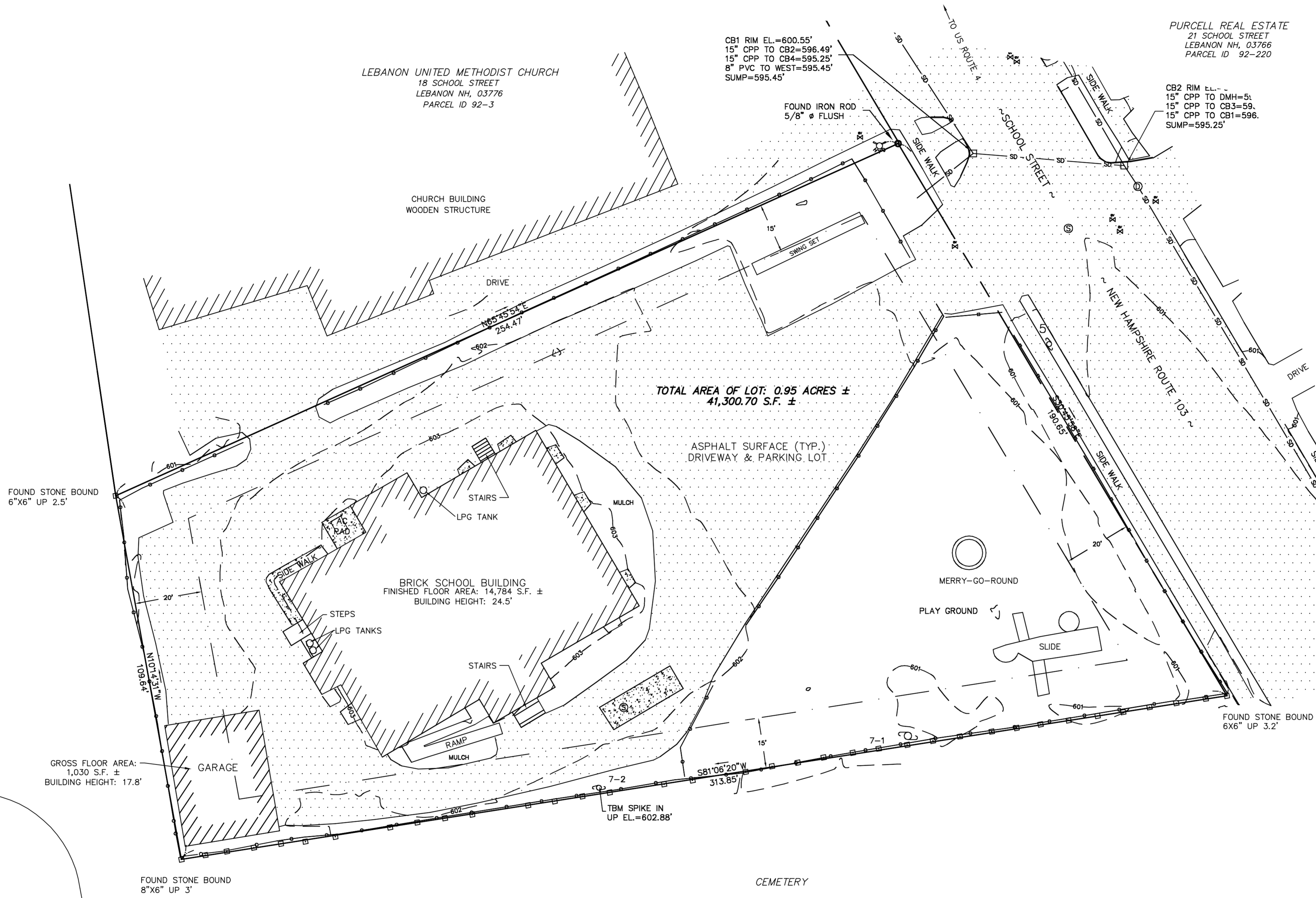
Violation 7: Site Plan Review Regulations Section 3.1 – Site Plan Review Jurisdiction

D. PLANNING BOARD REVIEW Land development that constitutes a major change to a property, including any land development that exceeds the thresholds set forth in Section 3.1.C.1.a-e, shall require site plan approval from the Planning Board in accordance with the procedures set forth in Article IV.

A complete and actionable Planning Board application has been submitted.



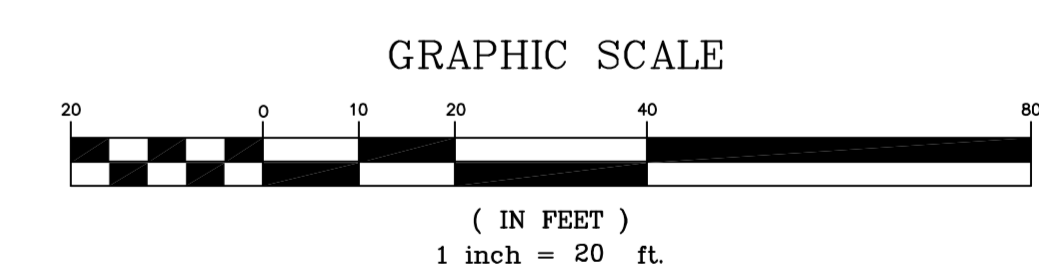
~ LOCATION MAP ~



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

~ LEGEND ~

- PROPERTY LINE
- - - RIGHT OF WAY LINE
- - - SETBACK LIMITS
- SD — SD STORM WATER LINE
- STONE BOUND FOUND
- ⊠ GATE VALVE
- ⊙ SEWER MANHOLE
- CATCH BASIN
- IRON PIN FOUND
- PICKET FENCE
- CHAIN LINK FENCE
- ▨ PAVEMENT
- ▨ CONCRETE
- ⊙ UTILITY POLE
- ⊙ DRAIN MANHOLE
- ⊙ HYDRANT



- ~ NOTES ~
- METHOD OF SURVEY: LEICA TS16 TOTAL STATION & STONEX S900 GPS.
 - BEARINGS ARE REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NORTH AMERICAN DATUM (NAD83) GRID NORTH. ELEVATIONS ARE TIED TO NORTH AMERICAN VERTICAL DATUM (NAVD88).
 - DIBERNARDO ASSOCIATES IS NOT RESPONSIBLE FOR PROPERTY DESCRIPTIONS PREPARED BY OTHER PERSONS FOR CONVEYANCE OF THE PROPERTY SHOWN HEREON.
 - PROPERTY IS LOCATED IN THE R-0 DISTRICT. DIMENSIONAL REQUIREMENTS FOR CLASS 1 ARE AS FOLLOWS:

MINIMUM FRONT AND REAR YARD SETBACK:	20'
MINIMUM SIDE YARD SETBACK:	15'
MINIMUM LOT SIZE SQ/FT:	10,000
MINIMUM LOT WIDTH:	75'
MINIMUM LOT SIZE:	10,000 S.F.
MAXIMUM LOT COVERAGE:	25%
 - PROPERTY IS NOT SUBJECT TO AN OVERLAY DISTRICTS.

- ~ REFERENCE DEEDS ~
- RECORDED AT GRAFTON COUNTY REGISTRY OF DEEDS
- WARRANTY DEED OF LEBANON SCHOOL DISTRICT (FORMERLY KNOWN AS UNION SCHOOL DISTRICT 15) TO EXECUSUITE, LLC DATED NOVEMBER 29, 2012 AND RECORDED IN BOOK 3936 AT PAGE 40.
 - DEED OF MARLIN DOWNER AND CHRISTOPHER TONE TO THE TRUSTEES OF THE METHODIST EPISCOPAL SOCIETY OF LEBANON DATED NOVEMBER 29, 1833 AND RECORDED IN BOOK 130 AT PAGE 412. THE BOUNDS WERE MODIFIED IN 1855 IN THE FOLLOWING DEEDS: BOOK 240, PAGES 130 & 131; BOOK 341 PAGES 111 & 112.
- ~ REFERENCE PLANS ~
- A. PLAN ENTITLED "NEW ENGLAND TELEPHONE & TELEGRAPH COMPANY EASEMENT ON LAND OF LEBANON SCHOOL DISTRICT LEBANON, GRAFTON COUNTY, NH.", PREPARED BY RICHARD OBERMAN ON JANUARY 27, 1989, DRAWING NUMBER NET-297.

~ CHAPTER 676:18 SECTION III CERTIFICATION ~

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

JOSEPH A. DIBERNARDO, N.H. L.L.S. #963 DATE

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PLAN SHOWING TOPOGRAPHIC SURVEY

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

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

DIBERNARDO ASSOCIATES, LLC
VT NH
LICENSED LAND SURVEYORS
113 CHURCH ST.
NORTH WALPOLE, NH 03609
802-443-3031 ~ 603-958-6509

DATE MAY 5, 2026 SCALE 1" = 20'
DRAWN BY BG CK'D BY JAD
SURVEYED BY BG
DWG.NO. 3200-1

A.0
SHEET 3

22 SCHOOL STREET APARTMENTS

22 SCHOOL ST, LEBANON, NH 03766
GRAFTON COUNTY



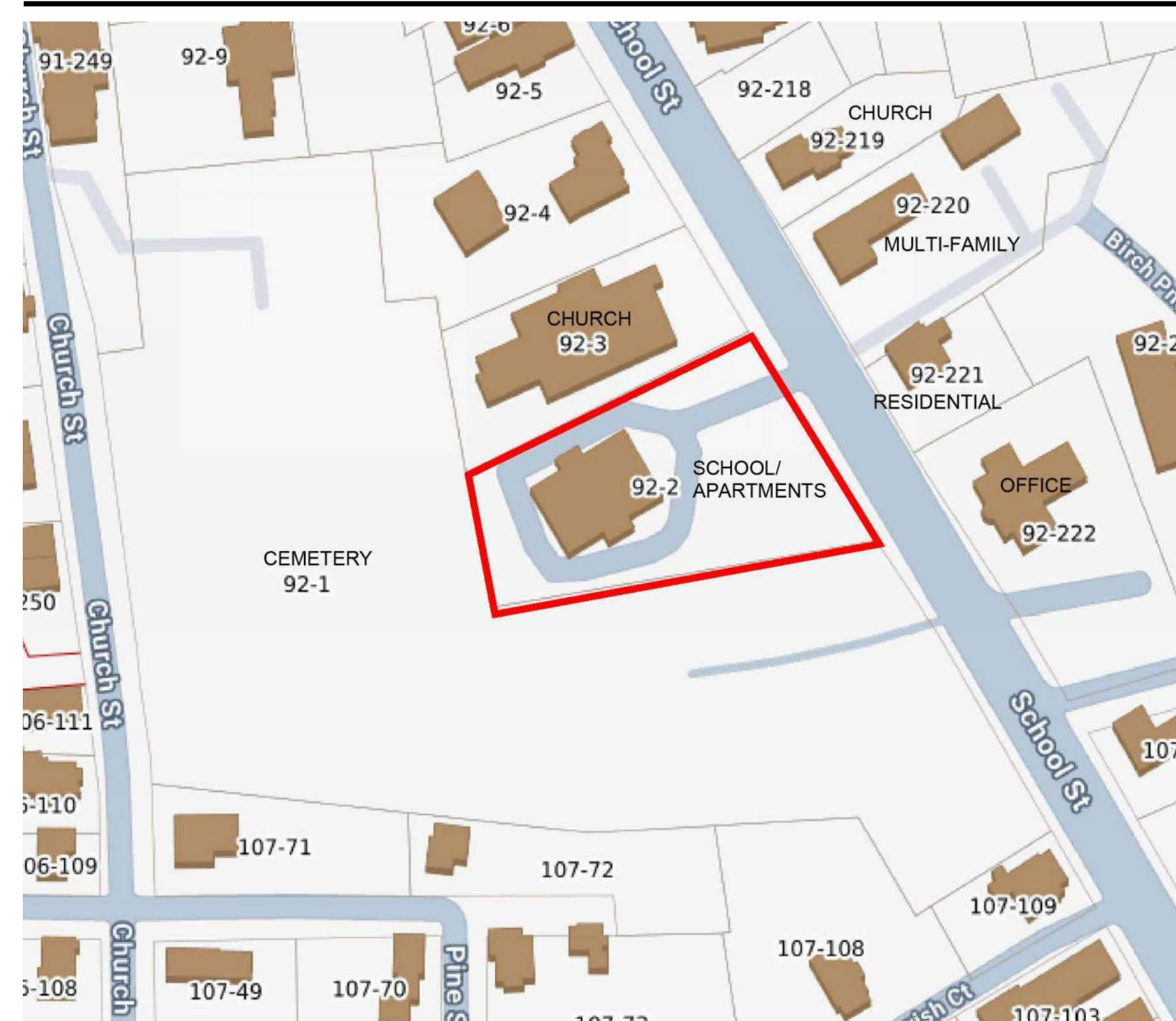
STUDIO NEXUS
ARCHITECTS + PLANNERS

55 Railroad Row, White River Jct, VT 05001
802.275.5110 | studionexusarch.com

SPECIAL EXCEPTION (ZO SECTION 801.3, APPLICATION # ZB2026-02-SE)

DRAWING INDEX		
SHEET NUMBER	DRAWING NUMBER	SHEET NAME
SHEET 1	G1	COVERSHEET, ZONING TABLE
SHEET 2	G2	SITE MAPS
SHEET 3	A0	SURVEY
SHEET 4	A0.1	SITE DEMOLITION PLAN
SHEET 5	A0.2	PROPOSED SITE PLAN
SHEET 6	A0.3	PROPOSED LANDSCAPE PLAN
SHEET 7	A0.4	SITE DETAILS
SHEET 8	EL1-0	EXTERIOR LIGHTING
SHEET 9	EL1-1	EXTERIOR LIGHTING DETAILS
SHEET 10	A2-1	FLOOR PLANS
SHEET 11	A4-0	EXTERIOR ELEVATIONS
SHEET 12	A5-0	DETAILS

VICINITY MAP:



ZONING TABLE:

	Required/ Allowable	Existing	Proposed
Zoning District: No overlay districts		RO	Same
Tax Map & Lot Number		92-Lot 2	Same
Allowable Uses	School, Office, Multi-family up to 4 Garage accessory to primary	School, Two-Family, Office, Garage, accessory to primary and used for building/site maintenance	Multi-Family (Units in excess of 4 requires Special Exception), Garage accessory to primary and used for building/site maintenance
Number of Residential Units		2	2 + 10 (New) = 12
Area of Lot		41,301 SF +/-	Same
Lot Size	10,000 SF Min. (Class 1)	41,301 SF +/-	Same
Dwelling Unit Density	10,000 SF for 1st 2; 3,000 SF per unit after 2	10,000 SF Req'd for 2 Existing Units	40,000 SF Required for 12 Units (10 x 3,000 + 10,000)
Frontage	75'	190.65'	Same
Building Gross Floor Area		16,288 SF	16,352 SF
Building Stories and Square Footage		3 Stories: Basement 5,436 SF; First Floor 5,599 SF; 2nd Floor 5,253 SF	3 Stories: Basement 5,500 SF; First Floor 5,599 SF; 2nd Floor 5,253 SF
Garage (1-Story) Gross Floor Area		1,030 SF	Same
Building Height	45' Max.	~24.5'	~24.5'
Garage Height	45' Max.	~17.8'	~17.8'
Setbacks			
Front	20'	~136'	Same
Rear	20'	~43'	Same
Side	15'	~29' (north side) ~21' (south side)	Same
Impermeable Coverage	65%	24,345 SF (58.9%)	23,827 SF (57.7%)
Perimeter Landscaping		7,082 SF	7,555 SF
Maximum Building Coverage	25%	~16.5%	~16.6%
Minimum Allowable Parking Spaces per 607.1	1 per unit or 12	20	18
Maximum Allowable Parking Spaces per 607.3A	For Multi-Fam 200% of Min.	20	18
EV Ready Spaces (New Units only)	5% of 10 (1)	0	2
EV Capable Spaces (New Units only)	10% of 10 (1)	0	0
	1/ea Unit		2
EV Planned Spaces (New Units only)	Remaining + 1	0	9
Loading Spaces		0	0
Short Term Bike Parking	15% of 12 (2)	0	4
Long Term Bike Parking	30% of 12 (4)	0	4

PROJECT TEAM

OWNER:

EXECUSUITE LLC
77 BANK STREET
LEBANON, NH 03766

CONTACT: **TIM SIDORE**
EMAIL: tim@ledgeworks.com
PHONE: 603.727.9024
CELL: 603.322.3260

ARCHITECT:

STUDIO NEXUS
ARCHITECTS + PLANNERS, P.C.
46 SOUTH MAIN STREET, SUITE 206
PO BOX 275
WHITE RIVER JUNCTION, VT 05001

CONTACT: **JIM WASSER**
EMAIL: jimw@studionexusarch.com
PHONE: 802.275.5110 EXT. 101

SURVEYOR:

DiBERNARDO ASSOCIATES, LLC
113 CHURCH STREET
NORTH WALPOLE, NH 03609

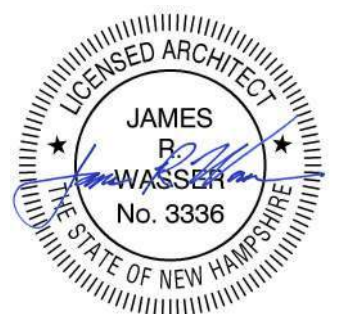
CONTACT: **JOSEPH DiBERNARDO**
EMAIL: joe@nhvtsurvey.com
PHONE: 603.358.5509

EXECUSUITE LLC

22 SCHOOL ST APARTMENTS

22 SCHOOL ST
LEBANON, NH 03766

ISSUED FOR:
ZONING BOARD OF
ADJUSTMENT REVIEW



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ISSUE DATE: FEBRUARY 9, 2026

REVISIONS

NO.	DESCRIPTION	DATE
1	REVISION PER 3.31.26 STAFF COMMENTS	06.08.2026
2	REVISION PER 6.15.26 SPR STAFF COMMENTS	06.22.2026

**COVERSHEET,
ZONING TABLE**

SCALE:

PROJECT NUMBER: 2521

G1

SHEET 1

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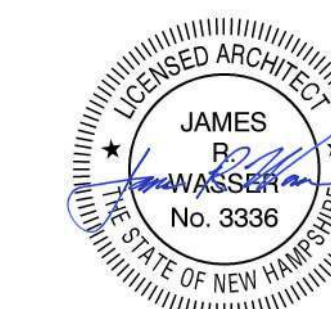
ARCHITECTS + PLANNERS
55 Railroad Row, White River Jct, VT 05001
802 275 5110 | studionexusarch.com

EXECUSUITE LLC

22 SCHOOL ST APARTMENTS

22 SCHOOL ST
LEBANON, NH 03766

ISSUED FOR:
ZONING BOARD OF
ADJUSTMENT REVIEW



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ISSUE DATE: FEBRUARY 9, 2026

REVISIONS

NO.	DESCRIPTION	DATE
1	REVISION PER 3.1.26 STAFF COMMENTS	06.08.2026

SITE MAPS

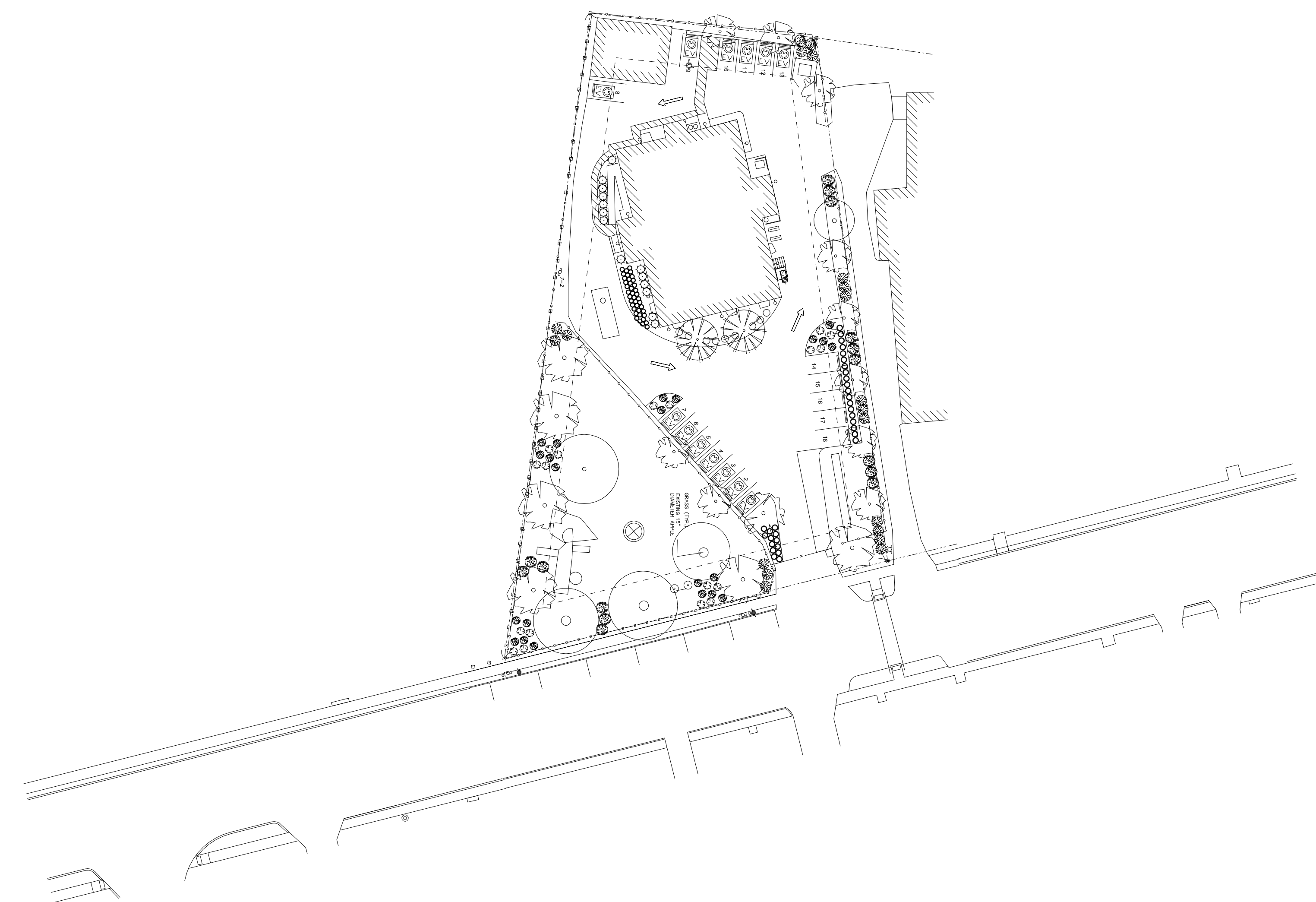
SCALE: 1" = 40'-0"

PROJECT NUMBER: 2521

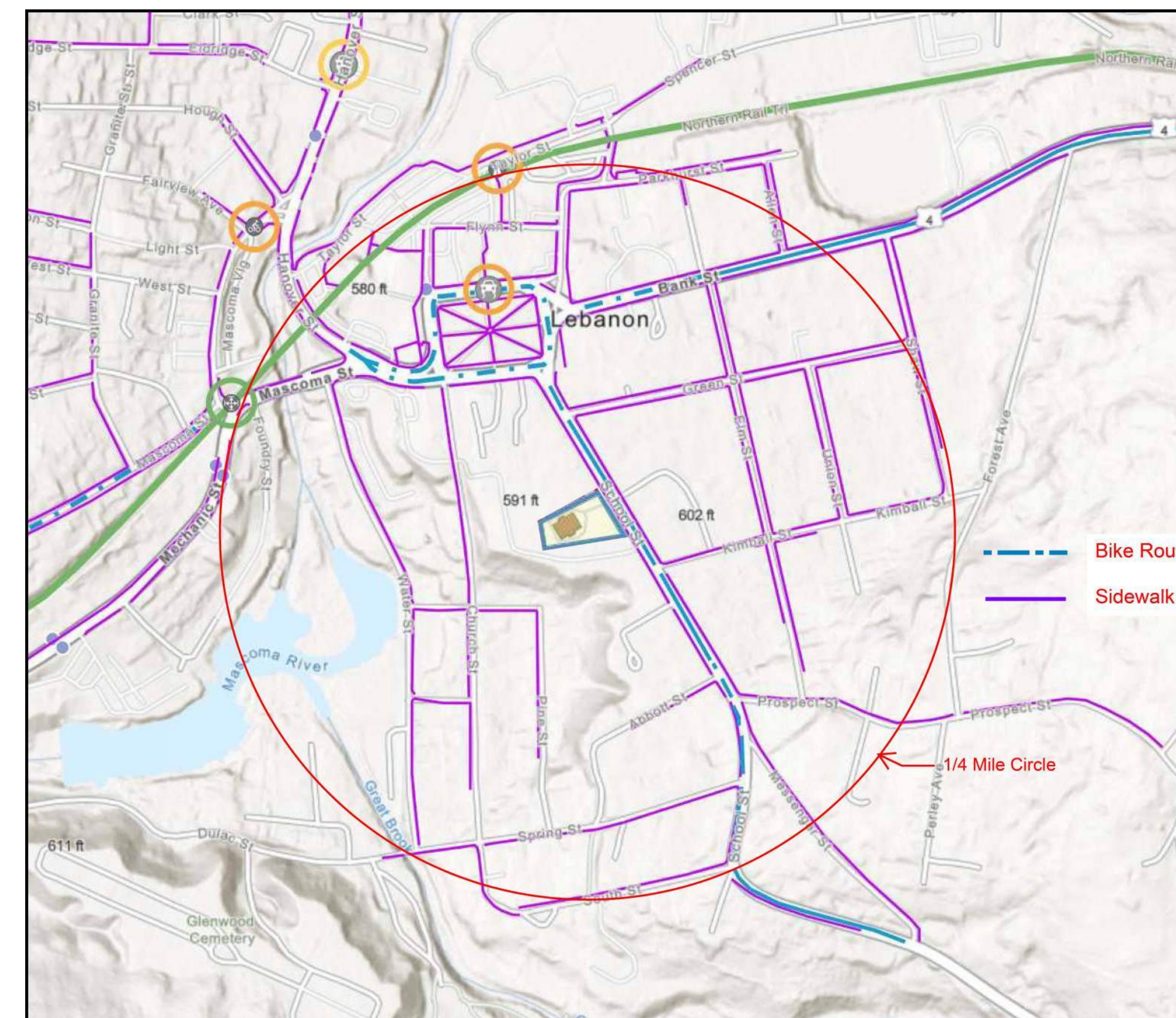
G2

SHEET 2

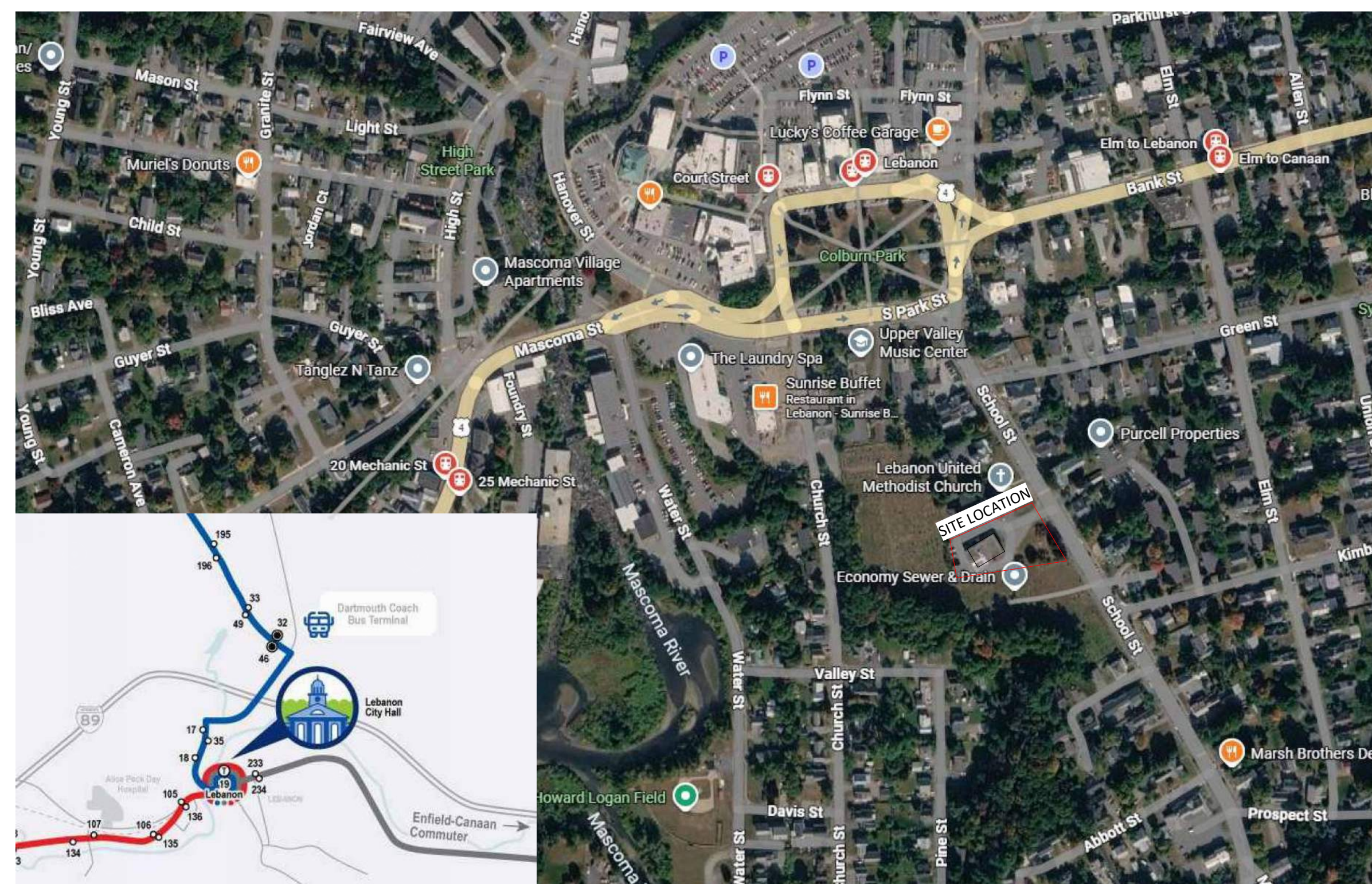
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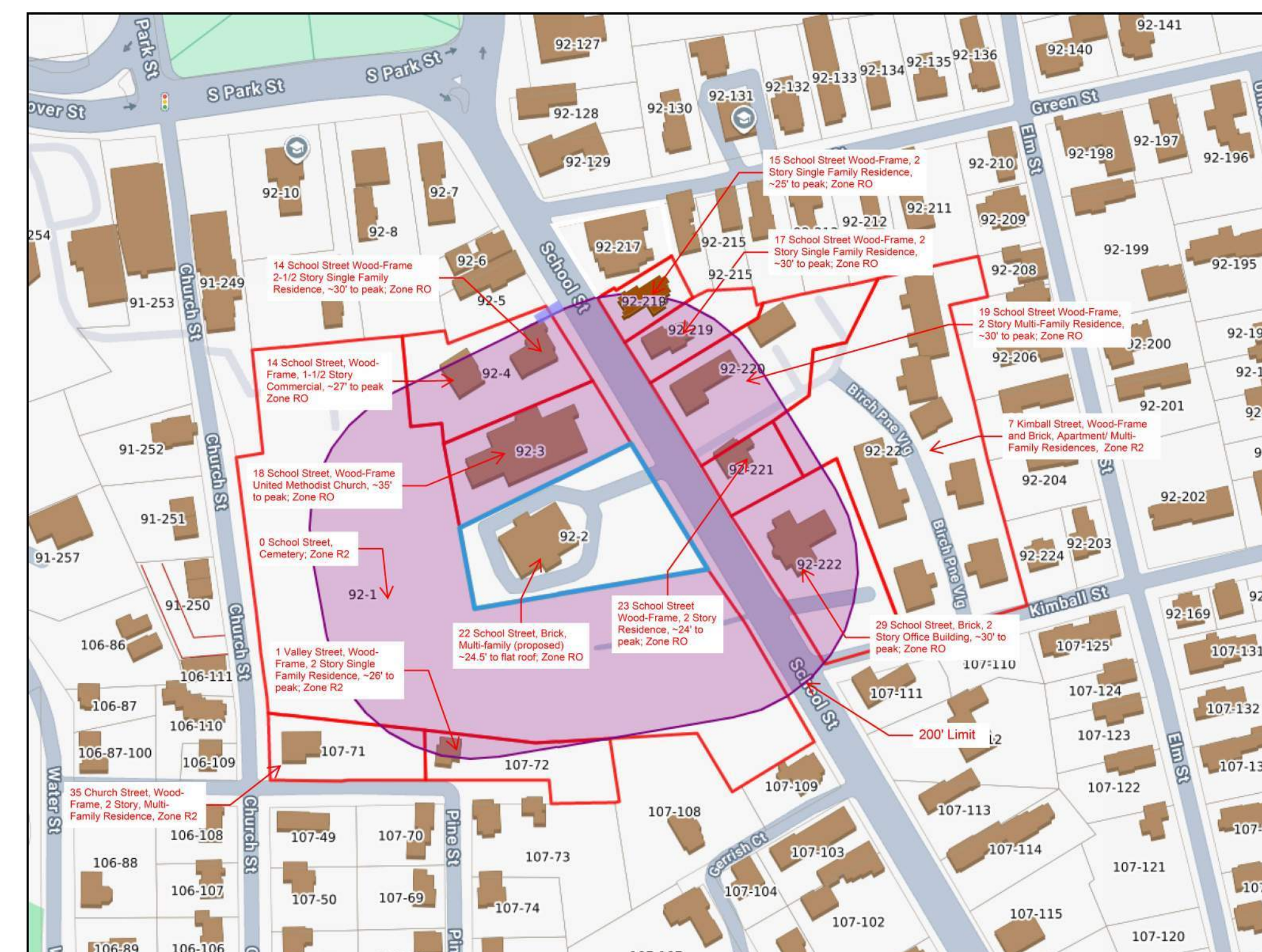
4 CURB CUTS WITHIN 200' OF SITE
1" = 40'-0"



3 BIKES AND SIDEWALKS
NOT TO SCALE



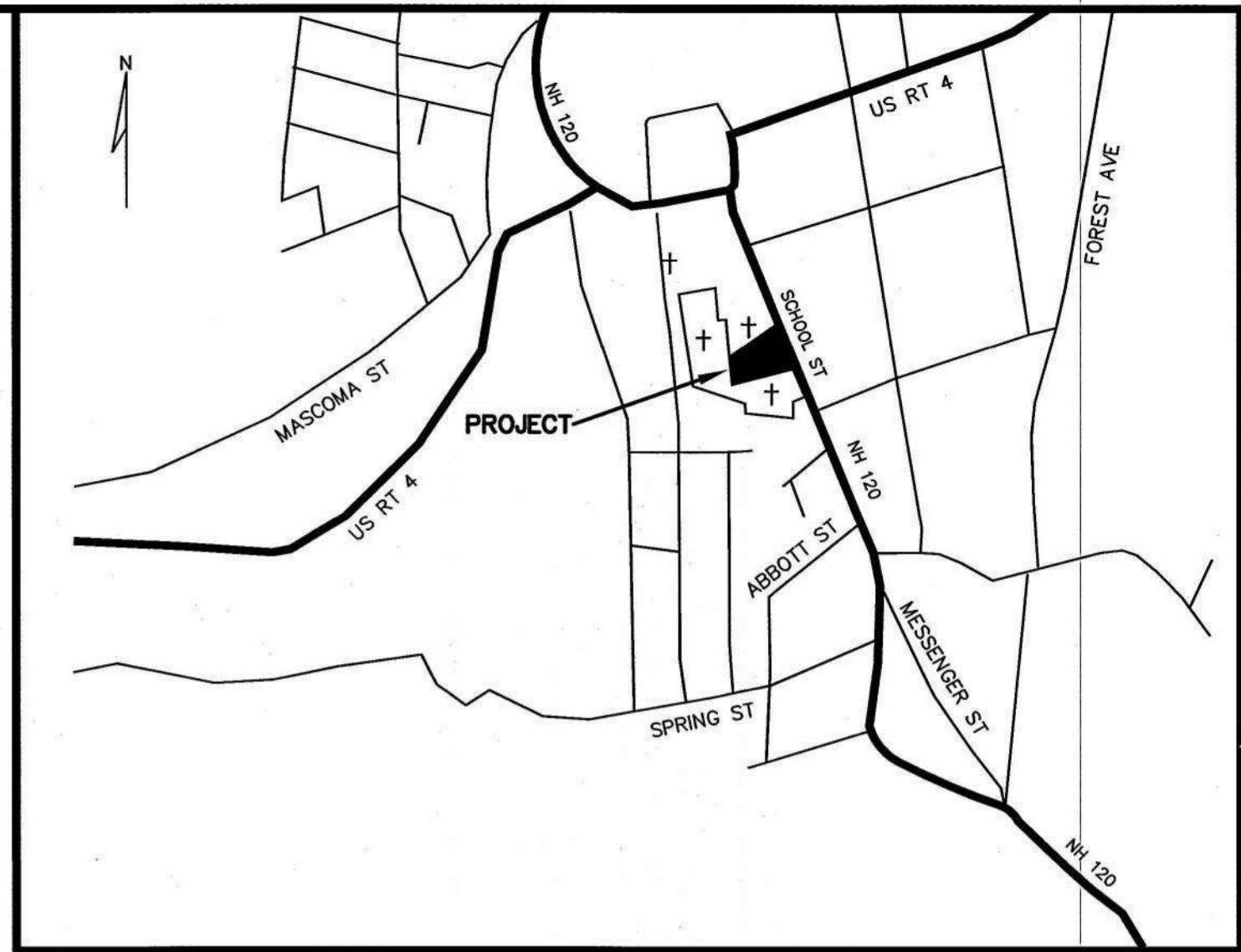
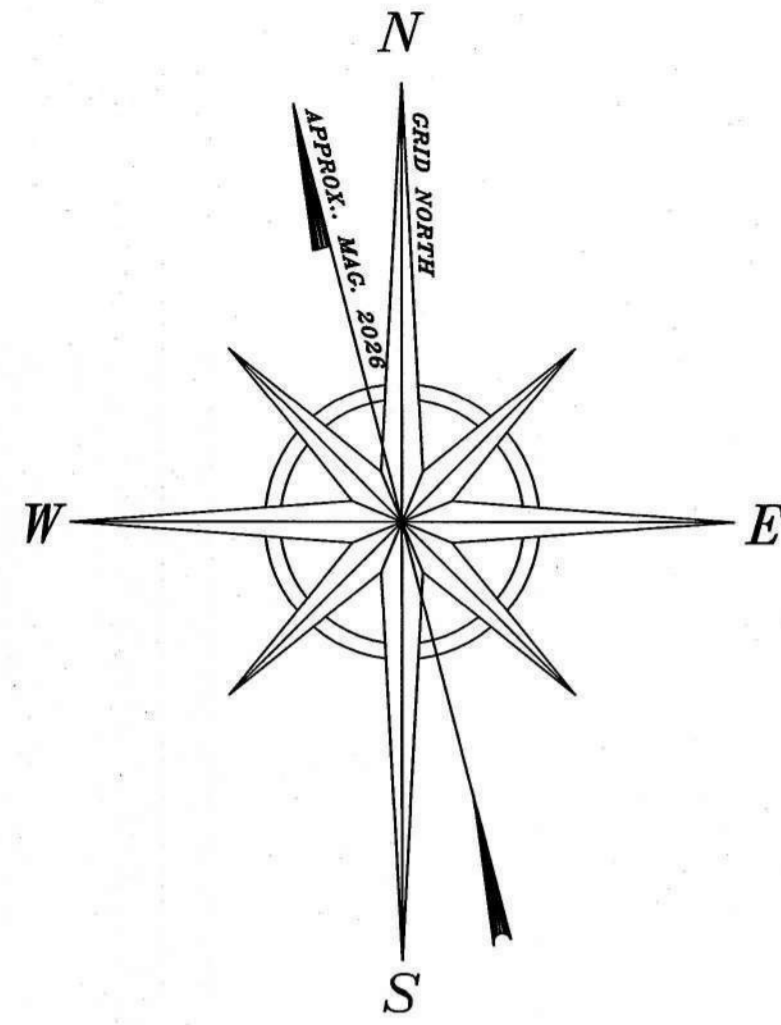
2 TRANSIT MAP
NOT TO SCALE



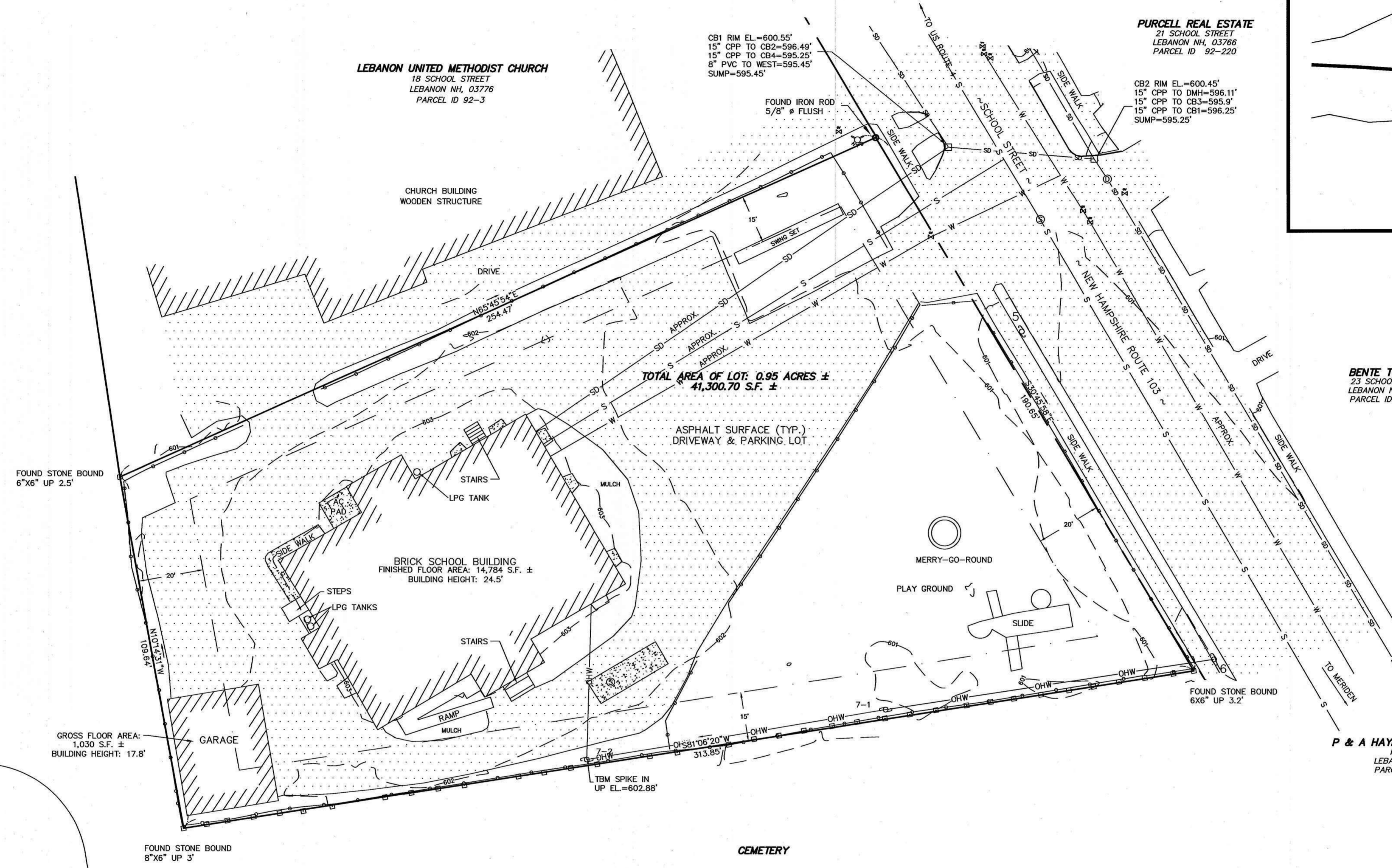
1 HEIGHTS, USES, AND ZONING FOR BUILDINGS WITHIN 200'
NOT TO SCALE

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



~ LOCATION MAP ~



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

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

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

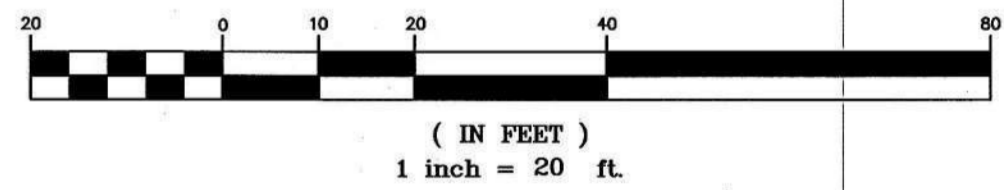
CITY OF LEBANON
51 NORTH PARK STREET
LEBANON NH, 03776
PARCEL ID 92-1

~ LEGEND ~

—	PROPERTY LINE
- - -	RIGHT OF WAY LINE
- · - · -	SETBACK LIMITS
SD - SD	STORM WATER LINE
W - W	APPROX. WATER LINE
S - S	APPROX. SEWER LINE
OHW - OHW	OVER HEAD WIRE
□	STONE FOUND
⊕	GATE VALVE
⊙	SEWER MANHOLE
□	CATCH BASIN
○	IRON PIN FOUND
— ○ —	PICKET FENCE
— ○ —	CHAIN LINK FENCE
▨	PAVEMENT
▨	CONCRETE
○	UTILITY POLE
⊙	DRAIN MANHOLE
⊕	HYDRANT

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

GRAPHIC SCALE



~ NOTES ~

- METHOD OF SURVEY: LEICA TS16 TOTAL STATION & STONEX S900 GPS.
- BEARINGS ARE REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NORTH AMERICAN DATUM (NAD83) GRID NORTH. ELEVATIONS ARE TIED TO NORTH AMERICAN VERTICAL DATUM (NAVD88).
- DIBERNARDO ASSOCIATES IS NOT RESPONSIBLE FOR PROPERTY DESCRIPTIONS PREPARED BY OTHER PERSONS FOR CONVEYANCE OF THE PROPERTY SHOWN HEREON.
- PROPERTY IS LOCATED IN THE R-0 DISTRICT. DIMENSIONAL REQUIREMENTS FOR CLASS 1 ARE AS FOLLOWS:

MINIMUM FRONT AND REAR YARD SETBACK:	20'
MINIMUM SIDE YARD SETBACK:	15'
MINIMUM LOT SIZE, SQ/FT:	10,000
MINIMUM LOT WIDTH:	75'
MINIMUM LOT SIZE:	10,000 S.F.
MAXIMUM LOT COVERAGE:	25%
- PROPERTY IS NOT SUBJECT TO AN OVERLAY DISTRICTS.
- UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE SURVEYOR. ADDITIONAL UNDERGROUND AND/OVERHEAD UTILITIES MAY EXIST THAT ARE NOT SHOWN.

~ REFERENCE DEEDS ~

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

~ REFERENCE PLANS ~

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

~ CHAPTER 676:18 SECTION III CERTIFICATION ~

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

JOSEPH A. DIBERNARDO, N.H. C.L.S. #963

5/5/26
DATE

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DIBERNARDO ASSOCIATES, LLC.

PLAN SHOWING TOPOGRAPHIC SURVEY

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

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

DIBERNARDO ASSOCIATES, LLC
VT NH
LICENSED LAND SURVEYORS
113 CHURCH ST.
NORTH WALPOLE, NH 03609
802-463-3031 ~ 803-358-5509

DATE MAY 5, 2026 SCALE 1" = 20'
DRAWN BY BG CK'D BY JAD
SURVEYED BY BG
DWG. NO. 3200-1

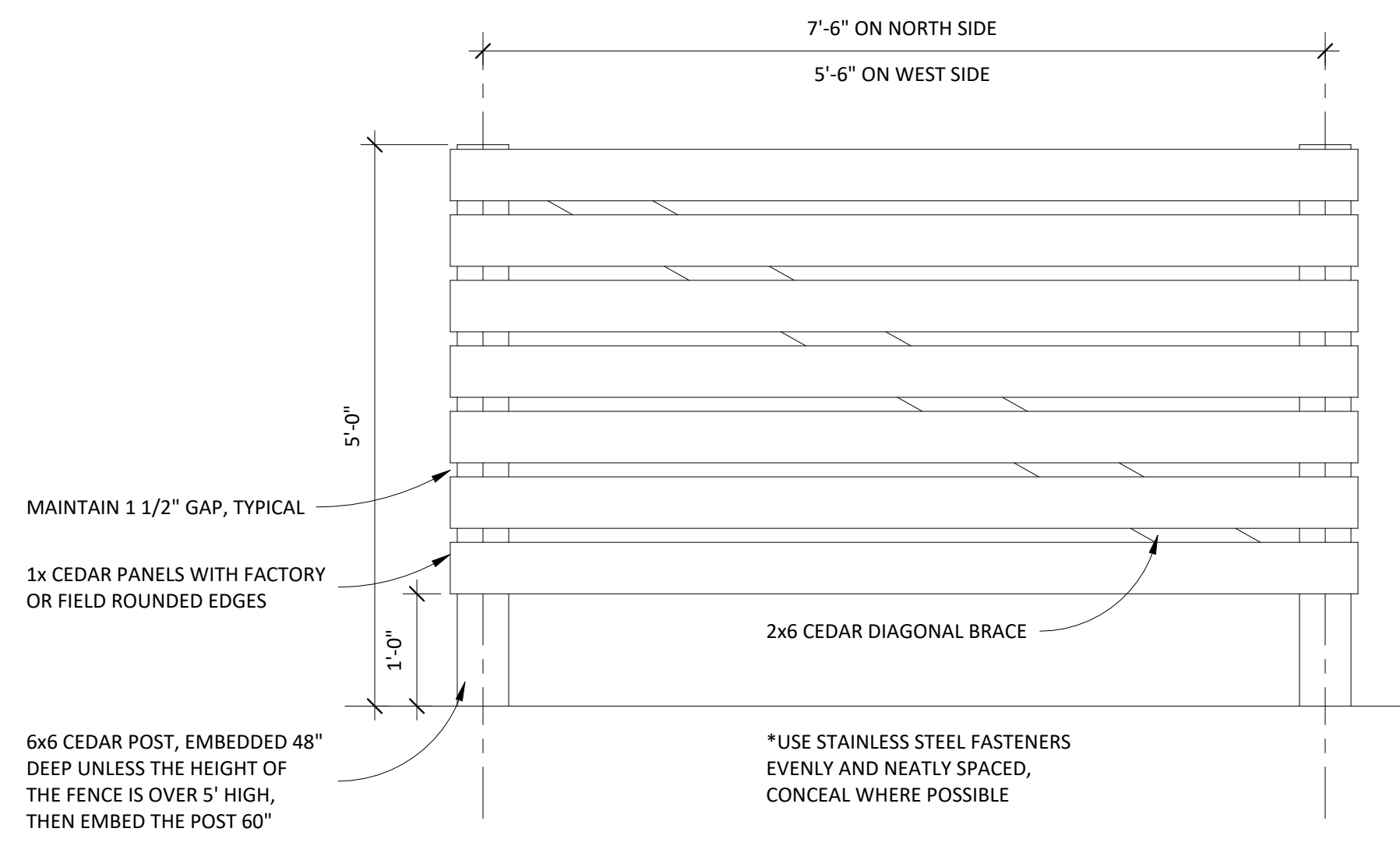
STATE OF NEW HAMPSHIRE
NO. 963
JOSEPH A. DIBERNARDO
LAND SURVEYOR

SHEET 3

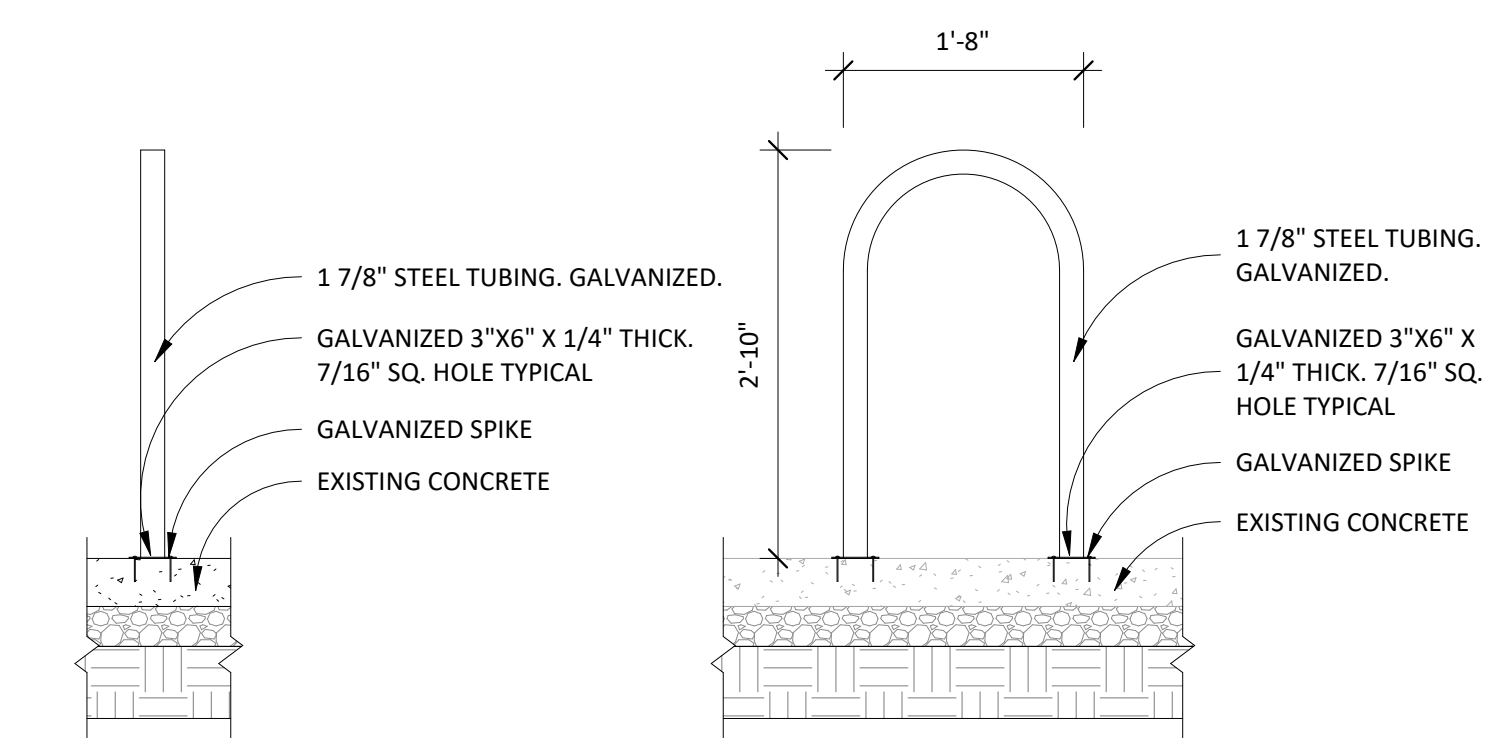


STUDIO NEXUS

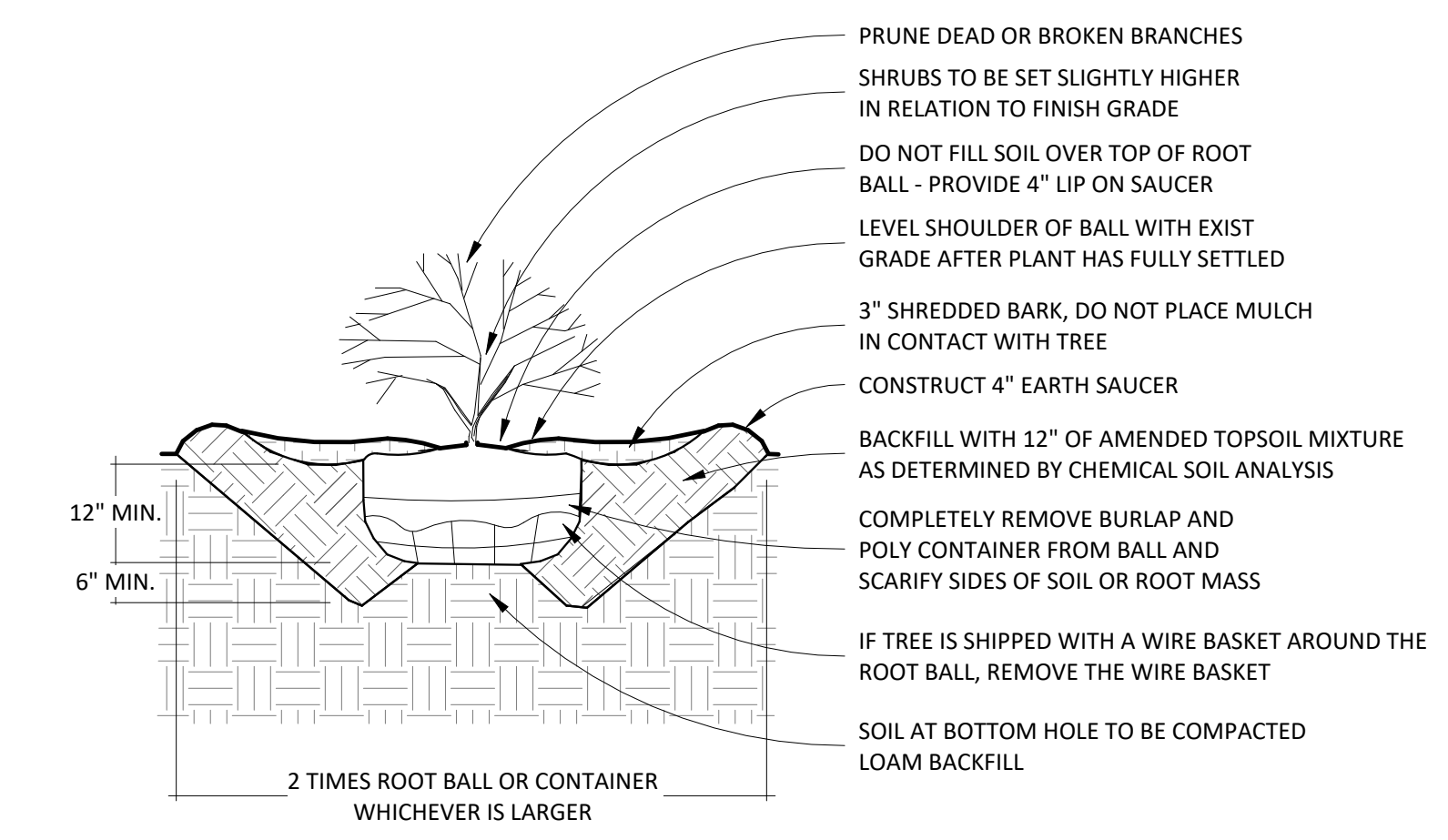
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802 275 5110 | studionexusarch.com



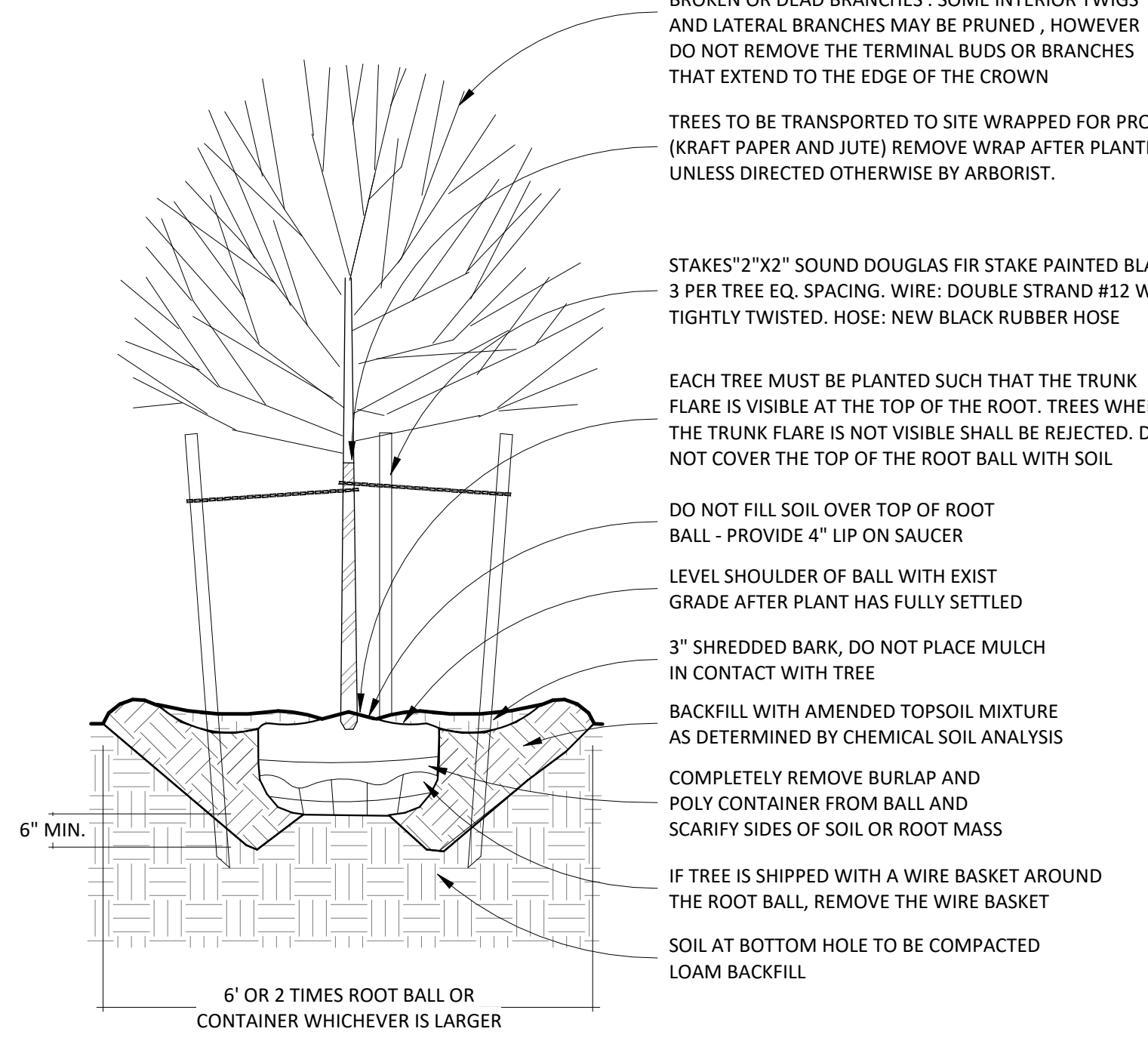
8 MECHANICAL UNIT ENCLOSURE TYPICAL ELEVATION
3/4" = 1'-0"



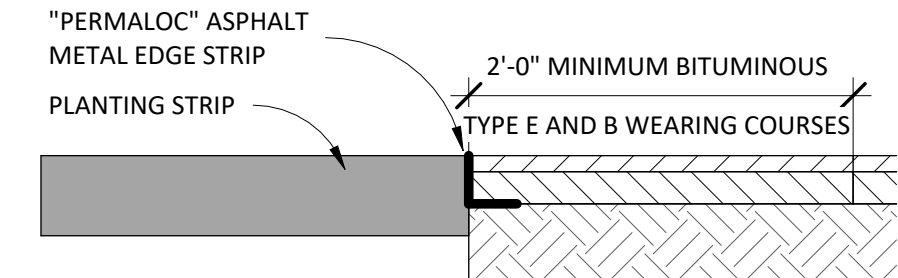
7 BIKE RACK
3/4" = 1'-0"



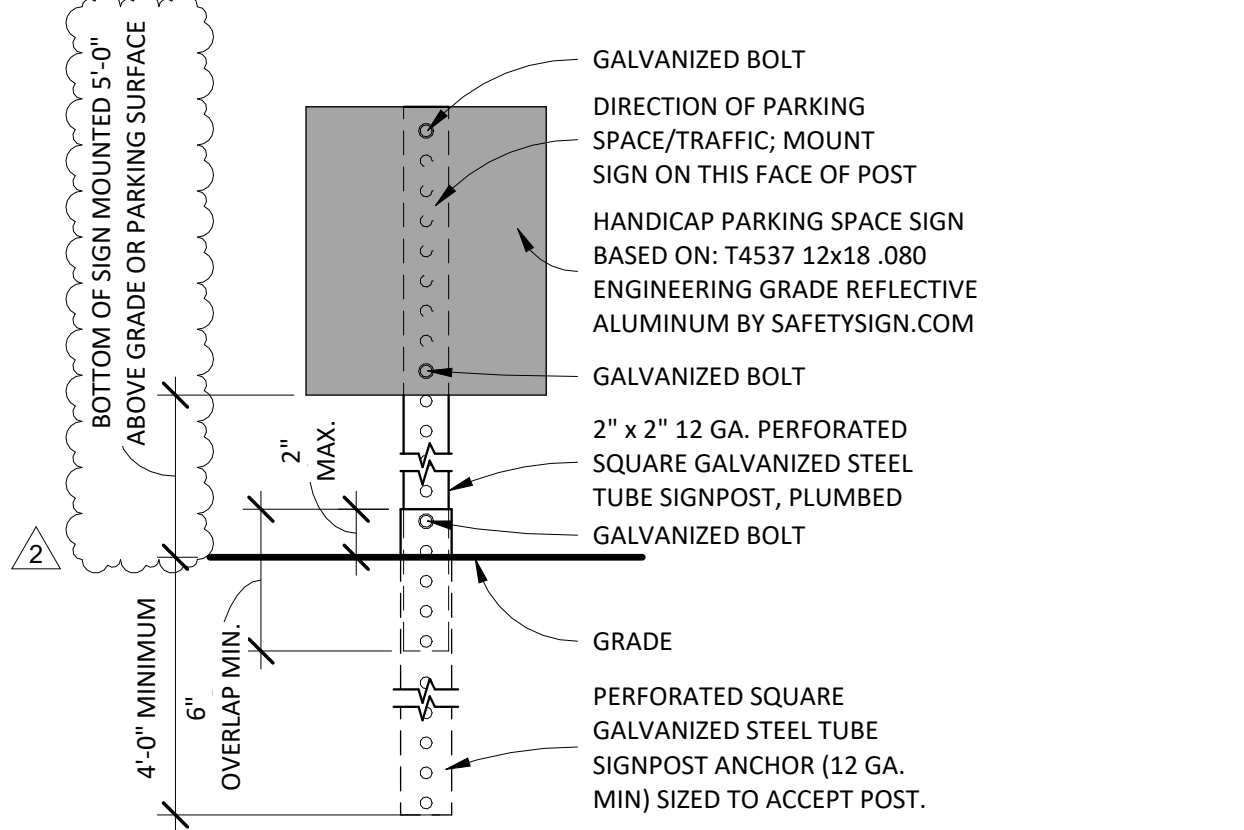
6 DECIDUOUS SHRUB PLANTING DETAIL
1/2" = 1'-0"



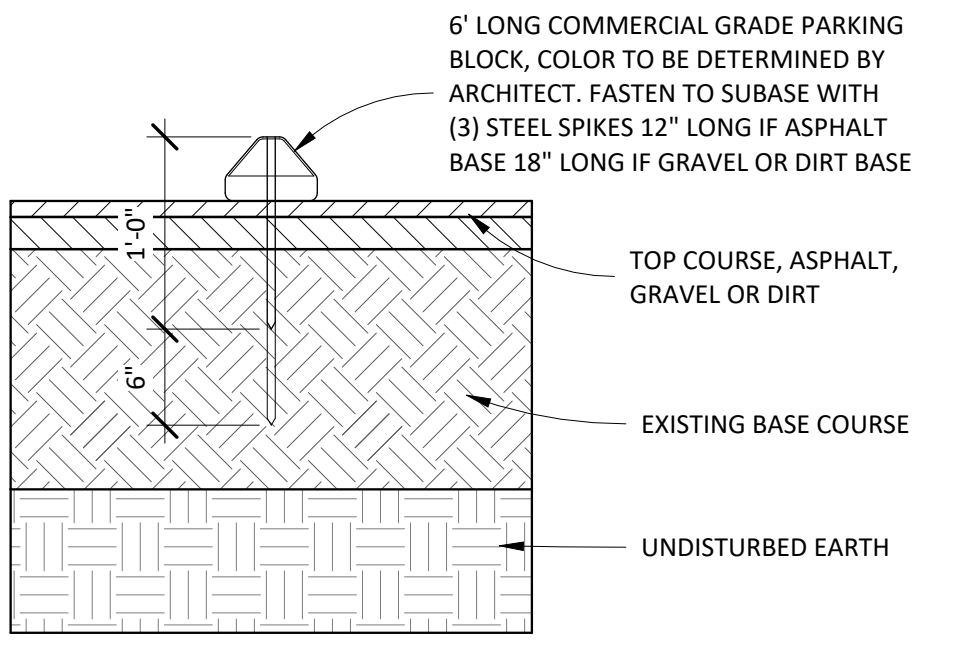
5 DECIDUOUS TREE PLANTING DETAIL
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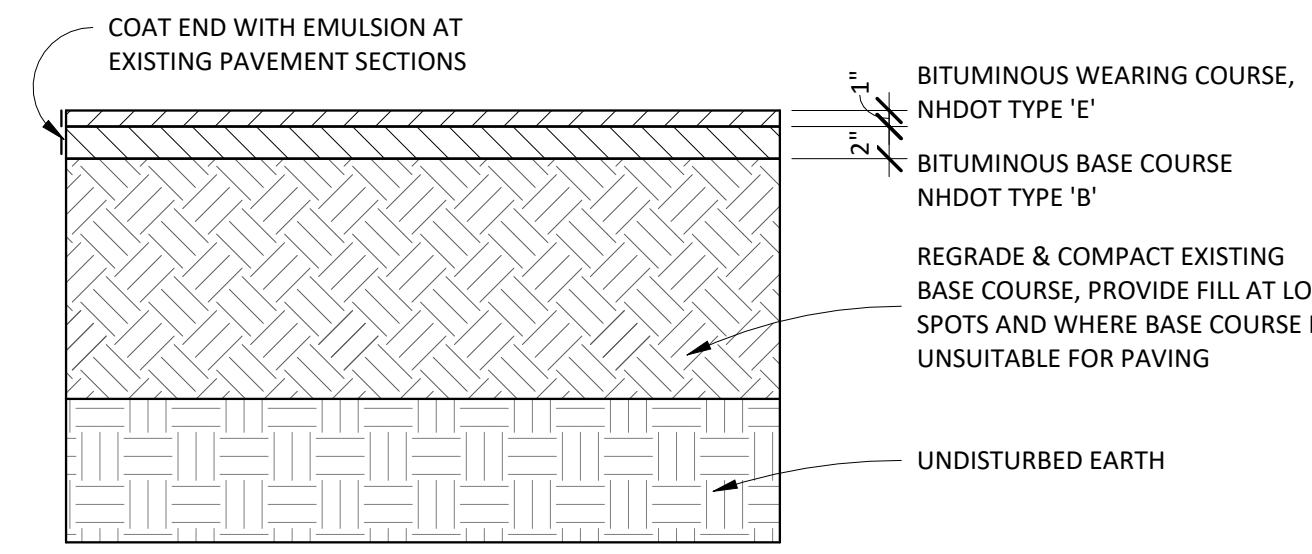
4 EDGE DETAIL @ PLANTING STRIP
1" = 1'-0"



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



2 WHEELSTOP DETAIL
1" = 1'-0"



1 PAVEMENT DETAIL
1" = 1'-0"

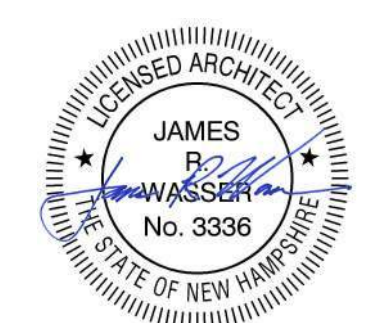
LANDSCAPING OF PARKING AREAS:

- UNLESS NOTED OTHERWISE, GROUND COVER SHALL CONSIST OF TOPSOIL, GRASS SEED, AND MULCH, MAINTAIN WATERING THROUGH SECOND CUTTING (USING WALK-BEHIND MOWER). ALL NEW PLANT MATERIAL SHALL BE NURSERY-GROWN STOCK.
- AT THE TIME OF PLANTING, ALL DECIDUOUS TREES SHALL BE A MINIMUM OF 2.5 TO 3 INCHES IN CALIPER, MEASURED 6 INCHES ABOVE THE FINISH GRADE LEVEL; ALL EVERGREEN TREES SHALL BE A MINIMUM OF 6 TO 7 FEET IN HEIGHT.
- SHRUBS SHALL BE PLANTED AS A MIX, RANGING FROM 50% TO 70% FLOWERING, WITH THE REMAINDER BEING EVERGREEN. AT THE TIME OF PLANTING, ALL SHRUBS, WHETHER DECIDUOUS OR EVERGREEN, SHALL BE 24 TO 30 INCHES IN HEIGHT AND/OR 18 TO 24 INCHES IN SPREAD.
- THE PROPERTY OWNER AGREES TO BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING, TO INCLUDE GRASS AND MULCH, IN GOOD, HEALTHY CONDITION SO AS TO PRESENT A NEAT AND ORDERLY APPEARANCE. THE PROPERTY OWNER TO REPLACE UNHEALTHY OR DEAD PLANT MATERIALS IN CONFORMANCE WITH THE LANDSCAPE PLAN APPROVED BY THE BOARD AS PART OF THE SITE PLAN.
- EROSION CONTROL:
 - GRADED AREAS SHALL BE VEGETATED TO INSURE EROSION CONTROL BY SEEDING, MULCHING, AND FERTILIZING. DISTURBED AREAS SHALL BE PLANTED WITH SUITABLE PLANT MATERIALS.
 - GRADING SHALL NOT EXCEED A RATIO OF 3 HORIZONTAL TO 1 VERTICAL WITHOUT SPECIAL EROSION CONTROL MEASURES. NETTING OR SIMILAR MATERIAL SHALL BE PROVIDED ON SLOPES WITH A RATIO GREATER THAN 3:1 WHILE GROUND COVER IS BEING ESTABLISHED.

EXECUSUITE LLC 22 SCHOOL ST APARTMENTS

22 SCHOOL ST
LEBANON, NH 03766

ISSUED FOR:
ZONING BOARD OF
ADJUSTMENT REVIEW



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ISSUE DATE: FEBRUARY 9, 2026

REVISIONS		
NO.	DESCRIPTION	DATE
1	REVISION PER 3.31.26 STAFF COMMENTS	06.08.2026
2	REVISION PER 6.15.26 SPR STAFF COMMENTS	06.22.2026

SITE DETAILS

SCALE: As indicated

PROJECT NUMBER: 2521

A0.4

SHEET 7

GENERAL NOTES

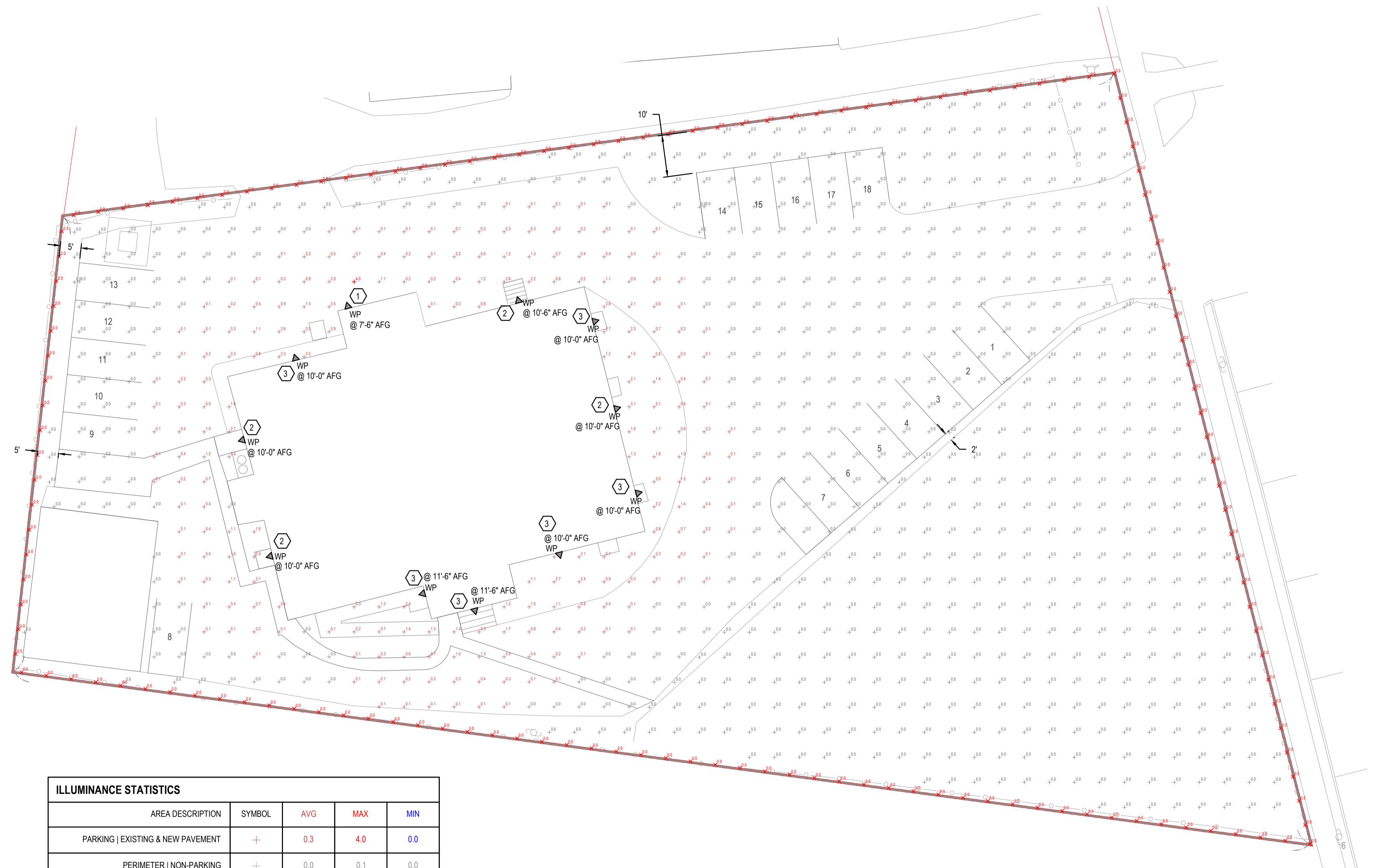
- PHOTOMETRIC CALCULATIONS SHOWN ARE BASED ON MANUFACTURER PHOTOMETRIC DATA AND ARE INTENDED TO DEMONSTRATE DESIGN INTENT FOR PERMITTING AND PLANNING REVIEW PURPOSES. ACTUAL FIELD ILLUMINATION LEVELS MAY VARY DUE TO SITE CONDITIONS, INSTALLATION TOLERANCES, FIXTURE AIMING, AND EQUIPMENT VARIATIONS.
- THESE DOCUMENTS AND ASSOCIATED DESIGNS ARE INSTRUMENTS OF SERVICE AND REMAIN THE PROPERTY OF DEFIANCE ELECTRIC. UNAUTHORIZED REPRODUCTION, DISTRIBUTION, OR USE WITHOUT WRITTEN AUTHORIZATION FROM DEFIANCE ELECTRIC IS PROHIBITED.

SHEET NOTES

- ILLUMINANCE LEVELS (CALCULATED LIGHTING LEVELS) ARE SHOWN IN FOOTCANDLES (FC).
- EXTERIOR LIGHTING CALCULATION PLANE
 - HEIGHT | 0'-0" ABOVE FINISHED GRADE (AFG).
 - GRID SPACING | 6'-0" x 6'-0"
- PROPERTY LINE FC POINT VALUES ARE REPRESENTED BY AN "X" SYMBOL AND SHOWN IN COLOR "RED"
- FIXTURE MOUNTING HEIGHT | AS NOTED

KEY NOTES

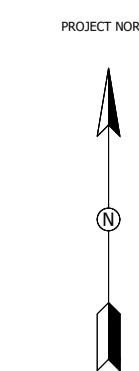
- EXISTING LOCATION | NEW FIXTURE
- EXISTING FIXTURE | RELOCATED TO NEW FIXTURE AS SHOWN
- NEW LOCATION



ILLUMINANCE STATISTICS				
AREA DESCRIPTION	SYMBOL	AVG	MAX	MIN
PARKING EXISTING & NEW PAVEMENT	+	0.3	4.0	0.0
PERIMETER NON-PARKING	+	0.0	0.1	0.0
PROPERTY LINE	X	0.0	0.0	0.0

EXTERIOR LIGHTING FIXTURE SCHEDULE				
TYPE	QTY	DESCRIPTION	CCT LUMENS WATTS	OPTIONS
△ WP	11	WDGE1 LED ARCHITECTURAL WALL SCONCE 9" H x 8" W VISUAL COMFORT OPTIC	3000K 720 LUMENS 6.7 WATTS	1. PBBW - PREMIUM BACKBOX 2. PE - PHOTOCELL BUTTON TYPE 3. E4WH EMERGENCY BATTERY BACKUP AT EGRESS DOORS

1 22 SCHOOL STREET - EXTERIOR CALCULATED LIGHTING LEVELS
 SCALE | 1/16" = 1'-0"



REVISION SCHEDULE		
NO.	DESCRIPTION	DATE
01	PLANNING BOARD REVIEW	05/19/2026

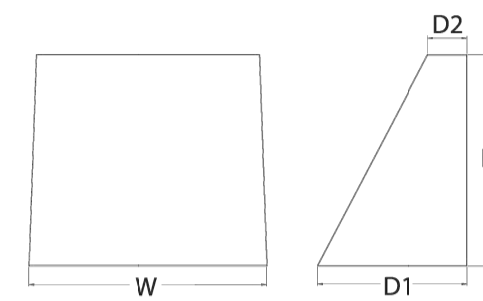
CLIENT	EXECUSUITE LLC LEBANON, NH
PROJECT	22 SCHOOL STREET 22 School Street Lebanon NH 03766
DWG TITLE	EXTERIOR LIGHTING Calculated Lighting Levels Photometric Plan
PROJECT NUMBER	26026
DATE	05/19/2026
DRAWN BY	T.Boucher
DWG NO.	EL1-0 SHEET 8
SCALE	AS NOTED



WDGE1 LED Architectural Wall Sconce

Specifications

Depth (D1): 5.5"
 Depth (D2): 1.5"
 Height: 8"
 Width: 9"
 Weight: 9 lbs (without options)



Options PE | E4WH AS REQUIRED
 Type WP

Introduction

The WDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean, rectangular design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing true site-wide solution. WDGE1 delivers up to 2,000 lumens with a soft, non-pixelated light source, creating a visually comfortable environment. The compact size of WDGE1, with its integrated emergency battery backup option, makes it an ideal over-the-door wall-mounted lighting solution.

Items marked by a shaded background qualify for the Design Select program and ship in 15 days or less. To learn more about Design Select, visit www.acuitybrands.com/designselect. *See ordering tree for details.

WDGE LED Family Overview

Luminaire	Optics	Standard EM, 0° C	Cold EM, 20° C	Series	P1	P2	P3	P4	P5	P6
WDGE1 LED	Visual Comfort	4W	18W	Standard / nLight	700	1,200	2,000	3,000	4,500	6,000
WDGE2 LED	Visual Comfort	10W	18W	Standard / nLight	700	1,200	2,000	3,000	4,500	6,000
WDGE3 LED	Precision Reflective	10W	18W	Standard / nLight	700	1,200	2,000	3,000	4,500	6,000
WDGE3 LED	Precision Reflective	15W	18W	Standard / nLight	6,000	7,500	8,500	10,000	12,000	15,000
WDGE4 LED	Precision Reflective	15W	18W	Standard / nLight	12,000	16,000	18,000	20,000	22,000	25,000

Ordering Information

EXAMPLE: WDGE1 LED P2 40K 80CRI VF MVOLT SRM PE DBLXD

Series	Package	Color Temperature	CR	Distribution	Voltage	Mounting
WDGE1 LED	P1	27K / 2700K	80CRI	VF	MVOLT	Shipped included
	P2	30K / 3000K	90CRI	NV	MVOLT	Shipped separately
	P2	40K / 4000K	90CRI	NV	MVOLT	Shipped separately
	P2	50K / 5000K	90CRI	NV	MVOLT	Shipped separately

PE | E4WHW

Options	Finish	Finish
3 E4WH - Emergency battery backup, certified in CA (UL 20, MAZES (M), 0° C only) PhotoCell, Button Type*	DBLXD - Dark bronze	DOBTD - Textured dark bronze
2 PE - Photocell, Button Type*	DBLXD - Black	DBLXD - Textured black
DS - Dual switching (comes with 2 drivers and 2 light engines; see page 3 for details)*	DNAXD - Natural aluminum	DNAXD - Textured natural aluminum
DMG - 0-10V dimming wires pulled outside fixture (for use with an external control, ordered separately)	DNWSD - White	DNWSD - Textured white
BSE - Bottom cord entry for back box (PBBW)	DSSTD - Sandstone	DSSTD - Textured sandstone
DSLE - Dual Switching (1 Driver, 2 Light Engines)		
CC - Coastal Constructor*		

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-02. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Package	Series	Optics	Power	Color Temp	CR	Beam Angle	Beam Diameter @ 10m	Beam Diameter @ 20m	Beam Diameter @ 30m	Beam Diameter @ 40m	Beam Diameter @ 50m	Beam Diameter @ 60m	Beam Diameter @ 70m	Beam Diameter @ 80m	Beam Diameter @ 90m	Beam Diameter @ 100m		
P0	7W	VF	693	99	0	0	0	0	0	718	103	0	0	0	739	106	0	0
		VW	694	99	0	0	0	0	0	720	103	0	0	0	740	106	0	0
P1	10W	VF	1,120	112	0	0	0	0	0	1,161	116	0	0	0	1,194	119	0	0
		VW	1,122	112	0	0	0	0	0	1,163	116	0	0	0	1,196	120	0	0
P2	15W	VF	1,806	120	1	0	0	0	0	1,872	125	1	0	0	1,978	128	1	0
		VW	1,809	120	1	0	0	0	0	1,876	125	1	0	0	1,929	128	1	0

Electrical Load

Package	Series	Power	Control	Control	Control	Control	
P0	7W	VF	0.060	0.035	0.030	0.026	---
		VW	---	---	---	---	0.026
P1	10W	VF	0.082	0.049	0.043	0.038	---
		VW	---	---	---	---	0.046
P2	15W	VF	0.132	0.081	0.072	0.064	---
		VW	---	---	---	---	0.056

Lumen Multiplier for 90CRI

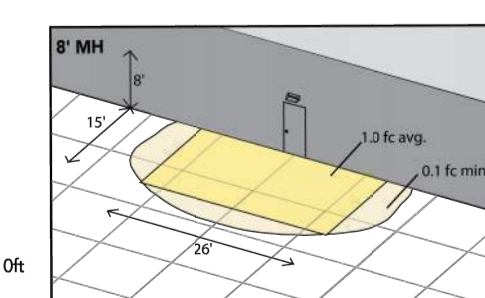
CR	Multiplier
27K	0.845
30K	0.867
35K	0.845
40K	0.885
50K	0.898

Lumen Output in Emergency Mode (4000K, 80 CRI)

Package	Series	Lumens
E4WH	VF	646
	VW	647

Emergency Egress Options

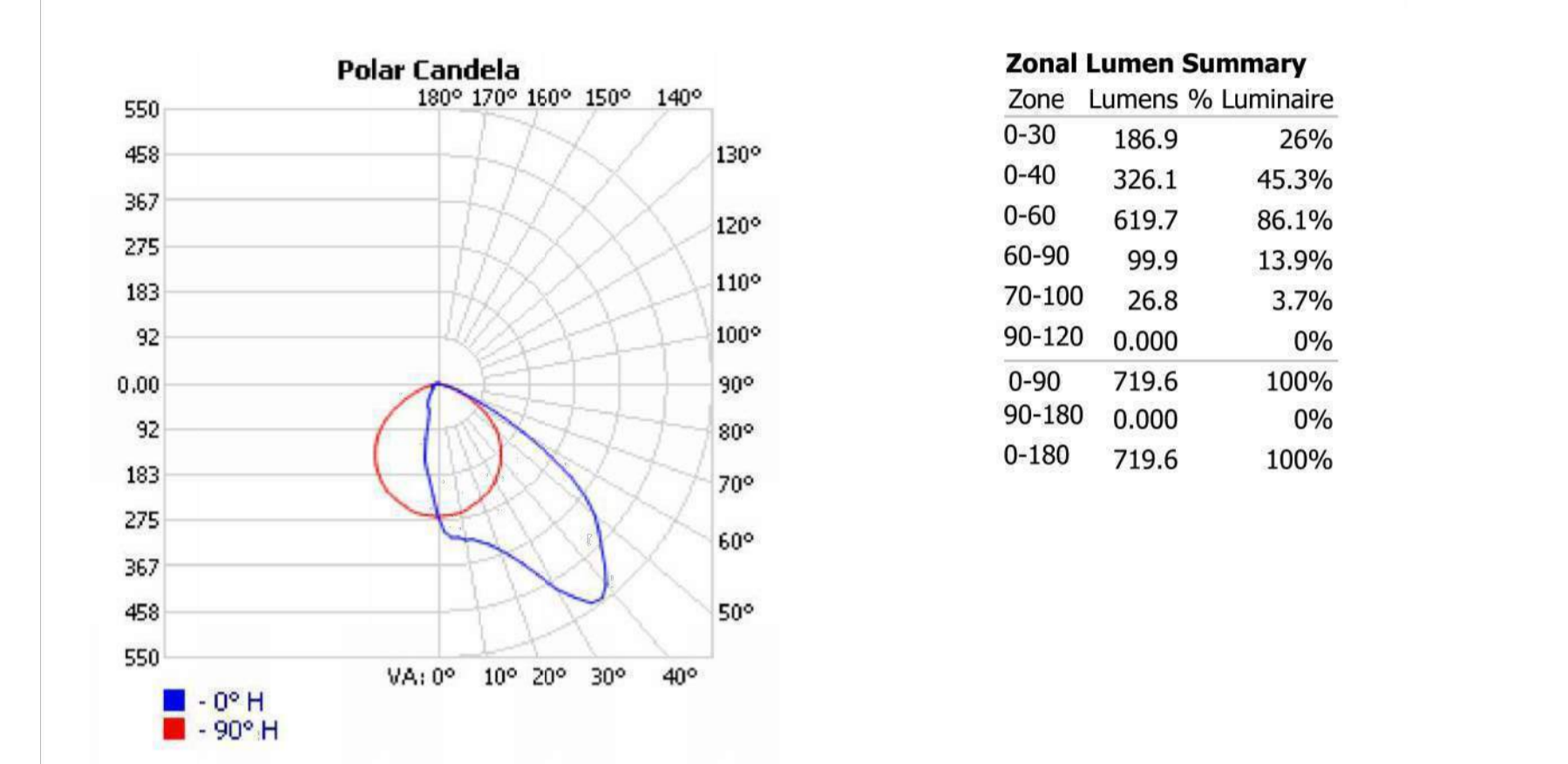
Emergency Battery Backup
 The emergency battery backup is integral to the luminaire — no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product. All emergency battery backup configurations include an independent secondary driver with an integral relay to immediately detect loss of normal power and automatically energize the luminaire. The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time normal power is lost and maintain a minimum of 60% of the light output at the end of 90 minutes.
 Applicable codes: NFPA 70/NEC — section 700.16, NFPA 101 Life Safety Code Section 7.9
 The example below shows illuminance of 1 fc average and 0.1 fc minimum in emergency mode with E4WH and VF distribution.



WDGE1 LED xx 40K 80CRI VF MVOLT E4WH

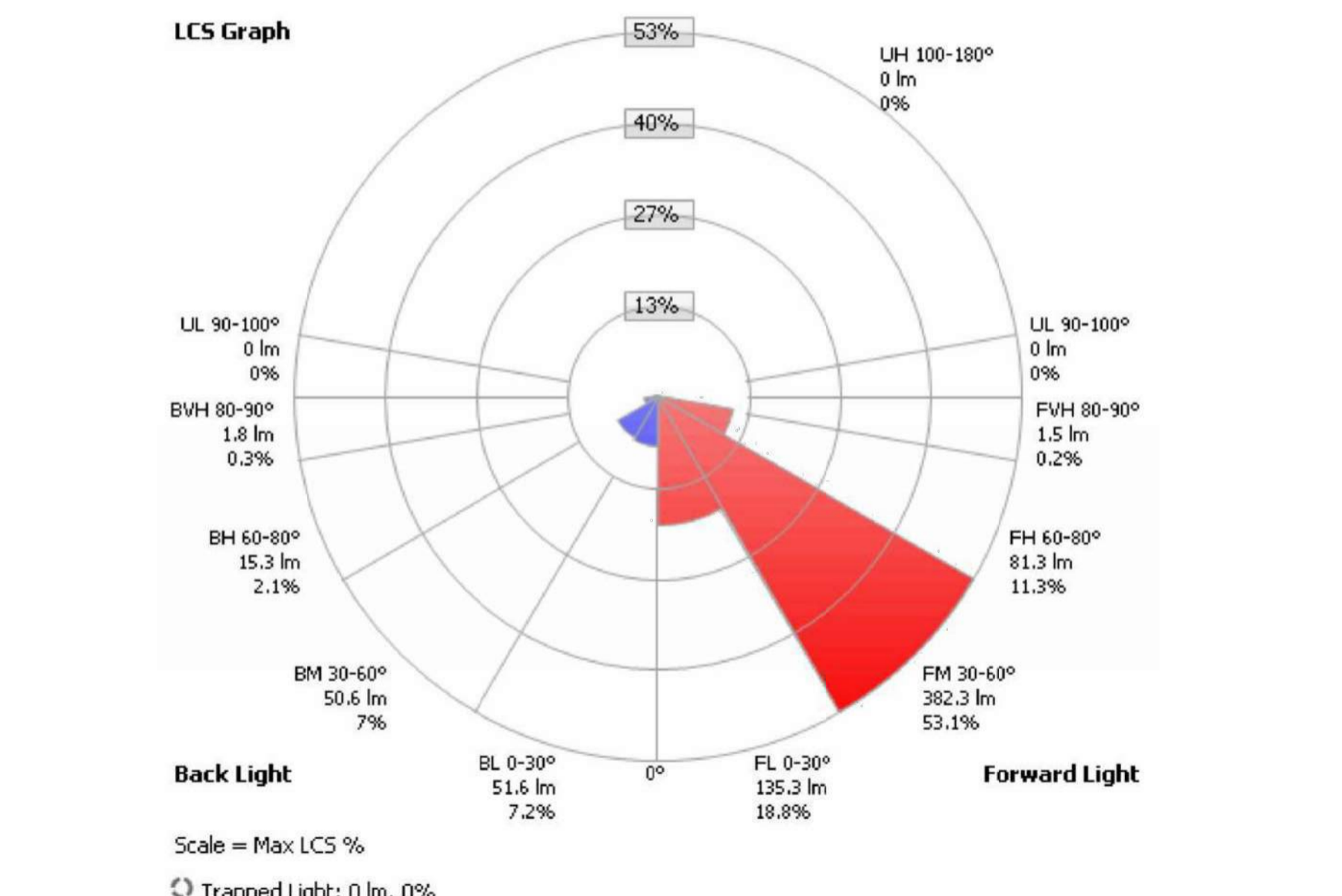
OUTDOOR PHOTOMETRIC REPORT

CATALOG: WDGE1 LED P0 30K 80CRI VW
 Test #: ISF 20248P21
 Test Lab: SCALED PHOTOMETRY
 Catalog: WDGE1 LED P0 30K 80CRI VW
 Description: WDGE1 LED WITH P0 - PERFORMANCE PACKAGE, 3000K, 80CRI, VISUAL COMFORT WIDE OPTIC
 Series: WDGE1 LED Wall Mount
 Lamp Output: Total luminaire lumens: 719.6, absolute photometry *
 Input Wattage: 6.7947
 Luminous Opening: Rectangle (L: 3.36", W: 5.76")
 Max Cd: 542.4 at Horizontal: 0°, Vertical: 37.5°



2 TYPE WP | POLAR CANDELA PLOT | ZONAL LUMEN SUMMARY

SCALE | N.T.S.



Lumens Per Zone

Zone	Lumens	% Total	Zone	Lumens	% Total
0-10	24.3	3.4%	90-100	0.000	0%
10-20	64.1	8.9%	100-110	0.000	0%
20-30	98.5	13.7%	110-120	0.000	0%
30-40	139.2	19.4%	120-130	0.000	0%
40-50	158.3	22.0%	130-140	0.000	0%
50-60	135.3	18.8%	140-150	0.000	0%
60-70	73.1	10.2%	150-160	0.000	0%
70-80	23.5	3.3%	160-170	0.000	0%
80-90	3.3	0.5%	170-180	0.000	0%

LCS Table

BUG Rating	Low (0-30)	Medium (30-60)	High (60-80)	Very High (80-90)
Forward Light	135.3	382.3	81.3	1.5
Back Light	51.6	50.6	15.3	1.8
Uplight	0.000	0.000	0.000	0.000
Trapped Light	0.000	0.000	0.000	0.000

3 TYPE WP | LCS TABLE | LCS GRAPH

SCALE | N.T.S.

GENERAL NOTES

- PHOTOMETRIC CALCULATIONS SHOWN ARE BASED ON MANUFACTURER PHOTOMETRIC DATA AND ARE INTENDED TO DEMONSTRATE DESIGN INTENT FOR PERMITTING AND PLANNING REVIEW PURPOSES. ACTUAL FIELD ILLUMINATION LEVELS MAY VARY DUE TO SITE CONDITIONS, INSTALLATION TOLERANCES, FIXTURE AIMING, AND EQUIPMENT VARIATIONS.
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- LUMINAIRE CLASSIFICATION SYSTEM (LCS)

DEFIANCE ELECTRIC
 SINCE 1978

86 CHOSEN VALE LANE SUITE 202
 ENFIELD, NH 03748
 P: (603).632.4982
 www.DefianceElectric.com

1 EXTERIOR FIXTURE TYPE WP | SPECIFICATIONS

SCALE | N.T.S.

REVISION SCHEDULE

NO.	DESCRIPTION	DATE
01	PLANNING BOARD REVIEW	05/19/2026

CLIENT

EXECUSUITE LLC
 LEBANON, NH

PROJECT

22 SCHOOL STREET
 22 School Street
 Lebanon | NH 03766

DWG TITLE

EXTERIOR LIGHTING DETAILS
 Fixture Specifications | LCS Table | LCS Graph

PROJECT NUMBER: 26028
 DATE: 05/19/2026
 DRAWN BY: T.Boucher

DWG NO.

EL1-1 SHEET 9

SCALE: AS NOTED



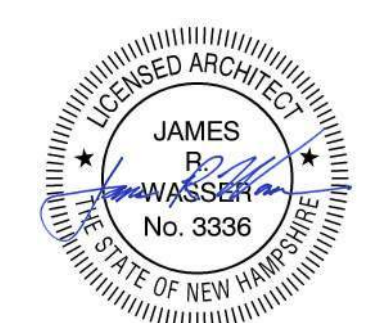
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55 Railroad Row, White River Jct, VT 05001
802 275 5110 | studionexusarch.com

EXECUSUITE LLC 22 SCHOOL ST APARTMENTS

22 SCHOOL ST
LEBANON, NH 03766

ISSUED FOR:
ZONING BOARD OF
ADJUSTMENT REVIEW



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ISSUE DATE: FEBRUARY 9, 2026

REVISIONS		
NO.	DESCRIPTION	DATE
1	REVISION PER 3.31.26 STAFF COMMENTS	06.08.2026
2	REVISION PER 6.15.26 SPR STAFF COMMENTS	06.22.2026

FLOOR PLANS

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

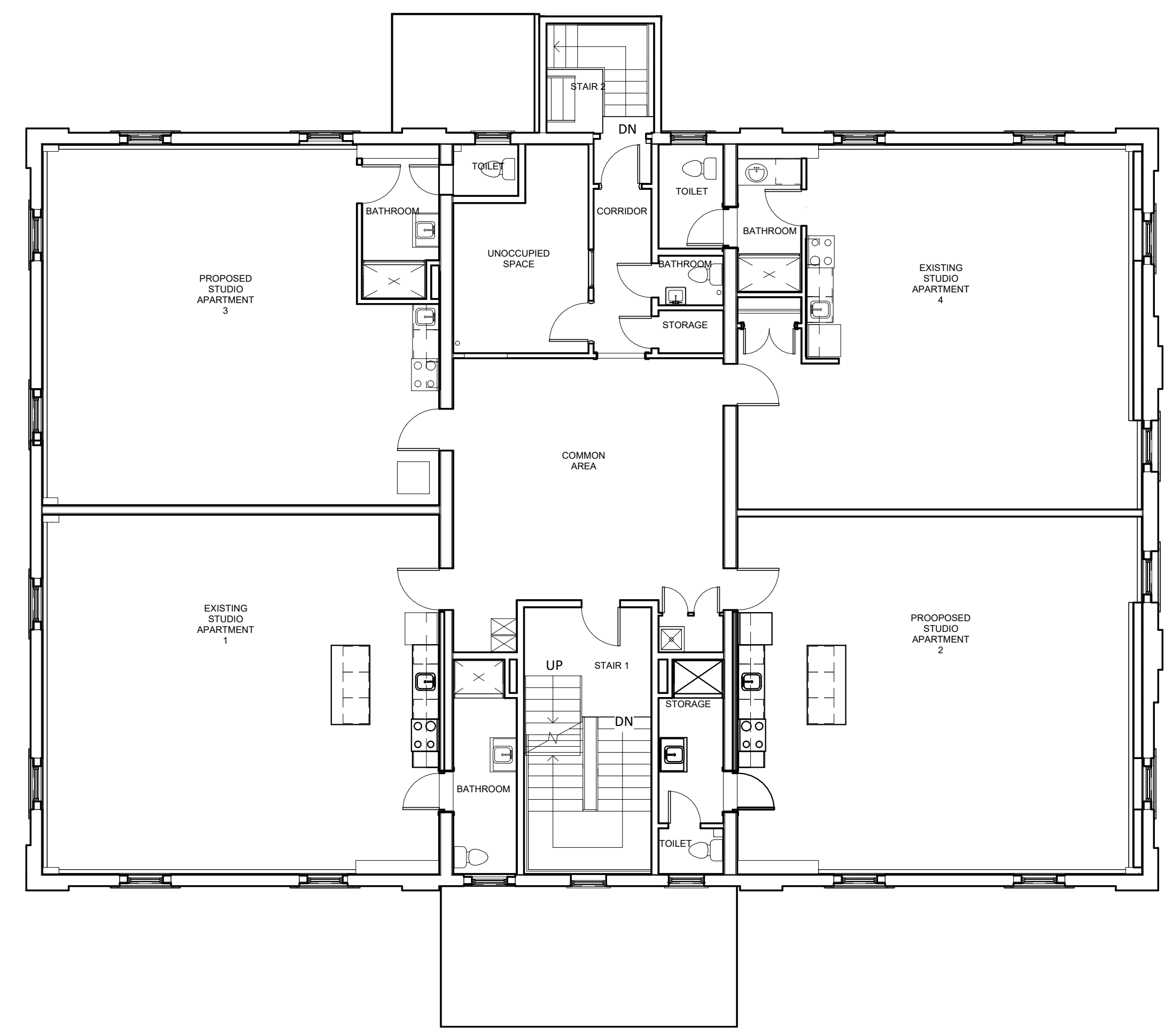
PROJECT NUMBER: 2521

A2-1

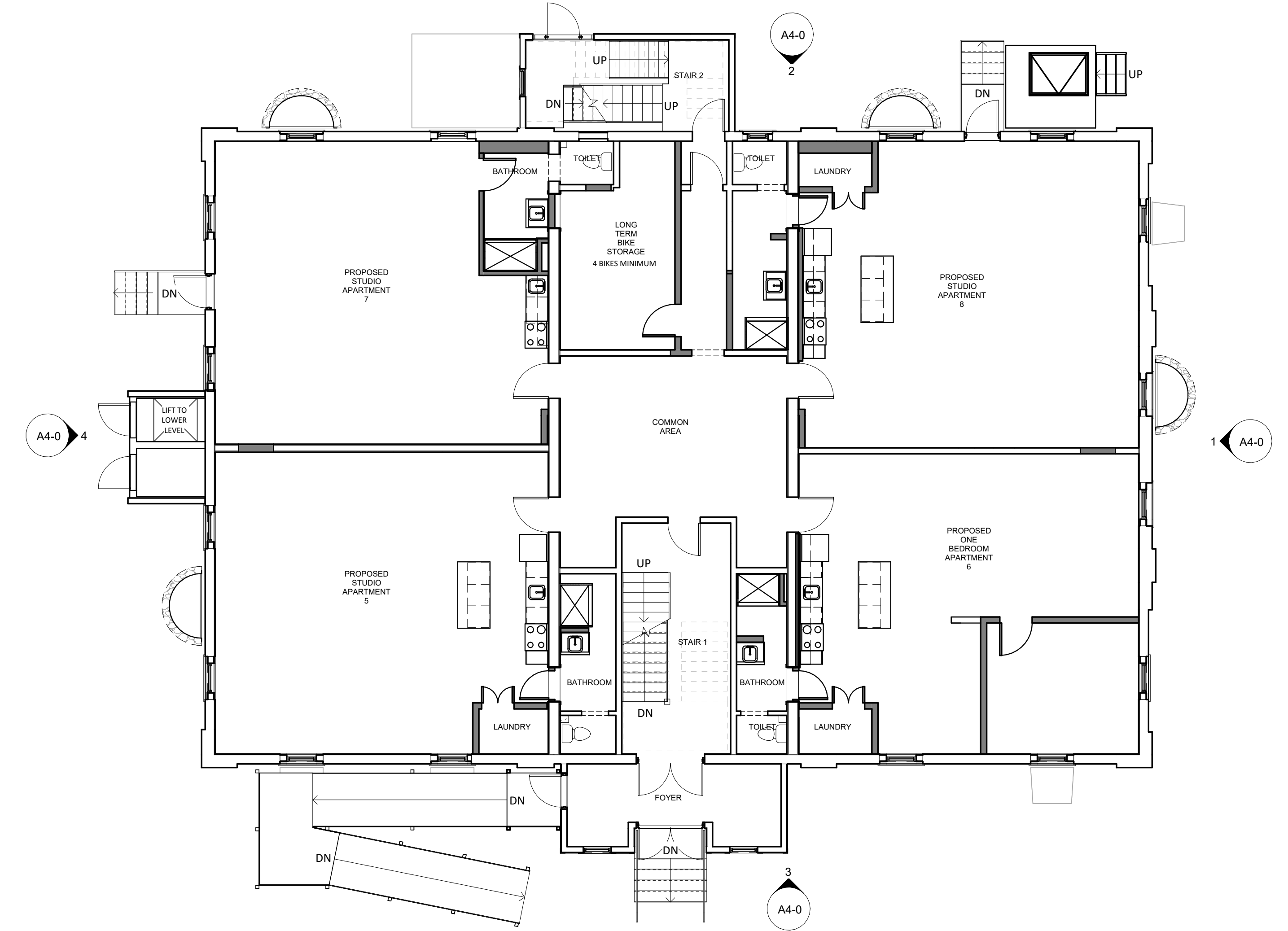
SHEET 10

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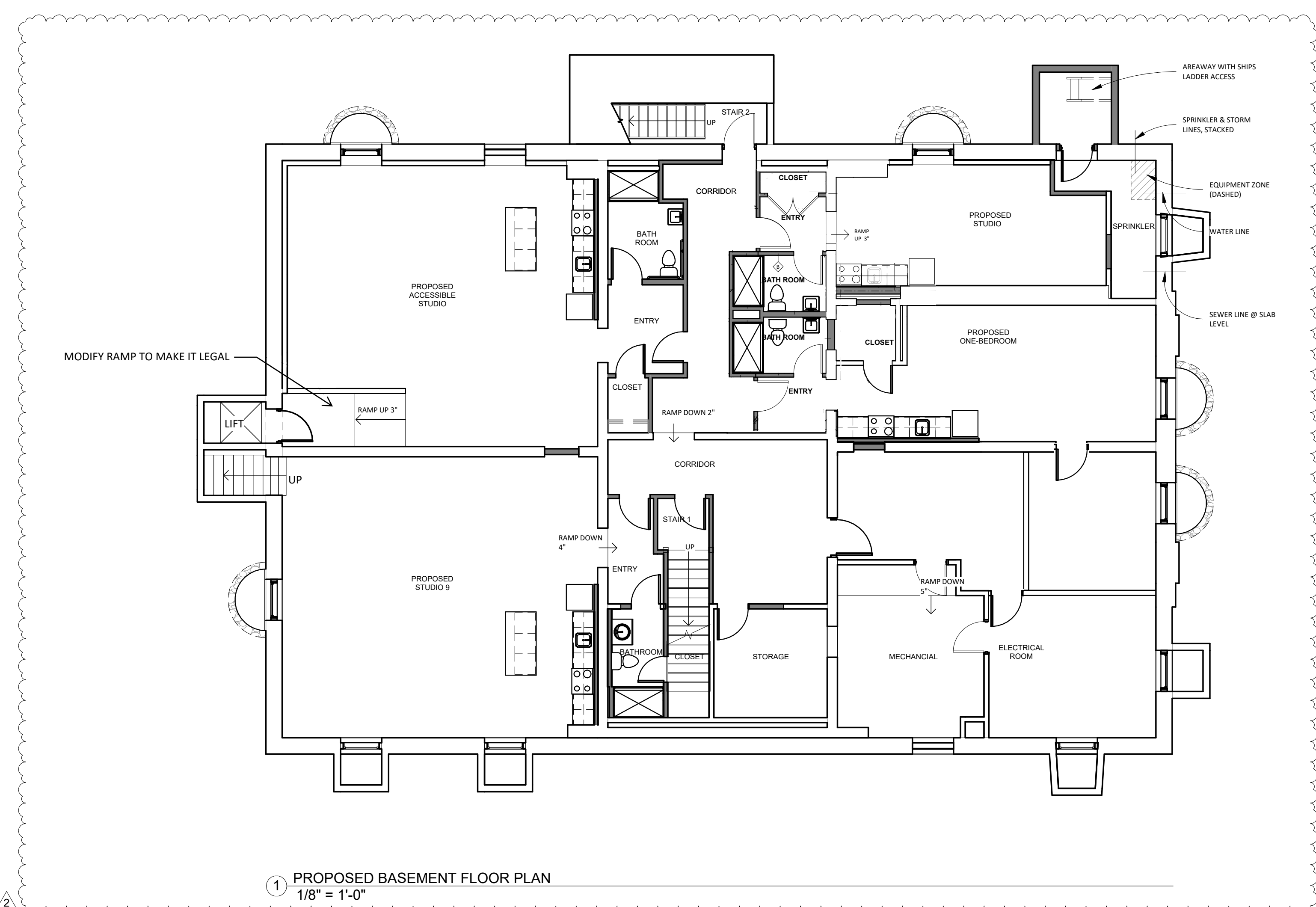
6/23/2026 1:13:55 PM These drawings & specific building design for the client identified on this page are the property of Studio Nexus Architects and Planners P.C. Unauthorised reproduction for any purpose is an infringement upon copyright laws. Violators will be prosecuted to the fullest extent of the law.



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



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



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

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



STUDIO NEXUS

ARCHITECTS + PLANNERS

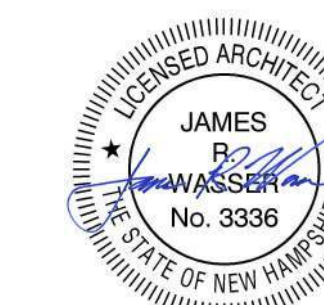
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EXECUSUITE LLC

22 SCHOOL ST APARTMENTS

22 SCHOOL ST
LEBANON, NH 03766

ISSUED FOR:
ZONING BOARD OF
ADJUSTMENT REVIEW



JIM WASSER'S ELECTRONIC OR DIGITAL SEAL OR SIGNATURE IS EFFECTIVE ONLY AS TO THAT VERSION OF THIS DOCUMENT AS ORIGINALLY PUBLISHED BY STUDIO NEXUS ARCHITECTS & PLANNERS, P.C. JIM WASSER IS NOT RESPONSIBLE FOR ANY SUBSEQUENT MODIFICATION, CORRUPTION OR UNAUTHORIZED USE OF SUCH DOCUMENT. TO VERIFY THE VALIDITY OR APPLICABILITY OF THE SEAL OR SIGNATURE, CONTACT JIM WASSER.

ISSUE DATE: FEBRUARY 9, 2026

REVISIONS

NO.	DESCRIPTION	DATE
1	REVISION PER 3.31.26 STAFF COMMENTS	06.08.2026

EXTERIOR ELEVATIONS

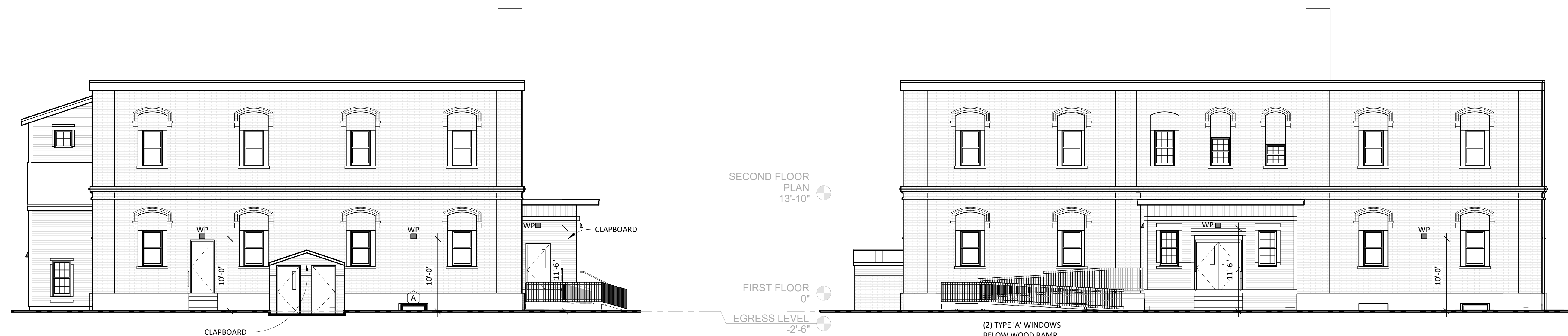
SCALE: 1/8" = 1'-0"

PROJECT NUMBER: 2521

A4-0

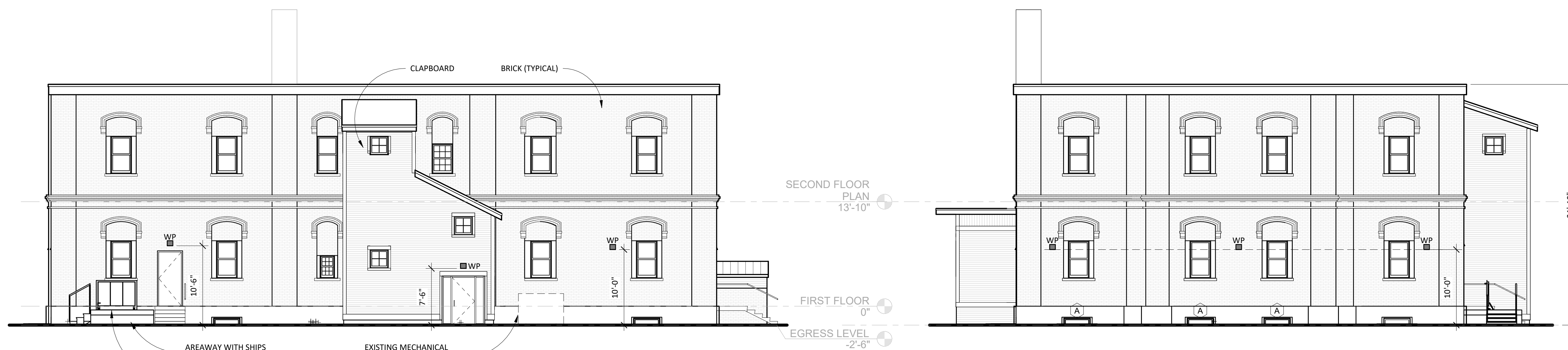
SHEET 11

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

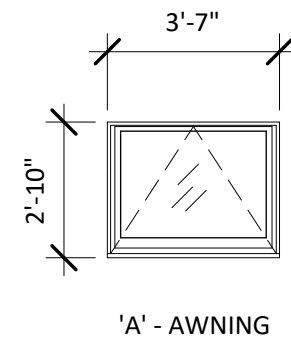
3 SOUTH ELEVATION
1/8" = 1'-0"



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

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

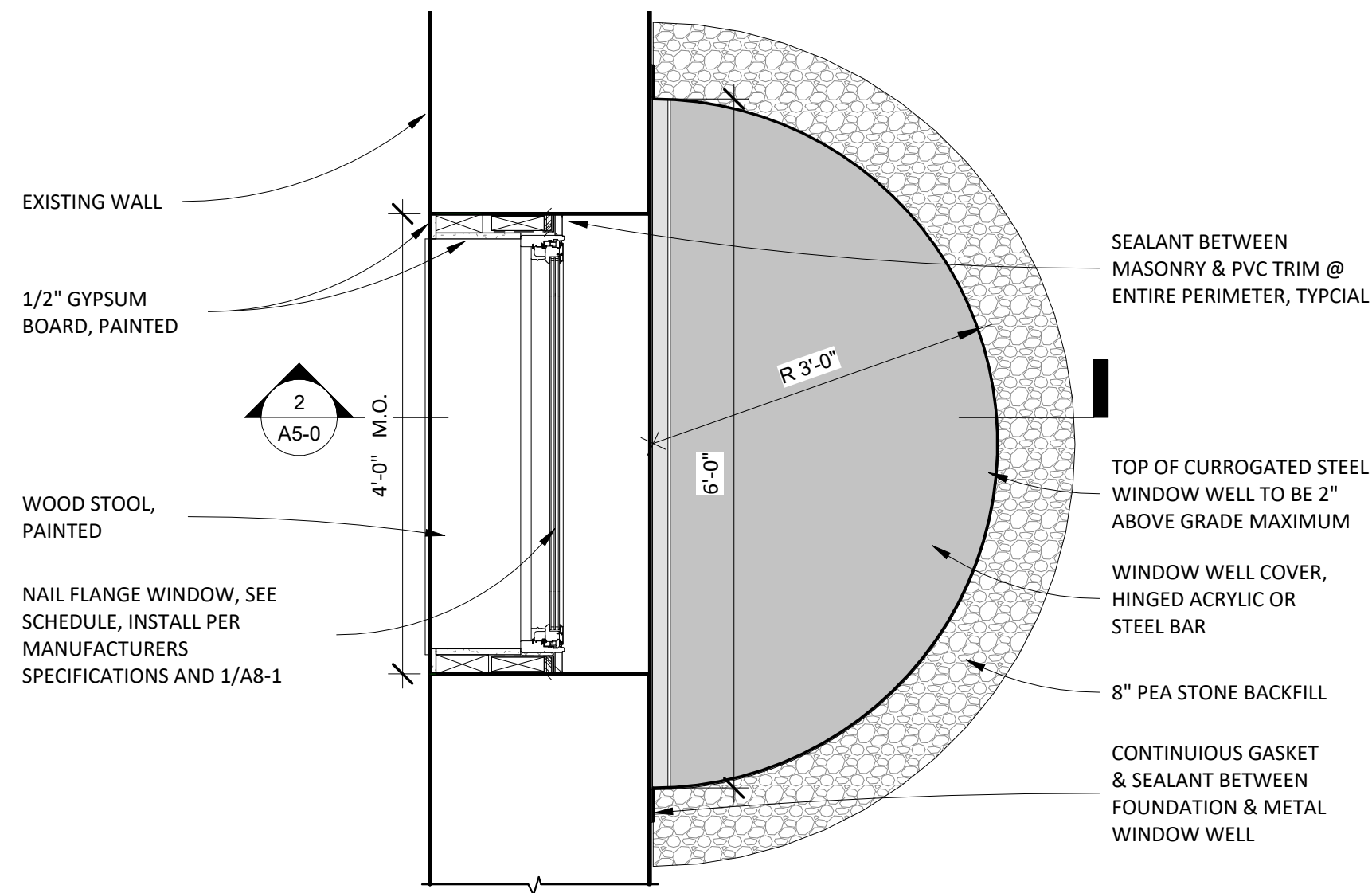
WINDOW SCHEDULE					
Type	Manufacturer	Line	Model	Operation	Comments
A	T.B.D.	VINYL	CUSTOM	AWNING	MAXIMISE DAYLIGHT IN EXISTING MASONRY OPENING



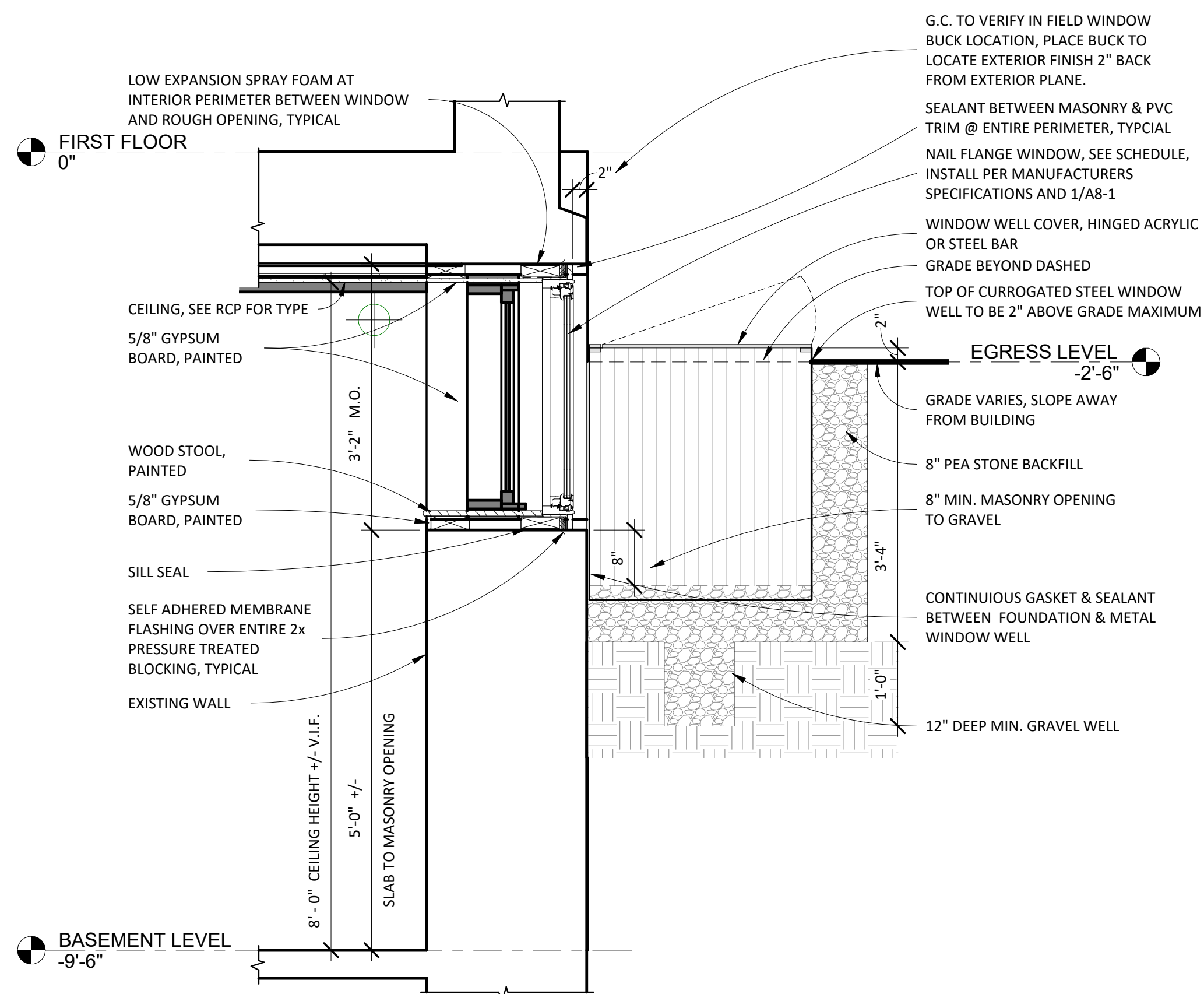
④ WINDOW TYPE
1/4" = 1'-0"

WINDOW SCHEDULE & TYPE NOTES:

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



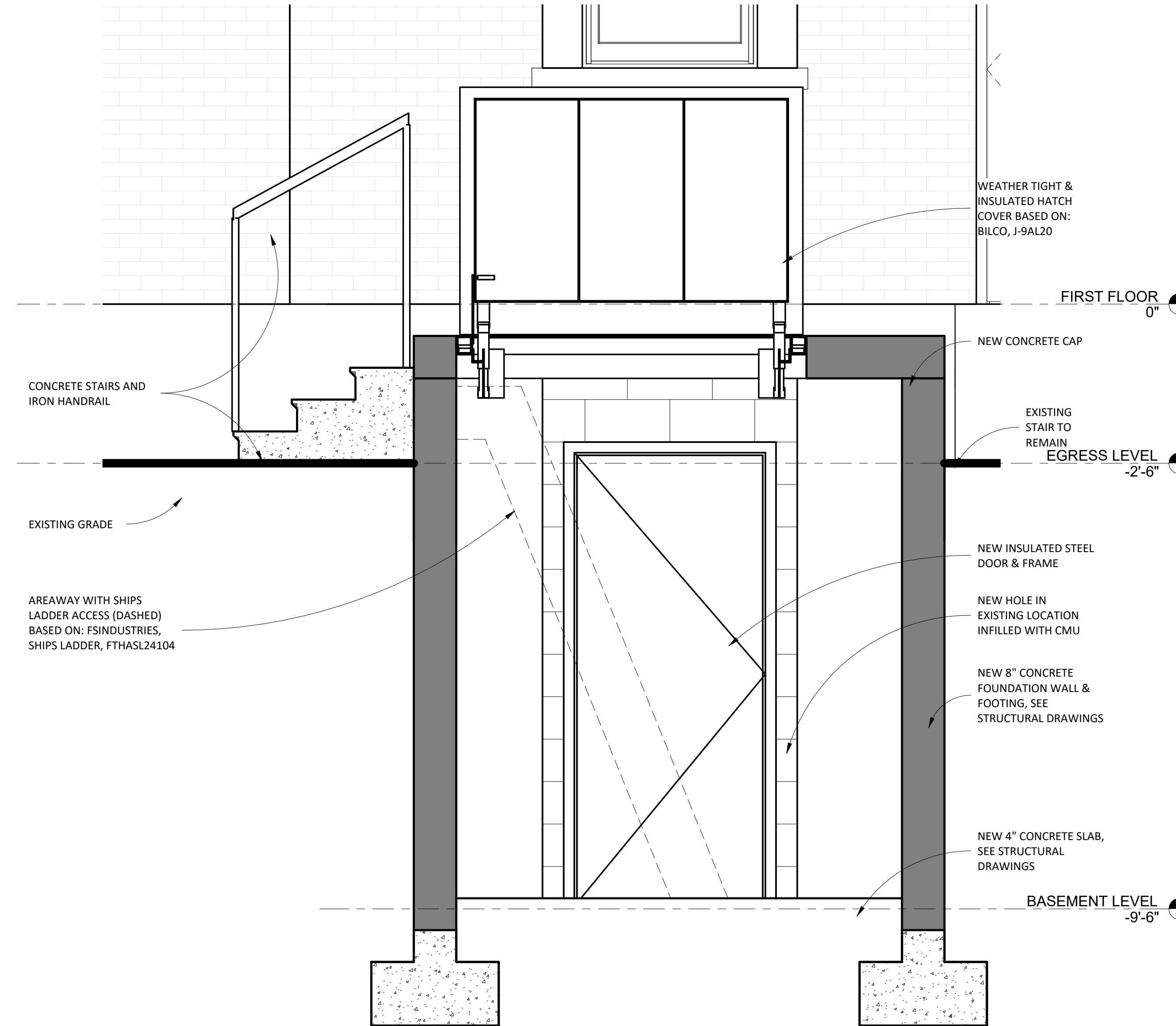
③ PLAN DETAIL @ WINDOW WELL
3/4" = 1'-0"



② SECTION @ WINDOW WELL
3/4" = 1'-0"



TYPICAL WINDOW WELL TO BE OPENED UP



① SECTION @ AREA WAY
3/4" = 1'-0"



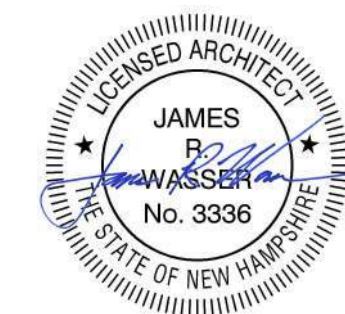
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802 275 5110 | studionexusarch.com

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22 SCHOOL ST APARTMENTS

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ISSUE DATE: FEBRUARY 9, 2026

REVISIONS		
NO.	DESCRIPTION	DATE
1	REVISION PER 3.31.26 STAFF COMMENTS	06.08.2026

DETAILS

SCALE: As indicated

PROJECT NUMBER: 2521

A5-0

SHEET 12

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6/23/2026 1:13:59 PM These drawings & specific building design for the client identified on this page are the property of Studio Nexus Architects and Planners P.C. Unauthorised reproduction for any purpose is an infringement upon copyright laws. Violators will be prosecuted to the fullest extent of the law.



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: July 6, 2025 – Regular Meeting
Application Number: ZB2026-13-SE

HEARING NOTICE:

Guyer Cardigan Legion Post #22, 189 Mechanic St (Tax Map 105, Lot 113), Zoned GC, The applicant requests a Special Exception from Section 206, pursuant to Section 801.3, of the Zoning Ordinance to allow a freestanding digital sign pursuant to Section 608 Signs to be located within the 25 ft sight distance triangle at a Street and Driveway Intersection.. ZB2026-13-SE

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

This is the first Freestanding Digital Sign Permit being considered by the City under the 2025 Zoning Amendment that permits such a sign. Prior to the 2025 action by City Council such a sign was prohibited. City Council and staff acted together to pass a Zoning Ordinance amendment making a Freestanding Digital Sign permissible at the request of Legion Post 22 who are currently the applicants.

There is a rather complex pathway through the regulations and there are multiple fact determinations that must be made to meet the requirements of the Ordinance. There are two elements to the permit, Administrative Approval and a Special Exception requirement, both apply. It is possible to have a Freestanding Digital sign by Administrative Approval depending upon the proposed location of the sign. Given the Applicant's Choice to location the sign where it is, staff has determined that a Special Exception is required pursuant to sec 206 of the Ordinance.

Ultimately, All aspects of the Ordinance must be met or a Variance to said requirement be granted by the Zoning Board for a permit to be issued. No Variance to the requirements has been applied for by the Applicant, therefore all Ordinance requirements apply to this application and must be met.

Staff have laid out the Zoning Ordinance's stated requirements for a permit below. The Applicant has an obligation to provide all relevant facts as required by the Ordinance and has the Burden of Persuasion to prove to the Zoning Board's satisfaction that the Special Exception Criteria have been met in this case.

Staff have on multiple occasions deemed that the application is administratively incomplete as the evidence provided by the Applicant falls short of the requirements of the Zoning Ordinance's Administrative

Permit Requirements. Additionally, the Staff has determined, and the Zoning Board has sustained on appeal, that a Special Exception is required pursuant to Section 206. At the Zoning Board's request, staff have placed the application on the Agenda for Consideration by the Zoning Board, irrespective of the Zoning Official's Administrative Incompleteness determination. At the hearing the Zoning Board clearly warned the Applicant that proceeding to the Board in the face of an incompleteness determination by the Zoning Board shall be done at the Applicant's own peril.

COMPLETENESS

Staff shared with the Applicant the application as it was previously filed and deemed incomplete. The Applicant's Attorney was given the opportunity to revise, extend and or supplement the application in any way they deemed necessary to meet their burdens of persuasion and the essential requirements of the Ordinance. The Application as supplemented by the Applicant is the subject of this Completeness Review by the Zoning Board.

The Zoning Official determines that this Application is Incomplete.

Items noted in **RED** below are incomplete or deficient.

Items noted in **BLUE** are Complete or sufficient.

All items in *Italic* are a direct quote from the Zoning Ordinance.

APPLICABLE ORDINANCE

General Zoning Application Requirements

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 VIOLATION Sign was Erected in Aug 2025 without the benefit of permits)*
- 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

608.2.B 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"). (ZONING VIOLATION Sign was Erected in Aug 2025 without the benefit of permits) 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. (A picture of the torn down sign was provided)*
2. *A drawing to scale of each proposed sign. Each rendering shall identify:*
 - a. *the total sign area in square feet; (Incomplete – Not Provided)*
 - b. *the dimensions of the sign in feet and inches; (Incomplete – Not Provided)*
 - c. *the height of the sign; (Incomplete – Not Provided)*
 - d. *the proposed location of the sign on the building, if applicable; (NA)*
 - e. *construction materials; and (Incomplete – no sign materials or illumination details provided)*
 - f. *landscaping specifications, if applicable. (Incomplete - no area calculation provided)*
3. *A scaled plot plan of the lot depicting the proposed location of any freestanding sign and any associated landscaping. (Contradictory evidence provided) (Sight Plan Not Scaled)*
4. *Specifications for the construction or display of the sign and for its illumination and mechanical movement, if any. (Incomplete – Not Provided)*
5. *Where internal illumination is proposed, documentation necessary to demonstrate*

compliance with Section 608.4.A.6 (“Illumination”). (Incomplete – Not Provided)

6. All applicable dimensions, measurements, and sign area calculations required to support the approval of the sign permit requested. (Incomplete – Not Provided)

C. Enforcement. Any sign displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed, and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676. (Sign has not been removed and remains in violation of the ordinance)

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

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 Street Intersections” except when the following conditions are met an administrative approval by the Zoning Official may be made:

1. A freestanding sign or portion thereof to be placed in a commercial or industrial district is not within ten feet of a street, sidewalk, crosswalk, driveway, driveway exit stop line, bus stop, or other similar improvement and
2. Clear sightlines are demonstrated by a sightline drawing, and
3. No sign or portion thereof is within the public right of way.

(No evidence supporting an exemption is provided, therefore sec 206 Applies)

D. Maintenance. All signs shall be maintained in good condition and repair at all times. Such maintenance shall not require a building permit unless the repairs include electrical work.

(The act of removing an entire sign and replacing it with a new sign does not constitute maintenance.)

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

a. Sign Area and Height Regulations.

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

	Zoning District						
<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>
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

(Incomplete – Not Provided)

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. (NA)

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. (Incomplete – Not Provided)

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. (NA)

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. (Incomplete – Not Provided) 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. (Incomplete – Not Provided) Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the freestanding signs structure is encouraged. (NA – Recommended not required)*
- 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. (Incomplete – Not Provided)*

608.A.4.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 (Complete - Address Provided)*
- *Miracle Mile*
- *Plainfield Road*
- *South Main Street*

ii. No more than one (1) display per hour shall be allowed (Incomplete – Not Provided)

iii. Displays shall contain static messages only (Incomplete – Not Provided)

iv. Freestanding Digital Signs shall be programed to automatically freeze in a single display in the even of a malfunction or computer/system error. (Incomplete – Not Provided)

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. (Incomplete – Not Provided)

vi. The digital sign and freestanding digital sign may be no larger than 50% on the sign area of the freestanding digital sign (Incomplete – Not Provided)

vii. No Freestanding digital sign may be located within one hundred (100) feet of a residential dwelling (Incomplete – Not Provided)

viii. Freestanding digital signs shall operate with no more than 0.3 footcandles at the property line (Incomplete – Not Provided)

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. (Incomplete – Not Provided)

608.4.A.6 6. *Illumination. Signs may have either external illumination or internal illumination, subject to the following:*

- a. *Lighting Plan.* An applicant for a permit to illuminate a sign must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light. (Incomplete - No Lighting plan is provided)
- b. *External Illumination.* The use of floodlights or spotlights used for the external illumination of signs shall be mounted above the sign targeted for lighting, and illumination shall be properly focused upon and confined to the area of the sign. (NA)
- c. *Internal Illumination.* Internal illumination of signs shall be designed with an opaque background so that only the lettering, symbols (i.e. logos), or design shall appear to be lighted. (Incomplete – no material description provided)
- d. *Maximum Luminance.* An illuminated sign shall operate with no more than 0.3 fc at the property line. (Incomplete – no illumination information provided)
- e. *Glare.* Fixtures used to illuminate signs shall be located, aimed, and shielded so as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Glare shall not be perceptible to drivers, pedestrians, bicyclists, and other passers-by within adjacent streets or rights-of-way. (Incomplete – No information provided)
- f. *Shielding.* Any lighting fixture on a sign that is located within ten (10) feet of a residential district or an existing residential use shall be (i) aimed away from the residential district or existing residential use; and (ii) shielded on the side closest to the residential district or existing residential use. (Incomplete – No Information provided)
- g. *Hours of illumination.* Signs may be illuminated any time between 6:00 a.m. and 9:00 p.m. Between 9:00 p.m. and 6:00 a.m. a sign may only be illuminated if and when the business is open to the public. (Incomplete – No Information Provided)

608.1.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 Street Intersections" except when the following conditions are met an administrative approval by the Zoning Official may be made:

1. A freestanding sign or portion thereof to be placed in a commercial or industrial district is not within ten feet of a street, sidewalk, crosswalk, driveway, driveway exit stop line, bus stop, or other similar improvement and (Incomplete – Not Provided)
2. Clear sightlines are demonstrated by a sightline drawing, and (Incomplete – Not Provided)
3. No sign or portion thereof is within the public right of way. (Sign Base is in Right of way,

Plantings are unknown, Sign Face appears to not be in right of way no stamped survey provided)

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 (Incomplete – Not Provided) 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. (Contradictory Location Data provided) 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 Cover page Application is Provided)

608.3.B. *Signs located within public streets, or rights of way* except as set forth in Section 608.4.A.5.b (projecting signs in the CB and LD Districts) and Section 608.6.A.6 (sandwich board sign regulations) and as may otherwise be allowed pursuant to Chapter 152 ("Streets and Sidewalks") of the Code of the City of Lebanon. (Partially Provided – No Professional Stamp or Signature on Drawing)

608.8 Non-Conforming Signs.

Except as set forth in Section 608.8.C, any sign located within the City as of August 15, 2018 which does not conform with this Ordinance, is a "legal non-conforming sign" if the sign was in compliance with applicable laws at the time it was installed. Notwithstanding, legal non-conforming signs are subject to the requirements of Section 608.2.D ("Clear Vision & Movement") (See 608.2.D Citation Above) and Section

608.2.E (“Maintenance”); (See 608.2.E Citation Above) and the illumination aspects of the existing sign shall not be considered lawfully nonconforming, and any new or replacement sign structures must comply with the current illumination requirements of Section 608.4.A.6 of this Section.

A. *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. *(The Old Analog Sign was torn down, removed and replaced with a New Freestanding Digital Sign)*

B. *Maintenance.* Maintenance of legal non-conforming signs as required by Section 608.2.E includes repainting, cleaning, and replacing or repairing worn or damaged parts of a sign in order to return it to its original state. Such maintenance shall not result in a loss of non-conforming status under Section 608.8.A. *(The Old Analog Sign was torn down, removed and replaced with a New Freestanding Digital Sign)*

C. *Removal.* Removal of a legal non-conforming sign by the property owner and/or sign owner is required when:

1. The sign has lost legal non-conforming status per Section 608.8.A; or
2. The sign, or a substantial part of the sign, is blown down, destroyed, or for any reason or by any means taken down. As used in this subsection, “substantial” means 50 percent or more of the entire street graphic structure; or
3. The use of the sign or the lot on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more.

(The Old Analog Sign was willingly removed by the Applicant and constitutes a willful act of abandonment. The City did not compel the applicant to remove the old sign in any way.)

D. *Separation.* No sign that is non-conforming solely because it violates a requirement for the spacing of freestanding signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the lot is not possible. (NA)

E. *Temporary Signs.* Temporary signs that are non-compliant with the requirements of Section 608.6 as of August 15, 2018 shall not be considered legal non-conforming and shall be removed. (NA)

Definitions

SIGN, FREESTANDING DIGITAL: A freestanding sign that incorporates a digital sign.

SIGN, FREESTANDING: A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

SIGN, DIGITAL: A non-static sign or portion of a sign that changes appearance by any electronic process or remote control.

SIGN AREA: Sign area means the entire area within a geometric form enclosing the extreme limits of writing, representation, emblem or any other figure of similar character, together with any frame, structure, or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. The geometric form shall be limited to a circle, triangle or parallelogram.

Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken either as the area of one face – if the two faces are of equal area, or the area of the larger face – if the two faces are of unequal area.

SIGN: A structure or an image, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, which is (a) visible from a public street, private street, or an adjoining property, and (b) designed to communicate a non-artistic message. “Sign” does not include

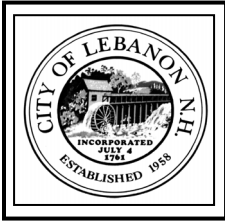
the sign structure unless the sign structure forms an integral part of the sign display or is used to differentiate the sign from the background against which it is placed.

Staff Comments:

Staff recommend that the Zoning Board take appropriate action to ensure that ALL of the Zoning Ordinance's requirements are met in this and any case. Equal application of the Law has been a central premise of our county since its founding. As John Addams eloquently stated 250 years ago: "*We are a Government of Laws not of Men*". Equal application of the law, irrespective of who the applicant is, is required.

The application stands for itself. Unfortunately, the application in this case is woefully incomplete, has multiple factual errors and focuses on arguments irrelevant to the requirements of Zoning Ordinance. The Applicant must simply meet the burdens of the ordinance to obtain a permit. If they choose to ignore the Ordinance's requirements, they do so at their own peril.

Notice of Violation Attached.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2026-13-SE
July 6, 2026 Regular Meeting
Guyer Cardigan Legion Post #22
189 Mechanic Street**

DRAFT MOTION for:

Agenda Item: 3.C

Case: ZB2026-13-SE

Request for Special Exception per Section §801.3

Motion made by: _____

On July 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 189 Mechanic St (Tax Map 105, Lot 113), Zoned GC, The applicant requests a Special Exception from Section 206, pursuant to Section 801.3, of the Zoning Ordinance to allow a freestanding digital sign pursuant to Section 608 Signs to be located within the 25 ft sight distance triangle at a Street and Driveway Intersection.

I. FINDINGS OF FACT

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

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to:

Special Exception criteria set forth in §801.3 of the Zoning Ordinance:

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

2. The following criteria of Section §801.3 **have been / have not been** met:

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

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

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

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

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

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

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

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6th day of July, 2026, hereby **GRANTS / DENIES** the requested Special Exception to allow a freestanding digital sign to be located within the 25 ft sight distance triangle at a street and driveway intersection pursuant to §801.3 of the Zoning Ordinance as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a sign permit and an electrical permit and shall comply with all applicable local, state, and federal regulations to ensure the project is compliant with pertinent codes. The Applicant shall obtain a Certificate of Completion.

2. _____

3. _____

Motion seconded by: _____

Vote: _____

**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.#:	[REDACTED]
MAILING ADDRESS:	189 Mechanic St, Attn: Commander, Lebanon, NH 03766		
E-MAIL ADDRESS:	[REDACTED]		
CO-APPLICANT, AGENT, OR LESSEE:			
NAME:	Les St. Pierre, Commander	TEL.#:	[REDACTED]
MAILING ADDRESS:	189 Mechanic St., Lebanon, NH 03766		
E-MAIL ADDRESS:	[REDACTED]		
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
	FLOOD PLAIN	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> 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:	<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 Commander</i>	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:	<i>Les St. Pierre Commander</i>	DATE:	August 7, 2025

DATE RECEIVED: 8-11-25

APPLICATION #: ZB2025-23-SE

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

I (we) hereby request a Special Exception as provided for in Article(s) 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.

Barry C. Schuster, Esq.
bschuster@shaheengordon.com

Admitted in NH & VT

June 23, 2026

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

Re: Guyer Carignan Legion Post #22

Dear Zoning Board Members:

Please find enclosed the application behalf of the Legion Post #22 for a special exception under Section 206 of the zoning Ordinance, which is to be heard by the Zoning Board at its July 6th meeting. The application includes the application form, abutter list, support statement, pictures of the Mechanic Street area, the old and replacement sign, a plan showing the 25-foot triangle, an email from Jeffrey Goodrich, P.E., and the landscaping plan. Also included are five plans showing the Legion property and Mechanic Street that confirm that the sign is on the Legion's property and not within the City right-of-way. The first plan, which includes also an enlargement for better viewing, has been prepared by Pathways Consulting and shows the Mechanic Street boundary and the location of the sign. The other plans are the site plans from the original development of the Legion's facility and finally a plan showing a neighboring property with the Mechanic Street boundary line, which corresponds to the Legion's. These plans all confirm that the Legion's sign is located entirely on the Legion's property. (It does appear that about 1.02 to 1.79 inches of the planter is within the City right-of-way).

In addition to these materials which address the special exception, and in order to complete the record, the Legion is also submitting information to explain that the sign was installed prior to the adoption of the Zoning Ordinance regulation now under consideration. The original sign was installed in 1989 as part of the construction of the Legion's building and has been at the sign's current location since then. At that time, there was no regulation of signs located at an intersection or driveway. In 1989, the City added Section 312 to the Ordinance which regulated the location of signs on corner lots at the intersection of two streets. The Ordinance did not mention driveways. This language of this regulation remained that way as written until March 9, 2021, when the Ordinance was amended to include both the intersection of a road and that of a driveway. Thus, the Legion's sign location pre-dates the adoption of the

Ordinance regulation and is therefore grandfathered and exempt from Section 206 of Ordinance regulation.

There has been some suggestion from the planning office that, because the present sign is a replacement of the original sign, any grandfathered status has been lost and that the replacement sign must comply with Section 206. Notwithstanding the language of Section 608.8.A, which asserts that a replacement of a sign results in a loss of any grandfathered status, New Hampshire law provides a different rule. A number of cases, two copies of which are included with the application, demonstrate that replacing a sign does not result in that loss despite what the Zoning Ordinance might say. Any effort by a municipality to the contrary “exceeds the limitations imposed” by State law.

Whether the sign is grandfathered or not, the Legion is willing to apply for a special exception under Section 206. The application and sign comply with all of the requirements for a special exception as set forth in its application and support statement and the Legion requests that the Zoning Board grant the special exception under Section 206 of the Zoning Ordinance.

Very truly yours,



Barry C. Schuster

BCS/sf

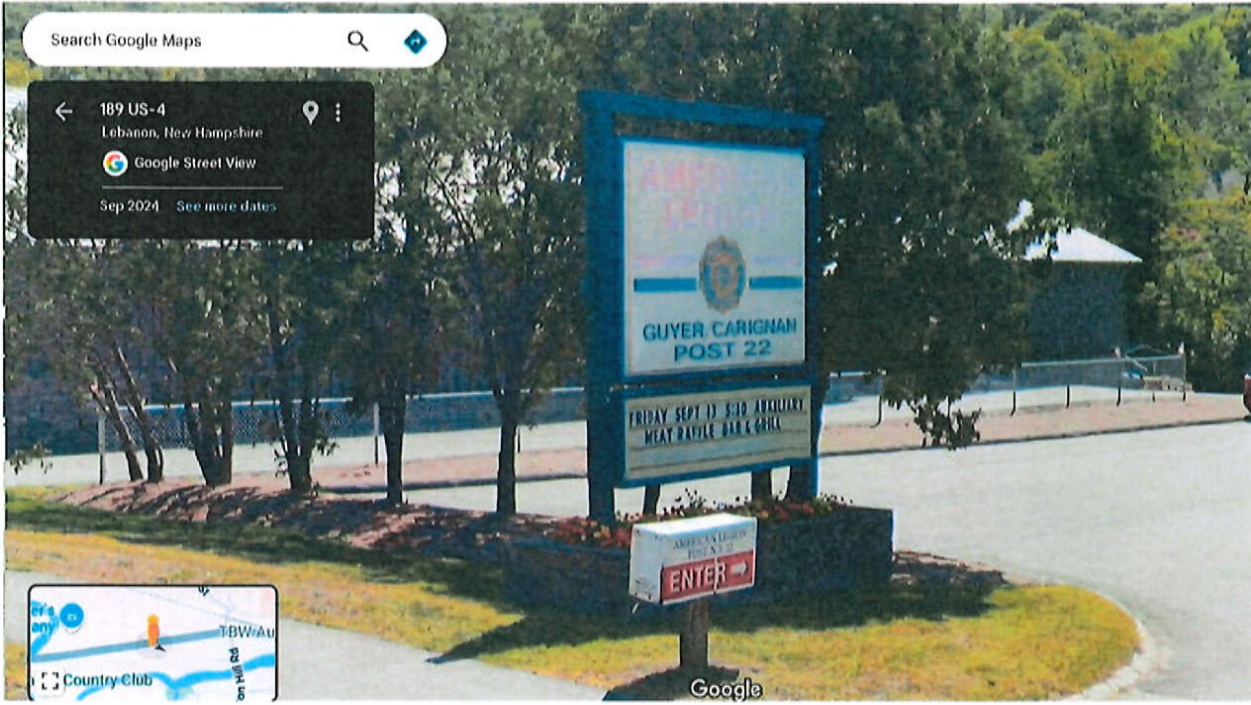
cc: Guyer Carignan Legion Post #22

cc: Matthew Decker, Esq.

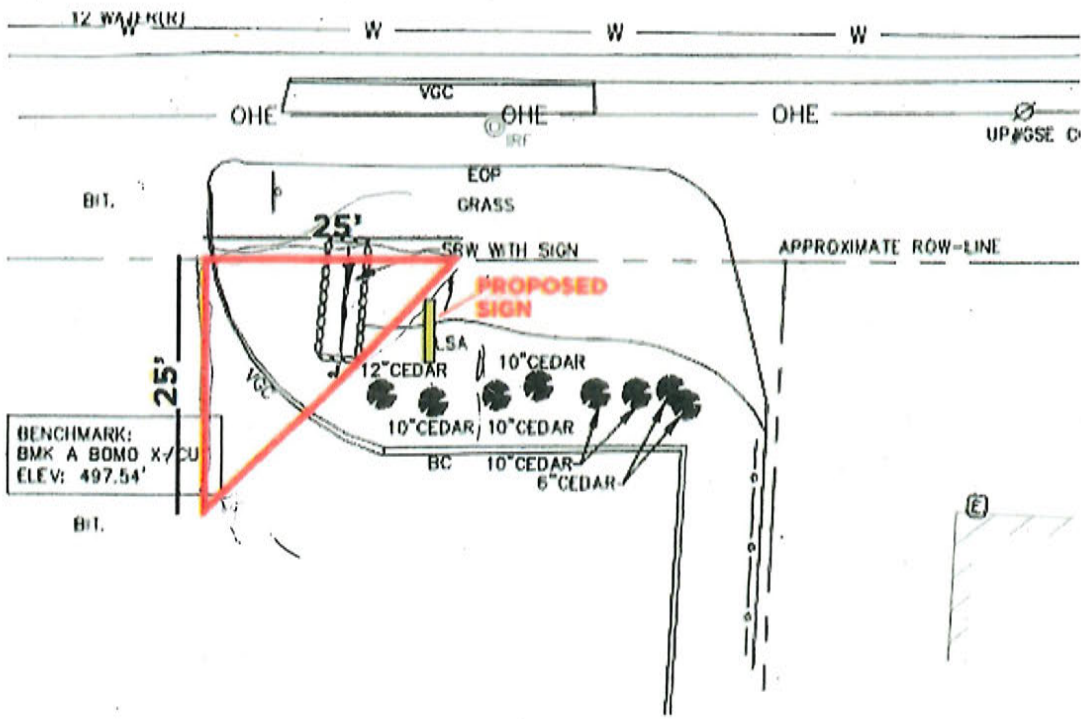
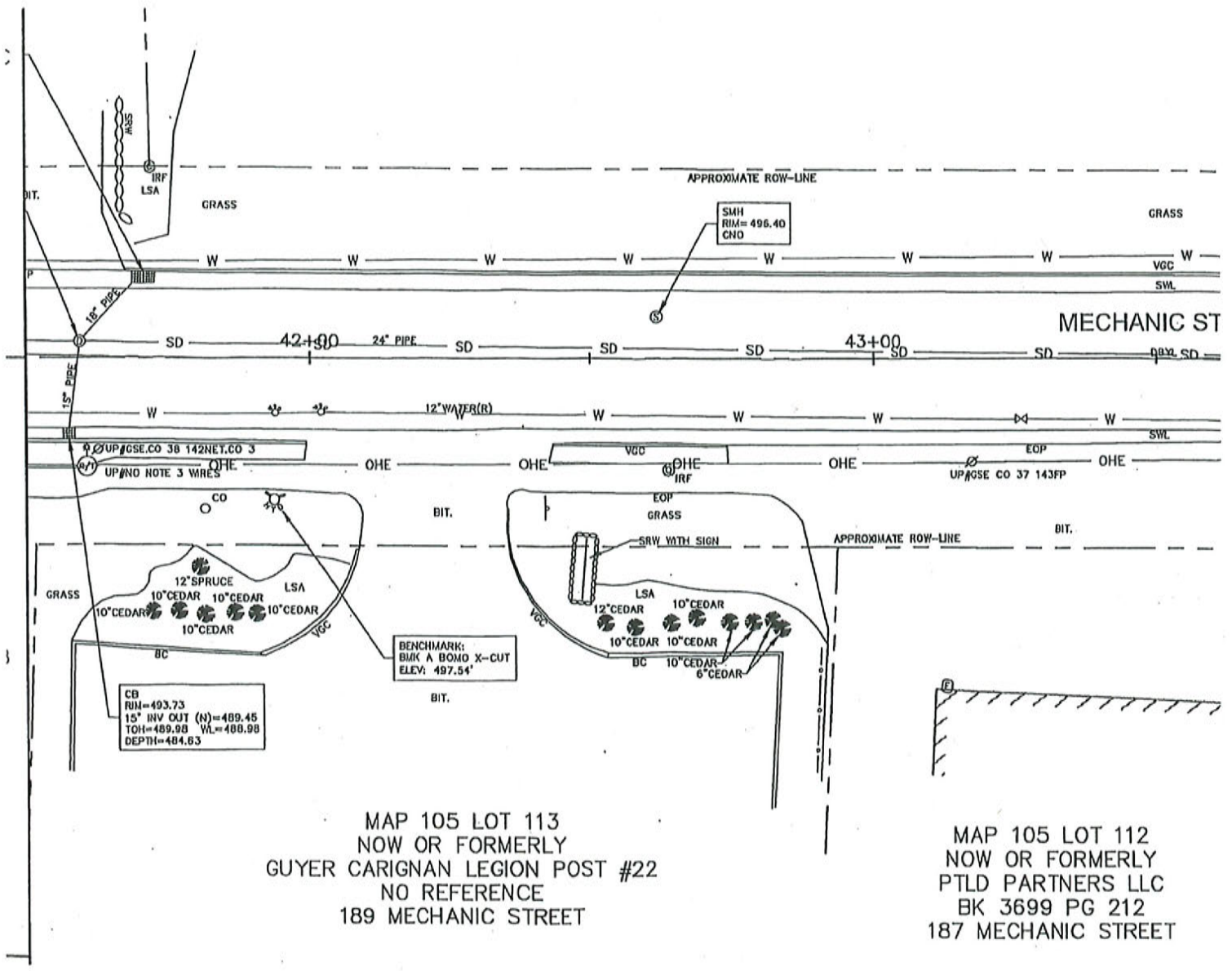
cc: Andrew Hosmer











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 and 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

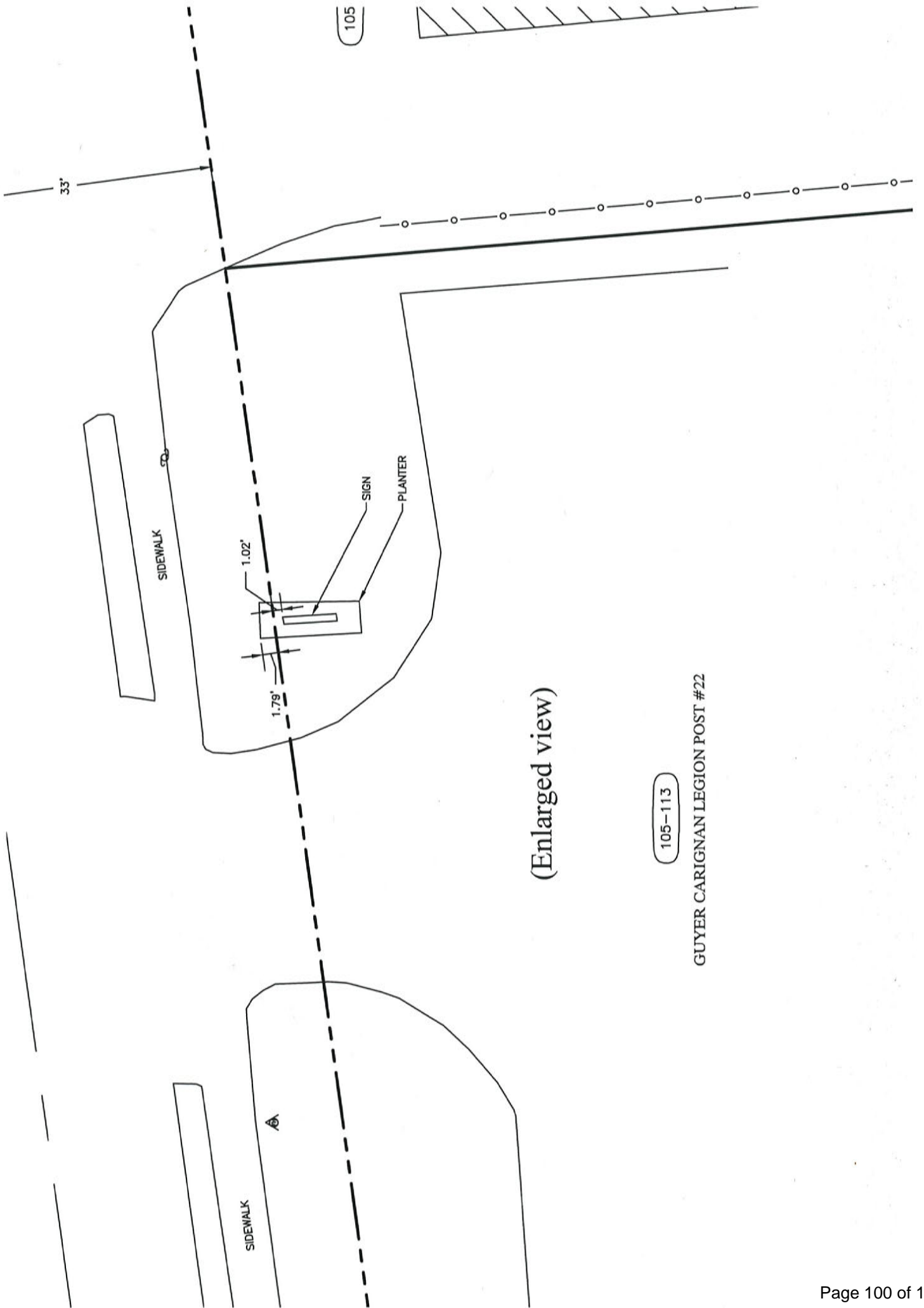
Main Office:

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

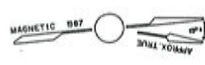
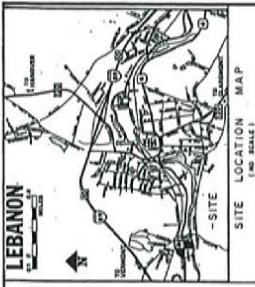
June 1, 2026 ZBA Hearing Package
page 070



(Enlarged view)

105-113

GUYER CARIGNAN LEGION POST #22



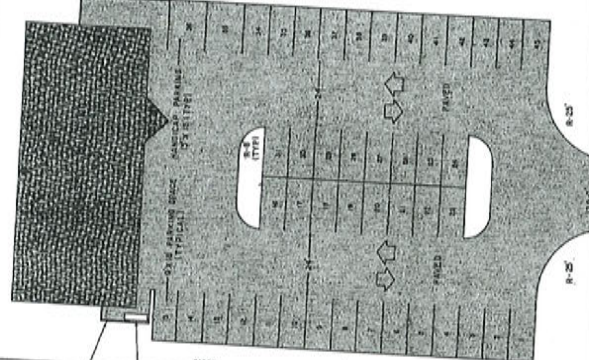
- Zoning Designation: Highway Commercial
Tax Map 24, Lot 23
- Area of Lot: 24,121 Square Feet
 - Area of Lot: 24,121 Square Feet
 - Off-street Parking: 45 Spaces
1 Space per 530 Square Feet = 45 Spaces Provided
- Existing Structures: as shown
 - Number of Structures: 3
 - Set-backs: 10'
 - Maximum Height: 30'
 - Site area is not included in the Wetlands Conservation District or Section 212, Air Safety Regulations of the Zoning Ordinance is not applicable.

CLOSURE LINE A-B 518°-2'E
142.0

30' SIDE YARD SETBACK

CONSTRUCT RETAINING WALL

DORIS L. ROBERTS
895 MECHANIC STREET
LEBANON, NH 03766



RISKEN ENTERPRISES TRUST
100 W. B. SMITH
PO BOX 700
HANOVER, NH 03725

CHILDRENS CENTER OF THE UPPER VALLEY
178 MECHANIC STREET
LEBANON, NH 03764

NOTE: MECHANIC STREET ROW (AS SHOWN) IS A MASS
BOUNDARY LINES WERE DETERMINED ACCORDING

HEREBY CERTIFY THAT A TRANSEIT & STEEL CHAIN SURVEY WAS DONE ON THE
MONUMENTATION, PLANS, AND DEETS.

INDEX

SHEET No.	1 - SITE PLAN
	2 - UTILITY DRAINAGE & GRADING PLAN
	3 - LANDSCAPING & EXTERIOR LIGHTING PLAN
	4 - DRAINAGE DETAIL SHEET
	5 - MISCELLANEOUS DETAIL SHEET

RECORD OWNER & APPLICANT - GUYER-CARIGAN POST 22, AMERICAN LEGION
100 MECHANIC STREET
LEBANON, NH 03766

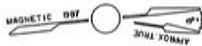
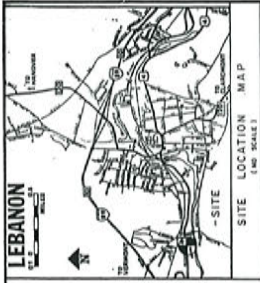


NO.	DATE	BY	DESCRIPTION	CHK'D	APP'D

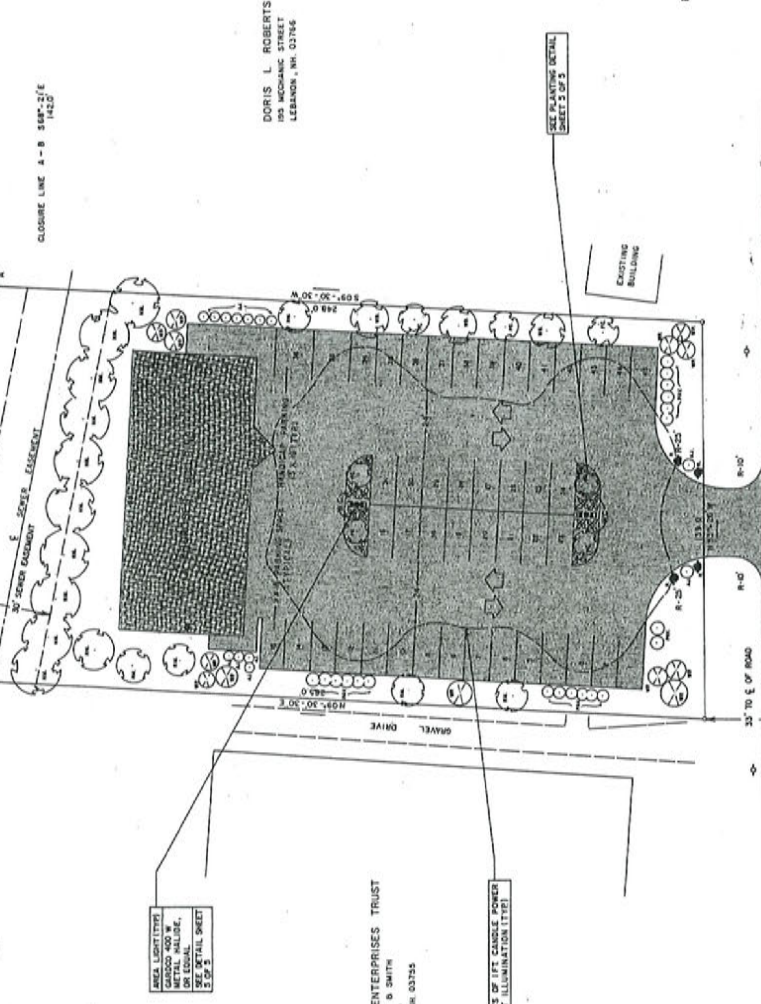
SITE PLAN FOR
AMERICAN LEGION
MECHANIC ST. - CITY OF LEBANON - CRAFTON COUNTY, NH

T. B. M. ASSOCIATES, INC.
ENGINEERING & SURVEYING
100 W. B. SMITH
PO BOX 700
HANOVER, NH 03725
LEBANON, NH 03766
DATE OCTOBER 1988
JOB NO. 19318E

Scale: 1" = 20'
Drawn By: T.B.M.
Checked By: T.B.M.
Date: OCTOBER 1988
Job No.: 19318E



- Zoning Designation: Highway Commercial
 Tax Map 31, Lot 13
 Area of Lot: 24,100 Square Feet
 Area of Site: 24,100 Square Feet
 Proposed Use: 45 Spores Provided
 1. Spore per 100 Square Feet - 45 Spores Provided
 2. Spore per 100 Square Feet - 45 Spores Provided
 D. Loading Spacing: as above
 E. Number of Rows: 3
 F. Number of Stakes: 31
 G. Proposed Use: Membership Club
 H. Front: 510' - 20'
 I. Rear: 20'
 J. This site is not included in the Wetlands Conservation District or Section 118. Air Safety Regulations of the zoning ordinance is not applicable.



TREES	REQUIRED	PROVIDED
NM - NORWAY MAPLE	10	10
FC - FLOWERING GRAB	7	7
WB - WHITE BIRCH	3	3
WP - WHITE PINE	13	13
RM - RED MAPLE	7	7
	40	40

SHRUBS	REQUIRED	PROVIDED
AJ - AMES JUNIPER	11	11
PK - PYRAMIDAL ARBOR-VITAE	20	20
R - RHODODENDRON	4	4
WC - WINTER CEDAR	3	3
	48	48

NOTES:
 0 ALL TREES SHALL BE (2" - 2 1/2") IN CALIBER, MEASURED AT A POINT SIX INCHES ABOVE FINISH GRADE LEVEL.

DORIS L. ROBERTS
 195 MECHANIC STREET
 LEBANON, NH 03766

RISKEN ENTERPRISES TRUST
 96 CLAYTON & SMITH
 HANNOVER, NH 03755

RECORD OWNER & APPLICANT: GUYER-CARIGAN POST 22, AMERICAN LEGION
 180 MECHANIC STREET
 LEBANON, NH 03766

- LEGEND:
 ○ EXISTING IRON PIN
 ○ SET IRON PIN
 ○ EDGE OF RIVER

LANDSCAPING & EXTERIOR LIGHTING PLAN
 FOR
AMERICAN LEGION
 MECHANIC ST - CITY OF LEBANON - GRAFTON COUNTY, NH.
 T. B. M. ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 4300 WINDY HILL ROAD, BOX 9
 WINDY HILL, NH 03766
 LEBANON, NH 03766
 (603) 448-1295

DATE	DESCRIPTION	BY	CHECKED	APPROVED
10/1/88	AS SHOWN	MARY L. KENYON		

Sheet 3 of 5
 Scale: 1" = 20'
 Drawn By: T. B. M.
 Checked By: T. B. M.
 Date: 10/1/88
 Job No.: 133188

MARY L. KENYON
 178 MECHANIC STREET
 LEBANON, NH 03766

CHILDRENS CENTER OF THE UPPER VALLEY
 178 MECHANIC STREET
 LEBANON, NH 03766

ENGINEER CERTIFY THAT A TRANSMIT & STEEL CHAIN SURVEY WAS DONE ON THE PROPERTY SHOWN. ALL DIMENSIONS AND LEVELS WERE DETERMINED FROM EXISTING MONUMENTATION, PLAINS, AND BENCH.

1987 Zoning Ordinance

Z O N I N G O R D I N A N C E

ORDINANCE #2

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED JULY 19, 1978

*Last amended
7/1/87*

least thirty-five feet from the front lot line and side and rear lot lines.

402.5 Storage of Fuel and Oil.

All fuel and oil shall be stored at least thirty-five feet from any property line.

402.6 No Exterior Storage.

All automobile parts and dismantled vehicles are to be stored within a building.

402.7 Access Driveways.

There shall be only two access driveways from any street. The maximum width of each access driveway shall be forty feet. The location of the driveway shall comply with Section 309.

402.8 Landscaping.

A suitably landscaped area shall be maintained at least ten feet in depth along all street frontage not used as driveway.

Section 403

Signs

Signs as defined in Article VII are specifically prohibited except as herein provided.

403.1 Construction and Maintenance.

All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.

403.2 Residential Sign.

In any residential district, a sign not exceeding four sq. ft. is permitted which announces the name, address, or professional or home business of the occupant of the premises on which said sign is located.

403.3 Bulletin Board.

A bulletin board not exceeding twenty-four sq. ft. is permitted in connection with any church, school or similar public structure.

403.4 Temporary Sign.

A temporary real estate or construction sign, not exceeding twenty-four sq. ft. is permitted on the property being sold,

leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

403.5 Business Sign.

A business sign shall be permitted in connection with any legal business or industry located on the same premises and meeting the following requirements:

- A. Two signs are permitted for any legally established business, one free standing, the other attached to the building.
- B. The primary purpose of the sign shall be for identification and not for advertising and may state only the owner, trade names, trademarks, products sold, and/or the business or activity conducted on the premises on which the sign is located.
- C. Signs shall not extend above the roof or parapet of the building. The height of a free standing sign shall not exceed thirty feet except that a planned unit development for commercial or industrial use may have one additional free standing sign which shall not exceed forty -five feet.
- D. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
- E. Signs which are animated, flashing, or with intermittent illumination are prohibited.
- F. Signs shall not project over public rights-of-way or property lines except in the CBD District flat signs may project six inches over the sidewalks.
- G. Maximum square footage of any sign shall be 100 sq. ft. or a total of one hundred fifty sq. ft. for the two signs except the free standing sign for a planned unit development for commercial or industrial use may not exceed two hundred sq. ft.

403.6 Political Signs.

Political signs shall be permitted in accordance with state legislation.

403.7 Disrepair of Sign.

Any sign which becomes in disrepair may be removed upon order of the Building Inspector if not repaired after 30 days of notice.

403.8 Compliance.

Any sign, whether mobile or fixed, shall comply with this section.

403.9 Directory Signs.

Directory signs, for the purpose of identifying available facilities and not for advertising, shall be permitted as a special exception in any district only upon approval of a plan for such a sign and its location by the Board of Adjustment. A minimum of two off-street parking spaces shall be provided in the vicinity of such a directory sign so that vehicles do not obstruct traffic flow. Directory signs shall not exceed 50 sq. ft. in size.

Section 404

Removal of Natural Material

In any district, so designated, the removal of soil, sand, gravel or ledge for sale, except when incidental to construction on the same premises, shall be permitted as a special exception only upon approval of a plan for the rehabilitation of the site by the Board of Adjustment. The following provisions shall apply:

404.1 Requirements.

Before approval of any new or extension of removal of natural material, the Board shall require the owner:

- A. To submit a five year plan of proposed withdrawal and restoration.
- B. To file a performance bond or other financial assurances such as mortgage on property, surcharge on an excavation as it takes place and/or pledging an account in the bank satisfactory to the City, which shall be approved by the City Attorney. The condition of the bond shall be to guarantee the satisfactory completion of the restoration plans as approved by the Board of Adjustment.
- C. To make a reapplication for further use under the same requirements or for the original application, if the operation is not completed within the five year period or an expansion is desired.

404.2 Standards.

The removal of all material shall be conducted so as not to result in substantial damage to the land, giving due regard to the contours in the vicinity. The digging or creating of pits or

March 2, 1989 Zoning Ordinance

ZONING ORDINANCE
ORDINANCE #2

City of Lebanon
New Hampshire

Adopted July 19, 1978
Last Amended March 2, 1989

Section 311 Open Excavation

311.1 Time Limit.

Within six months after work on an excavation for a building has begun, the excavation thus remaining shall be covered such as with building construction or filled to normal grade by owners.

311.2 Abandoned Excavations.

For safety purposes, abandoned excavations with slopes exceeding one horizontal to two vertical shall be protected by a fence at least four feet in height.

Section 312 Obstruction of Vision

On a corner lot regardless of the district, 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 intersections, there shall be no obstruction to vision between the heights of three feet and ten feet above the surface of each street. The Board of Adjustment may waive, as a special exception, this requirement in the commercial and industrial districts.

Section 313 Off-Street Loading

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

Section 314 Off-Street Parking

Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or any existing use is enlarged. Upon approval of the Zoning Board of Adjustment, parking provided by public lots in lieu of on-site parking in the central business district, and only when the proposed use is non-residential, may be utilized to fulfill parking requirements when provided for this purpose within a distance appropriate to the proposed use but not exceeding 800 feet:

<u>Use</u>	<u>Parking Spaces Required</u>
Lodging house or tourist home	1 for each bedroom
Residential	2 per dwelling unit
Church and school	1 per 3 seats in principal assembly room
Membership club	1 for every 200 sq. ft. of gross area
Theater	1 per 3 seats
Hospital, nursing and convalescent home	1 per 3 beds and 1 for each 3 employees on the day shift
Professional office, business service, out-patient ancillary services of a hospital and medical clinic	1 for every 250 sq. ft. of gross area

000021

comply with the following:

402.1 Lot Size.

Lot size shall be at least 40,000 sq. ft.

402.2 Lot Frontage.

Lot frontage shall be at least 200 feet.

402.3 Lot Depth.

Lot depth shall be at least 125 feet.

402.4 Location of Service Devices.

Pumps, lubricating and other service devices shall be located at least 35 feet from the front lot line and side and rear lot lines.

402.5 Storage of Fuel and Oil.

All fuel and oil shall be stored at least 35 feet from any property line.

402.6 No Exterior Storage.

All automobile parts and dismantled vehicles are to be stored within a building.

402.7 Access Driveways.

There shall be only two access driveways from any street. The maximum width of each access driveway shall be 40 feet. The location of the driveway shall comply with Section 309.

402.8 Landscaping.

A suitably landscaped area shall be maintained at least ten feet in depth along all street frontage not used as driveway.

Section 403 Signs

403.1 Purpose and Intent.

The intent of this section is to allow the erection of signs for the purposes of providing information and advertising, in an orderly, effective and safe manner. The principal guiding these regulations is that signage should not destroy or detract from the scenic vistas and visual quality of the community, compete unnecessarily with the natural environment which is a major asset to the City, or proliferate in number with competitive advertising sales campaigns. Therefore, recognizing that any business needs identification and that the public needs direction, the following sign regulations protect the public from hazardous and distracting displays and create an attractive environment which is conducive to business, industry and tourism. These regulations are to encourage the use of street graphics which are compatible with the community character, readable and clear, nondistracting to vehicular traffic and maintained in safe and good repair.

000028

403.2 On-Premise Location.

No outdoor sign shall be permitted which does not pertain to the use of the premises on which it is located except those temporary signs permitted by Section 403.5 D and E or those off-premise signs permitted by Section 403.9, "Special Exception required for an Off-Premise Sign or Additional On-Premise Sign".

403.3 Signs in Residential Districts.

In any residential district, one sign is permitted per lot which may be either free standing or building-mounted which announces the name, address, or the name of the home occupation or home business of the occupant of the premises on which the sign is located or identifies the business(es) or activity(ies) occupying the premises. The area of the sign is limited to four square feet if only one dwelling unit or business activity is located on the lot. For each additional dwelling unit or business activity on the lot, and additional one and one-half square foot of sign area announcing the name and/or address of the occupant and/or business activity may be added to the single sign permitted on the lot. The total sign area for each lot shall not exceed ten square feet.

403.4 Signs in Commercial and Industrial Districts.

Signs for commercial or industrial uses in the Commercial or Industrial Districts shall be permitted in connection with a business or industry located on the same premises and meeting the following requirements:

- A. The primary purpose of the commercial or industrial sign shall be for identification and may state only the owner, tradenames, products sold and/or the business or activity conducted on the premises on which the sign is located.
- B. Signs for an Individual Business. An individual industry or business may have a maximum of two signs, as follows:

1. One or two affixed signs; or
2. One affixed, with either one projecting or one free-standing sign on the premises.

An individual industry or business which is part of a business center, plaza or shopping mall shall not have the right to one free-standing sign but shall be limited to one or two affixed, or one affixed and one projecting.

3. An individual business occupying other than ground floor premises may have, in addition to those signs permitted above, a ground floor sign, affixed but not projecting, which shall not exceed two square feet in size.
4. The total sign area for the combination of signs shall not exceed that determined by the following formula:

Linear width, or frontage, of the "business storefront" in feet, x .8 feet; for example, a store with 40 feet frontage (40' x .8' = 32 sq. ft.) would be allowed a

000029

total of 32 square feet of sign area.

Individual industrial use or business shall be allowed to have a minimum sign area of 32 square feet.

5. The maximum sign area for two permitted signs shall not exceed 150 square feet. A single sign shall not exceed 100 square feet. Signs that have three or more sides shall not exceed a total of 150 square feet.
6. Projecting signs shall not be larger than 50 square feet in area.

C. Free-standing on-premise signs.

1. Only one free-standing on-premise sign shall be permitted for each lot, site, PUD, shopping mall or business center, unless a special exception is obtained as provided in Section 403.9.
 2. A business center, plaza, or shopping mall may have only one free-standing sign. The total area of this free-standing sign shall not exceed 100 square feet, plus three square feet per business, up to a total of 150 square feet.
 3. A free-standing sign for an individual industry or business not part of a business center or shopping mall shall not exceed 100 square feet.
- D. In commercial and industrial districts, signs located inside a business use but visible from the outside of the building shall not be considered signs.

403.5 Temporary Signs.

The following temporary signs are permitted in those districts indicated below, without a zoning permit:

- A. One sign per lot advertising only the sale or lease of the premises which shall not exceed 24 square feet in area in the following zoning districts: R-1, R-2, R-3, RL-1, RL-2, and RL-3. In the Zoning Districts HC, IND, CBD and RC such sign shall not exceed 32 square feet. Such signs shall be removed within 30 days following sale or lease of the premises. Such signs are permitted in the zoning districts described in this sub-paragraph and shall be removed with 30 days following sale or lease of the premises.
- B. For construction in progress, one sign identifying the owner, architect, contractor and/or developer, which sign shall not exceed 32 square feet in area. Such sign shall be removed within 30 days following completion of the project. These signs are permitted in all districts.
- C. Promotional signs temporarily erected for special events sponsored by non-profit organizations and not for advertising a business or service, not to exceed 40 square feet in area, which do not cross a road or right-of-way. The signs shall

be erected not more than one month prior to the special event and shall be removed no later than two weeks after the event. This is permitted in all districts.

D. Signs erected for an election (as defined in RSA 652:1) shall follow the provisions of RSA 664:17. This is permitted in all districts.

~~E. Temporary signs such as those indicating garage sales, auctions, church fairs, rummage sales, produce sales, book sales, blood bank collections and current events, may be displayed on the premises for a period not to exceed seven days. One sign, not to exceed 12 square feet in area, is permitted. This is permitted in all districts.~~

F. Temporary Grand Opening Signage - A new business in the commercial or industrial district is permitted to display pennants, banners, flags and inflatable signs for a period not to exceed two weeks when the enterprise first opens for business so long as these temporary signs do not create a safety hazard.

403.6 Bulletin Board.

An on-premise bulletin board or announcement board not exceeding 24 square feet is permitted in connection with any church, school, non-profit organization, public service agency or similar public structure.

403.7 Promotional Signs or Banners Which Cross a Public Road or Right-of-way.

Special promotional signs or banners, for special events sponsored by non-profit organizations and not for advertising a business or service, that cross a public road or right-of-way shall have a sign area not to exceed 200 square feet. Such special promotional signs or banners shall be erected not more than one month before the special event and shall be removed no later than two weeks after the event. A permit shall be obtained from the City Licensing Board pursuant to Ordinance #45 for all signs or banners which cross a public road or right-of-way.

403.8 General Requirements.

A. Construction and Maintenance. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.

B. Failure to Maintain. Any sign in disrepair shall be repaired. The Zoning Administrator shall give written notice of failure to maintain, and if the sign is not repaired within 30 days from the receipt of the notice, then the Zoning Administrator shall order the sign removed.

C. Sign Setback. Notwithstanding any other provisions of this ordinance, the provisions of Article III, "General Provisions", shall not prohibit the location of a sign in a front, side or rear yard, nor shall those yard setbacks apply to signs.

000031

- D. Projecting Signs. No sign shall project over, intrude or infringe upon a public right-of-way, including the sidewalk and traveled way. All projecting signs shall only project over private property. An affixed sign, that is, a sign mounted flat against the building, may project a maximum of ten inches over the public right-of-way only in the CBD Zoning District. A projecting sign shall not project more than three feet over a walkway or parking area on private property.
- E. Sign Height. Affixed or projecting signs shall not extend above the highest point of the main roof or parapet of the building or be affixed to a parapet no more than four feet above the roof of the building. The height of a free-standing sign shall not exceed 30 feet.
- F. Illuminated Signs. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
- G. Prohibited Signs. The following signs are prohibited:
1. Signs which are animated, rotating, flashing or which have intermittent illumination, except for signs that indicate time and temperature as exempt in Section 403.8 (J-5).
 2. Portable and/or mobile signs.
 3. No sign shall be affixed to any public utility pole located in a public right-of-way.
- H. Clear Vision. No sign shall obstruct vision between a height of three feet and ten feet above the surface of the street on a corner, as prohibited by Section 312 of this ordinance.
- I. Sign Permit Required. A zoning permit shall be obtained from the Zoning Administrator to erect any sign permitted or allowed by a special exception, as required by Section 801.1, "Need for a Permit", except for those signs specifically exempted from obtaining a permit in Sub-Section 403.8 J below.
- J. Signs Exempted from these Regulations. The following signs are exempt from these regulations and no zoning permit shall be required for their erection:
1. One sign per lot, not exceeding one square foot in area, and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises.
 2. Flags and insignia of the local, state or federal government.
 3. Legal notices, identification, informational, or directional signs erected as required by governmental

authorities.

4. Instructional signs directing or guiding traffic and parking on private property. These signs shall be limited to six square feet in size. A maximum of 50 percent of the sign area may be used to identify the structure or use on the premises.
5. Time and temperature displays without advertising matter, ~~providing all clearances prescribed for in this ordinance for signs are met.~~
6. Temporary signs described in Section 403.5 above.
7. Signs on awnings limited to the name of the business, if the letters do not exceed the maximum of six inches in height. In the event that the letters are more than six inches in height, then such signs shall comply with all applicable requirements for signs.

403.9 Special Exception Required for Additional Signs or Sign Area.

A. A special exception may be granted by the Zoning Board of Adjustment for an additional on-premise sign, off-premise sign or additional sign area, if the Board determines:

1. Circumstances, unique to the structure, use or access and the area in which the structure, use or access is located, exist, and
2. The additional sign or sign area is necessary or desirable for public information and/or safety, and
3. The additional sign or sign area is compatible with the area in which the sign will be located.

The Board shall also determine the maximum sign area for the additional sign.

B. For an off-premise sign the Board shall also determine that the following additional criteria have been met:

1. An off-premise sign shall not exceed 32 square feet in size. One off-premise sign calling attention to more than one structure, use or access is allowed a maximum of 32 square feet per structure, use or access, but is limited to a total of 100 square feet overall.
2. An off-premise sign shall be instructional in nature.

C. The additional sign area for the combination of signs shall not exceed the area determined by the formula set forth in Section 403.4, B, 4, times two.

D. The special exception criteria in Section 206.1 shall not apply to special exceptions granted pursuant to this section.

000033

403.10 Legal Nonconforming Signs.

- A. Any sign located within the City on the date of the adoption of the provisions of this Ordinance, which does not conform with the Ordinance, is a "legal nonconforming sign" if the sign was in compliance with applicable law at the time of the adoption of any zoning regulations affecting such sign.
- B. A legal nonconforming sign shall lose its nonconforming status if:
 - 1. The sign is altered in a way which makes the sign substantially different from its structure prior to alterations.
 - 2. The sign is relocated.
 - 3. The sign is abandoned based on circumstances indicative of an intention to abandon the use and vested rights.
- C. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or the sign structure shall not substantially change the sign structure in any way. The owner or user of legal nonconforming signs shall have the right to replace the structure of the sign so long as the structure is the same as the original structure and is in the same location.

Section 404 Removal of Natural Material

In any district, so designated, the removal of soil, sand, gravel or ledge for sale, except when incidental to construction on the same premises, shall be permitted as a special exception only upon approval of a plan for the rehabilitation of the site by the Board of Adjustment. The following provisions shall apply:

404.1 Requirements.

Before approval of any new or extension of removal of natural material, the Board shall require the owner:

- A. To submit a five year plan of proposed withdrawal and restoration.
- B. To file a performance bond or other financial assurances such as mortgage on property, surcharge on an excavation as it takes place and/or pledging an account in the bank satisfactory to the City, which shall be approved by the City Attorney. The condition of the bond shall be to guarantee the satisfactory completion of the restoration plans as approved by the Board of Adjustment.
- C. To make a reapplication for further use under the same requirements or for the original application, if the operation is not completed within the five year period or an expansion is desired.

000034

July 19, 1989 Zoning Ordinance

ZONING ORDINANCE
ORDINANCE #2

City of Lebanon
New Hampshire

Adopted July 19, 1978
Last Amended July 19, 1989

Section 311 Open Excavation

311.1 Time Limit.

Within six months after work on an excavation for a building has begun, the excavation thus remaining shall be covered such as with building construction or filled to normal grade by owners.

311.2 Abandoned Excavations.

For safety purposes, abandoned excavations with slopes exceeding one horizontal to two vertical shall be protected by a fence at least four feet in height.

Section 312 Obstruction of Vision

On a corner lot regardless of the district, 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 intersections, there shall be no obstruction to vision between the heights of three feet and ten feet above the surface of each street. The Board of Adjustment may waive, as a special exception, this requirement in the commercial and industrial districts.

Section 313 Off-Street Loading

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

Section 314 Off-Street Parking

Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or any existing use is enlarged. Upon approval of the Zoning Board of Adjustment, parking provided by public lots in lieu of on-site parking in the central business district, and only when the proposed use is non-residential, may be utilized to fulfill parking requirements when provided for this purpose within a distance appropriate to the proposed use but not exceeding 800 feet:

<u>Use</u>	<u>Parking Spaces Required</u>
Lodging house or tourist home	1 for each bedroom
Residential	2 per dwelling unit
Church and school	1 per 3 seats in principal assembly room
Membership club	1 for every 200 sq. ft. of gross area
Theater	1 per 3 seats
Hospital, nursing and convalescent home	1 per 3 beds and 1 for each 3 employees on the day shift
Professional office, business service, out-patient ancillary services of a hospital and medical clinic	1 for every 250 sq. ft. of gross area

000021

comply with the following:

402.1 Lot Size.

Lot size shall be at least 40,000 sq. ft.

402.2 Lot Frontage.

Lot frontage shall be at least 200 feet.

402.3 Lot Depth.

Lot depth shall be at least 125 feet.

402.4 Location of Service Devices.

Pumps, lubricating and other service devices shall be located at least 35 feet from the front lot line and side and rear lot lines.

402.5 Storage of Fuel and Oil.

All fuel and oil shall be stored at least 35 feet from any property line.

402.6 No Exterior Storage.

All automobile parts and dismantled vehicles are to be stored within a building.

402.7 Access Driveways.

There shall be only two access driveways from any street. The maximum width of each access driveway shall be 40 feet. The location of the driveway shall comply with Section 309.

402.8 Landscaping.

A suitably landscaped area shall be maintained at least ten feet in depth along all street frontage not used as driveway.

Section 403

Signs

403.1 Purpose and Intent.

The intent of this section is to allow the erection of signs for the purposes of providing information and advertising, in an orderly, effective and safe manner. The principal guiding these regulations is that signage should not destroy or detract from the scenic vistas and visual quality of the community, compete unnecessarily with the natural environment which is a major asset to the City, or proliferate in number with competitive advertising sales campaigns. Therefore, recognizing that any business needs identification and that the public needs direction, the following sign regulations protect the public from hazardous and distracting displays and create an attractive environment which is conducive to business, industry and tourism. These regulations are to encourage the use of street graphics which are compatible with the community character, readable and clear, nondistracting to vehicular traffic and maintained in safe and good repair.

000028

403.2 On-Premise Location.

No outdoor sign shall be permitted which does not pertain to the use of the premises on which it is located except those temporary signs permitted by Section 403.5 D and E or those off-premise signs permitted by Section 403.9, "Special Exception required for an Off-Premise Sign or Additional On-Premise Sign".

403.3 Signs in Residential Districts.

In any residential district, one sign is permitted per lot which may be either free standing or building-mounted which announces the name, address, or the name of the home occupation or home business of the occupant of the premises on which the sign is located or identifies the business(es) or activity(ies) occupying the premises. The area of the sign is limited to four square feet if only one dwelling unit or business activity is located on the lot. For each additional dwelling unit or business activity on the lot, and additional one and one-half square foot of sign area announcing the name and/or address of the occupant and/or business activity may be added to the single sign permitted on the lot. The total sign area for each lot shall not exceed ten square feet.

403.4 Signs in Commercial and Industrial Districts.

Signs for commercial or industrial uses in the Commercial or Industrial Districts shall be permitted in connection with a business or industry located on the same premises and meeting the following requirements:

- A. The primary purpose of the commercial or industrial sign shall be for identification and may state only the owner, tradenames, products sold and/or the business or activity conducted on the premises on which the sign is located.
- B. Signs for an Individual Business. An individual industry or business may have a maximum of two signs, as follows:
 1. One or two affixed signs; or
 2. One affixed, with either one projecting or one free-standing sign on the premises.

An individual industry or business which is part of a business center, plaza or shopping mall shall not have the right to one free-standing sign but shall be limited to one or two affixed, or one affixed and one projecting.

3. An individual business occupying other than ground floor premises may have, in addition to those signs permitted above, a ground floor sign, affixed but not projecting, which shall not exceed two square feet in size.
4. The total sign area for the combination of signs shall not exceed that determined by the following formula:

Linear width, or frontage, of the "business storefront" in feet, x .8 feet; for example, a store with 40 feet frontage (40' x .8' = 32 sq. ft.) would be allowed a

total of 32 square feet of sign area.

Individual industrial use or business shall be allowed to have a minimum sign area of 32 square feet.

5. The maximum sign area for two permitted signs shall not exceed 150 square feet. A single sign shall not exceed 100 square feet. Signs that have three or more sides shall not exceed a total of 150 square feet.
6. Projecting signs shall not be larger than 50 square feet in area.

C. Free-standing on-premise signs.

1. Only one free-standing on-premise sign shall be permitted for each lot, site, PUD, shopping mall or business center, unless a special exception is obtained as provided in Section 403.9.
2. A business center, plaza, or shopping mall may have only one free-standing sign. The total area of this free-standing sign shall not exceed 100 square feet, plus three square feet per business, up to a total of 150 square feet.
3. A free-standing sign for an individual industry or business not part of a business center or shopping mall shall not exceed 100 square feet.

- D. In commercial and industrial districts, signs located inside a business use but visible from the outside of the building shall not be considered signs.

403.5 Temporary Signs.

The following temporary signs are permitted in those districts indicated below, without a zoning permit:

- A. One sign per lot advertising only the sale or lease of the premises which shall not exceed 24 square feet in area in the following zoning districts: R-1, R-2, R-3, RL-1, RL-2, and RL-3. In the Zoning Districts HC, IND, CBD and RC such sign shall not exceed 32 square feet. Such signs shall be removed within 30 days following sale or lease of the premises. Such signs are permitted in the zoning districts described in this sub-paragraph and shall be removed with 30 days following sale or lease of the premises.
- B. For construction in progress, one sign identifying the owner, architect, contractor and/or developer, which sign shall not exceed 32 square feet in area. Such sign shall be removed within 30 days following completion of the project. These signs are permitted in all districts.
- C. Promotional signs temporarily erected for special events sponsored by non-profit organizations and not for advertising a business or service, not to exceed 40 square feet in area, which do not cross a road or right-of-way. The signs shall

be erected not more than one month prior to the special event and shall be removed no later than two weeks after the event. This is permitted in all districts.

- D. Signs erected for an election (as defined in RSA 652:1) shall follow the provisions of RSA 664:17. This is permitted in all districts.
- E. Temporary signs such as those indicating garage sales, auctions, church fairs, rummage sales, produce sales, book sales, blood bank collections and current events, may be displayed on the premises for a period not to exceed seven days. One sign, not to exceed 12 square feet in area, is permitted. This is permitted in all districts.
- F. Temporary Grand Opening Signage - A new business in the commercial or industrial district is permitted to display pennants, banners, flags and inflatable signs for a period not to exceed two weeks when the enterprise first opens for business so long as these temporary signs do not create a safety hazard.

403.6 Bulletin Board.

An on-premise bulletin board or announcement board not exceeding 24 square feet is permitted in connection with any church, school, non-profit organization, public service agency or similar public structure.

403.7 Promotional Signs or Banners Which Cross a Public Road or Right-of-way.

Special promotional signs or banners, for special events sponsored by non-profit organizations and not for advertising a business or service, that cross a public road or right-of-way shall have a sign area not to exceed 200 square feet. Such special promotional signs or banners shall be erected not more than one month before the special event and shall be removed no later than two weeks after the event. A permit shall be obtained from the City Licensing Board pursuant to Ordinance #45 for all signs or banners which cross a public road or right-of-way.

403.8 General Requirements.

- A. Construction and Maintenance. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
- B. Failure to Maintain. Any sign in disrepair shall be repaired. The Zoning Administrator shall give written notice of failure to maintain, and if the sign is not repaired within 30 days from the receipt of the notice, then the Zoning Administrator shall order the sign removed.
- C. Sign Setback. Notwithstanding any other provisions of this ordinance, the provisions of Article III, "General Provisions", shall not prohibit the location of a sign in a front, side or rear yard, nor shall those yard setbacks apply to signs.

000031

- D. Projecting Signs. No sign shall project over, intrude or infringe upon a public right-of-way, including the sidewalk and traveled way. All projecting signs shall only project over private property. An affixed sign, that is, a sign mounted flat against the building, may project a maximum of ten inches over the public right-of-way only in the CBD Zoning District. A projecting sign shall not project more than three feet over a walkway or parking area on private property.
- E. Sign Height. Affixed or projecting signs shall not extend above the highest point of the main roof or parapet of the building or be affixed to a parapet no more than four feet above the roof of the building. The height of a free-standing sign shall not exceed 30 feet.
- F. Illuminated Signs. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
- G. Prohibited Signs. The following signs are prohibited:
1. Signs which are animated, rotating, flashing or which have intermittent illumination, except for signs that indicate time and temperature as exempt in Section 403.8 (J-5).
 2. Portable and/or mobile signs.
 3. No sign shall be affixed to any public utility pole located in a public right-of-way.
- H. Clear Vision. No sign shall obstruct vision between a height of three feet and ten feet above the surface of the street on a corner, as prohibited by Section 312 of this ordinance.
- I. Sign Permit Required. A zoning permit shall be obtained from the Zoning Administrator to erect any sign permitted or allowed by a special exception, as required by Section 801.1, "Need for a Permit", except for those signs specifically exempted from obtaining a permit in Sub-Section 403.8 J below.
- J. Signs Exempted from these Regulations. The following signs are exempt from these regulations and no zoning permit shall be required for their erection:
1. One sign per lot, not exceeding one square foot in area, and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises.
 2. Flags and insignia of the local, state or federal government.
 3. Legal notices, identification, informational, or directional signs erected as required by governmental

authorities.

4. Instructional signs directing or guiding traffic and parking on private property. These signs shall be limited to six square feet in size. A maximum of 50 percent of the sign area may be used to identify the structure or use on the premises.
5. Time and temperature displays without advertising matter, providing all clearances prescribed for in this ordinance for signs are met.
6. Temporary signs described in Section 403.5 above.
7. Signs on awnings limited to the name of the business, if the letters do not exceed the maximum of six inches in height. In the event that the letters are more than six inches in height, then such signs shall comply with all applicable requirements for signs.

403.9 Special Exception Required for Additional Signs or Sign Area.

- A. A special exception may be granted by the Zoning Board of Adjustment for an additional on-premise sign, off-premise sign or additional sign area, if the Board determines:
 1. Circumstances, unique to the structure, use or access and the area in which the structure, use or access is located, exist, and
 2. The additional sign or sign area is necessary or desirable for public information and/or safety, and
 3. The additional sign or sign area is compatible with the area in which the sign will be located.

The Board shall also determine the maximum sign area for the additional sign.

- B. For an off-premise sign the Board shall also determine that the following additional criteria have been met:
 1. An off-premise sign shall not exceed 32 square feet in size. One off-premise sign calling attention to more than one structure, use or access is allowed a maximum of 32 square feet per structure, use or access, but is limited to a total of 100 square feet overall.
 2. An off-premise sign shall be instructional in nature.
- C. The additional sign area for the combination of signs shall not exceed the area determined by the formula set forth in Section 403.4, B, 4, times two.
- D. The special exception criteria in Section 206.1 shall not apply to special exceptions granted pursuant to this section.

000033

403.10 Legal Nonconforming Signs.

- A. Any sign located within the City on the date of the adoption of the provisions of this Ordinance, which does not conform with the Ordinance, is a "legal nonconforming sign" if the sign was in compliance with applicable law at the time of the adoption of any zoning regulations affecting such sign.
- B. A legal nonconforming sign shall lose its nonconforming status if:
 - 1. The sign is altered in a way which makes the sign substantially different from its structure prior to alterations.
 - 2. The sign is relocated.
 - 3. The sign is abandoned based on circumstances indicative of an intention to abandon the use and vested rights.
- C. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or the sign structure shall not substantially change the sign structure in any way. The owner or user of legal nonconforming signs shall have the right to replace the structure of the sign so long as the structure is the same as the original structure and is in the same location.

Section 404

Removal of Natural Material

In any district, so designated, the removal of soil, sand, gravel or ledge for sale, except when incidental to construction on the same premises, shall be permitted as a special exception only upon approval of a plan for the rehabilitation of the site by the Board of Adjustment. The following provisions shall apply:

404.1 Requirements.

Before approval of any new or extension of removal of natural material, the Board shall require the owner:

- A. To submit a five year plan of proposed withdrawal and restoration.
- B. To file a performance bond or other financial assurances such as mortgage on property, surcharge on an excavation as it takes place and/or pledging an account in the bank satisfactory to the City, which shall be approved by the City Attorney. The condition of the bond shall be to guarantee the satisfactory completion of the restoration plans as approved by the Board of Adjustment.
- C. To make a reapplication for further use under the same requirements or for the original application, if the operation is not completed within the five year period or an expansion is desired.

000034

December 5, 1990 Zoning Ordinance

ZONING ORDINANCE

ORDINANCE #2

CITY OF LEBANON
NEW HAMPSHIRE

ADOPTED: DECEMBER 5, 1990

June 1, 2026 ZBA Hearing Package
page 072

§ 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.

January 22, 2020 Zoning Ordinance

ZONING ORDINANCE



Ordinance #2

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED: January 16, 2013
LAST AMENDED: January 22, 2020

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a lot of record at the time such district boundary line is established, the regulations for either district of such lot may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the lot has frontage on a street in the district which is being extended, and provided that the lot has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary. Determinations under this section shall be made by the Zoning Administrator, subject to appeal under Section 801.1.

SECTION 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT.

There shall be only one principal structure on a lot in the **residential districts**, R-O district, and R-O-1 district, except when:

- 205.1 Approved pursuant to the PUD provisions of this Ordinance; or
- 205.2 When the project involves solely the permitted remodeling or reconstruction of existing buildings, or when constructing new buildings for multi-family use, as otherwise permitted by this Ordinance; or
- 205.3 When the project involves a **group residence**, provided that site plan approval is obtained from the Planning Board.

SECTION 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 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 Section 801.3, in the commercial and industrial districts only.

SECTION 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.

SECTION 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, and shall comply with the requirements of the Site Plan Review Regulations as applicable.

SECTION 209 MANUFACTURED HOMES.

Manufactured homes are permitted only in manufactured home parks or in manufactured home subdivisions or manufactured home Planned Unit Residential Developments (PURDs). See Sections 503 and 504.

March 9, 2021 Zoning Ordinance

ZONING ORDINANCE



Ordinance #2

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED: January 16, 2013
LAST AMENDED: March 9, 2021

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a **lot of record** at the time such district boundary line is established, the regulations for either district of such **lot** may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the **lot** has **frontage** on a street in the district which is being extended, and provided that the **lot** has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary.

SECTION 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT.

There shall be only one **principal structure** on a **lot** in the **residential districts**, R-O district, and R-O-1 district, except when:

- 205.1 Approved pursuant to the PUD provisions of this Ordinance; or
- 205.2 When the project involves solely the permitted remodeling or reconstruction of existing buildings, or when constructing new buildings for multi-family use, as otherwise permitted by this Ordinance; or
- 205.3 When the project involves a **group residence**, provided that site plan approval is obtained from the Planning Board.

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.

SECTION 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.

SECTION 208 (Reserved).

Dugas v. Conway

Supreme Court of New Hampshire

July 3, 1984

No. 83-303

Reporter

125 N.H. 175 *; 480 A.2d 71 **

Joseph F. Dugas, Trustee v. Town of Conway

Prior History: Appeal from Carroll County.

Disposition: *Reversed.*

Headnotes/Summary

Headnotes

1. Costs--Attorney's Fees--Unconstitutional Taking

In *Burrows v. City of Keene*, 121 N.H. 590 (1981), the supreme court held that the city's zoning amendment amounted to an unconstitutional taking of the plaintiffs' fundamental right to an economically viable use of their property and that the regulation at issue did not come anywhere near the line dividing constitutional and unconstitutional regulation and further held that the plaintiffs were entitled to reasonable counsel fees and double costs incurred in the appeal because a citizen should not be compelled to bear the financial burden of protecting himself from unconstitutional abuses of power.

2. Zoning--Ordinances--Definitions

The supreme court has held that signs are "structures" within the meaning of the statute exempting "existing structures" from regulation by towns through zoning ordinances. RSA 31:62.

3. Municipal Corporations--Powers--Granted by State

Cities and towns have only those powers which are granted to them by the legislature.

4. Municipal Corporations--Powers--Granted by State

Municipalities that attempt to exercise delegated power can only do so in a manner that is consistent with the provisions of the enabling statute.

5. Zoning--Ordinances--Applicability

Cities and towns may regulate the use of signs because a sign is considered a "structure" within the meaning of the subdivision of the chapter governing powers and duties of towns which empowers towns to enact zoning ordinances. RSA 31:60-:89.

6. Zoning--Ordinances--Applicability

A town cannot expand its power to regulate pre-existing signs by choosing to exclude signs from the definition of "structure" in its ordinance, because its only power to regulate signs is derived from the definition of "structure" as including signs. RSA 31:62.

7. Zoning--Powers of Municipality--State Preemption

The authority of a town, pursuant to its police power, to regulate the use of land and buildings by the enactment of zoning ordinances and similar laws to promote the general welfare of the community, although well established and generally given "wide range," is not unlimited, and the police power is restricted by the express provisions of State statutes and by the specific guarantees of the Bill of Rights of the State Constitution.

8. Zoning--Nonconforming Uses--Generally

The supreme court has stated that the provisions of the State Constitution guaranteeing the right of all persons to acquire, possess, and protect property, protecting all persons in the enjoyment of their property and providing that property shall not be taken without just compensation, are limitations on the police power of the State and subdivisions thereof, and the court has held that these constitutional provisions apply to non-conforming uses. N.H. CONST. pt. 1, arts. 2, 12.

9. Zoning--Nonconforming Uses--Regulation

A past use creates vested rights to a similar future use so that a town may not unreasonably require the discontinuance of a non-conforming use.

10. Constitutional Law--Police Power--Nature and Extent

Not every regulation of private property through the police power constitutes a taking, and reasonable regulations, aimed at promoting the health, safety and general welfare of the community, may not require compensation and are proper exercises of the police power.

11. Constitutional Law--Police Power--Nature and Extent

Zoning regulations and similar enactments, by their very nature, restrict the use of property and adversely affect individual rights, and, in most cases, such regulations and proceedings thereunder will not amount to unconstitutional abuses of power.

12. Costs--Attorney's Fees--Liability of Government

Ordinarily, there will be a sufficiently valid issue of conflict concerning the validity or applicability of a zoning or land use regulation so that the mere reversal of a town's decision, on appeal, will not render that town's action an unconstitutional abuse of power; thus, in such cases, plaintiffs will not be entitled to the award of costs and attorney's fees.

13. Zoning--Validity--Particular Cases

Where in June 1982 plaintiff, owner of a shopping center, was denied a permit to erect the message portion of a pre-existing, free-standing sign, the message portion of the sign having been temporarily out of use from February 1981 until the time of the plaintiff's application, and where the town denied the application based on a March 1982 amendment to the town zoning ordinance which regulated free-standing signs, the supreme court concluded that the master applied the correct law and properly determined, based on the evidence before him, that the provision of the amended zoning ordinance which provided that "any non-conforming sign the use of which has been discontinued for a period of one year or that has been damaged 100% shall not be reestablished, restored, or repaired unless it is made to comply with this ordinance," and the resultant denial of the plaintiff's application,

constituted an unconstitutional taking of a vested property right, where the master *specifically found* that the zoning regulation was invalid because it extinguished non-conforming uses and constituted an *unconstitutional taking* of vested property rights; where the master concluded that the use of the plaintiff's sign could not be terminated without just compensation; and where in defining "structures" not to include "signs" the town had exceeded its statutory authority. RSA 31:62.

14. Costs--Attorney's Fees--Unconstitutional Taking

Where town's erroneous denial of plaintiff's application to erect the message portion of a free-standing sign, which sign existed prior to amendment to town zoning ordinance, involved a clearly defined and established property right of the defendant, the right that property not be taken without just compensation, and where the regulation at issue did not come anywhere near the line dividing constitutional and unconstitutional regulation, because it resulted in the unconstitutional taking of a vested property right by the town by not *properly* "grandfathering" pre-existing, non-conforming uses, the supreme court held that the plaintiff was entitled to reasonable attorney's fees and double costs, since a citizen should not be compelled to bear the financial burden of judicial intervention to secure his clearly defined and established property right from an unconstitutional abuse of power found to constitute a taking.

Counsel: *Dickson, Fauver & Cooper*, of North Conway (*Randall F. Cooper* on the brief and orally), for the plaintiff.

Hastings & Son, of Fryeburg, Maine (*Peter G. Hastings* on the brief and orally), for the defendant.

Judges: Douglas, J. All concurred.

Opinion by: DOUGLAS

Opinion

[*177] [**72] The plaintiff appeals the decision of the Superior Court (*Wyman*, J.) denying his motion for attorney's fees and double costs. He argues that a plaintiff who is compelled to bear the financial burden of the administrative and judicial process, to protect his [*178] clearly established property right from an unconstitutional taking, is entitled to attorney's fees and double costs.

The record reveals the following facts. The plaintiff, Joseph F. Dugas, is the owner of the Conway Shopping Center in Conway, New Hampshire. The Great Atlantic & Pacific Tea Company, Inc. (A & P) was a long-time lessee of the largest store in the [**73] plaintiff's shopping center. In February 1981, A & P ceased its business operations. It continued its lease obligation, however, until May 1982, when the plaintiff and A & P agreed to terminate their lease agreement. Shortly thereafter, the plaintiff leased the store to the William Carter Company d/b/a Carter's Factory Outlet.

During the term of A & P's lease, a free-standing sign was erected at the southerly end of the shopping center's parking lot for the use of the A & P store. The sign consisted of a concrete base with an iron pole, topped by a flat plate to which the message portion of the sign was attached. The message portion of the sign bore A & P's internally lit plastic logo until February 1981, when it was removed by the A & P. The concrete base, iron pole, flat plate and exposed wires remained in place.

On March 9, 1982, the defendant, the Town of Conway, amended its zoning ordinance to include regulations and limitations on outdoor advertising. More specifically, the amended zoning ordinance regulated the use of free-standing signs. It provided, in pertinent part, that "[w]here two or more businesses are located in a single building . . . only one free standing sign [per lot, not greater than 40 square feet message area,] is permitted." The ordinance further stated that "signs shall not be illuminated from within"

Addressing the regulations' impact on existing and non-conforming signs, Article VI(E)(2)(c) of the amended zoning ordinance provided:

"Every sign lawfully in existence at the time of adoption of this ordinance may continue in existence and be maintained but shall not be altered structurally or enlarged, or moved unless it be made to comply with the provisions of this ordinance and a permit obtained.

Any non-conforming sign the use of which has been discontinued for a period of one year or that has been damaged 100% shall not be reestablished, restored, or repaired unless it is made to comply with this ordinance."

In June 1982, the plaintiff employed Gemini Sign Associates, of Conway, to design a replacement message area advertising the Carter's Factory Outlet, to place on the free-standing sign previously used by the A & P. On June 28, 1982, pursuant to the town's zoning [*179] ordinance, the plaintiff applied for a permit to erect the message portion of the sign. The plaintiff designated the sign as a pre-existing, non-conforming use.

Without directly addressing whether the sign was, in fact, a preexisting, non-conforming use, the town selectmen denied the plaintiff's application for a permit. The town cited two reasons for the denial: (1) The proposed sign was internally lit; and (2) the sign would constitute a second free-standing sign on the lot.

The plaintiff appealed the selectmen's decision to the Conway Zoning Board of Adjustment (ZBA). A public hearing was held on July 20, 1982. The issue before the ZBA was whether the plaintiff's sign was a pre-existing, non-conforming use. After discussing the matter, the ZBA voted unanimously to uphold the decision of the town selectmen. The plaintiff's application for a rehearing was denied. The plaintiff then appealed to the superior court pursuant to RSA 31:77 (Supp. 1983).

The issue before the superior court was the applicability and validity of Article VI(E)(2)(c) of the amended zoning ordinance wherein it was provided that "any non-conforming sign the use of which has been discontinued for a period of one year or that has been damaged 100% shall not be reestablished, restored, or repaired unless it is made to comply with this ordinance." After a hearing, the Master (*Charles T. Gallagher, Esq.*) concluded that the provision was invalid and recommended that the court issue a decree vacating the decision of the ZBA. The Superior Court (*Wyman, J.*) approved the master's recommendation.

[**74] In so recommending, the master stated that although RSA 31:60 empowers towns to regulate the use of signs, *see Town of Jackson v. Town and Country Motor Inn, Inc.*, 120 N.H. 699, 422 A.2d 1034 (1980), under RSA 31:62, a pre-existing structure such as a sign must be "grandfathered." He found that Article VI(E)(2)(c) of the zoning ordinance "exceeds the limitations imposed by RSA 31:62 in that the section extinguishes non-conforming uses and permits an unconstitutional taking of vested property rights." He then concluded that the plaintiff's sign, as it existed on March 9, 1982, was an existing structure, even though it was temporarily out of use, and therefore, the use of the sign could not be terminated by the town without just compensation.

The plaintiff then filed a motion for attorney's fees and double costs. The superior court denied the motion, "being unable to determine bad faith on the part of the defendant nor that the defendant's position was frivolous." The plaintiff's motion for a rehearing was denied, and this appeal followed. The sole issue raised on appeal is [*180] whether the trial court erred in denying the plaintiff's request for attorney's fees and double costs.

The plaintiff argues that under *Burrows v. City of Keene*, 121 N.H. 590, 601, 432 A.2d 15, 22 (1981), a plaintiff who is compelled to bear the financial burden of protecting his clearly established property right from an unconstitutional abuse of power is entitled to attorney's fees and double costs.

The town argues that RSA 31:86, which provides that "[c]osts shall not be allowed against the board unless it shall appear to the court that it acted . . . in bad faith . . . in making the decision appealed from," controls this appeal. Thus, the town argues that, absent a showing of bad faith, the plaintiff may not recover attorney's fees and double costs.

Although RSA 31:86 requires a finding of bad faith, that provision pertains to costs which may be allowed against a board of adjustment; it does not address the situation in which a town is alleged to have interfered with the fundamental property rights of a plaintiff.

In *Burrows*, we held that the city's zoning amendment amounted to an unconstitutional taking of the plaintiffs' fundamental right to an economically viable use of their property. *Burrows*, 121 N.H. at 601, 432 A.2d at 22. We found that the regulation at issue did not come "anywhere near the line dividing constitutional and unconstitutional regulation." *Id.* at 600, 432 A.2d at 21. "Because a citizen should not be compelled to bear the financial burden of protecting himself from unconstitutional abuses of power, we [held] that [the] plaintiffs [were] entitled to reasonable counsel fees and double costs incurred in [the] appeal." *Id.* at 601, 432 A.2d at 22. In effect, we concluded that there was no valid issue of conflict concerning the plaintiffs' clearly established property right.

The plaintiff in the case before us argues that he was forced to seek judicial recourse to protect himself from an unconstitutional taking and, therefore, that he likewise is entitled to attorney's fees and double costs. The town argues that if we find an unconstitutional abuse of power in the instant case, then virtually every decision made by a town, which is later reversed, would implicate constitutional rights, thus entitling plaintiffs to attorney's fees and double costs. Such an assertion is overbroad.

We begin our analysis by noting that RSA 31:62, a section of the subdivision of RSA chapter 31 which empowers towns to enact zoning ordinances, provides that "[a] regulation made under this [*181] subdivision shall not apply to existing structures . . ." In 1980, in a case involving the zoning regulations of the town of Jackson, a town near Conway, we held that "[i]t is clear that . . . signs . . . are 'structures' within the meaning of RSA 31:62." *Town of Jackson v. Town and Country Motor Inn, Inc.* 120 N.H. 699, 701, 422 A.2d 1034, 1035 (1980).

[**75] In reviewing the record before us, we observe that the town of Conway's amended zoning ordinance, adopted in March 1982, two years after our decision in *Town and Country Motor Inn, Inc.*, defined a "structure" as "anything constructed or erected with a fixed location on or in the ground, or attached to anything having a fixed location on the ground *but shall not mean a . . . sign.*" (Emphasis added.) It appears that the town thus attempted to enlarge its statutory power regarding the regulation of pre-existing uses by *excluding signs* from the definition of a "structure."

It is well established in this State that cities and towns have only those powers which are granted to them by the legislature. *Seabrook Citizens v. Yankee Greyhound Racing, Inc.*, 123 N.H. 103, 108, 456 A.2d 973, 975 (1983). "Municipalities that attempt to exercise . . . delegated power can only do so in a manner that is consistent with the provisions of the enabling statute." *Town of Tuftonboro v. Lakeside Colony, Inc.*, 119 N.H. 445, 448, 403 A.2d 410, 412 (1979). Cities and towns may regulate the use of signs because a sign is considered a "structure" within the meaning of RSA 31:60-:89, the enabling statute. A town cannot expand its power to regulate pre-existing signs by choosing to exclude signs from the definition of "structure" in its ordinance, because its only power to regulate signs is derived from the definition of "structure" as including signs. See *Town of Jackson v. Town and Country Motor Inn, Inc. supra*.

The authority of a town, pursuant to its police power, to regulate the use of land and buildings by the enactment of zoning ordinances and similar laws to promote the general welfare of the community, although well established and generally given "wide range," is thus not unlimited. *Loundsbury v. City of Keene*, 122 N.H. 1006, 1009, 453 A.2d 1278, 1280 (1982). The police power is restricted by the express provisions of State statutes and by the specific guarantees of the Bill of Rights of our State Constitution.

The New Hampshire Constitution guarantees the natural and inherent right of all persons to acquire, possess, and protect property. N.H. Const. pt. I, art. 2. Furthermore, it protects all persons in the enjoyment of their property and provides that property shall not be taken without just compensation. N.H. Const. pt. I, art. 12. [*182] "[W]e have specifically stated that both N.H. Const. pt. I, art. 2 and N.H. Const. pt. I, art. 12 'are limitations on the so-called police power of the State and subdivisions thereof . . .'" *Burrows v. City of Keene*, 121 N.H. 590, 596, 432 A.2d 15, 18 (1981) (quoting *L. Grossman & Sons, Inc. v. Town of Gilford*, 118 N.H. 480, 482, 387 A.2d 1178, 1180 (1978)).

Moreover, we previously have held that these constitutional provisions apply to non-conforming uses. *Loundsbury v. City of Keene, supra* at 1009, 453 A.2d at 1280. Hence, "a past use . . . [creates] vested rights to a similar future use, so that a town may not unreasonably require the discontinuance of a nonconforming use." *Loundsbury v. City of Keene, supra* at 1009, 453 A.2d at 1280.

Of course, "[t]his is not to say that every regulation of private property through the police power constitutes a taking." *Burrows v. City of Keene, supra* at 598, 432 A.2d at 19. See *Metzger v. Town of Brentwood*, 117 N.H. 497, 502-03, 374 A.2d 954, 958 (1977). Reasonable regulations, aimed at promoting the health, safety and general welfare of the community, may not require compensation. *Id.* Such regulations are proper exercises of the police power.

Zoning regulations and similar enactments, by their very nature, restrict the use of property and adversely affect individual rights. In most cases, zoning regulations, and proceedings thereunder, will not amount to unconstitutional abuses of power. Furthermore, it is obvious that the mere reversal of a town's decision, on appeal, [**76] will not render that town's action an unconstitutional abuse of power. Ordinarily, there will be a sufficiently valid issue of conflict concerning the validity or applicability of a zoning or land use regulation. Thus, in such cases, plaintiffs will not be entitled to the award of costs and attorney's fees.

In the case before us, however, the master *specifically found* that the zoning regulation at issue was invalid because it extinguished non-conforming uses and constituted an *unconstitutional taking* of vested property rights. He further concluded that the use of the plaintiff's sign could not be terminated without just compensation. We also noted above that in defining "structures" not to include "signs" the town had exceeded its statutory authority. After reviewing the record, we conclude that the master applied the correct law and properly determined, based upon the evidence before him, that the regulation at issue and the resultant denial of the plaintiff's application constituted an unconstitutional taking of a vested property right. See *Durant v. Town of Dunbarton*, 121 N.H. 352, 357, 430 A.2d 140, 144 (1981).

[*183] The substantive issue raised in this case involves a principle "that lies at the very foundation of civilized society as we know it." *Burrows v. City of Keene*, 121 N.H. 590, 595, 432 A.2d 15, 18 (1981). "The principle that no man's property may be taken from him without just compensation reaches at least as far back as 1215 . . . [in] the Magna Carta." *Id.* Hence, it is a clearly defined and established right that the instant plaintiff sought to secure.

Furthermore, we conclude that the regulation at issue did not come anywhere near the line dividing constitutional and unconstitutional regulation, because it resulted in the unconstitutional taking of a vested property right by the town by not *properly* "grandfathering" pre-existing, non-conforming uses. Our State Constitution "prohibits any taking of private property by whatever means without compensation . . ." *Id.* at 597, 432 A.2d at 15.

Hence, in the instant case, we are not concerned merely with the erroneous application of a valid zoning regulation or some arcane procedural error, but with the enactment and application of a zoning regulation which was specifically found to amount to a violation of part I, article 12 of our State Constitution. "It is a fundamental personal right which is involved here," *Metzger v. Town of Brentwood*, 117 N.H. 497, 502, 374 A.2d 954, 958 (1977), upon which there is no valid issue of conflict.

The plaintiff in this case should have enjoyed his constitutional right to the use of his property freely and without the need for judicial intervention. Because a citizen should not be compelled to bear the financial burden of judicial intervention to secure his clearly defined and established property right from an unconstitutional abuse of power found to constitute a taking, we hold that the plaintiff is entitled to reasonable attorney's fees and double costs. *Burrows v. City of Keene, supra* at 601, 432 A.2d at 22; *Harkeem v. Adams*, 117 N.H. 687, 691, 377 A.2d 617, 619 (1977).

Reversed.

L. Grossman & Sons v. Gilford

Supreme Court of New Hampshire

June 27, 1978

No. 78-033

Reporter

118 N.H. 480 *; 387 A.2d 1178 **

L. Grossman & Sons, Inc. v. Town of Gilford

Prior History: Appeal from Belknap County.

Disposition: *Exceptions sustained.*

Headnotes/Summary

Headnotes

1. Zoning--Nonconforming Uses--Existing Uses

Town could not require plaintiff under its zoning ordinance to remove sign without compensation and substitute a much smaller sign where property owner had a vested right in maintaining sign as a preexisting nonconforming use.

2. Constitutional Law--Property--Taking

State Constitution grants the right of every member of the community to be protected in the enjoyment of his property and this property shall not be taken from him without just compensation. N.H. C onst. pt. I, art. 12.

3. Constitutional Law--Police Power

The specific guarantees of the New Hampshire Constitution and the supreme court stand as a barrier to the arbitrary and unreasonable exercise of the police power. N.H. C onst. pt. I, art. 12.

Counsel: *Westcott, Millham & Dyer*, of Laconia (*Peter V. Millham* orally), for the plaintiff.

Nighswander, Lord, Martin & KillKelley, of Laconia (*Walter L. Mitchell* orally), for the defendant.

Judges: Grimes, J. Brock, J., did not sit; Lampron, J., concurred in the result; the others concurred.

Opinion by: GRIMES

Opinion

[*481] [**1179] The question in this case is whether plaintiff has such a vested right in the maintenance of sign as a preexisting nonconforming use as to prevent the town, under its zoning ordinance, from requiring plaintiff to remove it without compensation and substitute a much smaller sign. We hold that plaintiff has such a right.

Plaintiff appealed to the superior court from the zoning board of adjustment's denial of a variance and requested the court to rule that plaintiff has a vested right to maintain a sign at its present size and location. There was a hearing before a Master, *Leonard C. Hardwick, Esq.*, resulting in a decree denying the appeal on both grounds. Plaintiff's exceptions were transferred by *Keller, C.J.*

Plaintiff is the owner and operator of a retail lumber yard and hardware store on the east side of Blaisdell Avenue in Laconia near the Gilford town line. Blaisdell Avenue runs in such a curve that it intersects Route 11 in the town of Gilford although plaintiff's store is in Laconia. Blaisdell Avenue is a short dead-end street which is not heavily traveled. Plaintiff's store which is not visible from Route 11, lies about six hundred feet from that route.

Plaintiff has owned the land on which the store is located since before 1950. It had a mill there, but discontinued this operation several years before construction of the store building in 1962. Since that building would not be visible from Route 11 plaintiff obtained a lease on land at the intersection of Blaisdell Avenue and Route 11 for the erection of a sign advertising plaintiff's location. A representative of plaintiff testified that the store would not have been built if it could not have a sign at the corner. The master found that this was an important factor in the decision to build the store.

The store was built with an investment of more than \$ 400,000. An 8' X 12' sign was erected at the corner on the east side of Blaisdell Avenue in 1962. In 1966 the sign was moved under a permit from the town to the west side of Blaisdell Avenue on land leased from the same owner. Another sign was attached at the base of the [*482] 8' X 12' sign, showing the hours plaintiff is open for business. No permit was ever obtained for this additional sign, and the master stated that the plaintiff is willing to remove it. The master found that the 8' X 12' sign is an integral part of plaintiff's store.

In March 1976, the town amended its zoning ordinance to regulate signs within the town. The ordinance limited off-premises signs, such as that of the plaintiff, to a total area of four square feet and required that all nonconforming signs be removed within ninety days. The master found that a four-square-foot sign would be less beneficial to plaintiff than the existing sign. Plaintiff's agent testified that compliance with the ordinance would be a hardship, that plaintiff would lose business, and that plaintiff would be hurt "very much," possibly forcing him to phase out the store. The actual dollar loss, however, would be difficult to determine. The master found that the plaintiff's investment in the store is substantial as defined in *Piper v. Meredith*, 110 N.H. 291, 266 A.2d 103 (1970).

The sign is located in a commercial area and there are several onpremises signs of similar size serving the same purpose in the immediate area that conform with the ordinance. It is only because plaintiff's sign is an off-premises sign that it violates the ordinance.

On the undisputed evidence before us, we hold that plaintiff had a vested right to maintain the 8' X 12' sign long before the enactment of the zoning restrictions. The plaintiff's investment was certainly substantial enough to meet the requirements of *Piper* as the master found. Despite plaintiff's substantial investment, defendant contends that it can compel the plaintiff to reduce the size of the sign within ninety days as a lawful exercise of the police power in the interest of the general welfare.

[**1180] In *Metzger v. Town of Brentwood*, 117 N.H. 497, 502, 374 A.2d 954, 957 (1977), we said that New Hampshire Constitution part I, article 2, which guarantees to all persons the right of acquiring, possessing, and protecting property, has been held to be so specific that it "necessarily limits all subsequent grants of power to deal adversely with it." New Hampshire Constitution part I, article 12 also grants the right of every member of the community to be protected in the enjoyment of his property, and this property shall not be taken from him without just compensation. *Robbins Auto Parts, Inc. v. City of Laconia*, 117 N.H. 235, 371 A.2d 1167 (1977).

These two constitutional provisions are limitations upon the so-called police power of the State and subdivisions thereof, and nullify [*483] arbitrary legislation passed under the guise of that power. If the restriction of a private right is oppressive, while the public welfare is enhanced only in slight degree, it is void. *State v. Paille*, 90 N.H. 347, 9 A.2d 663 (1939); *Metzger v. Town of Brentwood*, 117 N.H. 497, 374 A.2d 954 (1977). The police power is not

therefore without limitations. *Robbins Auto Parts, Inc. v. City of Laconia supra*. Whatever the law may be elsewhere or whatever commentators may espouse as to what the law should be, in our State the specific guarantees of our constitution and this court stand as a barrier to the arbitrary and unreasonable exercise of that power. *Metzger v. Town of Brentwood supra*.

We must look then to the circumstances of this case to determine whether it is a reasonable exercise of the police power for the town to compel plaintiff to reduce the size of the sign. The nonconforming use here in question is a static use and as such might be continued indefinitely without expansion. *Flanagan v. Town of Hollis*, 112 N.H. 222, 293 A.2d 328 (1972). Expansion therefore is not a problem. This court in *Lachapelle v. Town of Goffstown*, 107 N.H. 485, 225 A.2d 624 (1967) upheld the right of the town to terminate within a year a nonconforming use of land as an automobile junkyard in a residential area. In doing so, it followed the lead of *McKinney v. Riley*, 105 N.H. 249, 197 A.2d 218 (1964), also a junkyard case. In *McKinney*, the court held that provisions requiring termination of nonconforming uses within a specified time were not prima facie unconstitutional, at least when on balance the public benefit outweighed the private injury and the time allowed was reasonable.

The sign in question here is located in a commercial area among several other signs of similar size and nature. A reduction in the size of the sign would have no appreciable effect on the neighborhood. Its existence in no way diminishes the value of other property. It is not a health or safety hazard. No fumes, smoke, or noise is generated by the sign to the detriment of the neighborhood. The case thus differs greatly from both *McKinney* and *Lachapelle*. The benefit to the public by the reduction in size of this sign in this location is slight, if any. The injury to the private right of the plaintiff, however, is great. The sign is an integral part of a store in which the plaintiff has invested over \$ 400,000. The injury to plaintiff's business by reducing the size of the sign, although difficult to determine in actual dollars, would be substantial.

We hold that the ordinance is unconstitutional as applied to the plaintiff's sign and that even under the rule of *McKinney* and [*484] *Lachapelle*, the nonconforming use in this case is not one that can be terminated without just compensation. See, e.g., RSA 249-A:11.

Exceptions sustained.

End of Document

**Meeting Schedule
Lebanon Zoning Board of Adjustment
2026**

Meeting Date	Application Due Date
January 5, 2026	December 8, 2025
February 2, 2026	January 12, 2026
March 2, 2026	February 9, 2026
April 6, 2026	March 9, 2026
May 4, 2026	April 13, 2026
June 1, 2026	May 11, 2026
July 6, 2026	June 8, 2026
August 3, 2026	July 13, 2026
*September 8, 2026	August 10, 2026
October 5, 2026	September 14, 2026
November 2, 2026	October 12, 2026
December 7, 2026	November 9, 2026

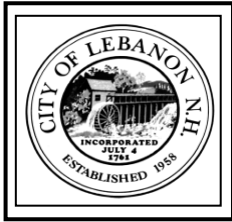
The Zoning Board meets on the 1st Monday of every month at 7:00 pm unless otherwise * noted. Special meetings may be required and will be scheduled accordingly.

* Meeting day changed due to a Monday holiday.

The September 8th and November 3rd meeting dates will need to either be rescheduled or held in an alternate location due to the State Primary and General Election.

Staff recommends the following based on meeting room availability:

Instead of September 8th: Thursday September 3rd OR Wednesday September 9th
 Instead of November 2nd: Wednesday November 3rd OR Tuesday November 10th



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: City of Lebanon Zoning Board of Adjustment

FROM: Planning and Development Department Staff Proposed

RE: Zoning Amendments: Sections 205 and 604

DATE: June 22, 2026

City of Lebanon, NH planning staff are proposing zoning amendments that are focused on allowing a Child Care Center to be constructed in West Lebanon. Two zoning amendments would be required to construct the childcare center on Seminary Hill beside the SAU 88 Administrative Building.

This project has been ongoing on for several years. In 2023, the City of Lebanon advanced a concept of having a childcare facility at Airport Road. This project stalled but led to exploration of other opportunities with the Boys and Girls Club of New Hampshire and SAU 88. The outcome of these discussions led to the project most recently before you, the construction of a childcare center on Seminary Hill. In January of 2026, the School Board placed a warrant article before the voters authorizing negotiation of a potential long-term lease with the Boys and Girls Club of NH in collaboration with the City. The article was supported by Lebanon voters. The concept shows a 5,400 sq. ft. building that provides around 50 childcare slots. The concept design attempts to balance the use of underutilized space, preservation of current recreational use, and flexibility for school and civic operations.

From a zoning perspective, two changes to the Zoning Ordinance need to occur for this project to be conforming. The first amendment is to add **Child Care Facility** to a list of exceptions when more than one principal structure is allowed (Section 205.3). **Group Residences** were already allowed in this section. The second amendment is to make changes to parking for **Group Day Care Facilities**. The new language gives provision to use on-street parking and parking on adjacent parking facilities to be used to satisfy all or a portion of the parking requirement.

Role of the Zoning Board:

Pursuant to Article X, Section 1000 of the Zoning Ordinance, proposed zoning amendments must be reviewed by City legal counsel, and the Land Use Boards (Planning Board, Conservation Commission, and Zoning Board) at a public forum in order to provide an opportunity for the public to provide input. The Boards will review and provide written comments to the City Council prior to the Public Hearing held before the City Council on August 19th.

Tentative schedule:

- June 17, 2026 – City Council Meeting: Order to Land Use Boards & legal review
- June 22, 2026 – Planning Board Public Review

- July 6, 2026 – Zoning Board of Adjustment Public Review
- July 09, 2026 – Conservation Commission Public Review
- July 15, 2026 – City Council Meeting: Council sets Public Hearing to be on August 19, 2026
- August 19, 2026 – City Council Public Hearing and Decision

Attachments

- Section 205 “One Principal Structure Per Residential Lot” - Redline version of Amendment
- Section 604 “Group Day Care Facilities” - Redline version of Amendment
- Proposed Site Plan
- Legal Opinion Letter from City Counsel

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT.

There shall be only one **principal structure** on a **lot** in the **residential districts**, R-O district, and R-O-1 district, except when:

- 205.1 Approved pursuant to the PUD provisions of this Ordinance or as a **cottage development** per Section 509; or
- 205.2 ~~When~~ the project involves solely the permitted remodeling or reconstruction of existing buildings, or when constructing new buildings for multi-family use, as otherwise permitted by this Ordinance; or
- 205.3 ~~When~~ the project involves a **group residence** or a **child day care facility**, provided that site plan approval is obtained from the Planning Board.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 604 GROUP DAY CARE FACILITIES.

604.1 Play Area.

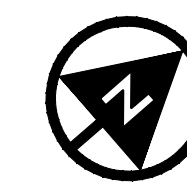
- A. There shall be a fenced outside play area which shall be free from hazards such as hidden corners; unprotected pools, wells, and steps; poisonous plants such as poison ivy, foxglove, and rhubarb; farm or lawn machinery or implements.
- B. It shall contain at least 50 square feet of usable play space per child using it, and the average width shall not be less than eight feet. Play areas shall not be permitted in front yards.
- C. By **special exception**, the Board of Adjustment may waive the requirement for a fence or the requirement that the play area not be in the front yard.

604.2 Other Requirements.

- A. A suitable loading and unloading area shall be provided for those children for whom the facility provides transportation. This area shall be in addition to required ***parking areas***.
- B. Group day care facilities shall comply with all applicable state and federal regulations.
- C. Parking: One (1) parking space for each employee and one (1) parking space for every eight (8) clients shall be provided on site. On-street parking spaces adjacent to the ***child day care facility*** and/or parking spaces located within an adjacent ***parking facility***, may be used to satisfy all or a portion of the parking requirement.

[...]

DRAFT



June 17, 2026

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 N. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Amendment to Zoning Ordinance Sections 205 & 604 – Child
Day Care Facility**

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning an amendment to Zoning Ordinance Sections 205 and 604.2 in relation to a plan to locate a child day care facility on a lot already occupied by the local school district SAU 88 administration building.

In connection with this proposed amendment, I have reviewed the Planning & Development Department's Staff Memorandum dated June 3, 2026 on this subject. The Zoning Ordinance generally only allows one principal structure per lot in any residential zoning district, with exceptions enumerated in Section 205. The proposed amendment to Section 205 will create a new exception, allowing a second principal structure on lots in residential districts, if one of the structures is a child day care facility. The proposed amendment to Section 604.2(c) loosens parking requirements for child care facilities.

The Zoning Ordinance requires this legal review to cover: (a) whether such amendment is within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendment can be administered and enforced.

With respect to the new proposed amendment to Sections 205 and 604 of the Zoning Ordinance, my answer to the three questions in Section 1000.3.B(2) is “yes”. I discern no significant legal or administrative issues of concern with this proposed amendment.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker