



**LEBANON ZONING BOARD OF ADJUSTMENT
SEPTEMBER 3, 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: 736 185 985#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

2. Approval of Minutes

- A. August 3, 2026

3. Public Hearing Items

- A. **EKSTRAND FAMILY TRUST 2025, 111 NH Route 4A (Tax Map 98, Lot 14), Zoned RL-2:** The applicants request a Special Exception, pursuant to Sections 410.6 and 410.8 of the Zoning Ordinance, to allow +/- 150 sq ft expansion of existing parking area within the Riverbank Protection overlay district. **ZB2026-14-SE**
- B. **PORTER FAMILY REV TRST, 53 Stevens Rd (Tax Map 52, Lot 16, Plot 100), Zoned RL-2:** The applicants request two Variances from Section 313.3, pursuant to Section 801.2, of the Zoning Ordinance to allow an agricultural greenhouse to be located +/- 12 ft from the right-side property line where 35 ft is required and +/- 28 ft from the front property line where 40 ft is required . **ZB2026-17-VAR**

4. Staff Comments

5. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to [LebanonNH.gov/Live](#) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

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

DRAFT

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

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

MEMBERS ABSENT: None

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

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

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

2. APPROVAL OF MINUTES

A. July 6, 2026

Mr. Newlove MOVED to approve the July 6, 2026, minutes as presented in the August 3, 2026, packet.

Seconded by Mr. Burtan.

**The Vote on the Motion was Unanimous, (3-0-2), with Mr. McDonough and Mr. Morris abstaining due to their absence from the meeting.*

3. PUBLIC HEARING ITEMS

The order of the agenda was changed.

- A. Lionel & Petra Lewis, 39 Westview Ln (Tax Map 30, Lot 38), Zoned RL-2:** The applicants request a Special Exception from Section 313.3, Pursuant to Sections 201.9 and 801.2, of the Zoning Ordinance to allow a solar array to be located +/- 10 ft from the right-side property line where 35 ft is required. **ZB2026-15-SE**

Mr. Newlove disclosed that he is a neighbor and feels he can be fair and impartial. No one had any objections his adjudicating the hearing.

Lionel Lewis, resident at 39 Westview Ln, appeared on behalf of the application. They would like to put in a solar array and to position it optimally, it needs to be located 10 feet from the property line. Placing it anywhere else on the property would require vast deforestation and changing the slope of the land. With this special exception they would also need to run a ditch 180 feet from the array to the battery in the garage. Where they live is remote and backup power is beneficial in this area.

Chair Katz opened the Public Hearing.

1 Alec Adams, abutter of the Lewis family, appeared. He has no problem with placing the array where
2 requested. There is space between the array and his home.

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

5
6 ***Mr. McDonough MOVED on August 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board***
7 ***of Adjustment, there appeared Lionel Lewis regarding 39 Westview Ln (Tax Map 30, Lot 38), Zoned***
8 ***RL-2: The applicants request a Special Exception from Section 313.3, Pursuant to Sections 201.9 and***
9 ***801.3, of the Zoning Ordinance to allow a solar array to be located +/- 10 ft from the right-side***
10 ***property line where 35 ft is required.***

11
12 **I. FINDINGS OF FACT**

13
14 Based on testimony given, application materials presented, and supporting documents submitted, the
15 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 16
17 1. The petitioner appeared before the Board and provided background for his application and
18 answered all questions posed to him.
- 19
20 2. In addition, an abutter Alec Adams who is the direct abutter who resides at 47 Westview Lane in
21 Lebanon appeared and had no objection to the application by Mr. Lewis.
- 22
23 3. In addition, this is an application to put in solar panels for reasons which are obvious which is to
24 provide a source of electricity to his residence. Ordinarily there would be a 35-foot requirement
25 from the right-side property line, but he has 10 feet because that is the most desirable for the
26 proposition. And that any other location on his property would require disturbance of land and
27 trees and would not make economic sense.
- 28
29 4. In addition, no neighbor, other than Mr. Adams appeared and spoke against or in favor of it other
30 than the support of Mr. Adams.

31
32 **II. CONCLUSIONS OF LAW**

33
34 As a result of the above findings of fact and based on testimony given, application materials presented,
35 and supporting documents submitted, the Board concludes the following with respect to the Special
36 Exception criteria set forth in sections §201.9 and 801.3 of the Zoning Ordinance

- 37
38 1. The Special Exception is specifically authorized by Sections §201.9 and 801.3 of the Zoning
39 Ordinance.
- 40
41 2. The following criteria of Sections §201.9 and 803.1 **have been** met:
- 42
43 a. The reasonable use of abutting properties shall not be adversely affected by the proposed
44 expansion.
- 45
46 b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any
47 aspect of the building or structure that is currently nonconforming cannot be made more
48 nonconforming in the absence of a variance.
- 49

- 1 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the
- 2 Special Exception would not remedy.
- 3
- 4 4. The character of the area **will not** be adversely affected.
- 5
- 6 5. **No** hazard or nuisance will be created.
- 7
- 8 6. The capacity of existing or planned community facilities and services (including streets and
- 9 highways) **will not** be adversely impacted.
- 10
- 11 7. The granting of the Special Exception **will not** result in undue municipal expense.
- 12
- 13 8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent
- 14 of the ordinance.
- 15
- 16 9. The general welfare of the City **will** be protected.
- 17

18 **III. DECISION**

19
20 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **3rd day of August,**
21 **2026**, hereby **GRANTS** the Special Exception pursuant to Section §801.3, to allow a solar array to be
22 located +/- 10 ft from the right-side property line where 35 ft is required, as set forth above and per
23 testimony, plans, and materials submitted, and per the following conditions:

- 24
25 1. The Applicant shall apply for all necessary permits.

26
27 ***Seconded by Mr. Morris.***

28
29 ****The Vote on the Motion was (5-0).***

30
31 **B. Nathaniel & Valerie Plummer, 48 Dorothy Perley Rd (Tax Map 80, Lot 3), Zoned RL-1**
32 **& RL-3:** The applicants request a Special Exception from Section 314.2, pursuant to Section
33 801.3, of the Zoning Ordinance to allow a new one-family dwelling to be located within the
34 RL-3 Zoning District. **ZB2026-16-SE**

35
36 Mr. Newlove is a friend of the applicants. He believes he can be impartial. The applicants are acceptable
37 to his adjudicating the hearing.

38
39 Nathaniel Plummer and Valerie Plummer appeared on behalf of the application. RL-3 requires a special
40 exception to build a house, necessitating this application.

41
42 The applicants have been living in their home since 2013 and are requesting to build an ADU and to
43 ultimately tear down the existing house. The house was built in 1980. They like the location, and the
44 house did work when they moved in, but it needs much updating and renovating. Now the home lacks
45 what they need because their family has grown. They tried to make plans to modify the house, as far back
46 as 2018. Since then, the cost to modify the house was almost as much as taking the existing house down
47 and building a new home.

48
49 Staff was asked if technically the use of single family is an approved use because a second house would
50 be on the property simultaneously for a time. When the existing house was built, a special exception was
51 not required to build in that area. They are asking to be approved to build a specific house, with a specific

1 plan, in a specific location. It is believed if a demolition permit is applied for at the same time the
2 building permit is applied for, then a temporary certificate of occupancy could be allowed. Then prior to
3 the final certificate of occupancy is issued they would need to tear down the house.

4
5 The Board asked if existing utilities would be used. They would need to get a new septic system, and
6 they would use the existing well. The ADU would be larger than the existing house. They hoped to
7 finish the house within a year of financing the house. The current house is 1400 feet, and the new house
8 would be about 3200 feet.

9
10 **Chair Katz opened the Public Hearing and hearing no one the Public Hearing was closed.**

11
12 ***Mr. McDonough MOVED on August 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of***
13 ***Adjustment, there appeared Nathaniel Plummer along with his wife Valerie Plummer regarding 48 Dorothy***
14 ***Perley Rd (Tax Map 80, Lot 3), Zoned RL-1 & RL-3: The applicants request a Special Exception from Section***
15 ***314.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a new one-family dwelling to be located***
16 ***within the RL-3 Zoning District.***

17
18 **I. FINDINGS OF FACT**

19
20 Based on testimony given, application materials presented, and supporting documents submitted, the
21 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 22
23 1. Nathaniel & Valerie Plummer have petitioned to build a new house on their lot at 48 Dorothy
24 Perley Rd. They have lived in that lot in an existing home since 2013. They now have three sons,
25 ages 6 to 15, and need more room in their home and it makes sense to build a new home rather
26 than try to rehab the current existence.
27
28 2. In light of the very tight housing market in the City of Lebanon the best option for the Plummer
29 family is to build new and tear down old, which they are applying to do that. At this time, they
30 are planning to do that and there has been a discussion to have the certificate of occupancy
31 applied for and granted at the same time as a certificate to tear down the old house and there
32 would be an adjustment to allow the family to move into the new house from the old house either
33 conditionally or if they change their minds for an ADU then that can be addressed back with the
34 Board.

35
36 **II. CONCLUSIONS OF LAW**

37
38 As a result of the above findings of fact and based on testimony given, application materials presented,
39 and supporting documents submitted, the Board concludes the following with respect to the Special
40 Exception criteria set forth in section §801.3 of the Zoning Ordinance

- 41
42 1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
43
44 2. The following criteria of Section 803.1 **have been** met:
45
46 a. The reasonable use of abutting properties shall not be adversely affected by the proposed
47 expansion.

48
49 Nobody appeared from the Public in favor or against this petition and application.
50

- b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more nonconforming in the absence of a variance.
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.
4. The character of the area **will not** be adversely affected.
5. **No** hazard or nuisance will be created.
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted.
7. The granting of the Special Exception **will not** result in undue municipal expense.
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance.
9. The general welfare of the City **will** be protected.

III. **DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **3rd day of August 2026**, hereby **GRANTS** the Special Exception pursuant to Section §801.3, to allow a new one-family dwelling to be located within the RL-3 Zoning District, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Applicant shall obtain a building permit and shall comply with all applicable local, state, and federal regulations to ensure the project is compliant with pertinent codes.
2. A certificate of occupancy shall be applied for at the same time as a petition to tear the older building down.

Seconded by Mr. Morris.

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

The Board had a quick discussion regarding the revised 2026 schedule and comments with are noted below in the Staff Comments section.

Mr. Katz recused himself from the next hearing.

C. 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 Continued from 7/6/2026 meeting

The applicants have a right to continue this hearing until such time as there are 5 members on the Board who can hear the application. They will need 3 votes for the Special Exception to be granted.

1
2 This application has had a long trip to come forth. An architect has worked to help make the application
3 complete. There are still a few questions that Staff would like answered, but it is a solid application.
4

5 Jim Wasser, the principal architect, appeared on behalf of the application. Mr. Newlove summarized
6 there are two main things in the application. One is to convert the existing mixed-use building to a
7 twelve-unit multi family dwelling and the discussion regarding the garage that is attached to the property.
8 The second is about architectural determination.
9

10 The building was built by the Lebanon School District, and the current owners purchased the building in
11 2011. For a time, there was a Montessori School in the building until around 2018 or 2019. The building
12 has a basement and two stories. Around 2014 the owners asked to put in two apartments, and the second
13 floor was converted to 2 apartments. They would like to add 4 apartments to the basement, 4 apartments
14 to the main floor and 2 more apartments to the second floor. They would do little to the outside of the
15 building but would replace windows in the basement that were previously sealed off with concrete.
16

17 The original windows that were used when the building was constructed no longer exist. The windows
18 were there in 2008 but were replaced with double hung windows and the ceilings were dropped before the
19 current owners bought the building. They would upgrade the site with parking on the side and in front of
20 the building, although they are reducing the number of parking spaces from 20 to 18 spaces. The entire
21 sight would be landscaped. The property is bound by a cemetery and a church. The building meets all
22 the requirements for density, building height, and setbacks. Bike and EV parking would also be provided.
23 There would be 18 spaces for cars where 12 are required.
24

25 The garage was there before the building was bought by the current owners. It would become a
26 maintenance building and possibly some storage for residents. It is not planned to be used for cars but
27 would have maintenance equipment for this building only. It is important to ensure that no hazardous
28 chemicals would be stored on the premises. There would be no living quarters in the garage. They plan to
29 mainly make studio units. This traditionally accommodates 1 or 2 people.
30

31 The members discussed whether the outside of the building needs to be restored to its original exterior
32 architectural appearance. The existing double hung windows were in the building when the current
33 owners purchased it. There is also a dropped ceiling in the building that was dropped before the current
34 owners purchased the building. The dropped ceiling would prohibit putting back the large, arch styled
35 windows that were in the building originally.
36

37 The Board discussed what it would take to restore the building to how it was originally built. Staff
38 reviewed the current code regarding architecture. There are 38 windows in the building. Replacing them
39 with arched windows would be expensive, around \$20,000 per window. Also, the ceilings that were
40 dropped when the double hung windows were installed would have to be brought back up to the height of
41 the large arched windows. It is doubtful if the building would still meet the standards to put this building
42 on the historical registry as the interior of the building has been compromised in many ways. The Board
43 has the discretion to require that the original arched windows are brought back, but the applicants are
44 asking to keep the windows as they currently exist, how they were when they purchased the building.
45

46 Historically the church next door used some of the parking spaces under an agreement with the previous
47 pastor and owners. It was thought that parking signs need to be posted that states the parking lot is for
48 tenants only, so there is not a conflict in the future. And it is hoped that the owners would work with the
49 church pastor to make arrangements for parking if needed, such as holidays.
50

51 **Vice Chair Newlove Opened the public hearing and hearing no one closed the public hearing.**

1
2 The Board discussed the window replacements and the need for inspections regarding the garage. The
3 owner will be present at the Planning Board meeting if this special exception is granted.
4

5 ***Mr. McDonough MOVED on August 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board***
6 ***of Adjustment, there appeared James Wasser, the architect for the applicant regarding 22 School St***
7 ***(Tax Map 92, Lot 2), Zoned R-O: The applicant requests a Special Exception from Section 311.2,***
8 ***pursuant to Sections 601 and 801.3 of the Zoning Ordinance, to convert the existing mixed-use***
9 ***building to a 12-unit multi-family dwelling***
10

11 **I. FINDINGS OF FACT**
12

13 Based on testimony given, application materials presented, and supporting documents submitted, the
14 Lebanon Zoning Board of Adjustment makes the following findings of fact:
15

- 16 1. The building and the property at 22 School Street now owned by Execusuite LLC was purchased
17 on or about 2011 and has had apartment units since 2014 and they are now applying to change the
18 use of the building to allow for 12 multi-family units in that building.
19
- 20 2. No one spoke in favor or against the application from the neighborhood or from anywhere in the
21 City.
22
- 23 3. The application is for those 12 units requested in the petition.
24

25 **II. CONCLUSIONS OF LAW**
26

27 As a result of the above findings of fact and based on testimony given, application materials presented, and
28 supporting documents submitted, the Board concludes the following with respect to:
29

30 **Special Design Standards criteria set forth in §601 of the Zoning Ordinance:**
31

32 **601.1 Architecture.**

33 Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that
34 is not compatible with the architectural character of the existing building; of abutting properties; or of the
35 neighborhood. New construction shall be compatible with the architectural character or the abutting
36 properties and neighborhoods.
37

38 For the purpose of this subsection only, the term "compatible" shall mean having architectural style or
39 design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in
40 the neighborhood, on abutting properties and on the structure being remodeled, as applicable.
41

42 **601.2 Parking & Access.**

43 Adequate off-street parking shall be provided on the lot, unless off-premises parking is approved pursuant
44 to Section 607.4. Such parking shall not occupy the front yard except within parking areas existent as of
45 the 2013 amendment to this section.
46

47 In addition, regarding parking, the Board recommends that the owner reach out to the minister at the United
48 Methodist Church to codify the parking relationship during holidays and during elections
49

50 **601.3 Coverage.**

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

2
3 601.4 Density.

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

6
7 601.5 Additions to Existing Buildings.

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

9
10 A. The architectural compatibility requirements of Section 601.1 are complied with.

11
12 B. Such addition shall not materially diminish the air and light available to abutting structures or
13 materially reduce the openness of the neighborhood.

14
15 **Special Exception criteria set forth in §801.3 of the Zoning Ordinance:**

16
17 1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.

18
19 2. The following criteria of Section §801.3 **have been** met:

20
21 a. The reasonable use of abutting properties shall not be adversely affected by the proposed
22 expansion.

23
24 b. The proposed expansion shall not render the lot size proportionately less adequate, i.e.
25 any aspect of the building or structure that is currently nonconforming cannot be made
26 more nonconforming in the absence of a variance.

27
28 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the
29 Special Exception would not remedy.

30
31 There are currently zoning violations that will need to be remedied by the completion of this
32 permitting process.

33
34 4. The character of the area **will not** be adversely affected.

35
36 5. **No** hazard or nuisance will be created.

37
38 6. The capacity of existing or planned community facilities and services (including streets and
39 highways) **will not** be adversely impacted.

40
41 7. The granting of the Special Exception **will not** result in undue municipal expense.

42
43 8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and
44 intent of the ordinance.

45
46 9. The general welfare of the City **will** be protected.

47
48 **III. DECISION**

49
50 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of August 2026,
51 hereby **GRANTS** the requested Special Exception to allow the conversion of an existing mixed-use

1 building to a 12-unit multi-family dwelling pursuant to Sections §601 and §801.3 of the Zoning
2 Ordinance as set forth above and per testimony, plans, and materials submitted, and per the following
3 conditions:

- 4
5 1. The applicant shall obtain a building permit, pay impact fees as required and shall comply with
6 all applicable local, state, and federal regulations to ensure the project is compliant with pertinent
7 codes. The Applicant shall obtain a Certificate of Occupancy for all units from the Building
8 Official.
- 9
10 2. The existing garage shall be used only as an accessory to the multi-family dwelling primary use.
11 It shall be used only for the ordinary storage of non-toxic chemicals or materials and/or
12 maintenance items related to the approved residential use of the 22 School Street property.
13 Exterior storage of materials or equipment and the operation of a Contractors' Yard is not
14 permitted at 22 School Street.
- 15
16 3. At the determination of the Zoning Official, any material alteration, amendment or change to the
17 attached approved use, site and floor plans may only be approved by the Zoning Board.
- 18
19 4. The board discussed the need to require architectural change to the windows whether or not they
20 should be arched top or not and has decided that for financial reasons and because the previous
21 owner was the SAU for Lebanon that the Board is not requiring that the arched topped windows
22 be restored.
- 23
24 5. Petitioner will put up signage in the neighborhood regarding parking on that property to notify
25 neighbors where parking is allowed and not allowed.
- 26
27 6. The Zoning Official and Building Official shall jointly inspect the entire property including the
28 garage prior to issuance of a final CO and any time after that at the discretion of the Planning
29 Board or Zoning Board.

30
31 *Seconded by Mr. Morris.*

32
33 **The Vote on the Motion was (5-0).*

34 35 **4. STAFF COMMENT**

36 37 **A. Revised 2026 Meeting Schedule**

38
39 The September meeting needs to be changed. It is acceptable to move it to the Thursday before Labor
40 Day weekend, September 3, 2026.

41
42 The November meeting needs to be changed to November 10, 2026 due to the election.

43
44 *Mr. Katz MOVED that the September through December meetings be established as listed on the*
45 *proposed schedule that is in the packet, which substantially means that September will be held on*
46 *September 3 and November on November 10.*

47
48 *Seconded by Mr. Burtan.*

49
50 **The Vote on the Motion was (5-0).*

1 Staff informed everyone that an AI transcript is being run for the current meeting.

2
3 Staff reminded everyone that August 20 will be ethics training. It can be attended in person or online.

4
5 **5. ADJOURNMENT**

6
7 ***Mr. Burtan MOVED to adjourn the meeting at 8:30PM.***

8
9 ***Seconded by Mr. Morris.***

10
11 ****The Vote on the Motion was (5-0).***

12
13 Respectfully submitted,
14 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT STAFF MEMORANDUM Ekstrand Family Trust 111 NH Route 4A

To: Zoning Board of Adjustment

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

Date: September 3, 2026 – Regular Meeting

Application Number: ZB2026-14-SE

HEARING NOTICE:

EKSTRAND FAMILY TRUST 2025, 111 NH Route 4A (Tax Map 98, Lot 14), Zoned RL-2: The applicants request a Special Exception, pursuant to Sections 410.6 and 410.8 of the Zoning Ordinance, to allow +/- 150 sq ft expansion of existing parking area within the Riverbank Protection overlay district. ZB2026-14-SE

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming one-family dwelling constructed in 2003, per the City Assessor's records, and is non-conforming to the RL-2 zoning district, Class 1 lot, minimum size requirement of 1 acre with +/- 0.15 acres, and is within the Riverbank Protection and NH Shoreland Protection area overlay districts. There is no previous ZBA action.

PROPOSAL:

The applicants propose to enlarge the existing parking area, located at the front of the property, by +/- 150 sq ft. The existing retaining wall and pavement will be removed. A new, larger, retaining wall will be built, filled with stone, and topped with pavers to allow for increased permeability.

ZONING ORDINANCE REQUIREMENTS:

Section 410 Riverbank Protection District

410.6 Special Exceptions for Driveways, Roadways, Parking Areas:

Upon application to the Board of Adjustment, a special exception may be requested to permit driveways, roadways, parking areas and other access ways; pipelines, powerlines and other transmission lines within the Riverbank Protection District, provided that all of the following conditions are found to exist, in lieu of the findings required by Section 801.3:

A. The use for which the exception is sought, after consideration of all alternatives and taking into consideration the particular characteristics, setting and environment of the property, cannot be carried out on a portion or portions of the lot which are outside the Riverbank Protection District without a special exception under this section;

B. The design and construction of the proposed use is consistent with the purpose and intent of Section 410.1, A. through I. of this Ordinance, and with all applicable State of New Hampshire regulations including applicable best management practices as referenced in Appendix A of this Ordinance, and adequate conservation measures are taken to mitigate the detrimental effects of the proposed use upon the river or

stream, its banks, and adjacent vegetated buffers.

C. The proposed construction and design shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and

D. The proposed use will not create a hazard to individual or public health, safety and welfare due to the impact upon the Riverbank Protection District.

410.8.B Applications to Board of Adjustment:

Interested Parties: The Lebanon Conservation Commission is hereby determined to be an interested party to any Board of Adjustment proceeding under this section. Upon receipt of an application, the Board of Adjustment shall immediately forward a copy of the complete application to the Conservation Commission. The Conservation Commission shall receive notice of all proceedings of the Board of Adjustment, and the Board of Adjustment shall give due weight to all evidence submitted to it by the Conservation Commission.

At the August 25, 2026 Conservation Commission meeting **Andrew Fuanca MOVED that Conservation Commission endorses the proposed application for a special exception permit, noting the exemplary techniques utilized for this project, to include the treatment of stormwater, as well as management of both native plantings and invasive species treatments.**

Vice Chair Bruce James seconded the motion.

***The MOTION was approved unanimously via a roll call vote.**

STAFF COMMENTS:

Staff view the application as complete and recommend acceptance of jurisdiction.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DRAFT MOTION

Ekstrand Family Trust – 111 NH Route 4A

DRAFT MOTION for:

Agenda Item 3.B

Case ZB2026-14-SE

Request for Special Exception per Sections §410.6 and 410.8

Motion made by: _____

On September 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 111 NH Route 4A (Tax Map 98, Lot 14), Zoned RL-2: The applicants request a Special Exception, pursuant to Sections 410.6 and 410.8 of the Zoning Ordinance, to allow +/- 150 sq ft expansion of existing parking area within the Riverbank Protection overlay district. ZB2026-14-SE.

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 Special Exception criteria set forth in sections §201.9 and 801.3 of the Zoning Ordinance

1. The Special Exception is specifically authorized by Sections §410.6 of the Zoning Ordinance.
 2. The following criteria of Sections §410.6 **have been / have not been** met:
 - a. The use for which the exception is sought, after consideration of all alternatives and taking into consideration the particular characteristics, setting and environment of the property, cannot be carried out on a portion or portions of the lot which are outside the Riverbank Protection District without a special exception under this section.

 - b. The design and construction of the proposed use is consistent with the purpose and intent of Section 410.1, A. through I. of this Ordinance, and with all applicable State of New Hampshire regulations including applicable best management practices as referenced in Appendix A of this Ordinance, and adequate conservation measures are taken to mitigate the detrimental effects of the proposed use upon the river or stream, its banks, and adjacent vegetated buffers.
-
- c. The proposed construction and design shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and
-
- d. The proposed use will not create a hazard to individual or public health, safety and welfare due to the impact upon the Riverbank Protection District.
-

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **3rd day of September, 2026**, hereby **GRANTS / DENIES** the Special Exception pursuant to Section §410.6, to allow +/- 150 sq ft expansion of existing parking area within the Riverbank Protection overlay district, 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 for a retaining wall greater than 4-feet and other improvements as required by the New Hampshire State Building Code.

2. _____

Motion seconded by: _____

Vote: _____

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

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

PROPERTY OWNER (APPLICANT):

NAME: Ekstrand Family Trust of 2025 TEL#: [REDACTED]

MAILING ADDRESS: PO Box 2052, Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Paul + Leslie Ekstrand TEL#: [REDACTED]

MAILING ADDRESS: PO Box 2052, Lebanon, NH 03766

E-MAIL ADDRESS: [REDACTED]

PROJECT LOCATION:

TAX MAP #: 98 LOT#: 14 PLOT #: _____ ZONE: RL1

STREET ADDRESS: 111 NH Route 4A

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

REQUEST DESCRIPTION:

To enlarge parking area at the top of our property abutting Route 4A.

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 8/3/2026, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: [Signature] DATE: 7/7/2026

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: 7-13-2026

APPLICATION #: ZB2026-14 SE Page 17 of 71

RIVERBANK SPECIAL EXEMPTION SUPPORT STATEMENT
EKSTRAND PARKING PAD EXPANSON

Leslie and Paul Ekstrand
111 NH Route 4A, Lebanon, NH 03766
klekstrand@gmail.com
cell: 412.916.1253

After living in our home for the past 7 years, we have found that our parking pad is not large enough for our needs. We can only fit our two vehicles on it, which makes snow removal difficult and parking for any visitors almost impossible. The addition we would like to make will allow us to address these difficulties. Since all our property falls within the Riverbank Protection District, we cannot do this project outside of that area. This project should not affect the water quality, plant and marine life of Mascoma Lake and Mascoma River.

Our project will add 150 sq ft to the parking area. We are replacing and expanding the stone wall and replacing the current asphalt surface with pavers. To mitigate any issues with runoff and drainage, we are planning to do the following:

1. During construction, we will have silt sock and fence barriers between the project and the lake to mitigate any runoff during rain events.
2. The blueberry bushes that are currently below the parking pad will be moved farther down the hill to help mitigate runoff. The lawn that will be disturbed during construction will be restored, no other trees, bushes or plants on our property should be disturbed.
3. We are replacing the pavement that currently covers the surface of our parking area with pavers that will be distanced $\frac{3}{4}$ " apart to allow for permeability. Underneath the pavers will be 12 inches of $1\frac{1}{2}$ " then 7 inches of $\frac{3}{4}$ " then 2 inches of $\frac{3}{8}$ " clean ledge stone to further assist with drainage and runoff. The spaces will be maintained through blowing off any accumulated debris on the pad and weeding between the pavers as needed. This creates a net permeable square footage of 842 square feet.

Tax map, City of Lebanon 2026



Property Information Property ID 98-14 Location 111 NH ROUTE 4A Owner EKSTRAND L K L & P J TTEES	 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.
--	---	--















Shoreland Permit Application
Water Division / Wetlands Bureau
Land Resources Management Program
[Check the status of your application](#)



RSA / Rule: RSA 483-B, Env-Wq 1400

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

This is a permit application to excavate, fill, construct new structures or remove structures within the protected shoreland.

SECTION 1 - PROJECT DESCRIPTION (Env-Wq 1406.07) *Please concisely describe your proposed project.*

To enlarge our parking area at the top of our property by the road. This is the final part of our Shoreland Impact permit 2018-02553 that was not completed before the permit lapsed on October 23, 2023. Our current plan is smaller than the original under that permit.

SECTION 2 - PROJECT LOCATION (Env-Wq 1406.07)

Address: 111 NH Route 4A	Town or city: Lebanon	State: NH	ZIP: 03766
Waterbody name: Mascoma Lake	Tax map / block / lot number: 98//14		

SECTION 3 - PROPERTY OWNER AND DEED INFORMATION (Env-Wq 1406.07)

The legal name of each property owner must be as it appears on the deed of record. If the owner is a trust or a company, write the name of the trust or company as the owner's name.

Last name, first name, middle initial: Ekstrand Family Trust 2025

Mailing address: PO Box 2052	Town or city: Lebanon	State: NH	ZIP: 03766
Phone: 4129161253	Email, if available: lklekstrand@gmail.com		
Registry of deed county, book number, page number: Grafton, 4966, 0067			

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER), IF DIFFERENT THAN OWNER (Env-Wq 1406.07)

If the applicant is a trust or a company, write the name of the trust or company as the applicant's name. If the applicant is the owner, please leave blank and check the following box: ☐.

Last name, first name, middle initial: Ekstrand, Paul J and Leslie L

Mailing address: PO Box 2052	Town or city: Lebanon	State: Nh	ZIP: 03766
Phone: 4129161253	Email, if available: lklekstrand@gmail.com		

SECTION 5 - CONTRACTOR OR AGENT (OPTIONAL)

Last name, first name, middle initial: Hess Property Services, LLC

Address: 6 Granite Place	Town or city: Enfield	State: NH	ZIP: 03748
Phone: (603) 448-5253	Email, if available: admin@hesspropertyservices.com		

Section 6 - CRITERIA (Env-Wq 1406.07) Please check at least one of the following boxes.

- ☒ This shoreland permit application requires neither a proposal to make the property more nearly conforming nor a request for a waiver of a minimum standard.
- ☐ This shoreland permit application includes a proposal to make the structures and/or the property more nearly conforming in accordance with RSA 483-B:11.
- ☐ This shoreland permit application includes a request for a waiver of the following minimum standard(s): RSA 483-B:9, V.

SECTION 7 - RELATED PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT (Env-Wq 1406.14)

Please indicate if you also require the following permits. If so, confirm the status of your permit application.

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain per RSA 485-A:17	☐ Yes ☒ No		☐ Approved ☐ Pending ☐ Denied
Individual Sewerage Disposal per RSA 485-A:29	☐ Yes ☒ No		☐ Approved ☐ Pending ☐ Denied
Subdivision Approval per RSA 485-A:29	☐ Yes ☒ No		☐ Approved ☐ Pending ☐ Denied
Wetlands Permit per RSA 482-A	☐ Yes ☒ No		☐ Approved ☐ Pending ☐ Denied

SECTION 8 - REFERENCE LINE ELEVATION (Env-Wq 1406.07)

Required for projects located within the protected shoreland. The reference line elevations for most lakes, ponds, and artificial impoundments greater than 10 acres in size are listed in the Consolidated List of Waterbodies Subject to the Shoreland Water Quality Protection Act. Please see RSA 483-B:4, XVII for the definition of reference line.

Reference line elevation (feet above sea level): **751'**

SECTION 9 - APPLICATION FEE AND SUBMITTAL (RSA 483-B:5-b, I(b); RSA 483-B:5-b, X)

A nonrefundable permit application fee of \$200 plus \$0.20 per total square feet of impact for restoration of water quality improvement projects, or \$400 plus \$0.20 per total square feet of impact for all other projects is required at the time the application is submitted. *Applications for projects solely funded by municipal, county, state, or federal entities shall incur a permitting fee no greater than \$3,750.*

Please upload, mail or hand deliver this application and all required attachments to the NHDES Wetlands Bureau. Missing information may delay your application and/or result in denial. If filing offline, please make checks payable to the Treasurer, State of New Hampshire.

SECTION 10 - CALCULATE TOTAL IMPACT AREA / PERMIT APPLICATION FEE (RSA 483-B:5-b, I(b); RSA 483-B:5-b, X)

Calculate all areas proposed to be disturbed by regrading, excavating, filling, construction or structure removal. These may include but are not limited to new driveways, new structures, areas disturbed when installing septic systems and foundations, creating temporary access roads to drill a new well and regrading associated with landscaping activities.

Total proposed area impacted within the protected shoreland (A), in square feet: 992

- For water quality restoration or improvement projects, multiply (A) by \$0.20 and add \$200.

$$[(A) \times \$0.20] + \$200 = (\text{permit application fee}^*) =$$

- For all other projects, multiply (A) by \$0.20 and add \$400.

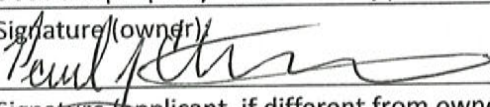
$$[(A) \times \$0.20 + \$400] = 598.40$$

SECTION 11 - REQUIRED CERTIFICATIONS (Env-Wq 1406.08; Env-Wq 1406.10(a)) Please initial and sign below.

Initials: LE	The information provided is true, complete, and not misleading to my knowledge and belief.
Initials: LE	I understand that: - Any permit or waiver granted based on false, incomplete, or misleading information shall be subject to revocation. - I am subject to applicable penalties in RSA 641 for falsification in official matters. - Obtaining a shoreland permit shall not exempt the work proposed from other state, local, or federal approvals.
Initials: LE	I have notified the governing body of the municipality or municipalities in which the property is located by certified mail, in accordance with Env-Wq 1406.13.
Initials: LE	I have notified all abutters** of the proposed impacts via certified mail, in accordance with Env-Wq 1406.13.
Initials: LE	☒ This project is within one-quarter mile of a designated river, and I have provided the Local River Management Advisory Committee (LAC) with a copy of my complete application, including all supporting materials, via certified mail, in accordance with Env-Wq 1406.13. ☐ This project is <i>not</i> within one-quarter mile of a designated river.
Initials: LE	For any project proposing that the impervious area be at least 15% but not more than 20% within the protected shoreland, I certify that the impervious area is not more than 20%. ☒ N/A

SECTION 12 - REQUIRED SIGNATURES (Env-Wq 1406.08)

Both the property owner and applicant must sign.

Signature (owner): 	Print name legibly: Paul J. Ekstrand	Date: 5/25/2026
Signature (applicant, if different from owner): 	Print name legibly: Leslie K.L. Ekstrand	Date: 5/25/2026

*Projects solely funded by municipal, county, state, or federal entities shall incur a permit application fee no greater than \$3,750.

***"Abutter" means any person who owns property immediately contiguous to the property on which the proposed work will take place, or who owns flowage rights on such property. The term does not include properties separated by a public road or located more than ¼ mile from the limits of the proposed work. If contiguous properties are owned by the person who is proposing the work, then the term includes the person owning the next contiguous property, subject to the ¼ mile limitation.

SHORELAND PERMIT APPLICATION WORKSHEET

Please include this worksheet with your permit application. Include a separate worksheet for each individual lot of record where impacts are proposed. "Pre-construction impervious surface area"¹ means all human-made impervious surfaces² currently present within the protected shoreland of a lot, whether to be removed or to remain after the project is completed. "Post-construction impervious area" means all impervious surfaces that will exist within the protected shoreland of a lot upon completion of the project, including both new and any remaining pre-construction impervious surfaces. All answers must be in square feet.

Calculating Impervious Area

Calculating the Impervious Area of a Lot Within 250 Feet of the Reference Line (Env-Wq 1406.12)			
	STRUCTURE DESCRIPTION	PRE-CONSTRUCTION IMPERVIOUS AREAS, IN SQUARE FEET	POST-CONSTRUCTION IMPERVIOUS AREAS, IN SQUARE FEET
PRIMARY STRUCTURE(S) House and all attached decks and porches.	House with wooden decks	1002.42	1002.42
ACCESSORY STRUCTURES All other impervious surfaces excluding lawn furniture, well heads, and fences. Common accessory structures may include driveways, walkways, patios and sheds.	Parking Area	841.89	0
	Temporary Shed	48	48
TOTAL:		(A) 1892.31	(B) 1050.42
Area of the lot located within 250 feet of reference line, in square feet:			(C) 1050.42
Percentage of lot covered by pre-construction impervious area within 250 feet of the reference line: <i>[divide (A) by (C) x 100]</i>			(D) % 28.96
Percentage of lot to be covered by post-construction impervious area within 250 feet of the reference line upon completion of the project: <i>[divide (B) by (C) x 100]</i>			(E) % 16.08

¹ "Impervious surface area" as defined in Env-Wq 1402.13 means, for purposes of the impervious surface limitation specified in RSA 483-B:9, V(g), the total footprint of each impervious surface that is located within the protected shoreland.

² "Impervious surface" as defined in RSA 483-B:4, VII-b means any modified surface that cannot effectively absorb or infiltrate water. Examples may include roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

STORMWATER MANAGEMENT REQUIREMENTS

IMPERVIOUS AREA THRESHOLDS (RSA 483-B:9, V(g))

☒ A net decrease or no net increase in impervious area is proposed (If [E] is less than or equal to [D]).

☐ The percentage of post-construction impervious area (E) is less than or equal to 20%.
This project **does not** require a stormwater management plan and **does not** require a plan demonstrating that each waterfront buffer grid segment at least meets the minimum required tree and sapling point score.

☐ A net increase in impervious area is proposed, and the percentage of post-construction impervious area (E) is greater than 20%, but less than 30%.
This project *requires* a stormwater management but *does not* require a plan demonstrating that each waterfront buffer grid segment at least meets the minimum required tree and sapling point score.

☐ A net increase in impervious area is proposed, and the percentage of post-construction impervious area (E) is greater than 30%.
This project *requires* a stormwater management plan designed and certified by a professional engineer **and** *requires* plans demonstrating that each waterfront buffer grid segment meets at least the minimum required tree and sapling point score.

NATURAL WOODLAND AREA REQUIREMENTS

DETERMINE THE AREA TO REMAIN AS NATURAL WOODLAND	
Total area of the lot, in square feet, between 50 feet and 150 feet of the reference line, within which the vegetation currently exists as natural woodland ³ (see definition below).	(F) 0
Total area of the lot, in square feet, between 50 feet and 150 feet from the reference line.	(G) 2687
At least 25% of area (G) must remain in as natural woodland. $[0.25 \times G]$	(H) 0
Enter the lesser of area (F) and calculation (H) on this line, in square feet. To comply with the <i>natural woodland area requirement</i> , this is the minimum area that must remain as natural woodland between 50-150 feet from the reference line. This area must be represented on all plans, and this area, exclusive of existing lawn, must remain in an unaltered state ⁴ .	0 (I)
Name of person who prepared this worksheet: Leslie Ekstrand	
Name and date of the plan associated with this worksheet:	

³ "Natural woodland" means a forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth (483-B:4, XI).

⁴ "Unaltered state" means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed for renewal or to maintain or improve plant health (483-B:4, XXIV-b).



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



May 26, 2026

LESLIE L/PAUL J EKSTRAND
111 RTE 4A
LEBANON NH 03766

Re: Received Shoreland Permit Application (RSA 483-B)
NHDES File Number: 2026-01348
Subject Property: 111 NH RTE 4A, Lebanon, Tax Map/Block/Lot(s): 98/no block/14

Dear Applicant:

On May 26, 2026, the New Hampshire Department of Environmental Services (NHDES) Shoreland Program received the above-referenced Shoreland Permit Application (Application). This application shall be reviewed in accordance with the timeframes established under RSA 483-B:5-b, V. The language of RSA 483-B:5-b, V has been provided on the reverse of this document for your reference. The status of the Application is available on OneStop at <https://www4.des.state.nh.us/lrmonestop/>.

If you have any questions, please contact the Shoreland Program at (603) 271-2147.

Sincerely,

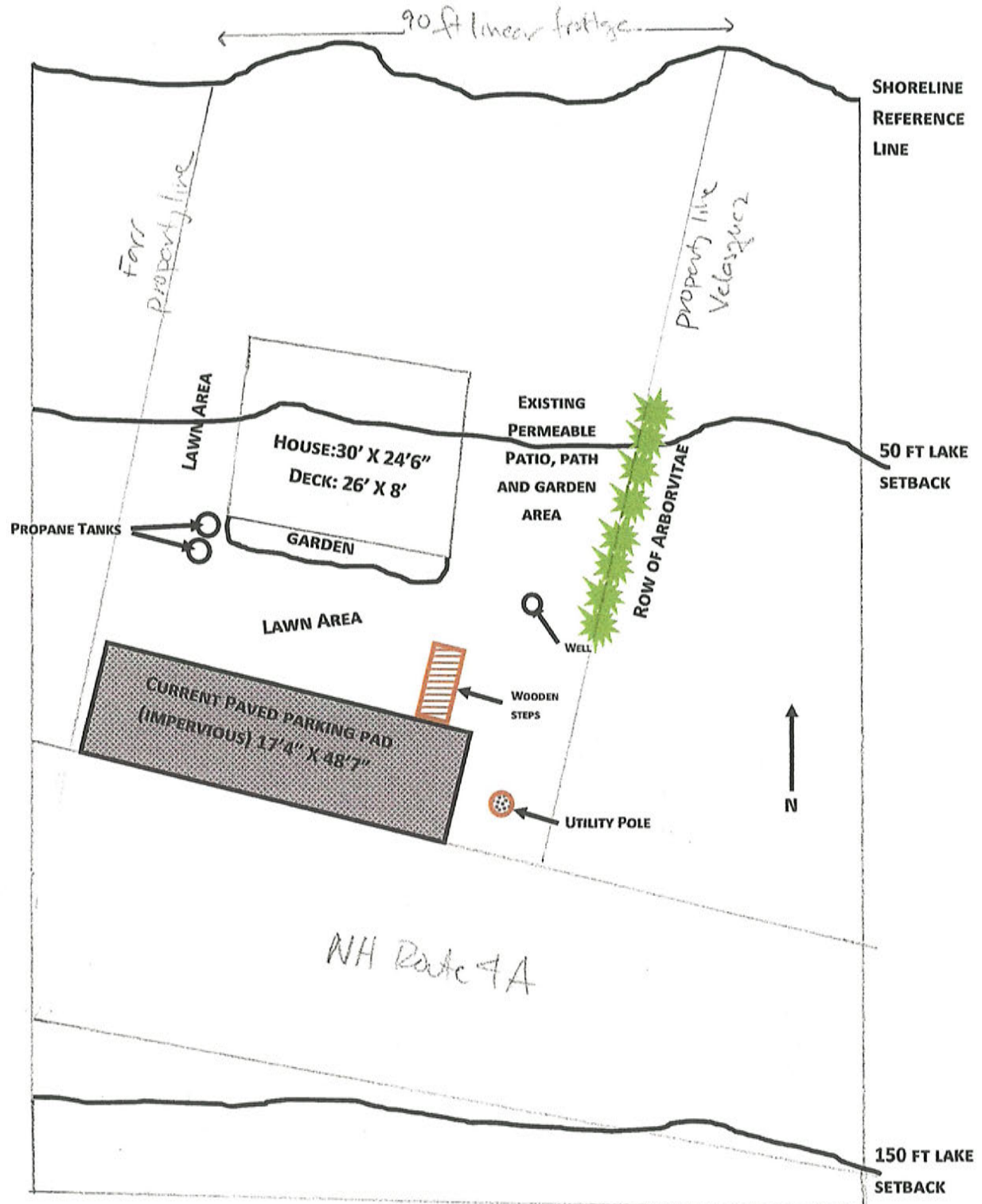
Rumi Shrestha
Application Receipt Center, Shoreland Program
Wetlands Bureau, Land Resources Management
Water Division

Copied: Agent
Municipal Clerk
Local River Advisory Committee
NHDES Rivers Program

Ekstrand Parking Pad Extension Permit Application

Current Parking Area — Revised 6.23.2026

mascoma lake

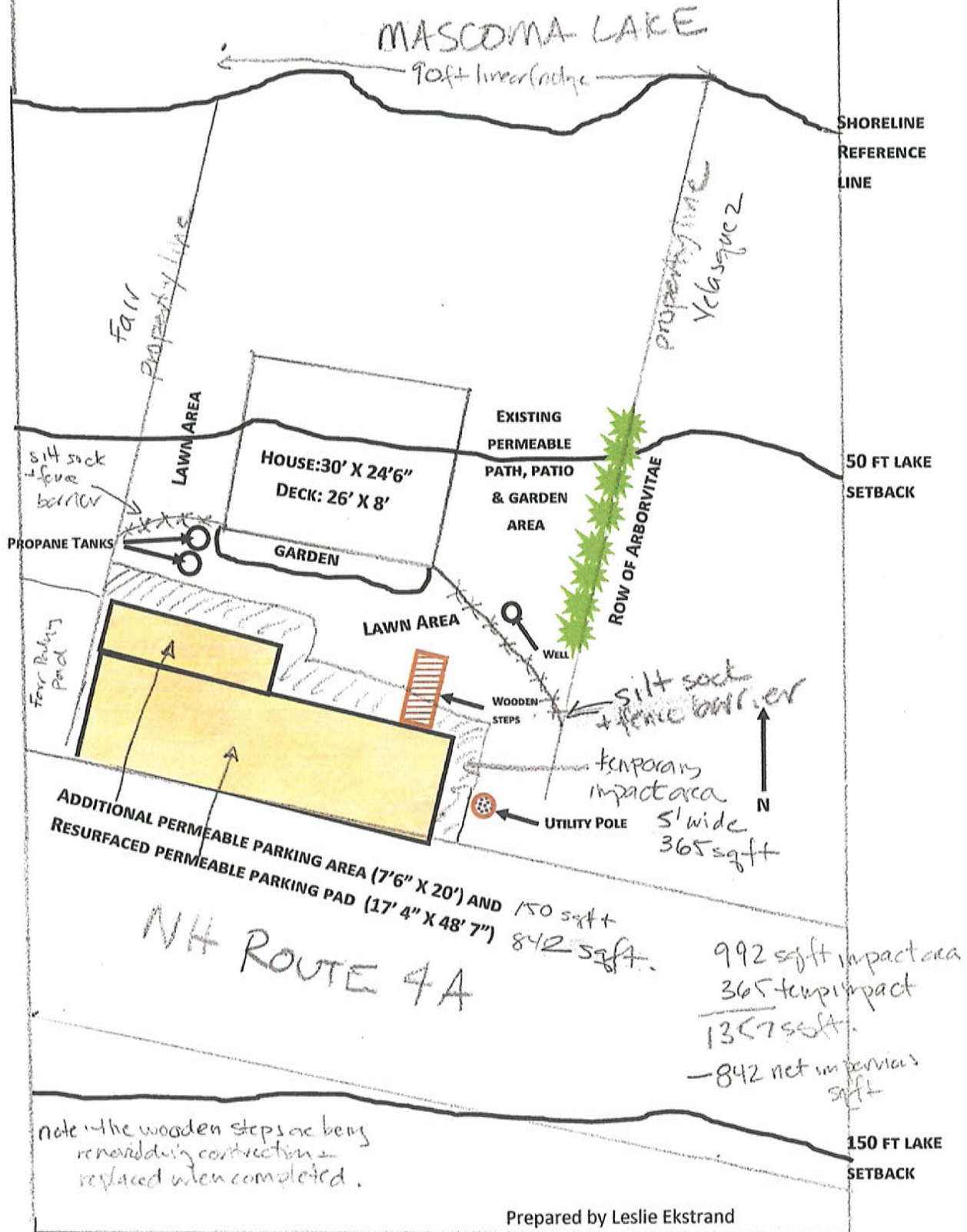


Prepared by Leslie Ekstrand

Revised Leslie Ekstrand 6.23.2026

Ekstrand Parking Pad Extension Permit Application

Proposed Parking Area — Revised 6.23.2026

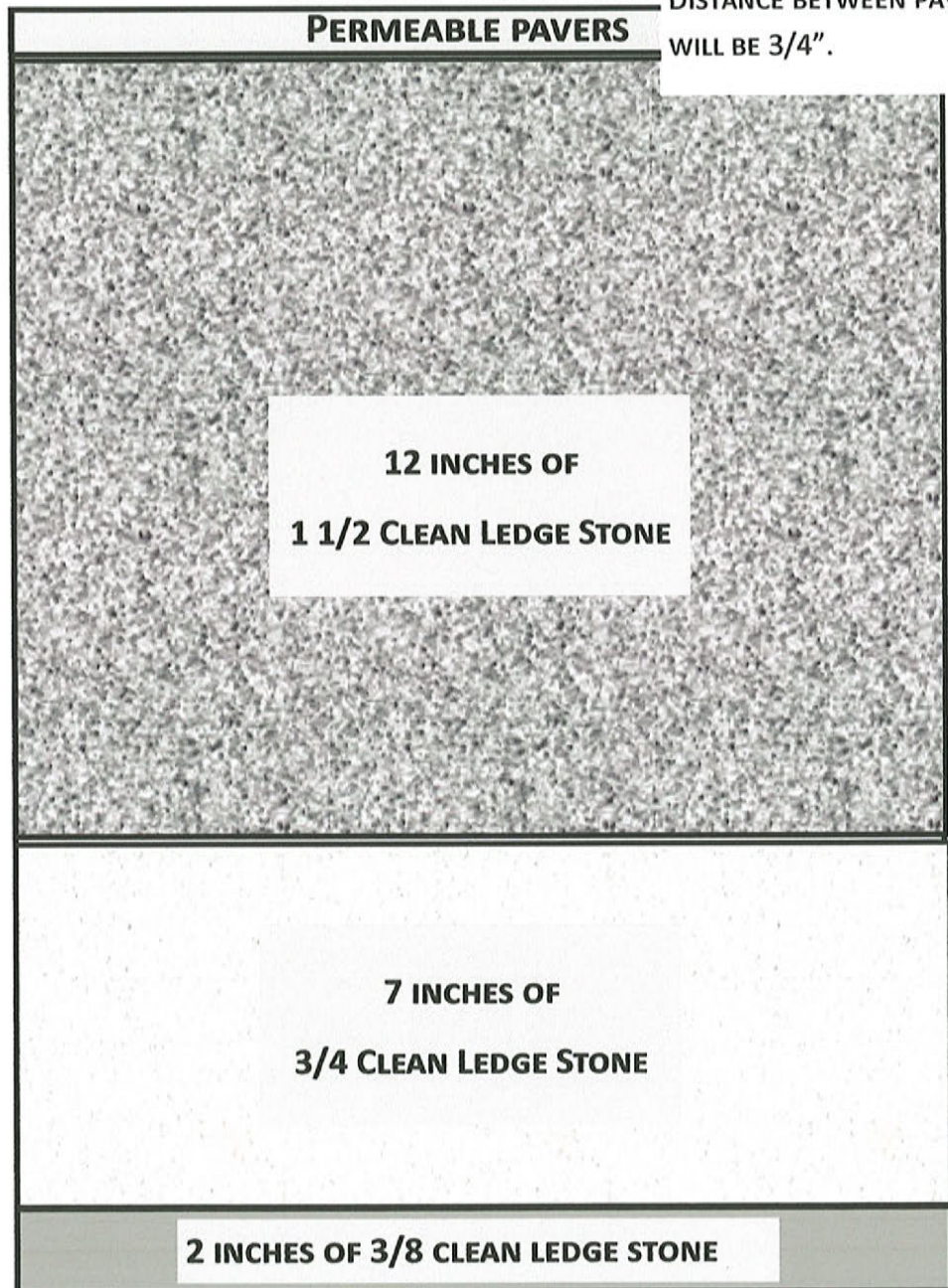


**CROSS SECTION OF PLANNED PERMEABLE BLOCK INSTALLATION
EKSTRAND PARKING PAD EXTENSION
111 NH ROUTE 4A, LEBANON**

PROPOSED PERMEABLE SURFACES TO BE
MAINTAINED BY BLOWING OFF ANY
DETRITUS THAT ACCUMULATES, KEEPING
SURFACES & JOINTS CLEAN AND BY
WEEDING BETWEEN PAVERS

**SURFACE OF PARKING PAD
PERMEABLE PAVERS**

DISTANCE BETWEEN PAVERS
WILL BE $\frac{3}{4}$ ".



Not to scale. Drawn by Leslie Ekstrand revised 6.25.2026 NHDES File #2026-01348



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Robert R. Scott, Commissioner



To: Leslie Ekstrand
P.O. Box 2052
Lebanon, NH 03766
lklekstrand@gmail.com

From: Ecological Review Section
New Hampshire Department of Environmental Services

cc: NHFG Review

Date: 05/12/2026 (valid until 05/12/2027)

Re: DataCheck Review by NHDES Ecological Review Section

Permits: NHDES - Shoreland Standard Permit

DCT ID: DCT26-1121

Town: Lebanon
Location: 111 NH Route 4A

Project Description: We are expanding the parking pad adding an additional 150 sq ft. This is next to Route 4A at the top of our property, replacing the current asphalt pavement with a permeable surface. This will take place in August or September 2026.

Next Steps for Applicants:

The New Hampshire Department of Environmental Services (NHDES) Ecological Review Section has reviewed the provided mapped project area against available records of protected species, Exemplary Natural Communities (ENCs), and critical habitat. Based on the project mapping and submitted information, protected species may be impacted by the proposed work activities. Please carefully read the comments and instructions below for next steps to avoid and minimize impacts.

Plant and Exemplary Natural

Community Comments: No ecological review needed based on provided information.

Wildlife and Critical Habitat

Comments: Based on the information provided, an ecological review with NHDES is recommended to help prevent violations of the Endangered Species Conservation Act (RSA 212-A), and a \$500 ecological review fee is NOT required. Existing records indicate that protected wildlife species pursuant to RSA 212-A could be impacted by the proposed project. Please refer to the list of records below. To request an ecological review and receive conservation measures to avoid and minimize impacts, follow the instructions provided below. In your review request, please include the anticipated start date and duration of the proposed work (in addition to the other attachments required in the ecological review request form).

Ecological Review Instructions

Pursuant to Env-C 804.01, ecological reviews are either required by rule or recommended to comply with RSA 212-A and 217-A. Pursuant to Env-C 804.02, required ecological reviews that meet certain criteria must pay a \$500 fee to request an ecological review.

Instructions regarding how to request an ecological review for plants and/or wildlife are provided below:

When is an Ecological Review for Plants and Exemplary Natural Communities Needed

If this letter includes records of protected plants and/or exemplary natural communities, you may request an Ecological Review from NHDES (see further instructions below).

If no plant or exemplary natural communities are included on this letter, no further plant review is needed.

When is an Ecological Review for Wildlife and Critical Habitat Needed

If this letter includes records of protected wildlife and/or critical habitat, please refer to one of the following next steps:

- a. If your project requires an NHDES permit, authorization, or approval you may request an Ecological Review from NHDES (see further instructions below).
- b. If your project **does not** need an NHDES permit, authorization, or approval, then no ecological review with NHDES is needed. Instead, you can request a review from the New Hampshire Fish and Game (NHFG) Nongame and Endangered species program. Contact NHFGreview@wildlife.nh.gov or 603-271-2461 to request a review with NHFG.

If no wildlife species or critical habitat are included on this letter, then no further wildlife review is needed.

How to Request an Ecological Review from NHDES

To request an ecological review, access and complete the [Ecological Review Request form](#) found at onlineforms.nh.gov.

Submit the completed form and all required attachments by email, mail, or hand delivery to:

New Hampshire Department of Environmental Services
Attn: Ecological Review Section
P.O. Box 95
29 Hazen Drive
Concord, NH 03302-0095
EcologicalReviews@des.nh.gov

For questions about requesting an ecological review, call 603-271-7972.

Federal Compliance

This letter does not constitute compliance with the federal Endangered Species Act (ESA). There may be federally listed species in New Hampshire that are impacted by your activity not included in this letter. For ESA compliance, please visit the US Fish and Wildlife Service's (USFWS) [Information for Planning and Consultation \(iPaC\) website](#) for an official list of federally listed species that may be present in your project area. If a federal agency is involved in your project through funding, permit or other authorization, coordinate your iPaC results with your point of contact at the agency for further ESA review. If there is no federal agency nexus to your project, and you determine through iPaC, habitat evaluations etc. that a project may cause take of a federally listed species, we recommend coordinating with the USFWS' New England Field Office (newengland@fws.gov or [603-223-2541](tel:6032232541)).

Ecological Review Database records:

The following species and habitats may be impacted by the proposed work activities. Please refer to this list when coordinating.

Vertebrate species	State ¹	Federal	Notes
Common Loon (<i>Gavia immer</i>)	T	--	Contact the NH Fish & Game Dept (see above).

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list.

Disclaimer:

DataCheck Tool screening only includes occurrences of protected species and exemplary natural communities that have been documented and verified by state biologists and ecologists. This letter does not guarantee these are the only protected species and habitat present at this location, only that their presence has not been documented and verified by state biologists and ecologists. As many areas have never been surveyed, or have only been surveyed for certain species, on site surveys are the best way to determine the resources present on your site.

DCT26-1121



www.des.nh.gov
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

Mascoma River Local Advisory Committee
Canaan - Enfield - Lebanon

June 8, 2026

Leslie Ekstrand

llekstrand@gmail.com

Isabella Blood

NHDES Permitting Specialist

Isabella.blood@des.nh.gov

Re:

Shoreland Permit Application (RSA 483-B) NHDES File Number: 2026-01348

Subject Property: 111 NH RTE 4A, Lebanon, Tax Map/Block/Lot(s): 98/no block/14

Dear Leslie and Isabella,

This letter is to inform you that at its June meeting the Mascoma River Local Advisory Committee reviewed the above-referenced Shoreland Permit application. We have the following comments and or questions on this project.

We applaud the use of a permeable solution for the parking pad.

Because of the change to a permeable parking pad, we are wondering two things:

Will the retaining wall be modified to ensure it remains structurally sound as more water would be traveling through it after project completion?

If more stormwater flows out of the retaining wall, what measures are being taken to ensure that that stormwater slows down and infiltrates the ground and does not reach the lake?

We request that all erosion control measures be wildlife friendly and if not biodegradable that they be removed promptly from the site after the need for them has passed.

The Mascoma LAC thanks you for the opportunity to review and comment on this project.

Sincerely,

Sarah A. Riley,
Acting Chair,
Mascoma River Local Advisory Committee

cc:

Tracie Sales tracie.j.sales@des.nh.gov

Sydney Gendreau sydney.e.gendreau@des.nh.gov

Mascoma LAC comments re 111 Rt 4A Enfield 2026-01348

4 messages

mascomaLAC <mascomalac@gmail.com>

Mon, Jun 8, 2026 at 10:16 PM

To: leslie ekstrand <lklekstrand@gmail.com>, Isabella.blood@des.nh.gov

Cc: tracie.j.sales@des.nh.gov, "Gendreau, Sydney" <sydney.e.gendreau@des.nh.gov>

Dear Leslie and Isabella,

Please find in attachment the MRLAC's comments on the above referenced shoreland application.

Best Regards,

--

Sarah Riley
Acting Chair,
Mascoma River Local Advisory Committee

 **2026_06_18 Mascoma LAC comments re 111 Rt 4A Enfield.pdf**
34K

leslie ekstrand <lklekstrand@gmail.com>

Tue, Jun 9, 2026 at 7:53 AM

To: mascomaLAC <mascomalac@gmail.com>

Cc: Isabella.blood@des.nh.gov, tracie.j.sales@des.nh.gov, "Gendreau, Sydney" <sydney.e.gendreau@des.nh.gov>

Hi Sarah,

Thank you for sending this along.

Some notes in response to your questions:

The entire retaining wall is being replaced. Our understanding is that it is engineered to work with the permeable pavers and gradation of stone beneath it to allow the runoff water to permeate the ground in a way that does not cause damaging runoff. We would love suggestions on plantings that might help further mitigate these concerns.

There are storm drains on 4A that currently handle the road runoff during rain storms and snow melt.

We will make sure our contractor uses erosion control measures during construction that are wildlife friendly and either biodegradable or removed when no longer needed.

Best,
Leslie

[Quoted text hidden]

mascomaLAC <mascomalac@gmail.com>

Mon, Jun 29, 2026 at 3:43 PM

To: leslie ekstrand <lklekstrand@gmail.com>

Cc: Isabella.blood@des.nh.gov, tracie.j.sales@des.nh.gov, "Gendreau, Sydney" <sydney.e.gendreau@des.nh.gov>

Hi Leslie,

Thanks for your email. I hope everything is moving forward with the permit request and the RFMI. Regarding plantings that may help water soak into the ground and prevent soil erosion, and thereby help the lake, some options include: replacing some lawn with low-maintenance ground covers and shrubs. I recommend checking out the Green yard care and landscaping tab on the [Soak up the Rain NH](#) website. Also, the NH Lakes site [Transform Your Lakefront: Create a](#)

[Stunning and Lake-Friendly Shoreline Buffer](#) is a great resource that includes some species recommendations as well as links to even more resources.

We appreciate seeing projects that slow the pace of and the volume of stormwater reaching the lake, because stormwater is a major source of pollutants. The [Mascoma Lake Watershed Management Plan](#) emphasizes the importance of waterfront property owners such as yourselves taking measures to improve lake water quality. Thanks for all you are doing!

Best,

Sarah Riley

[Quoted text hidden]

leslie ekstrand <lklekstrand@gmail.com>

Tue, Jun 30, 2026 at 9:34 AM

To: mascomaLAC <mascomalac@gmail.com>

Cc: Isabella.blood@des.nh.gov, tracie.j.sales@des.nh.gov, "Gendreau, Sydney" <sydney.e.gendreau@des.nh.gov>

Hi Sarah,

Thanks for sending these resources over, I will check them out. They look to be very helpful.
We resubmitted a few documents last week with more information to Isabella, hopefully we get a decision soon.

Best,

Leslie

[Quoted text hidden]

Return to:
Leslie L. Ekstrand and Paul J. Ekstrand
111 Route 4A
Lebanon, NH 03766

WARRANTY DEED

Transfer Tax: \$4,335.00

Gordon Black and Nancy Black, Husband and Wife, of 26 Tewksbury Road, Cornish, NH 03745, for consideration paid, do hereby grant to

Leslie L. Ekstrand and Paul J. Ekstrand, Wife and Husband, as joint tenants with rights of survivorship, of 541 Main Street, New London, NH 03257,

with **WARRANTY COVENANTS**

A parcel of land situated in Lebanon, Grafton County, New Hampshire, on the northerly side of Route 4-A and on the southerly edge of Mascoma Lake described as follows:

Beginning at a point on Route 4-A which marks the southeasterly corner of the premises herein conveyed and the southwesterly corner of property now or formerly of Lewis A. and Marjorie A. Audette;

Thence northerly 120 feet along the westerly line of Audette to a point on the southerly edge of Mascoma Lake;

Thence westerly 77 feet, more or less, along the southerly edge of Mascoma Lake to a point which marks the northwesterly corner of the premises herein conveyed, and the northeasterly corner of property now or formerly of C.H. Sanborn;

Thence southerly 100 feet, more or less, along property of Sanborn to a point on the northerly edge of Route 4-A which marks the southwesterly corner of the premises herein conveyed;

Thence easterly 64 feet, more or less, along Route 4-A to the point of beginning.

The premises herein conveyed are subject to the conditions as set forth in the deed from Neville E. Munday and Elisa N. Munday, and Nancy H. Michels, trustee, for the estate of Neville E. Munday, debtor, U.S. Bankruptcy Court District of New Hampshire, Case #82-621, dated November 4, 1985, and recorded in the Grafton County Registry of Deeds in Book 1570, Page 199.

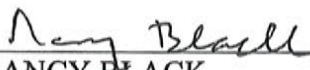
Meaning and intending to describe and convey the same premises conveyed to Gordon Black and Nancy Black by virtue of a deed dated October 2, 2002 and recorded in the Grafton County Registry of Deeds in Book 2722, Page 715.

This is not homestead property.

Executed under seal this 2nd day of October, 2017.



GORDON BLACK



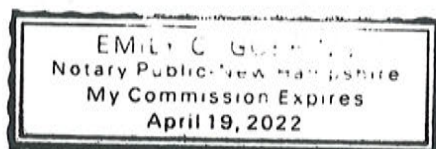
NANCY BLACK

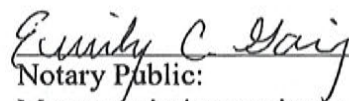
STATE OF NEW HAMPSHIRE

Merrimack, ss.

October 2, 2017

Then personally appeared before me on this 2nd day of October, 2017, the said Gordon Black and Nancy Black and acknowledged the foregoing to be their voluntary act and deed





Notary Public:
My commission expires: 4/19/22

ADDENDUM A:

Bill of Sale Tangible Personal Property to Trust

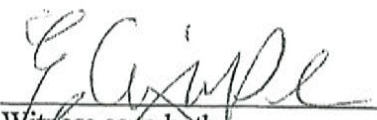
Know All By These Presents, that We, Leslie K.L. Ekstrand and Paul J. Ekstrand, Transferors, in consideration of One Dollar and Other Good and Valuable Considerations, paid by ourselves, Leslie K.L. Ekstrand and Paul J. Ekstrand, as Trustees of the Ekstrand Family Trust of 2025, Transferees, the receipt and sufficiency of which is acknowledged, grant, sell, transfer and deliver to ourselves, Leslie K.L. Ekstrand and Paul J. Ekstrand, as Trustees of the Ekstrand Family Trust of 2025, the following goods, equipment, vehicles, all personal property and chattels, namely:

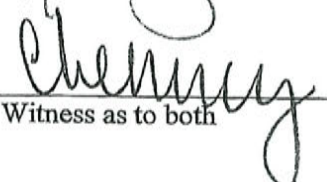
Being all tangible personal property, without limitation, owned by ourselves individually or jointly, wherever situated, and including, without limitation, all household goods, furniture, clothing, automobiles, boats, animals, books, tools, equipment, farm related instruments and equipment, jewelry, collections, works of art, and articles of personal or household use or ornament.

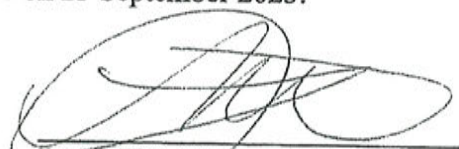
Not included in this transfer are items of intangible personal property such as, for example, cash, securities, IRA accounts, pension accounts, or the like.

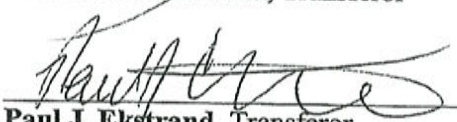
To Have and To Hold all and singular the goods and chattels to ourselves, Leslie K.L. Ekstrand and Paul J. Ekstrand, as Trustees of the Ekstrand Family Trust of 2025, Transferees, and to our successors in trust and assigns, to their own use and behoof forever. And the Transferors covenant with the Transferees that the Transferors are the lawful owners of these goods and chattels, that they are free from all encumbrances except as noted below, that the Transferors have good right to sell them as described above, and that the Transferors will warrant and defend them against the lawful claims and demands of all persons.

The Transferors sign this Bill of Sale on 23 September 2025.


Witness as to both


Witness as to both


Leslie K.L. Ekstrand, Transferor


Paul J. Ekstrand, Transferor

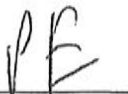
ADDENDUM B:

Schedule of Real Property

This Addendum B is attached to and forms a part of the Ekstrand Family Trust of 2025, and identifies the initial real property owned by the Trust. The Donors, or the Trustee, as the case may be, may transfer other real property to the Trust, and may attach or include a description of any such real property to this Addendum B.

- I. 111 Nh. Rte. 4A, Lebanon, New Hampshire. Real property located in the City of Lebanon, Grafton County, New Hampshire, and being the same lands and premises as conveyed to Leslie L. Ekstrand and Paul J. Ekstrand by Warranty Deed of Gordon Black and Nancy Black, which deed is dated 02 October 2017 and recorded at **Book 4315, Page 0576** of the Grafton County Registry of Deeds.


D.K.L.E.


P.J.E.

Status of NHDES Shoreline Application



leslie ekstrand <lklekstrand@gmail.com>

NHDES File#2026-01348

7 messages

leslie ekstrand <lklekstrand@gmail.com>
To: Isabella.Blood@des.nh.gov

Tue, Jun 30, 2026 at 9:41 AM

Hi Isabella,
Just checking in to make sure that you received our check and updated materials. I left them with the admin at the window as you requested. If so, are there any other questions that need to be answered or forms that need to be updated before we get our decision?
If at all possible, we would appreciate a decision before July 9th so we can submit our paperwork for a zoning variance and get on the Lebanon Zoning Board meeting agenda for August 3rd.
Please let me know if that is likely.
Best,
Leslie

Blood, Isabella <Isabella.Blood@des.nh.gov>
To: leslie ekstrand <lklekstrand@gmail.com>

Tue, Jun 30, 2026 at 10:27 AM

Hi Leslie,

Everything is all set. It is simply in a que waiting to be approved when I can get the time of my supervisor. My hope is to meet with him today, if not tomorrow.

Thank you,
Isabella Blood
Shoreland Permitting Specialist
|Shoreland Program |Wetlands Bureau| Land Resources Management
NH Department of Environmental Services
Isabella.Blood@des.nh.gov
(603) 271-0868
[NHDES Protected Shoreland Webpage](#)

NHDES would greatly appreciate your feedback and wants to hear from you. Please take a moment to fill out our short (5-question) [NHDES Customer Service Satisfaction Survey](#)

From: leslie ekstrand <lklekstrand@gmail.com>
Sent: Tuesday, June 30, 2026 9:41 AM
To: Blood, Isabella <Isabella.Blood@des.nh.gov>
Subject: NHDES File#2026-01348

EXTERNAL EMAIL WARNING! This email originated outside of the New Hampshire Executive Branch network. Do not open attachments or click on links unless you recognize the sender and are expecting the email. Do not enter your username and password on sites that you have reached through an email link. Forward suspicious and unexpected messages by clicking the Phish Alert button in your Outlook and if you did click or enter credentials by mistake, report it immediately to helpdesk@doit.nh.gov

[Quoted text hidden]

leslie ekstrand <lklekstrand@gmail.com>
To: Isabella Blood <Isabella.Blood@des.nh.gov>

Tue, Jun 30, 2026 at 11:58 AM

Thanks for the update, Isabella.
Cheers,
Leslie

On Jun 30, 2026, at 10:27, Blood, Isabella <Isabella.Blood@des.nh.gov> wrote:

[Quoted text hidden]

leslie ekstrand <llekstrand@gmail.com>
To: Isabella Blood <Isabella.Blood@des.nh.gov>

Thu, Jul 2, 2026 at 3:07 PM

Hi Isabella,
I hate to be a pest and apologize for it as I know you have a lot on your plate but did you get a chance to speak with your supervisor?
Best,
Leslie

On Jun 30, 2026, at 10:27, Blood, Isabella <Isabella.Blood@des.nh.gov> wrote:

[Quoted text hidden]

Blood, Isabella <Isabella.Blood@des.nh.gov>
To: leslie ekstrand <llekstrand@gmail.com>

Thu, Jul 2, 2026 at 3:12 PM

Hi Leslie,

I spoke with him. He has quite a bit on his plate and addresses files by their due date.

I will make an effort to address this next week with him again. It is approvable, but he needs to review my permit I wrote up.

I appreciate your patience.

Thank you.

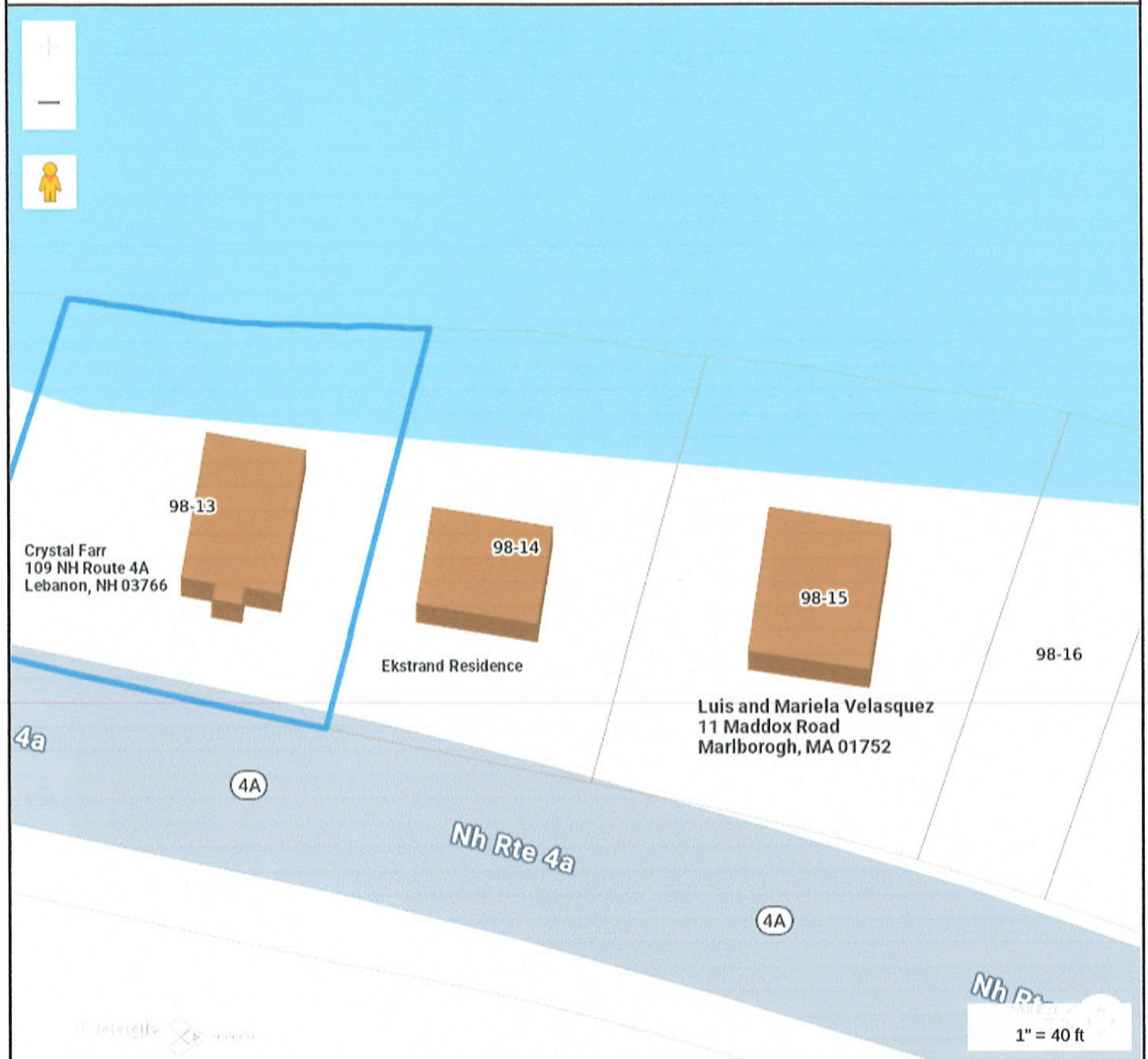
Isabella Blood

Shoreland Permitting Specialist
| Shoreland Program | Wetlands Bureau | Land Resources Management
NH Department of Environmental Services
Isabella.Blood@des.nh.gov
(603) 271-0868
[NHDES Protected Shoreland Webpage](#)

NHDES would greatly appreciate your feedback and wants to hear from you. Please take a moment to fill out our short (5-question) [NHDES Customer Service Satisfaction Survey](#)

From: leslie ekstrand <llekstrand@gmail.com>
Sent: Thursday, July 2, 2026 3:07 PM

Abutter's Map



Property Information

Property ID 98-13
Location 109 NH ROUTE 4A
Owner FARR, CRYSTAL A



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.



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



SHORELAND IMPACT PERMIT 2026-01348

NOTE CONDITIONS

PERMITTEE: LESLIE L/PAUL J EKSTRAND
111 RTE 4A
LEBANON NH 03766

PROJECT LOCATION: 111 NH RTE 4A, LEBANON
Tax Map/Block/Lot(s): 98/no block/14

WATERBODY: MASCOMA LAKE

APPROVAL DATE: JULY 20, 2026

EXPIRATION DATE: JULY 20, 2031

Shoreland Permit Application 2026-01348 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

PERMIT DESCRIPTION:

Impact 1,357 square feet of protected shoreland in order to reconstruct and expand a parking area using permeable pavers.

Impervious Surface Percentage Approved: 16.08%

Natural Woodland Area Required per RSA 483-B:9,V, (b): 0sf

THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):

1. All work shall be in accordance with revised plans by Leslie Ekstrand dated June 23, 2026 and received by the New Hampshire Department of Environmental Services (NHDES) on June 26, 2026 pursuant to Env-Wq 1406.15(f).
2. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
3. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15(c) in order to ensure compliance with RSA 483-B:9, V(g).
4. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700, and the requirements in Env-Wq 1404.01(a) and(b).

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



ISABELLA M. BLOOD
Shoreland Permitting, Shoreland Program
Wetlands Bureau, Land Resources Management
Water Division

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE PARTIES BELOW (Env-Wq 1406.21(c))

PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required, if any)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM
Porter Family Rev Trust
53 Stevens Road

To: Zoning Board of Adjustment

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

Date: September 3, 2026 – Regular Meeting

Application Number: ZB2026-17-VAR

HEARING NOTICE:

PORTER FAMILY REV TRUST, 53 Stevens Rd (Tax Map 52, Lot 16, Plot 100), Zoned RL-2: The applicants request two Variances from Section 313.3, pursuant to Section 801.2, of the Zoning Ordinance to allow an agricultural greenhouse to be located +/- 12 ft from the right-side property line where 35 ft is required and +/- 28 ft from the front property line where 40 ft is required. ZB2026-17-VAR

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a 1-family home constructed in 1987, per the City Assessor's records, is conforming to the RL-2 zoning district, Class 3, minimum lot size requirement of 3 acres with +/- 3.02 acres and is partially within the Riverbank Protection and Wetland/Wetland buffer overlay districts.

Previous ZBA action includes:

- 2018 Special Exception to allow produce stand use
- 2018 Variance to allow a greenhouse to be placed within the side yard setback
- 2018 Variance to allow a chicken coop within the front yard setback
- 2018 Variance to allow a produce stand within the front yard setback

PROPOSAL:

The applicant proposes to construct a 26ft X 48ft hoop-style greenhouse at the front-right side of the property shared with 0 Stevens Road (map 52, lot 16). The greenhouse will be used to support a growing local food production operation.

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 and recommend accepting jurisdiction.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

DRAFT DECISION – ZB2026-17-VAR

September 3, 2026 Regular Meeting

Porter Family Rev Trust – 53 Stevens Road

DRAFT MOTION for:

Agenda Item 3.B

Case ZB2026-17-VAR

Request for Variance from Section §313.3

Motion made by: _____

On September 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 53 Stevens Rd (Tax Map 52, Lot 16, Plot 100), Zoned RL-2: The applicants request two Variances from Section 313.3, pursuant to Section 801.2, of the Zoning Ordinance to allow an agricultural greenhouse to be located +/- 12 ft from the right-side property line where 35 ft is required and +/- 28 ft from the front property line where 40 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 **3rd day of September, 2026**, hereby **GRANTS / DENIES** the Variance from Section §313.3, pursuant to Section §801.2 of the Zoning Ordinance to allow an agricultural greenhouse to be located +/- 12 ft from the right-side property line where 35 ft is required and +/- 28 ft from the front property line where 40 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. _____

Motion seconded by: _____

Vote: _____

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

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

PROPERTY OWNER (APPLICANT):

NAME: Carl N. Porter / Porter Family Rev Trust TEL#: [REDACTED]
 MAILING ADDRESS: 53 Stevens Rd. Lebanon, NH 03766
 E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Sleep Acre Farm TEL#: [REDACTED]
 MAILING ADDRESS: 53 Stevens Rd. Lebanon NH 03766
 E-MAIL ADDRESS: [REDACTED]

PROJECT LOCATION:

TAX MAP #: 52 LOT#: 16 PLOT#: 100 ZONE: RL-2
 STREET ADDRESS: 53 Stevens Rd. Lebanon, NH 03766
 IS THIS PROPERTY LOCATED IN THE: WETLANDS ☒ YES ☐ NO HISTORIC DISTRICT ☐ YES ☒ NO
 FLOOD PLAIN ☐ YES ☒ NO

REQUEST DESCRIPTION:

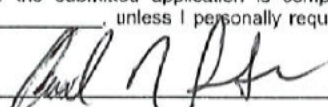
Variance from front & side yard setback to erect a
26'x48' hoop-style greenhouse

USE TYPE: Agriculture - horticulture

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 9/21/26, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature:  DATE: 7/28/26

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

Owner Signature: _____ DATE: _____

DATE RECEIVED: 7-28-26

APPLICATION #: 282026-17-VAR

The subject parcel is a +/- 3.02-acre lot located in the RL-2 zone. The house is sited on a portion of what was once known as Cottage Hill Farm, which was owned and operated by Carl's grandfather from 1949-1986. That farm is now known as the Eagle Ridge development.

In 2018, we appeared before the Zoning Board of Adjustment to request a variance to the front yard setback to move our chicken coop, and a variance from the side-yard setback for the construction of our first greenhouse. In the eight years since we received our variances, our farm has experienced sustained growth, and we need to construct another greenhouse to support our operations. Briefly described, our operations are 85-90% wholesale. The plants that we grow on site are sold to the Hanover Consumer Cooperative Society, West Lebanon Supply, and we sell all the items from our farm at the Lebanon Farmer's Market. The remainder of sales come from people seeing the plants outside and stopping to shop. In the last year, we have suffered unsustainable losses to frost due to using cold frames to support our needs. This greenhouse will avoid continual loss of plants to late spring frost and allow us to continue supporting local businesses with our products.

We still have the issue that we had in 2018; not a lot of flat land. The site that we are looking to use has been filled in over the last decade + to allow for flat land. The only other portion of our land that is flat is the area in which our leech field is located, which we would not be able to use due to its current use as the leech field.

We are planning to transition the produce/plant stand from the roadside to the greenhouse and the coop building, which will allow us to temperature control fruits and vegetables that we sell from the stand.

To have these two buildings functional to our needs, we will bring power in from the pole to the coop and jump to the greenhouse by way of underground conduit, buried to required specs. Our water will come from an existing water line that runs across the front of the house and down to the barn. Our plan is to trench to the greenhouse, T the water line, and install a frost-free fixture in the greenhouse to allow for sufficient water pressure for watering and fertilizing needs in the greenhouse.

We are more than happy to answer any questions that you may have. If you would like to see the challenging topography of our property, please feel free to stop by anytime.

Thank you,



Carl Porter

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) VII
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;

Agriculture is permitted by right in R2-2, however I have a sloped property & this location is all I have left for usable land.

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

Our plan is to site the greenhouse with minimal encroachment of the setbacks

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

There is no other place on our property for the greenhouse owing to the sloping landscape

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

we are continuing to enhance the rural character of our property and;

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

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

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

challenging topography makes it so we are not able to site the greenhouse elsewhere; and on our property

(ii) The proposed use is a reasonable one.

Due to the topography of our property we
are constrained on areas to build on steep slopes

(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 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)."

SUBJECT PARCEL



Property Information

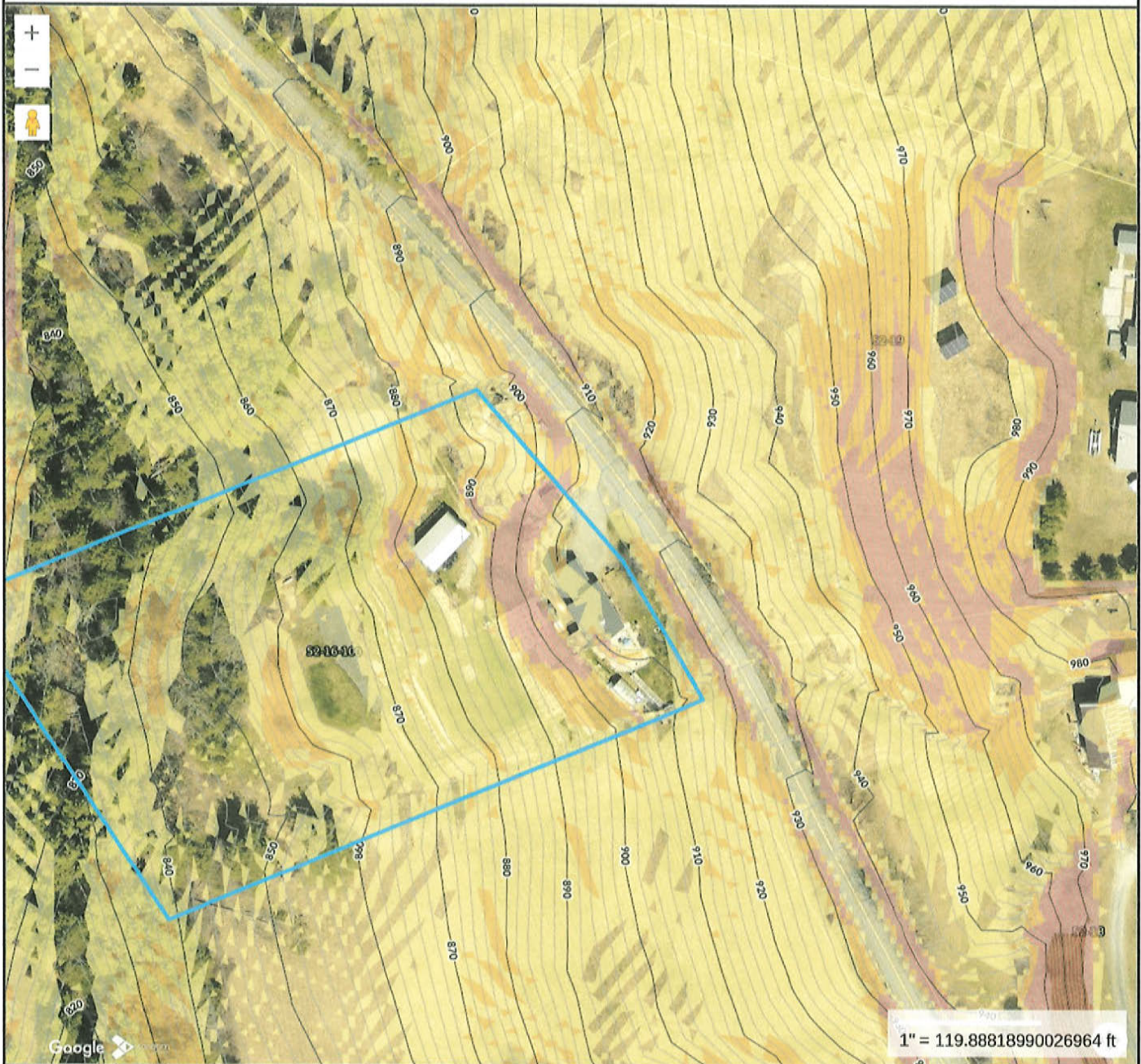
Property ID: 52-16-100
Location: 53 STEVENS RD
Owner: PORTER, CARL & MAGHAN TTEES

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

**Property Information**

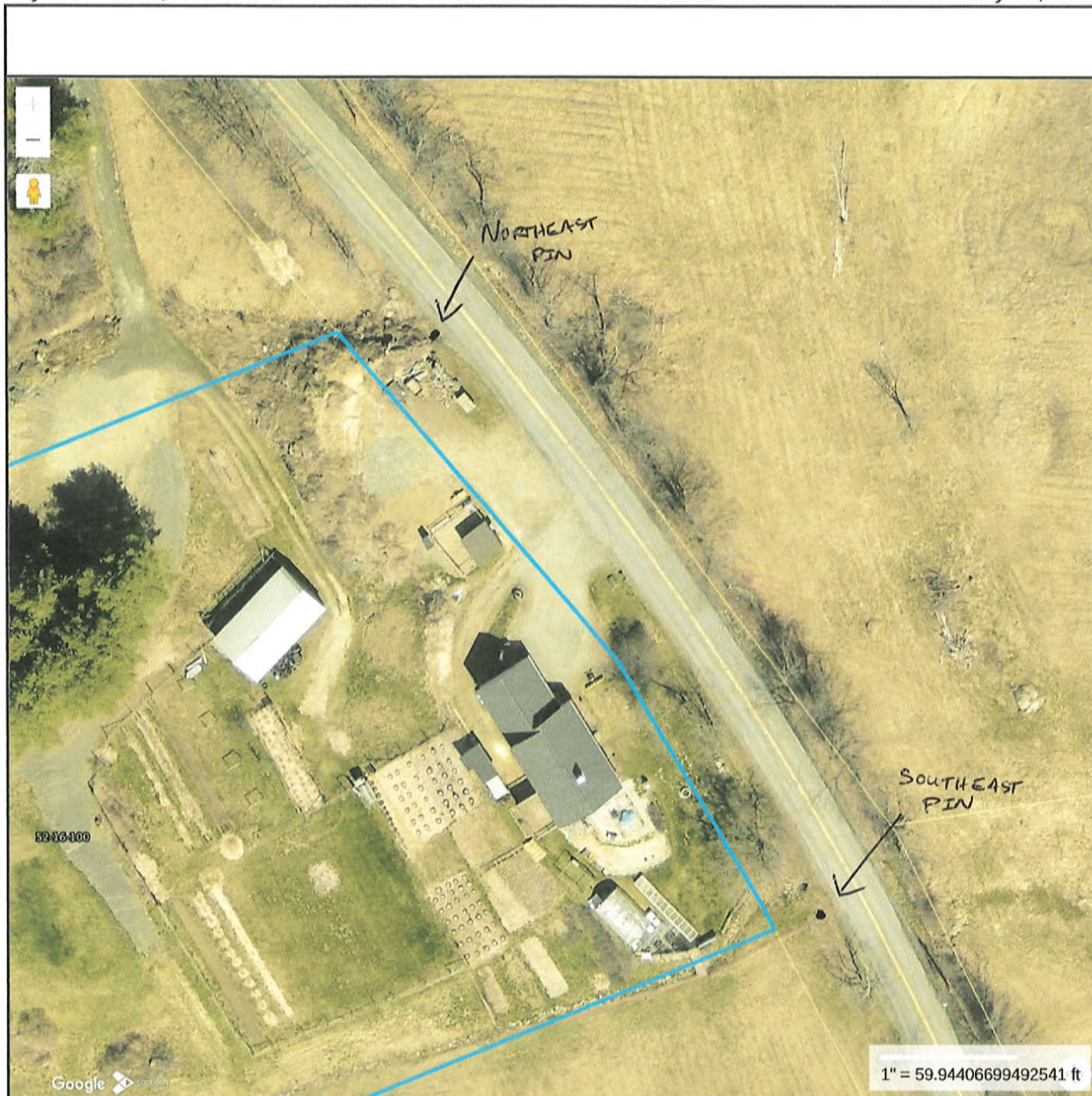
Property ID 52-16-100
Location 53 STEVENS RD
Owner PORTER, CARL & MAGHAN TTEES

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**Property Information**

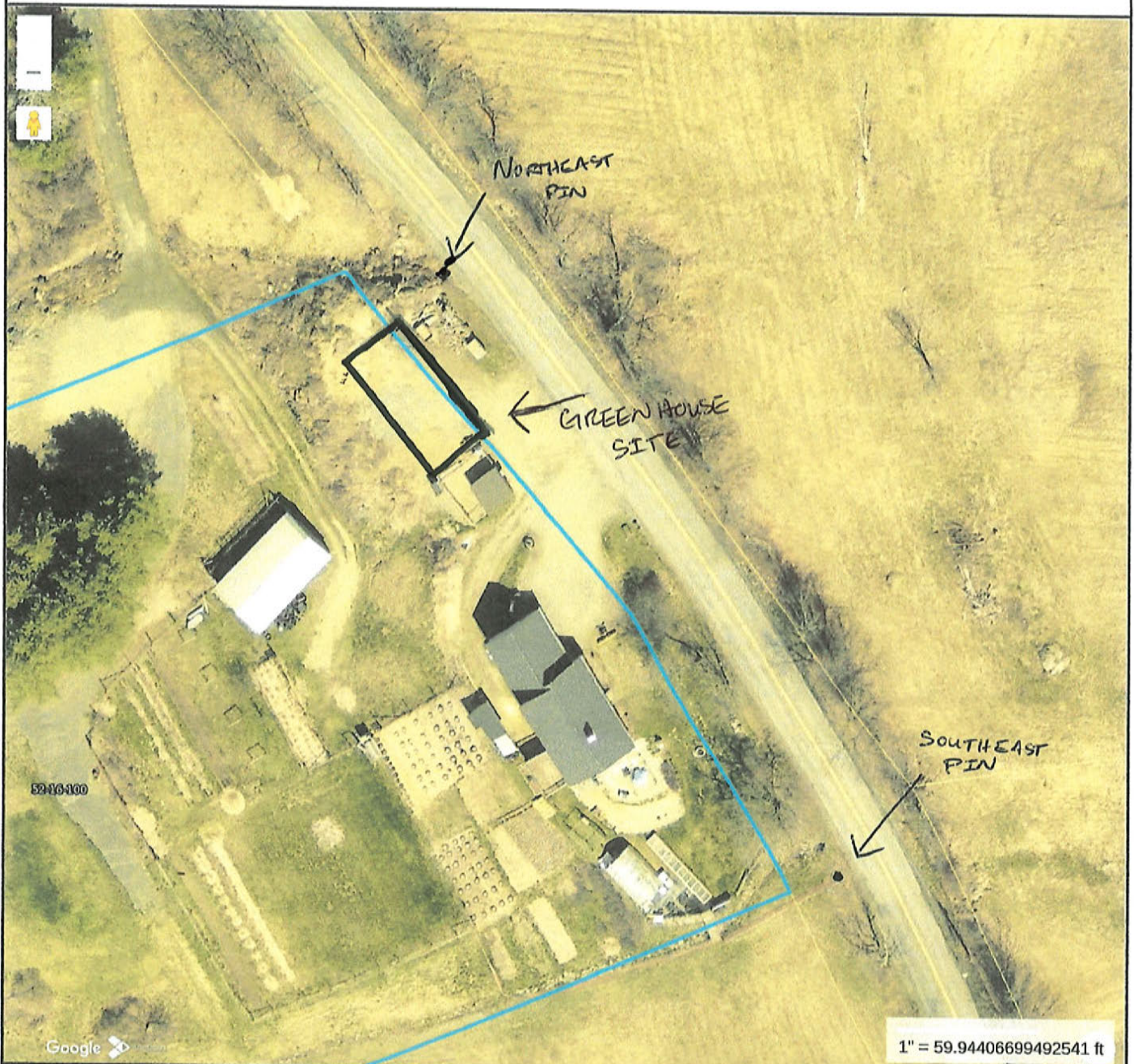
Property ID 52-16-100
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Geometry updated 02/25/2026
Data updated 11/18/2018

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this resource.

**Property Information**

Property ID 52-16-100
Location 53 STEVENS RD
Owner PORTER, CARL & MAGHAN TTEES

**MAP FOR REFERENCE ONLY
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Geometry updated 02/25/2026
Data updated 11/18/2018

Print map scale is approximate.
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this resource.

2/8/17 4:17 PM

526

F21L

RIGHT OF
WAY

57'

72'↕

58'

FUTURE
GREENHOUSE

58'

55'

53'

53'

52'

SHED

1" = 2 feet

54'

1 completed, there are fair housing laws which have to be followed. Ms. Page said many people
2 were not made aware of the meetings that the applicants are speaking of.

3
4 **Hearing no further public comment, Chair Koppenheffer closed the public hearing.**

5
6 Chair Koppenheffer clarified the open items. Mr. Nash would like more information regarding
7 the excavation in the hillside by the proposed building, that it can be constructed and maintained
8 without hazard. Vice Chair Mercer brought up the subject of a site visit and wanted additional
9 clarity on why the area to the north is not suitable for building and asked if this is a final site
10 plan. Mr. Giebink said that this is a final site plan. He also said there is no access to the building
11 on the north side because they are all apartments. Residents would not be able to get into the
12 main building and access services. Chair Koppenheffer said a Board site visit would be a public
13 meeting and would be difficult logistically. If the Board is interested in seeing the site, they can
14 go privately. Mr. Giebink asked if they could be notified of a visit, but Tim Corwin said Board
15 members should not engage in discussion with the applicant outside of the public meeting.

16
17 **Alan Patterson moved to continue this hearing to March 20, 2018 at 7:00 p.m. at Council**
18 **Chambers, City Hall. Seconded by Travis Griffin.**

19 ***The motion passed 5-0.**

20
21 **IV. PUBLIC HEARING**

22 **A. PORTER'S FINEST/ COTTAGE HILL ORCHARDS (applicant) &**
23 **PORTER FAMILY REVOCABLE TRUST (property owner), 53 STEVENS**
24 **ROAD (Tax Map 52, Lot 16-100), zoned RL-2-- Request for a Variance from**
25 **Article III, Section 313.3 of the Zoning Ordinance to permit a greenhouse to be**
26 **located approximately 27 ft. from the side lot line where a minimum of 35 ft. is**
27 **required; (b) a Variance from Article III, 313.3 to permit a chicken coop/produce**
28 **stand approximately 10 ft. from the front lot line where a minimum of 40 ft. is**
29 **required; and (c) a Special Exception pursuant to Article III, Section 313.32 to**
30 **allow a produce stand. #ZB2017-37-SEVAR**

31 Chair Koppenheffer recused himself. Vice Chair Mercer activated Jason Crowley, alternate.

32 Carl Porter and Maghan Porter, trustees of the Porter Family Revocable Trust and owners of
33 Porter's Finest and Cottage Hill Orchards, appeared. The applicants would like to move their
34 henhouse to the front yard of their property owing to the lack of safe access to the henhouse year
35 round. The applicants have been adding fill to their property since 2015 in order to create a flat
36 area that would be suitable for placing a henhouse. Currently the henhouse is safely accessed by
37 a barn access road that is next to the driveway to the house. To walk to the henhouse directly,
38 there is a very steep hill that is difficult to navigate due to the steep topography. With regard to
39 the greenhouse, it would be sited within 27 feet of the side yard. In 2014 the ditch between the
40 applicant's property and the neighboring property was redone. The greenhouse would be placed
41 on the southwestern area of the lawn and would end approximately 18 feet to the south. This is
42 the last piece of flat land on the property that would allow the access needed to electricity and
43 water to make the greenhouse operational. The greenhouse would help the business by reducing
44 costs associated with buying plants and may help generate some plant sales.

1 Vice Chair Mercer asked for questions or comments from the Board. Mr. Patterson asked for
2 clarification regarding logging that had been done to the north. Mr. Porter said his uncle owns
3 that property and in 2015, according to forestry management, it was due for a cutting. Mr. Griffin
4 asked for clarification regarding the history of chickens on the property. Mr. Porter confirmed
5 that he lived in the house since 2012 and that he has not had chickens in the coop, and it is
6 currently empty. Mr. Porter's grandfather was the last one to have chickens, and the last rooster
7 was there in the 1990s. The coop and the barn were built in the 1980s and was owned by Mr.
8 Porter's grandfather as part of a larger dairy farm. Upon his retirement, he subdivided the
9 property and gave pieces to various family members. Mr. Griffin asked how Mr. Porter's
10 grandfather accessed the coop, and Mr. Porter said that he used the barn road, which no longer
11 exists and is underneath the fill that has been brought in. Mr. Griffin asked for clarification on
12 the topography related to the road and Mr. Porter said that the top part is flat, owing to the fill,
13 but that the edges are very steep and do not allow safe access down the side. Mr. Crowley asked
14 about the nearest neighbors and whether roosters could create a disturbance. Mr. Porter said
15 roosters are allowed now according to the R-2 zoning and that he is asking only to move the
16 henhouse and allow it to be safely accessible. Mr. Porter also noted that the main purpose of the
17 henhouse is to have eggs, so there would be limited roosters. Vice Chair Mercer asked whether
18 there is any power to the henhouse now. Mr. Porter confirmed that the henhouse is currently
19 without power and would remain unpowered after it was moved; water would be brought by
20 hand to the henhouse. Mr. Nash asked if there would be water and electric for the greenhouse,
21 which Mr. Porter confirmed would be run through an above-ground pipe. There was general
22 discussion regarding the topography of the lot which includes slopes in excess of 25 percent.
23 There were no other questions from the Board.

24 Vice Chair Mercer opened the hearing to public comment. There were no comments from the
25 public. She closed the public hearing.

26 27 **DELIBERATION/DECISION**

28
29 Mr. Patterson is familiar with the area and agrees that topography is an issue and the access road
30 is a considerable inconvenience for accessing the henhouse. Mr. Patterson also noted that the
31 closest neighbor is 400 feet away, and legally a hunter could discharge a firearm and create a
32 noise disturbance that would be equal to a rooster. Mr. Griffin said the application states that the
33 property is not in a wetlands, but the wetlands overlay shows that to be inaccurate, which Mr.
34 Griffin would like noted. Vice Chair Mercer said that her experience with chicken coops would
35 support the applicant's concerns.

36
37 *Dan Nash moved that, on February 20, 2018, at a duly-noticed meeting of the Lebanon Zoning*
38 *Board of Adjustment, there appeared Carl Porter and Maghan Porter on behalf of Porter's*
39 *Finest/Cottage Hill Orchards (applicant) & Porter Family Revocable Trust (property owner)*
40 *regarding 53 Stevens Road (Tax Map 52, Lot 16-100), zoned RL-2. The applicant requests (a) a*
41 *Variance from Article III, §313.3 of the Zoning Ordinance to permit a greenhouse to be located*
42 *approximately 27 ft. from the side lot line where a minimum of 35 ft. is required; (b) a Variance*
43 *from Article III, §313.3 to permit a chicken coop/produce stand approximately 10ft. from the*
44 *front lot line where a minimum of 40 ft. is required; and (c) a Special Exception pursuant to*
45 *Article III, §313.2 to allow a produce stand. #ZB2017-37-SEVAR*
46

I. FINDINGS OF FACT

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

1. The applicant proposes to construct a 12 ft. by 18 ft. greenhouse to be located approximately 27 ft. from the side lot line where a minimum of 35 ft. is required. A Variance is required to locate a greenhouse within the minimum required 35 ft. side yard. The approximate location of the greenhouse is depicted in the application materials.
2. The applicant also proposes to relocate and enlarge an existing chicken coop from its current location to the front of the property. A Variance is required to locate the chicken coop within 10 ft. of the front lot line where a minimum of 40 ft. is required. The approximate location of the chicken coop is depicted in the application materials.
3. Finally, the applicant proposes to construct a produce stand onto the side of the chicken coop. "Produce stand" is a use permitted by Special Exception in the RL-2 District, and is defined in Appendix A of the Zoning Ordinance as "Sale of flowers, garden supplies, or agricultural produce designed to serve the highway customers".
4. The applicant has submitted testimony addressing the §801.2 Variance criteria and the §801.3 Special Exception criteria in an application received by the Planning Department on November 21, 2017.
5. No members of the public spoke for or against the application.

II. CONCLUSIONS OF LAW

A. Greenhouse Variance

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

1. The variance will not be contrary to the public interest. (§801.2.A.1)
2. The spirit of the ordinance is observed. (§801.2.A.2)
3. Substantial justice is done. (§801.2.A.3)
4. The values of surrounding properties are not diminished. (§801.2.A.4)
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Owing to the following special conditions of the property that distinguish it from other properties in the area (§801.2.A.5.a):
 - i. There is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (§801.2.A.5.a.i)
 - ii. The proposed use is a reasonable one. (§801.2.A.5.a.ii)

B. Chicken Coop Variance

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

1. The variance will not be contrary to the public interest. (§801.2.A.1)
2. The spirit of the ordinance is observed. (§801.2.A.2)
3. Substantial justice is done. (§801.2.A.3)
4. The values of surrounding properties are not diminished. (§801.2.A.4)
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Owing to the following special conditions of the property that distinguish it from other properties in the area (§801.2.A.5.a):
 - j. There is not a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (§801.2.A.5.a.i)
 - iii. The proposed use is a reasonable one. (§801.2.A.5.a.ii)

C. Produce Stand Special Exception

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

1. The Special Exception is specifically authorized by §313.2 of the Zoning Ordinance. (§801.3A)
2. There are no special conditions
3. There are no existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) Staff is not aware of any Zoning Ordinance violations on the property.
4. The character of the area will not be adversely affected (§801.3.D)
5. No hazard or nuisance will be created (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted. (§801.3.F)
7. The granting of the Special Exception will not result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception will be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)
9. The general welfare of the City will be protected. (§801.3.I)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 20th day of February, 2018, hereby GRANTS the request of the applicants for (a) a Variance from Article III, §313.3 to permit a greenhouse to be located approximately 27 ft. from the side lot line; (b) a Variance from Article III, §313.3 to permit a chicken coop/produce stand approximately 10ft. from the front lot line; and (c) a Special Exception pursuant to Article III, §313.2 to allow a produce stand at 53 Stevens Road (Tax Map 52, Lot 16-100), as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit for all proposed work.
2. The applicant shall obtain a site plan review from the Planning Board prior to operation of the produce stand.

1
2 *Seconded by Alan Patterson.*

3 **Vote to approve: 5-0. Motion approved*

4
5 Chair Koppenheffer rejoined the meeting.

6 B. **ANNE & BRUCE JAMES, 82 HARDY HILL ROAD (Tax Map 80, Lot 23),**
7 **zoned RL-2--** Request for a Variance from Article III, Section 313.3 of the
8 Zoning Ordinance to permit an addition to an existing outbuilding to be located
9 approximately 25 ft. from the side lot line where a minimum of 35 ft. is required.
10 #ZB2018-01-VAR

11 Applicants Bruce James and Anne James, accompanied by Wendy Williamson from Domus
12 Builders, appeared before the Board. Mr. James stated that this would be a simple addition
13 extending out approximately 10 feet, the entire length of the barn. The barn is currently 14' x 28'
14 and sits 35' from the property line. Mr. James stated that he believes the addition meets the
15 criteria of the City for granting a variance and that the addition will be aesthetically pleasing. Mr.
16 James has spoken with the neighbors and has included a letter of support from them in the
17 package that was submitted to the Board. There will be no plumbing, the current septic is located
18 to the south, and the well is located approximately 20' to the southeast. A variance is being
19 requested because the addition would cause the barn to sit only 25' feet from the property line
20 rather than the 35' required. The addition would also allow the applicants to protect a small
21 tractor and utility trailer while being aesthetically more pleasing than leaving them outside.
22

23 Chair Koppenheffer asked for questions or comments from the Board. Vice Chair Mercer
24 commented that the application was thorough. There were no other questions from the Board.
25

26 Chair Koppenheffer opened the hearing to public comment. There were no comments from the
27 public. He closed the public hearing.
28

29 **DELIBERATION/DECISION**

30
31 Mr. Nash commented on the tapered shape of the lot. He said the request is not excessive, and
32 the reason for the request for a variance is due to the shape of the lot in relation to the placement
33 of the garage. Mr. Patterson agreed that the request is reasonable and that the placement of the
34 garage does not allow other practical options.
35

36 *Travis Griffin moved that, on February 20, 2018, at a duly-noticed meeting of the Lebanon*
37 *Zoning Board of Adjustment there appeared Bruce James, Anne James, and Wendy Williamson,*
38 *regarding 82 Hardy Hill Road (Tax Map 80, Lot 23), zoned RL-2. The applicants request a*
39 *Variance from Article III, Section 313.3 of the Zoning Ordinance to permit an addition to an*
40 *existing outbuilding to be located approximately 25 ft. from the side lot line where a minimum of*
41 *35 ft. is required. #ZB2018-01-VAR*
42

43 **I. FINDINGS OF FACT**

44