

CITY OF LEBANON, NEW HAMPSHIRE

PROCEDURES FOR REQUESTING RECONSIDERATION AND/OR CHANGE TO CONDITIONS OF A PRIOR APPROVAL

Applicants requesting that the Planning Board change or reconsider the conditions attached to an approved plan must follow the same procedures set forth when filing an original or amended application.

The Site Plan Review Regulations, Section 9.1 - Changes and Alterations to an Approved Site Plan, states the following:

“If, at any time before or during the construction of the required improvements, and before the issuance of the Certificate of Occupancy, unforeseen conditions make it necessary or desirable for the Applicant to modify the location or design of any part of the approved site plan, the Board may, after notice and public hearing, approve such changes and alterations. The Applicant shall submit a revised site plan for review and approval.”

In order for the Board to act on the request to alter an unappealed prior final decision (Per NH RSA 677:15), the following must take place:

1. An application must be submitted which contains or cross-references all submission items required by the Site Plan Review Regulations.
2. Based on the information submitted, the Board must determine if the application is complete enough to accept jurisdiction and commence review. Once deemed complete, the public hearing will be opened, and both the applicant and abutters will be allowed to comment. The Board must then determine that there exists either (a) a material change in the use or layout being applied for; or (b) an unanticipated material change in circumstances affecting the merits of that aspect of the decision which the Board is being asked to change.

If the Board determines that neither (a) nor (b) exists, it must deny the request and the parties are bound by the prior decision. The Planning Board has no jurisdiction to reconsider the conditions. A decision to deny the request for reconsideration is then subject to appeal under RSA 677:15.

If the Board finds that an unanticipated material change of circumstance **does** exist, it will review the request for reconsideration as submitted and make a decision on its merits. This decision is also subject to appeal under RSA 677:15.

If the applicant wishes to have a preliminary discussion with the Planning Board about the merits of the proposed changes, they may, in accordance with Section 4.8 of the Site Plan Review Regulations or Section 7.2 of the Subdivision Regulations, submit a request for Conceptual Discussion. However, this discussion is non binding, and no actual change can be made to any of the conditions under this procedure.