



**LEBANON PLANNING BOARD
AUGUST 23, 2021 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Study Items**
 - A. Department of Public Works Presentation Re: Water/Sewer allocation process, capacity updates
 - B. Impact fee discussion continued from July 26, 2021
 - 3. Committee Reports**
 - A. **City Council Subcommittees:**
 - Class VI Roads Advisory Committee (J. Monroe)
 - Lebanon Energy Advisory Committee (J. Monroe)
 - B. **Planning Board Subcommittees:**
 - Planning Board Capital Improvement Program (B. Garland/L. Stavis/M. Hall/K. Chewning)
 - Planning Board Development Regulations Update (M. Hall/K. Romano/J. Rutter/ J. Monroe)
 - C. **Other Subcommittees:**
 - City Council Representative (D. Whittlesey/K. Zook)
 - Heritage Commission (J. Rutter)
 - Pedestrian & Bicyclist Advisory Committee (G. Amaro)
 - Upper Valley Lake Sunapee Regional Planning Commission (B. Garland)
 - UV SubCommittee of the Connecticut River Joint Commissions (B. Garland)
 - Upper Valley Transportation Management Association (VACANT)
 - Mascoma River Local Advisory Committee (K. Romano)
 - Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)
 - West Lebanon Revitalization Advisory Committee (L. Stavis)
 - Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)
 - 4. Other Business**
 - 5. Approval of Minutes**
 - A. July 12, 2021
 - B. July 26, 2021 (Non-public session)
 - C. July 26, 2021
 - 6. Adjournment**

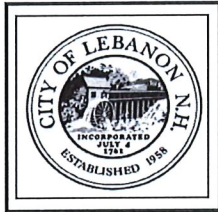
The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://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 disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

Agenda
Planning Board
August 23, 2021

Agenda Item #2B
Study Items

Impact fee discussion continued from
July 26, 2021



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Planning Board

FROM: David Brooks, Planning & Development Director

RE: 2021 Update of Impact Fee Schedule

DATE: August 17, 2021

To Planning Board members,

On July 26th, Bruce Mayberry of BCM Planning, LLC appeared before the Board to review and discuss the ongoing update of the City's Impact Fee Schedule. Mr. Mayberry also reviewed a variety of options for expanding the school impact fee, in particular, to potentially encompass all of the School District's K-12 buildings, and not just the Lebanon Middle School as has been the case since 2010.

During the course of the discussion, the Board asked for additional information about how Lebanon's school impact fees would compare to other communities across New Hampshire. Attached is a summary memo prepared by Mr. Mayberry in response to that request.

Also during the meeting, there was some discussion about the effect of impact fees on the cost of for-sale and rental housing. Mr. Mayberry has provided a brief analysis estimating the average additional costs to a single family home and multi-family apartments associated with the existing and proposed impact fees versus no impact fee at all for the Board's consideration.

At the conclusion of the July 26th discussion, the Board expressed support for extending the school impact fee to cover all K-12 buildings. However, the Board did not decide whether to apply the maximum supportable school impact fee or some lesser percentage. Since this is essentially a policy matter, Mr. Mayberry does not plan to be in attendance for the discussion, but if any additional questions about the calculations or methodology arise, they can be relayed to him for answers.

Finally, staff recommends that the Board should also discuss some of the other potential policy matters noted in Mr. Mayberry's July 5th report titled *Options for Expanded Scope of Lebanon School Impact Fee*. In particular, Mr. Mayberry recommends that the City consider capping the maximum living area subject to the impact fee to avoid excessive assessment and consider granting exemptions for small dwelling units (e.g. studios and one bedroom units) that typically generate negligible school enrollment.



P. O. Box 723 – Yarmouth, Maine 04096
(207) 749-5217 bmayber1@maine.rr.com

Date: July 27, 2021

To: David Brooks, Planning Director
City of Lebanon, NH

Re: *Examples of School Impact Fees in NH*

At the end of our impact fee update discussion with the Planning Board last night, the Board requested examples of school impact fees in other New Hampshire communities. They were particularly interested in school fees that could be considered “comparables” to Lebanon if the fee schedule is expanded to include all facilities rather than the Middle School only.

The chart on the next page shows school impact fees in a variety of NH cities and towns where I have prepared school impact fees or updates. There are other examples in NH, but some of those fees have not been updated since originally calculated.

The chart shows the year in which the fee was calculated, as well as the type of school district the community is located in, and the scope of the fee relative to the facilities included in the capital values assigned. I think that the most comparable situations are the municipalities that are also “stand alone” school districts, as opposed to those which are part of a regional cooperative district in which historic State Building Aid levels have been considerable higher.

Please bear in mind the vintage of the various fee calculations, and that there are significant differences among communities with respect to average enrollment per unit, square feet of school space per pupil, and the capital values assigned to the schools.

The average fee for a single family home in this sample, where computed per dwelling unit:

- \$ 4,773 per unit for all municipalities listed
- \$ 5,547 per unit for most comparable (K-12 facilities, single municipality School District)

For the locations that assess school fees per square foot of living area, the averages are:

- \$ 2.37 per square foot of living area for all listed communities
- \$ 2.22 per square foot of living area for the most comparable communities

Examples of School Impact Fees in NH (Those Most Comparable to Lebanon Highlighted)				
Municipality	Year Computed - Most Recent Update	School Impact Fee Applicable to a Single Family Home		
		School Impact Fee	Scope of School Facilities Included in Fee	Single Community School District vs. Cooperative District
Fees Assessed Per Dwelling Unit				
Exeter	2021	\$5,690	K-12	Coooperative
Fremont	2020	\$3,434	K-8	Single Town
Plaistow	2019	\$3,187	K-12	Coooperative
Dover	2018	\$6,629	K-12	Single City
Manchester	2017	\$4,589	K-12	Single City
Nottingham	2017	\$4,220	K-8	Single Town
Epping (1)	2016	\$4,250	K-12	Single Town
Barrington	2016	\$4,635	K-8	Single Town
Bedford (2)	2015	\$6,922	K-12	Single Town
Salem	2014	\$5,345	K-12	Single Town
Brentwood	2014	\$5,768	K-12	Coooperative
Kingston	2013	\$3,192	K-12	Coooperative
Wolfeboro	2009	\$4,184	K-12	Coooperative
Average of Above Sample		\$4,773		
Average for "Comparables"		\$5,547	(Single Community District, K-12 Scope of Fee)	
Fees Assessed Per Square Foot				
New Durham	2020	\$2.20	K-12	Coooperative
Rochester	2019	\$1.87	K-12	Single City
Amherst	2019	\$2.32	K-12	Single Town
Raymond	2018	\$2.48	K-12	Single Town
Boscawen	2017	\$2.01	K-12	Coooperative
Seabrook	2017	\$3.37	K-12	Coooperative
Litchfield	2014	\$2.33	Gr. 5-12 only	Single Town
Average of Above Sample		\$2.37		
Average for "Comparables"		\$2.22	(Single Community District, K-12 Scope of Fee)	
(1) Epping impact fees shown above are assessed @ 90% of the calculated amount.				
(2) Bedford update in process as of July 1, 2021. SF school fee may increase substantially in 2021 based on draft fee basis.				
List of fees prepared by BCM Planning, LLC - updated July 1, 2021				

Note that if the listed fees were adjusted to 2021, it is likely that these averages would be higher. For example, if the above fees were adjusted to 2021 @ 3% per year compounded:

	<u>Per Unit</u>	<u>Per Sq. Ft.</u>
Average All Communities:	\$ 5,143	\$ 2.62
Average Most Comparable:	\$ 6,435	\$ 2.39

I hope this provides additional context for the Planning Board's deliberations.

Bruce C. Mayberry, Principal
BCM Planning, LLC

LEBANON IMPACT FEES RELATIVE TO HOUSING COST	No Impact Fees	2018 Fee Schedule	Fee Update With School Option 1	Fee Update with School Option 6
			School=MS Only	School=K-12
SINGLE FAMILY HOME				
Single Family Home				
Fees Per Sq. Ft. School	Assume	\$0.95	\$1.09	\$3.19
Fees Per Sq. Ft. Rec, PD, FD	No Impact Fees	\$1.07	\$1.24	\$1.24
Total	In Effect	\$2.02	\$2.33	\$4.43
Assume Fee for New Single Family Home @ 2,000 sq. ft.	0	\$4,040	\$4,660	\$8,860
Average New Home Sale Price NH Statewide (2019 annual data)		\$410,000	\$410,000	\$410,000
(NHHFA data for State; no regional or local data on <i>new homes</i>)				
Fees as % of Avg New Home Sale Price		0.99%	1.14%	2.16%
Cost of Fee as Financed with 30 Year Mortgage @ 3 %				
Monthly Cost Per \$1,000 Financed		4.21604	4.21604	4.21604
Total Amount Financed @ 90% of Home Price		\$369,000	\$369,000	\$369,000
Monthly Principal & Interest w/o Impact Fee		\$1,556	\$1,556	\$1,556
Monthly Cost of Fee 90% Financed with 30 Year Mortgage @ 3 %				
Monthly Cost of Fee Across Mortgage Term		\$15	\$18	\$34
Effect on Monthly Cost Attributable to Impact Fee		1.0%	1.2%	2.2%
MULTIFAMILY APARTMENT				
	No Impact Fees	2018 Fee Schedule	Fee Update With School Option 1	Fee Update with School Option 6
			School=MS Only	School=K-12
Fee Assumptions				
Fees Per Sq. Ft. School	Assume	\$0.87	\$0.89	\$2.31
Fees Per Sq. Ft. Rec, PD, FD	No Impact Fees	\$1.61	\$1.34	\$1.34
Total	In Effect	\$2.48	\$2.23	\$3.65
Assume 2BR Multifamily Apt @ 900 Sq. Ft.	900	900	900	900
Indicated Fee for 900 Sq. Ft. Apartment	\$0	\$2,232	\$2,007	\$3,285
Assume Total Cost of Fee Financed @ 4% - 30 Yr Multifamily Mortgage				
Monthly Payment Per \$1,000 Financed	4.774153	4.774153	4.774153	4.774153
P & I Per Month Per Unit Attributable to Impact Fee	\$0	\$11	\$10	\$16
Gross Rent Max. 2 BR LIHTC Apartment @ 50% of AMFI	\$990	\$990	\$990	\$990
Gross Rent Max. 2 BR LIHTC Apartment @ 60% of AMFI	\$1,188	\$1,188	\$1,188	\$1,188
HUD Fair Market Rent 2 BR 2021	\$1,083	\$1,083	\$1,083	\$1,083
Impact Fee Cost as % of Gross Rent For:				
2 BR LIHTC Apartment @ 50% of AMFI	0.0%	1.1%	1.0%	1.6%
2 BR LIHTC Apartment @ 60% of AMFI	0.0%	0.9%	0.8%	1.3%
HUD Fair Market Rent - Grafton County	0.0%	1.0%	0.9%	1.4%
Median Gross Market Rent 2 BR Grafton County 2021 (NHHFA)	\$1,462	\$1,462	\$1,462	\$1,462
Impact Fee as % of Gross Market Rent	0.0%	0.7%	0.7%	1.1%

Agenda
Planning Board
August 23, 2021

Agenda Item #5A
Approval of Minutes

July 12, 2021

DRAFT

**LEBANON PLANNING BOARD
Regular Meeting
Monday, July 12, 2021, 6:30 PM
Council Chambers, City Hall
51 N Park St, Lebanon, NH
Or Remote Via Virtual Platform
Lebanonnh.gov/Live**

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Zook (Council Representative), Gregorio Amaro, Kim Chewning, Joan Monroe, Kathie Romano, Jeremy Rutter, Laurel Stavis

MEMBERS ABSENT: None

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Rebecca Owens (Associate Planner), Brian Vincent (City Engineer)

1. Call to Order Chair Garland called the meeting to order at 6:30 PM.

2. Notice of Regional Impact – No new applications received

3. Public Hearing Items

- A. Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD:** Request for Site Plan Review to construct a 15,000 sq. ft. addition to an existing warehouse building. PB2021-13-SPR - Postponed from May 10, 2021. Applicant has requested a postponement to the July 12, 2021 Planning Board meeting. - Completeness Review Only (postponed from June 14, 2021)

Mr. Corwin stated that additional information was received by the Planning Department and the application is complete enough for the Planning Board to accept jurisdiction and commence review.

Ms. Romano inquired about waiver #4 and whether the addition is proposed to be sprinklered. Mr. Corwin stated that the issue can be addressed within the Public Hearing.

A MOTION by Matthew Hall that the application of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD, is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Laurel Stavis.

**The MOTION was approved unanimously (9-0).*

A MOTION by Matthew Hall to continue the hearing of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD to August 9, 2021 at 6:30 PM.

The motion was seconded Gregorio Amaro.

**The MOTION was approved unanimously (9-0).*

1 **B. Walt Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, 58 East**
2 **Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road (Tax Map 7, Lot 10), zoned R-3:**
3 Request for approval of a Boundary Line Adjustment between lands located at 58 East Wilder
4 Road and 0 East Wilder Road. PB2021-18-BLA

5
6 Mr. Corwin stated that the Planning Department reviewed the application and recommends that it is
7 complete enough for the Planning Board to accept jurisdiction and commence review.

8
9 ***A MOTION by Matthew Hall that the Lebanon Planning Board finds the application of Walt***
10 ***Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, for a proposed Boundary Line***
11 ***Adjustment between lands located at 58 East Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road***
12 ***(Tax Map 7, Lot 10), PB2021-18-BLA, IS complete enough to accept jurisdiction and commence review.***
13 ***The motion was seconded by Kim Chewning.***

14 ****The MOTION was approved unanimously (9-0).***

15
16 Peter Dodge, representing Wilder Ridge Estates, appeared to speak on behalf of the application for the lot
17 line adjustment, which previously was unclear as to the ridge line.

18
19 Mr. Corwin stated that this is a straightforward Boundary Line Adjustment, and the conditions are
20 outlined in the Staff Memo. All of the required information has been submitted, and the shoreline
21 protection requirements would not impact the buildability of Lot 9. The shoreline images were displayed,
22 and approval is expected from the NH DES, which is currently reviewing the permit application.

23
24 Chair Garland invited public comment, but there was none.

25
26 Mr. Dodge explained the boundary line symbology. Mr. Corwin stated that the wording would be
27 clarified.

28
29 Chair Garland closed the Public Hearing.

30
31 ***A MOTION by Matthew Hall*** that the Lebanon Planning Board ***APPROVE*** the application of Walt
32 Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, for a proposed Boundary Line
33 Adjustment between lands located at 58 East Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road (Tax
34 Map 7, Lot 10), PB2021-18-BLA, as shown on a plat titled "Boundary Line Adjustment Plan Prepared for
35 Wilder Ridge Estates, LLC and Walter Cunningham & John Eric Hoffman", prepared by Paton Land
36 Surveying, LLC, dated May 27, 2021, revised June 26, 2021, Project No. 2020-279-44, including any and
37 all supplemental submissions and testimony provided during the public hearing, with the following
38 conditions which shall satisfied prior to the signing and recording of the plat:

- 39 1. The applicants shall provide a revised plat depicting the following changes to the satisfaction of
40 the Planning and Development Department:
- 41 a. Change note #1 to include John Eric Hoffman as an owner of Tax Map 7, Lot 9.
 - 42 b. Change note #7 to read as follows: "No easements, rights of way or other restrictions on
43 the subject properties were found in the chains of title." (Section 8.2.A.2)
 - 44 c. Provide a site location map showing the original boundaries of the subject lots and
45 adjacent lots. (Section 8.2.A.6)
 - 46 d. Add boundary line symbology to the legend.
- 47

2. The applicants shall provide to the City a draft copy of the deed of the land transfer for review to ensure the transfer will be completed properly for Assessing and recording purposes.

3. The applicants shall provide one (1) full-size copy of the plat and a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).

The motion was seconded by Jeremy Rutter.

**The MOTION was approved unanimously (9-0).*

A MOTION by Matthew Hall that the Lebanon Planning Board authorizes the Chair to sign the Boundary Line Adjustment plat for Walt Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, PB2021-18-BLA, titled "Boundary Line Adjustment Plan Prepared for Wilder Ridge Estates, LLC and Walter Cunningham & John Eric Hoffman", prepared by Paton Land Surveying, LLC, dated May 27, 2021, revised June 26, 2021, Project No. 2020-279-44, as such plat may be amended in accordance with the Planning Board's approval.

The motion was seconded by Jeremy Rutter.

**The MOTION was approved unanimously (9-0).*

C. St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), 425 Miracle Mile (Tax Map 103, Lot 15), zoned GC: Request for Site Plan Review to expand the existing building with the construction of +/-12,900 sq. ft. of additional building area to accommodate a showroom and additional vehicle service bays, together with associated site improvements including utilities, lighting, landscaping, stormwater management, parking, and access. PB2021-19-SPR

Matthew Hall recused himself due to professional conflicts.

Mr. Corwin stated that the Planning Department reviewed the application and recommends that the Planning Board can accept jurisdiction and commence review.

A MOTION by Kathie Romano that the Planning Board finds the application complete enough to accept jurisdiction and commence review.

The motion was seconded by Laurel Stavis.

**The MOTION was approved (8-0).*

Adam Morse, civil engineer; Joe Greene, architect; and Raymond Gaudette representing the auto group, appeared to speak on behalf of the application.

Mr. Morse stated that the proposed addition to the existing Ford dealership at 425 Miracle Mile involves adding service bays along the west side of the addition, making pavement and driveway access changes, and additional changes to sales side of the building. The majority of the changes are service-oriented, but there would be a slight expansion. The patio would be remaining but smaller, and parking would remain. Stormwater management would be achieved using a gravel wetland near the service parking area, and landscaping would be added along the northeast corner of street frontage, which would not block the sales display. The lighting would be upgraded.

1 Mr. Corwin explained the waiver requests as outlined in the Staff Memo, which include waivers from the
2 sidewalk and lighting requirements. There are some outstanding questions regarding stormwater
3 management, and additional information was received and reviewed. Conditions have been identified that
4 need to be met to satisfy the requirements, and the Planning Department is comfortable with the applicant
5 documenting that they have been satisfied at least 21 days prior to the application for a building permit as
6 stated in the conditions.

7
8 Ms. Romano expressed concern regarding stormwater discharge going into the Mascoma River. Mr.
9 Morse described the gravel well that would collect runoff from the roof and pavement. Mr. Vincent stated
10 that testing was done to confirm the water table, and the revised design for a gravel wetland is a good
11 design. Ms. Romano inquired about the lighting meeting new color requirements, and Mr. Corwin
12 confirmed that it would.

13
14 Ms. Stavis asked that the elevations in the plans be explained. Mr. Greene explained the views presented.

15
16 Ms. Stavis expressed her desire that the applicant reconsider the waivers from landscaping, as the Miracle
17 Mile could use additional greenery. Mr. Greene noted that the plan would be making the site better
18 aesthetically as well as functionally, and some greenery was added to balance with sales needs. Mr.
19 Morse stated that they would be maintaining visibility of the inventory. Several Board members
20 expressed their concerns about the landscaping waivers and a desire for additional landscaping.
21 Mr. Corwin noted that any landscaping in the City's right-of-way would require City approval.

22
23 Mr. Amaro expressed concern over the water from the service bays. Mr. Greene explained the gravel
24 wetland process that would manage the water.

25
26 The Board members reiterated their interest in additional landscaping to improve the aesthetics and
27 function of the property.

28
29 Chair Garland invited public comment. There was none.

30
31 Mr. Corwin opened the discussion of the waivers. The Board members began the vote on the individual
32 waivers.

33
34 ***A MOTION by Kathie Romano that the Planning Board APPROVE the waiver from Section 6.5.B.4***
35 ***requiring sidewalks along the street frontage.***
36 ***The motion was seconded by Laurel Stavis.***

37
38 ****The MOTION was approved (5-3).***

39
40 Mr. Corwin explained that if lighting is being replaced, it must be up to code or 0.5 foot candles or less at
41 the property lines. Mr. Greene confirmed the upgrading to LED's with appropriate cutoffs.

42
43 ***A MOTION by Kathie Romano to approve the waiver from Section 6.7.B.2 requiring maximum***
44 ***illumination of 0.5-foot candles at commercial property boundaries.***
45 ***The motion was seconded by Laurel Stavis.***

46
47 ****The MOTION was approved (7-1).***

48
49 The Board members inquired about the level of lighting and duration of lighting. Mr. Morse confirmed
50 the lighting would be on a timer.

1 ***A MOTION by Kathie Romano to approve the waiver from Section 6.7.C.1 for lighting uniformity***
2 ***ratios.***

3 ***The motion was seconded by Laurel Stavis.***

4
5 Ms. Monroe commented on the variations in lighting across the property. Mr. Morse noted the impact of
6 the abutter's lighting, adding that serviced vehicles are not parked in those areas at night. Mr. Greene
7 stated that it is not dark, noting the averages throughout parking lot.

8
9 ****The MOTION was approved (7-1).***

10
11 The Board members continued to discuss the landscaping waivers. The general consensus was that more
12 thought and creativity were needed, and additional plans should be brought to the Board. Mr. Greene
13 noted that there are numerous non-conforming issues on the site. Mr. Corwin stated that all Site Plan
14 Review Regulations apply, and an applicant must demonstrate compliance to the Board. The Planning
15 Department will work with the applicant to resolve the landscaping issues. The Board could give the
16 applicant time to come back with a different proposal. They may still need some waivers but could
17 propose more landscaping. Several motions were proposed and withdrawn.

18
19 Mr. Brooks confirmed with the Board members that only the proposed landscaping needed changing.

20
21 ***A MOTION by Kathie Romano to continue the hearing of St. Johnsbury Automobile Group (applicant)***
22 ***and ORQT, LLC (property owner), 425 Miracle Mile (Tax Map 103, Lot 15), zoned GC to August 9,***
23 ***2021, at 6:30 PM.***

24 ***The motion was seconded by Laurel Stavis.***

25
26 ****The MOTION was approved (8-0).***

27
28 Mr. Greene thanked the Board members and said he would discuss the changes with Mr. Corwin.

29
30 Matthew Hall returned to the Board.

31
32
33 **D. Hardy Hill, LLC, 27 Jenkins Road (Tax Map 80, Lot 14), zoned RL-2: Request for**
34 **approval of a proposed three (3)-lot Minor Subdivision of 27 Jenkins Road. PB2021-20-MIN**

35
36 Eric Peabody, Surveyor, and John Dickey, property owner, appeared on behalf of the application.

37
38 Mr. Corwin stated that Planning Staff has reviewed the application in accordance with the Subdivision
39 Regulations and finds it is complete enough for the Planning Board to accept jurisdiction and commence
40 review.

41
42 ***A MOTION by Matthew Hall that the Lebanon Planning Board finds the application of Hardy Hill,***
43 ***LLC, for a proposed three (3)-lot Minor Subdivision of 27 Jenkins Road (Tax Map 80, Lot 14), PB2021-***
44 ***20-MIN, IS complete enough to accept jurisdiction and commence review.***

45 ***The motion was seconded by Jeremy Rutter.***

46 ****The MOTION was approved (9-0).***

47 Mr. Peabody explained the proposed minor subdivision, which would leave 6.05 acres with the existing

1 house and create two new lots, both of which would be accessed from Jenkins Road. There are wetlands
2 issues from which they are seeking a waiver, and testing is being done. Mr. Peabody described the
3 property and proposed features related to the conditions of approval.

4 Mr. Corwin stated that the proposed lots would be regulated under the building permit process. Driveway
5 permits would be needed from the DPW, and dry hydrants would be installed in the pond for each
6 approved building lot.

7 Mr. Corwin explained that the subdivision requires conditions be identified, and this is a large property
8 with wetlands that were not completely delineated on the western half. A waiver is needed that all be
9 identified, and the dry hydrants would serve all three properties.

10 Mr. Corwin stated that the Planning Staff has no concerns.

11
12 Mr. Peabody confirmed that the septic field would be delineated on the final plan. The wetland is rated
13 high value, and no development is planned near it. The plan shows the intermittent streams.

14
15 Chair Garland invited public comment. There was none.

16
17 ***A MOTION by Matthew Hall to approve the waivers.***
18 ***The motion was seconded by Laurel Stavis.***

19
20 ****The MOTION was approved (9-0).***

21
22 Ms. Monroe inquired if the City informs future owners of the property's streams feeding the public drinking
23 water. Mr. Brooks stated that the information is available on maps. Ms. Monroe suggested the owners
24 consider the use of pesticides and other chemicals.

25
26 Chair Garland closed the Public Hearing.

27
28 ***Matthew Hall moved*** that the Lebanon Planning Board ***APPROVE*** the application of Hardy Hill, LLC, for
29 a proposed three (3)-lot Minor Subdivision of 27 Jenkins Road (Tax Map 80, Lot 14), PB2021-20-MIN, as
30 shown on a plat titled "Minor Subdivision Plan for Hardy Hill, LLC," prepared by Green Top Land
31 Surveying, LLC, dated June 14, 2021, last revised June 28, 2021, project no: 1055, including any and all
32 supplemental submissions and testimony provided during the public hearing, with the following conditions:

- 33
34 1. The applicant shall provide a revised plat depicting the following changes to the satisfaction of the
35 Planning and Development Department and the Fire Department:
36
- 37 a. Depict the seal and signature of the Certified Wetlands Scientist who delineated the
 - 38 wetlands. (Section 9.5.A.7)
 - 39 b. Depict and/or add a note regarding the installation of a dry hydrant in the pond located on
 - 40 Lot 80-14 (to satisfy the requirements of Section 13.12 of the Subdivision Regulations.
 - 41 c. Add a note indicating that the plat was approved pursuant to the City of Lebanon
 - 42 Subdivision Regulations last revised March 22, 2021.
 - 43 d. Remove the building envelopes from Lots 80-14-100 & 200.
 - 44
 - 45 2. The applicant shall provide a digital record drawing (Cad .dwg format using NH State Plane
 - 46 Coordinate system or an alternative approved by the City's GIS Coordinator).

- 1
2 3. Subdivision approval from the New Hampshire Department of Environmental Services shall be
3 obtained and a copy of such approval shall be provided to the Planning and Development
4 Department. (Section 9.5.C.2)
5

6 **General Conditions**

- 7 4. Future development on the new lots shall be subject to City of Lebanon Impact Fees, pursuant to
8 Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building
9 Permit issuance based on the Impact Fee Schedule adopted on August 13, 2018, and such fees shall
10 be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA
11 674:39, the approved site plan shall be exempt from any future changes in impact fees and
12 methodology for five years from the date of approval; however, any building permits which are
13 issued after the end of that five-year period shall be fully subject to whatever impact fees and
14 methodology are in effect at the time of building permit issuance.
15
16 5. All future construction shall substantially conform with and shall be subject to the requirements
17 and specifications of the recorded plat. (Section 7.9.A.2)
18
19 6. Prior to the issuance of a Certificate of Occupancy for any home constructed on any of the lots, a
20 dry hydrant shall be installed in the pond located on Lot 80-14. A building permit and/or a permit
21 from the Fire Department, as may be required, shall be obtained prior to installation of the dry
22 hydrant.
23

24 *The motion was seconded by Jeremy Rutter.*

25 **The MOTION was unanimously approved (9-0).*

26
27 *Matthew Hall moved that the Lebanon Planning Board authorizes the Chair to sign the Minor*
28 *Subdivision plat for Hardy Hill, LLC, PB2021-20-MIN, titled "Minor Subdivision Plan for Hardy Hill,*
29 *LLC," prepared by Green Top Land Surveying, LLC, dated June 14, 2021, last revised June 28, 2021,*
30 *project no: 1055, as such plat may be amended in accordance with the Planning Board's approval.*
31

32 *The motion was seconded by Jeremy Rutter.*

33
34 **The MOTION was unanimously approved (9-0).*
35

36 **4. Other Business**

37
38 Mr. Brooks stated that the City Council would be hosting a special meeting on July 19, 2021, at 7:00 PM
39 regarding housing and housing affordability and encouraged the Board members to participate.
40 Mr. Brooks added that the Planning Department is well underway with the CIP process and would be
41 ready to present projects by the end of the month or the first week of August. He confirmed that Bruce
42 Garland, Laurel Stavis, Matthew Hall, and Kim Chewning would be on the CIP committee.
43

44 The official opening of tunnel is Thursday, July 15, 2021.
45

46 Mr. Hall inquired if there was any update on the hybrid meeting format. Mr. Brooks stated that the
47 emergency order was rescinded, and there must be a quorum present. However, the City Manager has

determined that since the City has the technology, remote participation will be allowed. Anybody who wants to participate remotely can participate remotely. The Board and Staff can encourage applicants to attend if they are proximate. Mr. Hall agreed to give it time.

Ms. Stavis reported that at the State level and from the City Council's perspective, it has been noted that participation in the political process has skyrocketed with the availability of new technology. Those unable to attend physically have benefitted, which is an overall benefit. More participation is preferred over limiting it to in-person attendance.

Ms. Romano observed that remote participation makes it easier for the public to be informed.

Ms. Monroe noted that in-person attendance is important to give applicants the experience of visiting the local area. On Thursday July 15, 2021 from 7-8:00 PM there will be a presentation regarding the Community Aggregation Power Plan, which LEAC has been working on with Clifton Below. It is a system that gives residents of communities the opportunity to have input.

Ms. Stavis reported that a contractor has been selected to demolish the Westboro railyard by November. The City has requested to lease the land to make the trail complete, and no objections have been submitted to date.

5. Approval of Minutes

A. June 14, 2021

A MOTION by Jeremy Rutter that the Planning Board Minutes of June 14, 2021, be approved as presented.

The motion was seconded by Kim Chewning.

Joan Monroe left the meeting

**The motion was approved (8-0).*

6. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.

The motion was seconded by Gregorio Amaro.

**The MOTION was approved (8-0).*

The meeting was adjourned at 9:12 PM.

Respectfully submitted,

Holly Howes, Recording Secretary

Agenda
Planning Board
August 23, 2021

Agenda Item #5B
Approval of Minutes

July 26, 2021 (Non-public session)

DRAFT

LEBANON PLANNING BOARD
Minutes of Nonpublic Session
Monday, July 26, 2021
Meeting Room 2, City Hall
51 N Park St, Lebanon, NH

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Gregorio Amaro, Kim Chewning, Kathie Romano, Jeremy Rutter, Laurel Stavis

MEMBERS ABSENT: Karen Zook (Council Representative), Joan Monroe

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner)

1 *A MOTION by Matthew Hall to enter nonpublic session per RSA 91-A:3, II(e), to discuss a time-*
2 *sensitive matter related to pending litigation that cannot wait.*
3 *The motion was seconded by Jeremy Rutter.*
4

5 *Roll call vote to enter nonpublic session with Bruce Garland, Matthew Hall, Gregorio Amaro, Kim*
6 *Chewning, Kathie Romano, Jeremy Rutter, and Laurel Stavis voting Yes and none voting No.*
7

8 **The MOTION was approved unanimously (7-0).*
9

10 The Board adjourned to Meeting Room 2 and entered nonpublic session at 8:55 pm.
11

12 The Board discussed matters relating to the Brady Sullivan appeal pending before the NH Housing Board
13 of Appeals. The Chair asked if any Board member would like to make a motion to revisit the Board's
14 decision on the Brady Sullivan extension request. No such motion was offered.
15

16 *A MOTION by Laurel Stavis to leave nonpublic session and return to public session.*
17 *Seconded by Jeremy Rutter.*
18

19 **The MOTION was approved unanimously (7-0).*
20

21 The Board adjourned to Council Chambers and reconvened the public session at 9:24 pm.
22

23
24 Respectfully submitted,
25 Tim Corwin, Senior Planner

Agenda
Planning Board
August 23, 2021

Agenda Item #5C
Approval of Minutes

July 26, 2021

DRAFT

LEBANON PLANNING BOARD
Regular Meeting
Monday, July 26, 2021, 6:30 PM
City Council Chambers, City Hall
or Remote Via Webex
LebanonNH.gov/Live

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Gregorio Amaro, Kim Chewning, Jeremy Rutter, Kathie Romano, Laurel Stavis

MEMBERS ABSENT: Karen Zook (Council Representative), Joan Monroe

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner)

1 **1. Call to Order**

2
3 Chair Garland called the meeting to order at 6:35 PM.

4
5 **2. Public Hearing Items**

6
7 A. **Liberty Utilities** - Request for scheduled vegetation management for the safety and
8 reliability of the electric distribution system on Eastman Hill Road, Great Brook Road,
9 Old Pine Tree Cemetery Road, Poverty Lane, Slayton Hill Road and Sunset Rock Road,
10 all designated scenic roads. PB2021-21-SCR

11
12 Heather Green and Kelly Hoffman attended representing Liberty Utilities.

13
14 Ms. Green explained the scenic road requirements and the cyclical tree work needed on the circuit of
15 roads. The trees may require clearing, pruning, removal, and vine work. Liberty Utilities is seeking
16 permission from the Board to work on the scenic roads. A list was provided describing the proposed work
17 to clear the conductor lines.

18
19 Mr. Brooks noted that this is a routine request.

20
21 Mr. Rutter clarified the frequency and purpose of the work. Ms. Stavis inquired if this work impacts the
22 budget of the PUC. Ms. Green confirmed that it does, adding that Fairpoint Communications no longer
23 shares the cost. Ms. Romano inquired about the flagging process and the procedure for reporting trees
24 impacting the power lines.

25
26 Chair Garland invited public comment.

27
28 Sarah Riley of Ward 2 and a member of the Conservation Commission inquired if the Commission was
29 informed of this work. Ms. Riley stated that the City is in discussions regarding the creation of a Tree
30 Board to help maintain the health and vibrancy of the tree canopy in the City with a focus on urban trees
31 and those along rights-of-way. Mr. Brooks stated that the Conservation Commission does not have an
32 official role to play regarding the review of tree work along Scenic Roads pursuant to City Code Chapter
33 134, but he would make sure they are notified in the future, as required. Ms. Riley noted that it would be
34 good for the Conservation Commission to have the opportunity to weigh in.
35

1 Ms. Stavis shared that NH RSA 231:108 outlines the designation of scenic roads and the process for
2 maintaining trees along them.

3
4 Chair Garland closed the Public Hearing.

5
6 ***A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE the request of LIBERTY***
7 ***UTILITES (PB2021-21-SCR) for approval to perform scheduled vegetation management for the safety***
8 ***and reliability of the electric distribution system on Eastman Hill Road, Great Brook Road, Old Pine***
9 ***Tree Cemetery Road, Poverty Lane, Slayton Hill Road and Sunset Rock Road, all designated scenic***
10 ***roads, as described in application materials dated July 7, 2021, prepared by Heather Green, ISA Certified***
11 ***Arborist for Liberty Utilities.***

12 *The motion was seconded by Kathie Romano.*

13 **The motion was approved (7-0).*

14
15 **3. Study Items**

16
17 **A. Presentation by Bruce Mayberry Re: Draft of the updated impact fee schedule**

18
19 Mr. Brooks introduced the presentation and stated that Mr. Mayberry had appeared in March to talk about
20 impact fees in general. Lebanon School District Superintendent Joanne Roberts had appeared to request a
21 broader school impact fee for use on capital improvements throughout the entire school district, not just
22 to pay off the debt for the middle school. Mr. Mayberry had now completed his work in coordination
23 with the school district for their desired improvements and was ready to present his findings. The goal
24 was for the Planning Board to make a decision regarding the school impact fees in order to finalize the
25 overall fee update report for the next work session in August in preparation for a vote on adoption.

26
27 Mr. Mayberry noted that the Planning Board members have the reports that provide projections for a
28 broader school district impact fee as compared with the current fee based solely upon the middle school.
29 The SAU staff provided information, which indicated only 31% of student enrollment is being
30 represented at present with just the middle school. A chart was displayed showing the comparison of just
31 middle school against entire school system, and the fee calculations were explained. The calculations
32 were based upon replacement costs when adding the other schools, and existing conditions were
33 considered across the district to determine the rates per square foot.

34
35 Chair Garland directed the Board members to the executive summary, which compares the fees based
36 upon the middle school only to fees based upon all schools in the district. He noted that the fees would
37 increase considerably. Mr. Hall suggested that increasing the fees substantially could disincentivize
38 housing development, adding that he feels the Board should not be doing that. Mr. Mayberry stated that
39 the increased amount for the impact fee is comparable with other communities. The fees could be
40 discounted by some proportionate amount.

41
42 Superintendent Roberts, and Richard Milius, Chair of the School Board, attended on behalf of the SAU.
43 Dr. Roberts expressed gratitude to Mr. Mayberry for his work in obtaining data and his overall effort,
44 adding that the district needs K-12 improvements. It is not possible to know the ages of children moving
45 into the district, and it is important to make the projects happen, many of which are student-specific to
46 provide accommodations and assistive technology. Quality instruction and facilities are an important part
47 of what the City needs to provide. It is very important that the Planning Board and the City continue to
48 work with the school district.
49

1 Mr. Milius shared the School Board's goal of providing a high level of education. They started the
2 conversation on fees because of the limited middle school consideration for fees and the need to provide
3 for the district's financial needs. There would be no building aid coming anytime soon from the State.
4 The School Board is taking an incremental approach to needs based upon students, and a more accurate
5 fee structure would be a benefit. Mr. Milius urged the Planning Board to consider increasing the impact
6 fees, whether in stages or in full.

7
8 Dr. Roberts stated that the SAU has reached out to the State representatives. The projects aren't huge, and
9 smaller projects have small value. The SAU doesn't get building aid because it is up against many larger
10 schools with large projects, which means competing in a difficult arena.

11
12 The Board members discussed the various levels of funding and the potential impact on builders and
13 residents.

14
15 Chair Garland suggested that it would be helpful to see more data from Mr. Mayberry as to how Lebanon
16 compares to other towns outside the Upper Valley in order to decide on a new rate schedule.

17
18 Mr. Rutter noted that developers would be paying more based on increased impact fees. It would add to
19 the cost of a house, but it would not be a lot compared to the price of a house. He would like to see what
20 the increase would do to the total price of a building. Mr. Mayberry cited an example from Bedford,
21 which has one of the highest impact fees. The actual fee stayed at around 1.8% of the typical price of a
22 home and is paid only one time in the life of the development rather than yearly as a tax. The developer
23 would pass it through to the buyer or occupant. Mr. Brooks, using Rock Ridge Development as an
24 example, noted that a higher fee could have more impact on rental units than on individual homes. Mr.
25 Mayberry noted that State statute allows for waivers, which could help with lower income housing. Ms.
26 Stavis suggested that additional legal information would be helpful. Mr. Mayberry stated that it is
27 important to keep the fee proportionate to the demand, and the Board could do some partial waivers to
28 keep it in sync with the statute. Mr. Brooks noted that adding waivers would become a zoning
29 amendment and then go to the City Council.

30
31 Chair Garland conducted a straw poll of the Board members to determine the preference for an impact
32 fee including the needs of all schools or just the middle school.

33
34 Straw Poll:

35 Members preferring to include all schools (6)

36 Members preferring middle school only (1)

37
38 Mr. Brooks inquired if the Planning Board expands the impact fee to include all schools but not a
39 maximum fee per square foot, could there be a straight percentage off each possible fee. Mr. Mayberry
40 stated that it would need to be proportionate across the fees once the calculations are done. He also
41 commented on the Fire Department expansion and the potential impact on fees, which currently are
42 limited to major capital equipment. The Fire Department is currently looking at a new site. Mr. Mayberry
43 stated that it would be important to make sure the Fire Department funding is certain before increasing
44 the fees.

45
46 Mr. Hall inquired if there is a way to tie impact fees to inflation. Mr. Mayberry stated that it has been
47 done in other communities with an escalator clause in the ordinance. It happens with utility fees by
48 indexing them to the cost of construction, but he would hesitate to recommend it on schools since their
49 factors change frequently. There are examples in ordinances for annual increments.

Chair Garland suggested the Board could decide on the schools to include in the impact fee calculation and then the details of the total package at the next meeting. Mr. Brooks noted that the Board has all of the Mayberry information, and Staff will get the comparable information from other towns and cities. That discussion could be scheduled for August 23, 2021 at 6:30 PM.

B. Proposed Amendments to the Site Plan Review Regulations creating a minor Site Plan Review process and Minor Site Plan Committee

Chair Garland stated the need for additional input on establishing a minor site plan review committee. Mr. Corwin noted that this would be a continuation of the discussion. Mr. Hall observed that having the Minor Site Plan Committee would take in some small projects falling below the current threshold of 1,000 square feet, which don't usually come to the City for review. Mr. Corwin stated that there could be opportunities to bring small projects into compliance with new regulations. Currently, if a project meets any threshold, it must go through full review, but those falling below have no review. This framework provides flexibility and multiple thresholds, which increase the limits that require full Planning Board review. It would clarify definitions around land development and the levels of it. Staff has authority to require certain things, but decisions can be appealed to the full Planning Board. The new framework puts some form to a general process. If there is material change, a higher level of review is triggered. If the changes are less significant, it could be minor review or no review. It was confirmed that there would be five (5) members on the Minor Site Plan Committee. Mr. Hall suggested that one member of the Planning Board could attend as an observer.

Chair Garland inquired if the final discussion could be August 9, 2021. Mr. Corwin confirmed that it could.

4. Committee Reports

A. City Council Subcommittees:

--Class VI Roads Advisory Committee (J. Monroe)
--Lebanon Energy Advisory Committee (J. Monroe)

B. Planning Board Subcommittees:

--Planning Board Capital Improvement Program (B. Garland/L. Stavis/M. Hall/K. Chewning)
The first meeting of the CIP subcommittee is scheduled for August 3, 2021, at 5:30 PM. Planning Staff will send out an email to determine a second date.

--Planning Board Development Regulations Update (M. Hall/K. Romano/ J. Rutter / J. Monroe)

C. Other Subcommittees:

--City Council Representative (D. Whittlesey/K. Zook)

The City Council voted to decrease the number of members on the Heritage Commission from 7 to 5. Historical preservation consultant, Lyssa Papazian, has been hired to update information on the National Register regarding the buildings in the historical center of the City. Mr. Brooks provided additional information, with the key criterion being whether a building is 50 years old or not. Ms. Stavis suggested that West Lebanon be considered.

--Pedestrian & Bicyclist Advisory Committee (G. Amaro)

--Upper Valley Lake Sunapee Regional Planning Commission (B. Garland)

--UV Subcommittee of the Connecticut River Joint Commissions (B. Garland)

--Upper Valley Transportation Management Association (VACANT)

--Mascoma River Local Advisory Committee (K. Romano)

The Committee is meeting with local residents to develop recreational opportunities along the river, which are divided into three parts: (1) behind Emerson Place, (2) the whitewater rapids, and (3) Water Street. There would be different activities in each section. They are concentrating on the areas that would be most useful to families.

--Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)

--West Lebanon Revitalization Advisory Committee (L. Stavis)

--Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

5. Approval of Minutes

A. June 28, 2021

Page 3, line 27, to amend the vote to (7-0-1).

Page 4, line 2, to read, "...to tenants of commercial buildings."

A MOTION by Matthew Hall to approve the Planning Board minutes of June 28, 2021, as amended. The motion was seconded by Laurel Stavis.

**The MOTION was approved (7-0).*

6. Other Business

Mr. Brooks made a request for the Planning Board to enter into a nonpublic session in consideration of pending litigation.

A MOTION by Matthew Hall to enter into nonpublic session per NH RSA 91-A:3, II(e) at 9:00PM. The motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Mr. Rutter, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Amaro, Ms. Romano, Ms. Stavis

Voting Against – None

**The MOTION was approved (7-0).*

The open meeting resumed at 9:24 PM.

7. Adjournment

A MOTION by Matthew Hall to adjourn the meeting. The motion was seconded by Laurel Stavis.

The MOTION was approved (7-0).

The meeting was adjourned at 9:24 PM.

Respectfully submitted,

Holly Howes

Recording Secretary