



LEBANON ECONOMIC DEVELOPMENT COMMISSION
AUGUST 25, 2021 - 4:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

-
- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. July 28, 2021
 - 3. New Business**
 - A. Discussion: Potential Facade Grant Program
 - B. Discussion: Downtown Parking Deck Conversation
 - C. Discussion: Site Plan Review Requirements
 - 4. Future Agenda Items**
 - A. Inventory Opportunities/Determine What's Missing
 - B. Business Retention and Home-Grown Success
 - C. Apply Success of Lebanon Downtown District Elsewhere
 - D. Think Regionally
 - 5. Next Meeting Date**
 - A. September 22, 2021
 - 6. Other Business**
 - 7. Adjournment**

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 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
Economic Development Commission
August 25, 2021**

**Agenda Item #2A
Approval of Minutes**

July 28, 2021

DRAFT



MINUTES
ECONOMIC DEVELOPMENT COMMISSION
WEDNESDAY, JULY 28, 2021 – 4:00PM
City Hall – Council Chambers
51 North Park Street, Lebanon

1. CALL TO ORDER:

- The July 28, 2021 Economic Development Commission meeting was called to order at 4:01 PM
- Present on the Commission: William Dunn (Chair), Dan Nash, Kevin Purcell, Chip Brown, Andy Key, Johanna Cicotte, Councilor Karen Liot Hill (Vice Chair), Tracy Hutchins-UVBA, City Manager Shaun Mulholland.
- Staff Present: Planning and Development Director David Brooks.

2. APPROVAL OF MINUTES:

- A. Chair Dunn suggested that Johanna Cicotte be listed in the minutes as having attended remotely.

Motion by Dan Nash to approve the minutes of June 23, 2021 as amended.
Second by Chip Brown. Minutes approved unanimously.

3. NEW BUSINESS:

- A. Discussion: Mascoma River Whitewater Park – Chip Brown provided a brief update and corrections to a recent news report regarding the potential for a whitewater park.
- B. Discussion: Potential Façade Grant Program – Tracy Hutchins described a potential façade grant program to assist and incentivize property owners and businesses with improving their storefronts. It was noted that funding for the program could come from a variety of sources, including grants, TIF districts, or raised funds, but would be distributed on a reimbursement basis. David Brooks will share draft language about the program with commission members.
- C. Discussion: Redevelopment of Lower Parking Lots; Potential Creation of Downtown Subcommittee – Chair Dunn summarized prior discussions about how to move the process forward. David Brooks recounted the process for the 20 Spencer Street project. City Manager Mulholland suggested that the Downtown TIF Advisory Board be involved early in the process as redevelopment of the lower parking lots will likely involve a public/private partnership and much more public engagement.
- D. 20 Spencer Street Redevelopment Update – City Manager Mulholland provided an update on the cleanup process for 20 Spencer Street and an anticipated request for a supplemental appropriation to complete the cleanup in Fall 2021 rather than delaying until FY22. David Brooks noted that The Braverman Company is ready to submit a development application as soon as the cleanup effort is complete. Spencer Street roadwork is already under construction.

- E. Discussion: Tunnel Opening Update – Chair Dunn commented on the grand opening of the tunnel and the results of the artists' proposals for the tunnel. Other members commented on the grand opening event. There was discussion about efforts to direct people up to the pedestrian mall level to patronize the local businesses.
- F. Discussion: Kiosks – Chair Dunn noted there is a prototype of a covered bike rack and one of the Soofa signs that could be used to highlight local businesses, organizations, or destinations. There was discussion about encouraging the local businesses to engage users of the tunnel more actively.

4. FUTURE AGENDA ITEMS:

5. NEXT MEETING DATE: August 25, 2021

6. OTHER BUSINESS:

Kevin Purcell provided an update about the West Lebanon Greenway project, which has become a priority for the West Lebanon Revitalization Advisory Committee. David Brooks provided a summary of VHB's ongoing planning efforts relative to streetscape improvements on Main Street and a River Trail feasibility study. City Manager Mulholland noted that meetings are scheduled with NHDOT to discuss the Westboro Lease Area request as well as the potential extension of the Mascoma River Greenway to Riverside Park. Chet Clem provided a brief summary of the West Lebanon Greenway project and the coalition of partners being created to advance the idea.

A. FYI – T-Mobile Inquiry – Josh Ward introduced himself and noted that T-Mobile is in the process of opening a new company-owned retail store in West Lebanon and look forward to playing an active role in the community.

Tracy Hutchins noted she has recently communicated with the manager of the new Target store. She also mentioned that the Upper Valley Local app has been launched and she is seeking comments and input.

City Manager Mulholland noted that the City is working with Vital Communities to highlight the issue of childcare as a significant issue for employee recruitment and retention.

Dan Nash suggested the commission focus on primary economic issues. He suggested that the City make it easier for residential units to be created in both downtown areas and expressed concern about the extent of regulations.

7. ADJOURNMENT.

- **Motion by Dan Nash to adjourn, Second by Kevin Purcell. Motion approved unanimously. Meeting adjourned at 5:00 PM.**

Minutes Recorded by David Brooks

Agenda
Economic Development Commission
August 25, 2021

Agenda Item #3A
New Business

Discussion: Potential Facade Grant Program

DRAFT Lebanon Façade Grant Program Guidelines

Program Summary:

[Intro Paragraph – how funded/established]

The program is structured as a 50/50 matching grant for improvements to the exterior of businesses located within the ***Lebanon Downtown TIF District and West Lebanon Main Street Revitalization area*** depicted below. The purpose of the program is to visually improve these central business districts in accordance with the Lebanon Master Plan and Design Guidelines.

[Insert photos of maps/ areas defined]

Eligible Applicants and Projects:

Both existing and new businesses in the designated area may apply. Any person(s) or other legal entity owning property within the designated areas is eligible to apply. Special arrangements can be made for merchants who lease buildings. Tenants must have the property owner's written approval to apply. Priority will be given to commercial properties and businesses, especially those that contain storefronts. The selection of the Façade Grant recipients is based solely on project merit and not on financial need. Only external improvements are eligible. Projects will be evaluated in terms of quality, design compatibility, and level of visual impact.

In cases where more than one storefront exists within the same property, each storefront can receive its own grant for eligible grant activities, but the total amount awarded to the property cannot exceed the grant maximum (up to \$5,000). A storefront shall be defined as having its own unique entrance, interior space, and display window. One storefront shall contain one business. Multiple businesses that share one storefront shall be considered one applicant. The façade is the front part of the building facing the street and has its address on that street. It includes the entirety of the face of the building from the ground up. Eligible work can include the façade and any prominent side of the building that faces the street. Both sides of a corner building with a corner entrance are eligible for façade grants.

A single property owner can receive more than one grant if he/she owns more than one property. If a property owner seeks and receives a grant, a tenant in the same building can also receive a grant as long as the total amount does not exceed the grant maximum amount for the building (up to \$5,000). A tenant can apply for the full amount, with the consent of the property owner. A single business that spans two or more properties is eligible for multiple grants.

Eligible projects:

- Display Lighting
- Entrance & doorway improvements (including ADA accessibility improvements)
- Awnings
- Painting
- Window improvements
- In-ground landscaping

- Restoration of historical details
- Rear entrance improvements
- Re-pointing of masonry

Project components not eligible for funding include but are not limited to work completed prior to project approval, interior improvements not visible from a publicly owned space, security systems, non-permanent fixtures, and operating costs.

Applicants are required to include architectural color schemes, specifications of the proposed façade improvements and, if available, architectural drawings as part of their application.

All projects must comply with the ? Design Guidelines. Additionally, all projects must conform to the City of Lebanon’s Zoning Ordinance, Design Review Guidelines, and other applicable City/State requirements. It is the responsibility of the Local Business to obtain all necessary permits and approvals from the City of Lebanon.

TERMS OF GRANT AWARD

The grants are awarded on a 50-50 matching cost basis. The maximum grant that may be awarded is \$5,000 per application for projects costing \$10,000 or more. The City will provide average cost estimates for various components as a guideline for reimbursements.

This is a rebate program, which means that once a project is approved, the grant recipient must initially pay for the entire cost of the improvement and the Façade Grant program will then disburse the grant funds awarded for the project. Grant funds are disbursed on a reimbursement basis and cannot be issued until the proposed project has been completed. Grant funds are only available to reimburse the “hard costs” incurred by the recipient for labor and materials for the construction of the project. Before payment is made, the grant recipient must provide evidence that final payment has been made for all completed work. ? will review completed projects to determine compliance with the grant requirements. In the event a non-permanent façade improvement such as an awning is rendered useless due to business closure or relocation within a two-year time period from date of grant award, the Façade Grant Program must be reimbursed by the grantee for the amount of the façade grant. See the attached Disbursement Agreement.

APPLICATION PROCESS

1. Complete the application and project plan and submit it to ??. The application is available on line at [city website]
2. All applications are considered on a rolling basis.
3. The applicant will be contacted by the City to confirm receipt and to arrange an onsite meeting to discuss the project in greater detail.
4. The Applicant will provide any additional information requested in order to present to the Grant Review Committee.

APPROVAL PROCESS

1. The Façade Grant Review Committee reviews the application and project plan.
2. The Façade Grant Review Committee will provide written notice on project status within three weeks of receipt of the completed application.
3. Approved projects are to begin within the agreed upon timeline.
4. Declined projects will be given a detailed explanation and can re-apply with modifications

REIMBURSEMENT PROCESS

1. The applicant contacts ?? to confirm project completion and to arrange for inspection.
2. Any delays in the agreed upon deadline must be communicated to the City two weeks prior to the deadline. Communication must include details on the revised deadline.
3. The City coordinates inspection of completed work.
4. The City reviews receipts/documentation for all work. The applicant must provide a financial report showing proof of expenses to the town. Examples are cancelled checks, paid invoices, contractor's sworn statements, subcontractor's waivers of lien, etc. Reimbursement will be based upon actual project costs, not including "in-kind" or donated materials
5. The City reimburses the applicant for 50% of the project (\$5,000 maximum) for all approved work under the agreement.

[language that mentions projects may also qualify for below programs]

79 – E Program – tax relief on newly assessed value for up to five years

NH Economic Revitalization Zone Tax Credits – amount of tax credits based on total investment and jobs added

APPLICATION

☐ Property Owner ☐ Tenant Date: _____

Company: _____

Contact Name: _____ Title: _____

Address: _____

City/ State/ Zip: _____

Phone: _____ Cell: _____

Email: _____

Total Project Cost: _____ Grant Amount Requested: _____

➤ If Applicant is a tenant, enter name, address and phone number of Property Owner:

➤ Do you have 2 years left on your lease or an option to renew? ☐ Yes ☐ No

➤ Lease Expiration Date: _____

➤ Attach a letter of approval from the Property Owner

➤ Provide a brief history of the property (attach additional page)

➤ Description of Proposed Façade Improvements: (attach additional page)

Eligible projects include:

- Lighting
- Painting
- Entrance and doorway improvements
- Awnings
- Window improvements
- In-ground landscaping
- Restoration of historical details
- Rear entrance improvements
- Re-pointing of masonry

➤ Estimated Cost of the Project: _____

Please be detailed and include copies of any written cost estimates or contracts for work.

➤ Timeline for Completion:

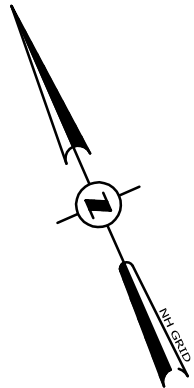
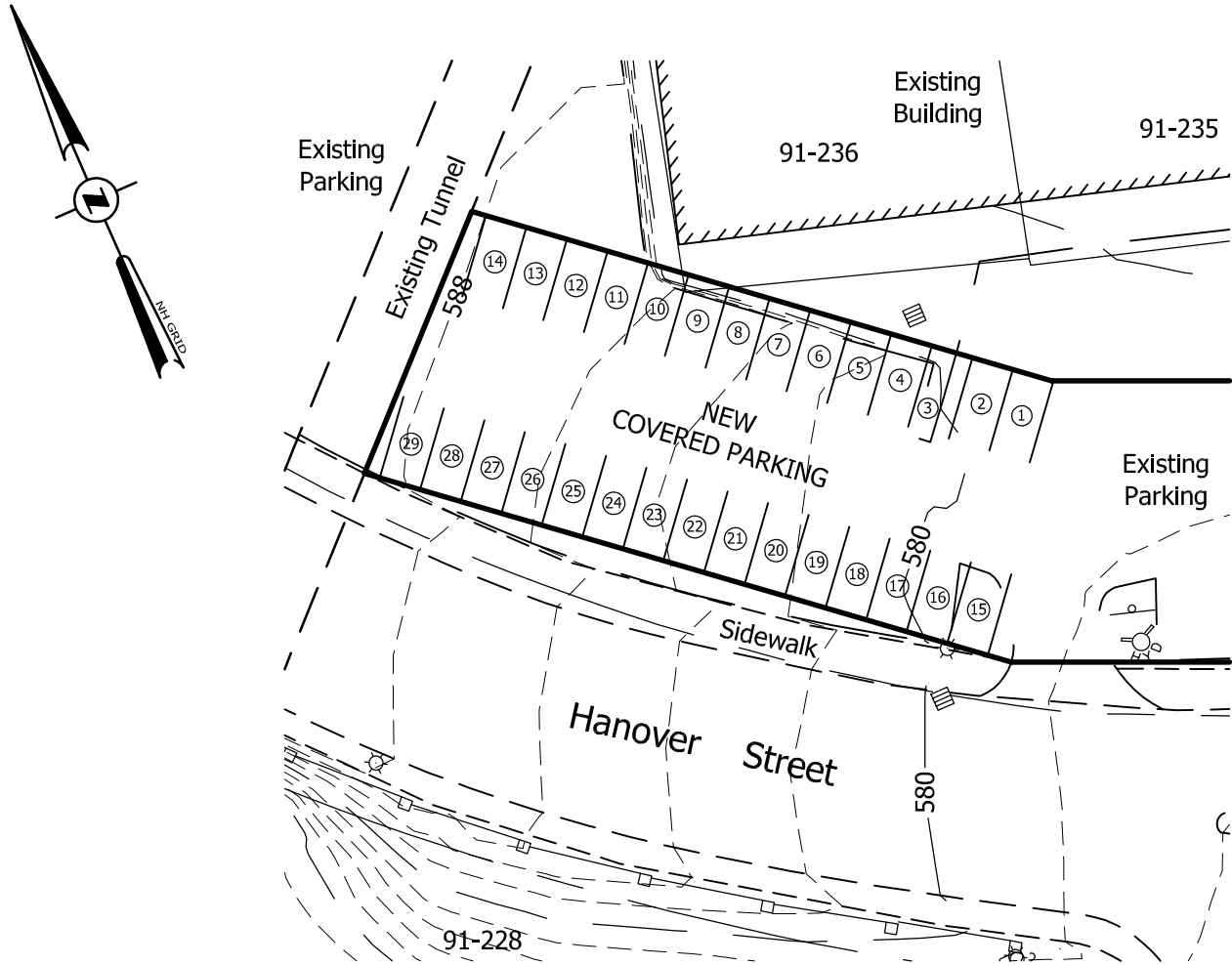
All work must be completed within 9 months of the date City of Lebanon approves a grant. (Attach additional page)

➤ Return this completed application with attachments to: ??

**Agenda
Economic Development Commission
August 25, 2021**

**Agenda Item #3B
New Business**

Discussion: Downtown Parking Deck Conversation



- NOTE:**
- DESIGN INTENT TO EXCAVATE LOWER LEVEL UP TO TUNNEL WALL.



ADVANCED GEOMATICS & DESIGN

105 BANK STREET - PO BOX 512
LEBANON, NEW HAMPSHIRE 03766
PHONE: (603) 448-6295
E-MAIL: advancedgeomatrics@comcast.net

NEAW COVERED PARKING
FOR
CITY OF LEBANON
IN
LEBANON, NEW HAMPSHIRE

SURVEYED: GIS
DESIGNED: DAN
DRAWN: KH
CHECKED: DAN
DATE: 10/9/17
DWG: 16004\16004-PL

SK-8

**Agenda
Economic Development Commission
August 25, 2021**

**Agenda Item #3C
New Business**

Discussion: Site Plan Review Requirements

Water Quality Treatment. the capture of sediment, nutrients, metals and hydrocarbons suspended in stormwater runoff from impervious surfaces before being conveyed to a storm sewer network or to another water quality treatment system. In most cases where no other local water body impairments exist, adequate treatment refers to documenting the treatment systems ability to remove 80% of the total suspended solids (TSS) on an annual basis. Where water quality impairments do exist adequate treatment refers to a system's ability to meet maximum load allocations or not further impair the receiving water. U. Water Quality Volume (WQV): The storage volume needed to capture and treat the runoff from the 1-inch 24-hour rainstorm for a specific contributing area. WQV shall be calculated using the following equation: $WQV = (P)(R_v)(A)$, where: $P = 1$ inch, R_v = the unitless runoff coefficient, $R_v = 0.05 + 0.9(I)$, where I = the percent impervious cover draining to the discharge point, in decimal form, and A = total site area draining to the discharge point.

ARTICLE III – ADMINISTRATION

Section 3.1 – Site Plan Review Jurisdiction

Site plan review and approval shall not be required for one-family and two-family dwelling units or associated accessory uses, in accordance with RSA 674:43, I.

An Applicant shall obtain site plan approval from the Board for any of the following types of development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structures containing three (3) or more dwelling units,, whether or not such development includes a subdivision or re-subdivision of the site (RSA 674:43, I) Threshold criteria for determining when Site Plans are to be reviewed by the Planning Board are as follows:

- A. Construction of any new principal building(s), including reconstruction of existing principal building(s), for multi-family or non-residential use, regardless of size.
- B. Establishment of any new non-residential principal use(s), and/or material changes or expansions of existing non-residential principal use(s), subsequent to the effective date of these Site Plan Review amendments, in which no buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.
- C. Construction or installation of any combination of the following, where the total of new construction, subsequent to the effective date of these Site Plan Review amendments, is 1,000 gross square feet or more:
 - 1. Any new accessory building(s), and/or any series of additions to or expansions of existing principal or accessory building(s), or;
 - 2. Any new paved or improved surfaces, and/or any series of additions to or expansions of existing paved or improved surface(s), including, but not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious.
- D. Conversion of any existing building(s), in whole or in part, whether or not the thresholds listed above in Paragraph C are exceeded, as follows:



**LEBANON PLANNING BOARD
AUGUST 9, 2021 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Notice of Regional Impact**
 - 3. Public Hearing Items**
 - A. 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 - Completeness Review and Public Hearing - Continued from July 12, 2021
 - B. 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 - Continued from July 12, 2021
 - 4. Study Items**
 - A. Proposed amendments to the Site Plan Review Regulations creating a minor Site Plan Review process and Minor Site Plan Committee**
 - 5. Other Business**
 - 6. Approval of Minutes**
 - A. July 26, 2021 (non-public)**
 - B. July 26, 2021**
 - 7. Adjournment**

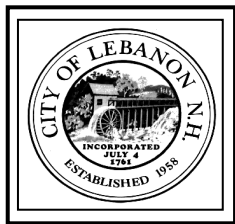
The order of agenda items is subject to change.

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**Agenda
Planning Board
August 9, 2021**

**Agenda Item #4A
Study Items**

Proposed amendments to the Site Plan Review Regulations



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning and Development Department Staff

RE: Minor Site Plan Review and Minor Site Review Committee –
Proposed Amendments to the Site Plan Review Regulations
August 9, 2021 Planning Board Meeting – Agenda Item 4.A

DATE: July 30, 2021

At the June 14, June 28, and July 26, 2021, Planning Board meetings, the Board discussed draft amendments to the Site Plan Review Regulations that propose to create a minor site plan review process and Minor Site Review Committee (as authorized by NH RSA 674:43 ("Power to Review Site Plans")). This minor site plan concept was initially discussed with the Planning Board at the August 24, 2020, work session and was subsequently reviewed with the Development Regulations Subcommittee.

Following the Board's discussions in June and July, and following legal review by the City's attorney, staff made revisions to the draft amendments. An updated redline incorporating these revisions is attached. The proposed new or revised text (as compared to the current regulatory language) is blue and underlined. The text to be deleted from the current regulations is shown as ~~red with a strike-out~~.

Note that the attached redline has been provided to the City's attorney for final legal review. Any suggested modifications to the amendments by legal counsel will be shared with the Planning Board at the August 9th meeting.

Staff Recommendations and Proposed Schedule

In order to adopt the proposed regulatory amendments, RSA 675:6, I, requires that the Board first hold a public hearing. Therefore, following discussion of the attached redline at the August 9, 2021 regular meeting, staff recommends that the Planning Board schedule a public hearing on the proposed amendments for the Board's August 23, 2021 work session.

Attachments

- Excerpt of the Site Plan Review Regulations (redline last revised July 28, 2021)

SITE PLAN REVIEW REGULATIONS

MINOR SITE PLAN REVIEW DRAFT AMENDMENTS

[...]

ARTICLE I – ENACTMENT AND GENERAL PROVISIONS

Section 1.1 – Authority

Under the general authority granted in the New Hampshire Revised Statutes Annotated Title LXIV, these Regulations are adopted by the Lebanon Planning Board, procedurally under RSA 675:6, after having adopted both a zoning ordinance and subdivision regulations as required under RSA 674:43, and as authorized by the City Council on July 16, 1986 and on March 21, 1990. Pursuant to RSA 674:43, the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#) will review and may approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as containing more than two dwelling units.

[...]

Section 1.6 – Compliance

- A. [These Site Plan Review Regulations apply to all *land development*, and no such *land development* shall proceed without first obtaining a jurisdictional determination from the Planning and Development Department pursuant to Section 3.1.](#)
- B. No site plan shall be approved by the Planning Board unless such plan complies with all applicable local ordinances and regulations, and state and federal laws.
- ~~BC.~~ No Building Permit shall be approved for a building or structure on a site that does not comply with these Regulations.
- ~~CC.~~ The Building Inspector shall not issue a Certificate of Occupancy under the Lebanon Building Code for any building on a site plan that does not comply with the Notice of Action on the approved site plan. Any requirement of the Notice of Action to be performed in the future and that has been bonded under Section 8.2 of these Regulations will satisfy the condition for the issuance of the Certificate of Occupancy.

ARTICLE II – DEFINITIONS

[...]

Change, material. [Any *land development* which, in the reasonable determination of the Planning and Development Department, necessitates or results in a significant change to access; parking, vehicular and/or pedestrian circulation; traffic; drainage patterns or drainage structures; topography; lighting; visual features; natural resources; City services or facilities; improved surfaces; and/or required landscaping. “Material change” shall also mean the](#)

establishment of any new non-residential principal use in which no principal buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.

Change, non-material. Any land development which, in the reasonable determination of the Planning and Development Department, is not a **material change**, but does necessitate or result in an appreciable change to access; parking, vehicular and/or pedestrian circulation; traffic; drainage patterns or drainage structures; topography; lighting; visual features; natural resources; City services or facilities; improved surfaces; and/or required landscaping.

Land development. Any physical improvement(s) or alteration(s) to any lot, whether vacant land or improved, and/or any increase in the size of any building, and/or any change of use to a non-residential, mixed use, or multi-family dwelling. The term “land development” does not include any of the following:

- The construction of one-family and two-family dwelling units or associated accessory uses, in accordance with RSA 674:43, I, or any alterations or improvements to any property where the sole principal use is a one-family or two-family dwelling; and/or
- Repair or maintenance that does not result in any changes to the layout or design of the property (e.g. repaving a parking lot that maintains the number and location of parking spaces, and the in-kind replacement of landscaping, fencing, light poles, etc.).
- The following home-based businesses:
 - Home businesses (see Section 600 of the Zoning Ordinance).
 - Family day care homes (see Section 604.3 of the Zoning Ordinance).
 - Home-based contractor’s yards (see Section 600A of the Zoning Ordinance), unless site plan review is otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval.
 - Home-based agricultural businesses (see Section 600B of the Zoning Ordinance), unless site plan review is otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval (see the zoning district tables of use in Article III of the Zoning Ordinance for additional information on when a Special Exception is required).
- Buildings and structures in the Rural Lands (RL) One, Two, and Three zoning districts that are used for an agriculture use.

[...]

Material cChange. ~~(see “change, material) Any proposed alteration to a previously approved Site Plan and/or previously developed property, which necessitates or results in significant changes to access, parking, circulation, drainage, lighting, or required landscaping on the site. (See Section 3.1)~~

[...]

Non-material change. (see “change, non-material)

Planning Director. The Director of Planning and ~~Zoning Development~~ for the City of Lebanon, or his or her designee.

Planning Office and Development Department. ~~The Planning Division within the Department of Community Development and Preservation for the City of Lebanon. The Planning Office is the Administrative Office~~ The administrative office for the Planning Board.

[...]

Screen. Landscaping, fencing, or functionally similar elements designed to conceal from view all or part of a structure or site that, in the judgment of the Planning Board ([or, as applicable, the Minor Site Plan Committee](#)), is unattractive or otherwise warrants mitigation of the effect of its appearance.

[...]

ARTICLE III – ADMINISTRATION

Section 3.1 – Site Plan Review Jurisdiction

[Before the formal submission of a site plan review application for any proposed *land development*, the property owner and/or developer is encouraged to meet with Planning and Development Department staff to informally review the proposal and to answer any questions regarding the site plan review process and applicable design regulations. Staff is generally available to meet in person or by phone, and may also be contacted via e-mail \(see the City of Lebanon website for contact information\).](#)

[A. JURISDICTIONAL DETERMINATION](#)

- [1. Any person proposing a *land development* shall be required to submit a site plan drawing and project description to the Planning and Development Department to:](#)
 - [a. Verify whether the proposed *land development* is:](#)
 - [i. Exempt from site plan review per Section 3.1.B, or](#)
 - [ii. Eligible for site plan review by the Minor Site Plan Committee per Section 3.1.C, or](#)
 - [iii. Requires site plan review by the Planning Board per Section 3.1.C; and](#)
 - [b. To provide a record of such change on the property.](#)

[The Planning and Development Department may request additional information as reasonably needed to make the jurisdictional determination.](#)

- [2. The jurisdictional determination of the Planning and Development Department may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.](#)

[B. LAND DEVELOPMENT EXEMPT FROM SITE PLAN REVIEW.](#)

Site plan review ~~and approval~~ shall not be required for [that](#):

~~One family and two family dwelling units or associated accessory uses, in accordance with RSA 674:43, I.~~

~~1. —~~

any *land development* that, in the reasonable determination of the Planning and Development Department, is neither a *material change* nor a *non-material change*, and which does not necessitate or result in any appreciable change to access; parking, vehicular and/or pedestrian circulation; traffic; drainage patterns or drainage structures; topography; lighting; visual features; natural resources; City services or facilities; improved surfaces; and/or required landscaping, provided that:

1. Prior to the commencement of any such *land development*, a plan depicting the proposed changes shall be provided to the Planning and Development Department to mark the plan approved as an amendment to the approved site plan; and
2. The proposed *land development* complies with any applicable design requirements of the Site Plan Review Regulations, as determined by the Planning and Development Department.

~~B. —~~

~~An Applicant shall obtain site plan approval from the Board for any of the following types of development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structures containing three (3) or more dwelling units,, whether or not such development includes a subdivision or re-subdivision of the site (RSA 674:43, I) Threshold criteria for determining when Site Plans are to be reviewed by the Planning Board are as follows:~~

- ~~1. — A. — Construction of any new principal building(s), including reconstruction of existing principal building(s), for multi-family or non-residential use, regardless of size. Establishment of any new non-residential principal use(s), and/or *material changes* or expansions of existing non-residential principal use(s), subsequent to the effective date of these Site Plan Review amendments, in which no buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.~~
- ~~2. — Construction or installation of any combination of the following, where the total of new construction, subsequent to the effective date of these Site Plan Review amendments, is 1,000 gross square feet or more:~~
 - ~~a. — 1. — Any new accessory building(s), and/or any series of additions to or expansions of existing principal or accessory building(s), or; Any new paved or improved surfaces, and/or any series of additions to or expansions of existing paved or improved surface(s), including, but not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious.~~
- ~~3. — D. —~~
- ~~4. — Conversion of any existing building(s), in whole or in part, whether or not the thresholds listed above in Paragraph C are exceeded, as follows:~~
- ~~5. —~~

- ~~1. From a residential use containing one or two dwelling units to a multi-family use of three or more dwelling units. From a residential use to a non-residential or mixed use;~~
- ~~a. From an existing non-residential or mixed use to another non-residential or mixed use if the new use increases the intensity of on-site or off-site impacts;~~
- ~~b. From a non-residential or mixed use to a multi-family use of three or more dwelling units.~~
- ~~6. E. Any other **material change** to a previously approved Site Plan and/or previously developed property, which in the judgment of the **Planning Director** warrants review and approval by the Planning Board. Whenever the Planning Director determines that a proposed change warrants review and approval by the Planning Board, a written statement of the reasons for such recommendation shall be provided to the property owner and the Board.~~

C. MINOR SITE PLAN COMMITTEE REVIEW

~~may~~ Minor site plan approval from the Minor Site Plan Committee in accordance with the procedures set forth in Section 3.2 shall be required for any of the following:

1. *Land development* involving:
 - a. Any increase in the gross floor area of a building between 500 sq. ft. and 2,500 sq. ft. and which is less than 25% of the existing gross floor area of the building; and/or
 - b. Any new improved surface(s) greater than 500 sq. ft. and less than 2,500 sq. ft. Such improved surfaces include but are not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious; and/or
 - c. An increase in the number of dwelling units within an existing multi-family dwelling of five (5) or more dwelling units, not to exceed 20% of the existing units; and/or
 - d. Conversion of an existing building, in whole or in part, to a multi-family dwelling containing less than five (5) dwelling units, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance; and/or
 - e. Conversion of an existing building, in whole or in part, from a residential use to a non-residential use, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance.

Notwithstanding the above, where in the reasonable judgment of the Planning and Development Department the proposal constitutes a **material change**, the application shall be reviewed by the Planning Board per Section 3.1.D.

f. _____

2. Land development that constitutes a **non-material change** to a property.

Applications for **land development** that meet one or more of the criteria set forth above and which are submitted less than two (2) years from the date of the last minor site plan approval shall be reviewed by the Planning Board per Section 3.2.D.

D. PLANNING BOARD REVIEW

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

Section 3.2 – Information Required and Jurisdictional Determination

~~A. Any person proposing a development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units which results in exterior site alterations, and which otherwise requires a Zoning Permit pursuant to Section 901 of the Zoning Ordinance, shall also be required to submit a site plan drawing and project description to the Planning Office prior to the issuance of such permit, regardless of whether or not Site Plan Review is required by the provisions of Section 3.1 of these Regulations.~~

~~The purpose of such submission shall be to allow for review by the City Staff: i) to ensure compliance with the City's Zoning Ordinance, applicable development regulations, and utility standards; ii) to verify whether Planning Board review is or is not required, and; iii) to provide a record of such change on the property. Copies of plans and information submitted to the Zoning Administrator pursuant to Section 901.2 of the Lebanon Zoning Ordinance shall normally be sufficient to comply with this paragraph; however, the Planning Office may request additional information, if necessary, for the above-described purposes.~~

~~B. The initial determination of whether Site Plan Review and approval is or is not required by the provisions of Section 3.1 of these Regulations shall be made by the Planning Director based on the submission under Section 3.2.A above. However, the landowner, any Board member, or any person aggrieved may, within 30 days of such determination, make a written request for determination on this issue by majority vote of the Planning Board. The Board shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required.~~

Minor Site Plan Review

A. MINOR SITE PLAN COMMITTEE

1. ESTABLISHMENT

A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on August 4, 2010, for the purpose of reviewing minor site plan applications per Section 3.1.C.

2. MEMBERSHIP

The Minor Site Plan Committee consists of the Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works. The Senior Planner shall serve as chair and may use his or her reasonable discretion in coordinating the activity of the committee in an efficient and effective manner. The Director of Planning and Development may, at his or her discretion, substitute for the Senior Planner or Associate Planner and may, at his or her discretion, serve as chair while substituting. A majority of the members shall constitute the quorum necessary to transact business.

B. REVIEW PROCESS

1. PRE-SUBMISSION REVIEW

Prior to submitting an application for minor site review, the applicant is encouraged to meet with the Planning and Development Department for a determination as to the applicability of the Article VI design and construction requirements to the applicant's project. The applicant may request that Planning staff provide the determination in writing. See also Section 3.2.B.8 (Design Standards).

2. APPLICATION

Fees for a minor site plan application may be assessed in accordance with the Fee Schedule adopted by the Planning Board pursuant to Section 4.2.

Upon receipt of an application for minor site review, the Planning and Development Department shall review the application to determine if it qualifies for minor site plan review per Section 3.1.D and if all required materials have been submitted per Section 3.2.B.7 (Submission Materials). The Planning and Development Department shall coordinate with the applicant to obtain any additional necessary information, documentation, or clarifications to understand the proposal and to help determine if it qualifies for minor site review and if all required application materials have been submitted. The Planning and Development Department shall also make a determination as to the applicability of the Article VI design and construction requirements to the applicant's project, pursuant to Section 3.2.B.8.

If the Planning and Development Department determines that the proposal is a minor site plan and that all required materials have been submitted, the application shall be forwarded to the Minor Site Plan Committee for review. If the plan does not address the applicable design and construction requirements of Article VI as determined by the Planning and Development Department, the Department shall forward the plan to the Minor Site Plan Committee with a recommendation that the application is transferred to the Planning Board per Section 3.2.B.5 (Referral to Planning Board).

Minor site plan applications are subject to the provisions of Section 4.4 which outlines the procedure when approvals from the Zoning Board of Adjustment are required. References in Section 4.4 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

Submission of a minor site plan application shall be deemed as the granting of permission to visit the property in accordance with Section 4.11. References to the Planning Board in Section 4.11 shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

3. PUBLIC HEARING

- a. If the proposal is approved for minor site review, the Planning and Development Department shall set a date for a public hearing before the Minor Site Plan Committee. The date of the public hearing shall be set for no later than 30 days following the submission of the application.
- b. The Planning and Development Department shall send notices to abutters and other parties in accordance with RSA 676:4, I(d)(1) and shall post public notice at least ten (10) days in advance of the public hearing, as specified in RSA 676:4, I(d)(1).
- c. Prior to the opening of the hearing, the Minor Site Plan Committee shall:
 - i. Determine if the application has regional impact in accordance with Section 4.6. References therein to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section. If deemed to have regional impact, the Committee shall refer the application to the Planning Board for review per Section 3.2.B.5.
 - ii. Determine if the application is complete according to the Submission Requirements in Section 3.2.B.7. If it is determined that the application is complete, the Committee shall accept the application. If it is determined that the application is incomplete, the Committee shall vote to find the application incomplete and shall state the reasons for such findings. The Committee may postpone the opening of the hearing to a new date or may require the submission of a new application.
- d. The Committee shall open the public hearing on the completed formal minor site plan application. Any abutter, member of the general public or any person with a direct interest in the matter may testify in person or in writing.

4. FINAL ACTION

- a. The Committee shall have ten (10) days, from the date of acceptance, to approve or disapprove the application, subject to extension or waivers as provided in RSA 676:4, I(c)(1). The date of acceptance shall be the date that the Committee accepts the plan as complete.
- b. Following the conclusion of the public hearing, the Minor Site Plan Committee shall either:
 - i. approve the application as submitted;
 - ii. approve the application with conditions;
 - iii. deny the application;
 - iv. decline to make a final decision itself and refer the application to the Planning Board for review per Section 3.2.B.5; or
 - v. request an extension of time from the applicant if needed.
- c. The Board shall provide a written decision within five (5) days of the conclusion of the public hearing.
- d. A digital copy of the approved plan, modified as necessary pursuant to any conditions of approval, shall be provided to the Planning and Development Department by the applicant for digital signature by the Chair of the Minor Site Plan Committee.
- e. The Planning and Development Department shall provide the Planning Board with a copy of the written decision made by the Minor Site Plan Committee and a copy of the approved plan.
- f. The time periods set forth in Section 4.10 shall apply to minor site plan approvals. References in Section 4.10 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

5. REFERRAL TO PLANNING BOARD

At or before the time of the Minor Site Plan Committee completeness review under Section 3.2.B.3.c.ii, the Minor Site Plan Committee in its reasonable discretion and/or at the request of the Applicant may transfer the application to the Planning Board. If such a transfer occurs, the Planning Board shall act on the proposed site plan within 65 days following a completeness finding, regardless of whether the completeness finding was made by the Minor Site Plan Committee or the Planning Board.

When an application is referred to the Planning Board for review it shall be treated as a regular site plan application with new notices and a new public hearing, and shall be placed on the next available Planning Board agenda. All applicable procedures of Article IV shall apply except that no additional application fees shall be charged other than for notices, the materials submitted for the minor site plan review shall be adequate unless the Planning Board determines that other materials are needed, and the site plan application deadline shall not apply.

6. APPEAL TO PLANNING BOARD

A decision of the Minor Site Plan Committee may be appealed to the Planning Board in accordance with RSA 674:43, III, provided the appeal is filed within 20 days of the Committee's decision. The Planning Board shall hold a public hearing on any appeal, pursuant to the notice requirements and procedures set forth in Section 4.8. Any additional fees for notices shall be paid by the applicant. No new application fee shall be charged. All applicable procedures of Article IV shall apply.

7. SUBMISSION MATERIALS

An applicant for minor site plan review shall submit the following:

- a. A completed minor site application utilizing a form to be provided by the Planning and Development Department.
- b. A completed minor site plan technical checklist utilizing a form to be provided by the Planning and Development Department.
- ~~a.~~
- c. The appropriate fees as established by the Board's fee schedule.
- ~~b.d.~~ A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:
 - i. The Applicant(s);
 - ii. The Owner(s) of record of the site;
 - iii. The Owners of abutting properties;
 - iv. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;
 - v. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property, or, when there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect;
 - ~~v.~~vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property, or, when there are no such easements, rights-of-way, or other restrictions on the subject property, the applicant shall provide a definitive statement to that effect;
 - ~~vi.~~vii. The holders of any easements, rights-of-way, or other restrictions on or over the subject property.
- ~~e.~~e. A scaled plan clearly illustrating the proposal, utilizing the approved site plan as a base map, if available, and identifying all abutters. Plans must be sufficiently accurate and detailed so as to:
 - i. Indicate the site location, the address and zoning classification of the subject property, and the uses of adjoining properties;
 - ii. Describe the size, shape, and use of the subject property, together with relevant information about existing site topography, drainage, hydrologic features, vegetation, and

- other natural features, and about proposed changes to these;
- iii. Show the size, dimensions, location, and height of existing and proposed structures, expansions to existing structures, or other improvements, including landscaping, parking areas, ramps, walkways, driveways, lighting fixtures, signs, stormwater control devices, exterior waste receptacles, exterior equipment, utilities, solar panels, wind generators, condensers, transformers, or other;
 - iv. Demonstrate conformity with the standards and requirements for proposed developments set forth in Article VI, as determined to be applicable by the Planning and Development Department pursuant to Section 3.2.B.8; and
 - ~~i.v.~~ Demonstrate full compliance with the Zoning Ordinance, including the conditions of approval of any special exception or variance granted by the Zoning Board of Adjustment.
- f. Any additional materials and documentation which the Minor Site Plan Committee reasonably requires to fully understand the proposal.

The Planning and Development Department or Minor Site Plan Committee (per Section 3.2.B.3.c.ii) may postpone action on an application that is not complete.

8. DESIGN STANDARDS

- a. The design and construction requirements of Article VI shall apply to minor site plans (i) to the extent reasonably related to the scope of the proposed project, and (ii) to the maximum extent practicable to bring the property into compliance with the Article VI design and construction requirements.
- ~~d.b.~~ The applicability of the Article VI requirements to an applicant's project shall be determined by the Planning and Development Department in consultation with the applicant. See also Section 3.2.B.1.

ARTICLE IV – PROCEDURE

Section 4.1 – Purpose

The purpose of this article is to set forth the procedure for Planning Board review and action on applications for site plan approval per Section 3.1.D (“Planning Board Review”). The procedure is intended to facilitate the orderly and expeditious processing of such applications.

Section 4.2 – Fees

The Planning Board has established, and from time to time may amend, a schedule of fees, which is hereby attached to these Regulations and made a part hereof.

[...]

Section 4.4 – Procedure When Approvals from the Zoning Board of Adjustment Are Required

When approvals from the Zoning Board of Adjustment (ZBA) are required by the Lebanon Zoning Ordinance, such ZBA approvals shall be obtained before the Site Plan application will be deemed complete by the Planning Board. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.

Any Site Plan application submitted prior to submission for necessary ZBA approvals will not be accepted by the Planning ~~Office~~ [and Development Department](#).

[...]

Section 4.6 – Determination of Potential for Regional Impact

Upon receipt of an application for development, the Board shall review the application promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact, pursuant to RSA 36:54, et seq. Doubt concerning regional impact shall be resolved in a determination that the development has a potential for regional impact.

A development of regional impact means any proposal, which, in the determination of the Board, could reasonably be expected to affect on a neighboring municipality because of factors such as, but not limited to, the following:

- A. The relative number of dwelling units as compared to existing stock. Any proposal that involves 50 or more residential units shall be deemed to have the potential for regional impact;
- B. The relative size of the development. Any proposal that involves 50,000 square feet or more of new non-residential gross floor area shall be deemed to have the potential for regional impact;
- C. The proximity of the development to the borders of a neighboring community.
- D. High-intensity traffic impact on regional transportation networks;
- E. The anticipated emission of excessive light, noise, smoke, odors, or particulates;
- F. The proximity of the development to aquifers or surface water, which transcend municipal boundaries.
- G. The impact on shared facilities, such as schools and solid waste disposal facilities.

The Board may, in its discretion, determine that any project has the potential for regional impact, whether or not the project meets or exceeds the criteria listed above.

[...]

Section 4.10 – Expiration of Site Plan Approval

- A. Any approved site plan for which a Building Permit has not been obtained within two (2) years of the date of the original approval shall be considered void; however, the Board may, for good cause, specify in the original Notice of Action some alternative time limit for obtaining a Building Permit. The voiding of an approval under this paragraph shall terminate the vesting of the application against changes in regulations, as set forth in RSA 676:12,VI and RSA 674:39.
- B. Notwithstanding paragraph A above, the Board may grant an extension of up to two (2) additional years beyond the original expiration date. A request for such an extension must be submitted by the Applicant to the Planning ~~Office~~ [and Development Department](#) prior to such expiration date, and requests for extension of the site plan approval received after the expiration date will not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.
- C. In determining whether to grant such an extension, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions-precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision on an extension request under this Section. The Board shall grant no more than one extension for any site plan, unless it determines, based on legal advice, that such extension is required in order to prevent a violation of constitutional rights.
- D. For applications subject to both Site Plan and Subdivision review, expiration of Board approvals shall occur as set forth in the Subdivision Regulations.
- E. For approved phased developments, the deadlines for obtaining a Building Permit for each phase, as stated in the approved phasing schedule in accordance with Section 4.9.C(4) of these Regulations, shall be substituted for the time limitation set forth in Section 4.10(A). Any request for an extension of time for a particular phase, as described in Section 4.9.F of these Regulations, shall only apply to the particular phase, and such extension shall not automatically apply to any later phases of the development.

Section 4.11 – Permission to Visit Property

- A. For the City to effectively and efficiently review Site Plan applications, City Staff, members of the Planning Board, abutters, and others providing testimony must have the ability to enter the property that is the subject of an application.
- B. Submission of a Site Plan application shall be deemed as the granting of permission for City staff, Lebanon Planning Board members, and others attending the public hearings, to enter onto the property for purposes of review, during orderly visits, subject to reasonable notice. It shall be assumed that this permission is extended until the Board has acted to formally approve or disapprove an application. If for any reason an applicant wishes to place some limitation upon such access, the applicant shall so inform the Planning ~~Office~~ [and Development Department](#) at the time of submission of the Site Plan application.

- C. The property owner retains all rights to withdraw permission to enter onto the property at any time. However such withdrawal of permission prior to the completion of the Site Plan Review process may result in the Board's disapproval of the application for lack of sufficient information.

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

Applications [reviewed by the Planning Board](#) shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

[...]

ARTICLE IX – MODIFICATIONS AND MINOR ALTERATIONS TO AN APPROVED SITE PLAN [PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY](#)

Section 9.1 – Modifications to an Approved Site Plan

Once a plan has received approval from the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) and prior to the issuance of a Certificate of Occupancy, no modification shall take place unless the modification of the plan has been approved by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#), except as provided by Section 9.2 below. Following the issuance of a Certificate of Occupancy for an approved Site Plan, any changes proposed to a tract for multi-family or non-residential use shall be addressed under the provisions of Article III of these Regulations.

Modifications shall normally be treated by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) as a new plan application, which will require notification of abutting property owners, a public hearing, staff review, and formal Board [\(or, as applicable, Minor Site Plan Committee\)](#) action. A request for a modification which would entail a reversal or relaxation of any condition or determination made by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) as part of its original approval, shall not be heard unless the applicant demonstrates that a **material change** of circumstances has occurred affecting the merits of the original application.

Modifications to an Approved Site Plan granted by the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#) pursuant to this paragraph shall not alter the time periods set forth in Section 4.10 of these Regulations for expiration of Site Plan Approval, unless the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#), for good cause stated in its written Notice of Action, explicitly specifies some alternative expiration date.

Section 9.2 – Minor Alterations to an Approved Site Plan

- A. A minor alteration may be approved in writing by the Planning Director subsequent to final site plan approval, but prior to the issuance of a Certificate of Occupancy, if the alteration is not deemed to be a **material change** in the plan, and if the alteration is either necessitated by unforeseen or unanticipated circumstances, or

constitutes a deviation from the plan which was constructed or installed as a result of a good-faith error, rather than negligence. The full Board [\(or, as applicable, the Minor Site Plan Committee\)](#) shall be notified in writing of any such approval within 30 days of the approval, and the Applicant shall submit a revised site plan to the Planning ~~Office~~ [and Development Department](#) reflecting the approved minor alteration.

B. For purposes of this section, a change shall be deemed to be a minor alteration only if all of the following apply:

1. It is relatively minor, in light of the overall scope of the approval;
2. It does not result in a violation of any express condition of the approval, or of any zoning or other local, state, or federal regulatory provision, and;
3. The Planning Director concludes that no reasonable Board [\(or, as applicable, Minor Site Plan Committee\)](#) member could consider the change as grounds for reconsidering or altering any aspect of the Notice of Action.

Any modification which does not meet these criteria may be approved only as provided in Section 9.1 of these Regulations.

C. The applicant, any Board member [\(or, as applicable, Minor Site Plan Committee member\)](#), or any person aggrieved may make a written request for an approval under this section to be reviewed by the full Board [\(or, as applicable, the Minor Site Plan Committee\)](#). The Board [\(or, as applicable, the Minor Site Plan Committee\)](#) shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required. The Board [\(or, as applicable, the Minor Site Plan Committee\)](#), by majority vote, shall either affirm the approval of the minor alteration, or shall require the owner or applicant to submit a modification request under Section 9.1 of these Regulations.

[...]