

FINAL

**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. Call to Order

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

2. Public Hearing Items

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

Heather Green and Kelly Hoffman attended representing Liberty Utilities.

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

Mr. Brooks noted that this is a routine request.

Mr. Rutter asked for clarification on the frequency and purpose of the work, and Ms. Green provided the information. Ms. Stavis inquired if this work impacts the budget of the PUC. Ms. Green confirmed that it does, adding that Fairpoint Communications no longer shares the cost. Ms. Romano inquired about the flagging process and the procedure for reporting trees impacting the power lines.

Chair Garland invited public comment.

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

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

Chair Garland closed the Public Hearing.

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

The motion was seconded by Kathie Romano.

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

3. Study Items

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

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

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

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

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

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

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

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

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

Mr. Rutter noted that developers would be paying more based on increased impact fees. It would add to 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 the increase would do to the total price of a building. Mr. Mayberry cited an example from Bedford, which has one of the highest impact fees. The actual fee stayed at around 1.8% of the typical price of a home and is paid only one time in the life of the development rather than yearly as a tax. The developer would pass it through to the buyer or occupant. Mr. Brooks, using Rock Ridge Development as an example, noted that a higher fee could have more impact on rental units than on individual homes. Mr. Mayberry noted that State statute allows for waivers, which could help with lower income housing. Ms. Stavis suggested that additional legal information would be helpful. Mr. Mayberry stated that it is important to keep the fee proportionate to the demand, and the Board could do some partial waivers to keep it in sync with the statute. Mr. Brooks noted that adding waivers would become a zoning amendment and then go to the City Council.

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

Straw Poll:

Members preferring to include all schools (6)

Members preferring middle school only (1)

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

Mr. Hall inquired if there is a way to tie impact fees to inflation. Mr. Mayberry stated that it has been done in other communities with an escalator clause in the ordinance. It happens with utility fees by indexing them to the cost of construction, but he would hesitate to recommend it on schools since their 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. Chewing)
- 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