



**LEBANON PLANNING BOARD
SEPTEMBER 27, 2021 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Study Items**
 - A. Zoning Amendments - Review of proposed amendments to the Zoning Ordinance and Zoning Map
 - 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. Chewing)
 - 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. Chewing /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. August 23, 2021
 - B. August 3, 2021 CIP Minutes
 - 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 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
September 27, 2021**

**Agenda Item #2A
Study Items**

**Zoning Amendments –
Review of proposed
amendments to the
Zoning Ordinance and
Zoning Map**

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE I INTRODUCTION

[...]

SECTION 105 COMPLIANCE WITH SITE PLAN REVIEW REGULATIONS AND SUBDIVISION REGULATIONS.

The regulations set forth in this Ordinance are not intended to and shall not be construed to relieve a proposed land development from compliance with any applicable requirement set forth in the Lebanon Site Plan Review Regulations or to relieve a proposed subdivision from compliance with any applicable requirement of the Lebanon Subdivision Regulations.

Whenever the regulations set forth in this Ordinance conflict with any applicable requirements set forth in the Lebanon Site Plan Review Regulations or the Lebanon Subdivision Regulations, the provision which imposes the greater restriction or the higher standard shall apply.

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

[...]

201.7 Driveways and Parking Areas.

A. Residential Districts, the R-O District, and R-O-1 District. Driveways in the residential districts, the R-O District, and the R-O-1 District may ~~occupy~~ encroach into minimum required **yard** areas. **Parking areas** may ~~also occupy~~ encroach into minimum required **yard** areas provided they maintain at least a 5 ft. **setback** from all lot lines, except that ~~(i) parking areas in the front yard are prohibited in the LD District per Section 307.9.B, and (ii) for all uses other than one- and two-family dwellings, parking areas in the front yard in the residential districts, the R-O District, and the R-O-1 District, shall be set back no less than the lesser of the minimum front yard requirement or the front building line, but in no case less than five (5) feet.~~

B. All Other Zoning Districts. In all other zoning districts, driveways and parking areas may encroach into the minimum required **yard** areas, except that **parking areas** in the **front yard** are prohibited in the LD District per Section 307.9.B.

[...]

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a **lot of record** at the time such district boundary line is established, the regulations for either district of such **lot** may extend up to thirty feet (one hundred

feet in rural lands districts) into the other district, provided the **lot** has **frontage** on a street in the district which is being extended, and provided that the **lot** has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary.

If such **lot** is located in a single zoning district along the entire length of its **frontage** and the size of the overall **lot** meets or exceeds the minimum required **lot area** for that zoning district, the entirety of the property may be used for any use allowed in that zoning district provided that that zoning district is more restrictive than the other zoning district(s) in which the property is located.

[...]

SECTION 213 IMPACT FEES.

[...]

213.3 Definitions.

The following definitions shall be considered to pertain to this Section (213) only:

[...]

E. New development means an activity that results in:

[...]

- (4) The conversion of a lawful existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment; ~~however, [.]~~

~~(5)~~ — Notwithstanding the above, new development shall not include:

a. The creation of any **accessory dwelling unit** or **dwelling unit** less than 500 sq. ft. in gross floor area.

b. ~~-The replacement of an existing manufactured housing unit~~ any dwelling;
or

~~a-c.~~ The reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

[...]

213.6 Review and Change in Assessment Schedules.

The impact fee assessment schedules shall be reviewed ~~annually~~ periodically by the Planning Board, along with the foundation documents that provide the basis for the assessment schedules. [...]

[...]

SECTION 215 LOCATION OF ACCESSORY USE.

An **accessory use** shall be permitted only upon the same **lot** where its respective primary use lawfully exists, except that (i) a **driveway** may cross over an adjacent **lot** provided that the use the **driveway** serves is a permitted use on the **lot** over which the **driveway** crosses, and (ii) a common **driveway** serving not more than two adjacent lots is also permissible provided that the use(s) the common **driveway** serves is (are) permitted use(s) on the **lot(s)** over which the common **driveway** crosses. In the case of lots in two or more zoning districts, an **accessory use** shall be permitted only on that portion of the **lot** where its respective primary use is permitted.

ARTICLE III USE DISTRICTS

[...]

SECTION 302 USES.

[...]

302.4 Enhanced Performance Standards.

[...]

H. Expiration.

1. For projects that require site plan review from the Planning Board, a **conditional use** permit shall expire:
 - a. If a complete site plan review application is not submitted to the Planning and Development Department and accepted by the Planning Board within two (2) years of the date of the **conditional use** permit approval;
 - b. If and when the site plan approval expires or is deemed void; or
 - c. If, following the issuance of a certification of occupancy for the approved site plan, or following the completion of all required site improvements where no certificate of occupancy is required, a **conditional use** permit shall also expire if the use is discontinued for any reason for more than two (2) years following the issuance of a certificate of occupancy, or for more than two (2) years following the completion of all required site improvements where no certificate of occupancy is required.
2. For projects not requiring site plan approval, a **conditional use permit** shall expire:
 - a. If the use is not in place within two years of the date of **conditional use** permit approval by the Planning Board; or
 - b. If the use is discontinued for any reason for more than two (2) years following the initial commencement of the use.

302.4 Off-Lot Parking. *Parking areas* to serve off-site uses are allowed by *conditional use* permit in accordance with the requirements of Section 607.5 ("Off-Lot Parking").

[...]

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

[...]

310.2 Table of Uses.

<u>Permitted Uses</u>	<u><i>Special Exception Uses</i></u> (see Section 801.3)
[...]	<u>Residential</u> [...] <u>Commercial/Non-Residential</u> [...] 6. Home-based agricultural business per Section 600B.2 (<i>lots</i> less than 5 acres) and per Section 600B.3 (5–10 acre <i>lots</i>) <u>7. Home-based agricultural business per Section 600B.3 (5–10 acre <i>lots</i>)</u> 7.8. <u>Nursing home</u>

[...]

SECTION 311 RESIDENTIAL-OFFICE DISTRICT (R-O).

[...]

311.2 Table of Uses.

<u>Permitted Uses</u>	<u><i>Special Exception Uses</i></u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Two-family dwelling 3. Multi-family dwelling conversion (4 dwelling units or less) per Section 601 [...]	<u>Residential</u> 1. Multi-family dwelling conversion (5 dwelling units or more) per Section 601 [...]

[...]

SECTION 314 RURAL LANDS THREE DISTRICT (RL-3).

[...]

314.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Residential</u> <u>7. Accessory use to any one-family dwelling</u>	[...]

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 General Requirements.

Section 501.1 shall apply to all Planned Unit Developments (PUDs) which include Planned Unit Residential Developments (PURDs) per Section 501.2, Planned Unit Recreational Developments (PREcs) per Section 501.3, Commercial PUDs per Section 501.4, and Industrial PUDs per Section 501.4.

[...]

E. Application Requirements. An application for a CUP shall include:

1. Subdivision and/or Site Plan. A subdivision and/or site plan, as applicable depending on the nature of the proposed PUD, prepared in accordance with all applicable standards contained within the Subdivision Regulations and/or Site Plan Review Regulations. In addition, the plan shall be prepared in accordance with the following four steps and shall document each step:

[...]

- c. Alignment of Roads, Driveways and Trails:

~~A road and driveway plan~~ The plans shall be designed to provide vehicular access to each building, complying with the applicable standards in the Site Plan Review Regulations or Subdivision Regulations, and bearing a logical relationship to topographic

conditions. Impacts of the ~~road plan~~vehicular access design on proposed Open Space areas and the Site Resources shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Road connections shall be required to the maximum extent practicable in order to minimize the number of new cul-de-sacs and to facilitate access to and from homes in different parts of the tract and adjoining lots.

d. **Drawing in the Lot Lines:**

When Steps 1 through 3 are completed, lines shall be drawn to delineate the lots for development ~~and the Open Space lot(s).~~if individual lots are proposed.

2. **Impact Statement.** An impact statement which clearly sets forth the impact of the proposal. The impact statement shall include:

- a. Statement of impact of the proposed development on natural resources and environmental quality including but not limited to water quality, air quality, **wetlands**, soil erosion and agricultural lands and a statement of pollution control and environmental impact mitigation measures.
- b. Statement of impact of the proposed development on **abutters**.
- c. Statement of sufficiency of proposed parking for the use intended.
- d. Statement of ~~impact on~~adequacy of streets and/or sidewalks in the general area of the development including major intersections providing access, and such other areas as requested by the Board~~roads, streets and highways and on pedestrian and vehicular traffic.~~
- e. Statement of sufficiency, availability and capacity of utility services to provide water, fire protection, and sewer, and storm drainage, and further, the impact of the development on the municipal solid waste disposal facilities~~of utility systems for the provisions of water service, fire protection, sewer service, and storm drainage.~~
- f. (If applicable) Statement of impact of on-site subsurface sewage disposal systems as to adjacent wells, water supply systems, and any known aquifers so designated by the United States Geological Survey.
- f.g. Statement of impact of storm drainage from the development on abutting properties and potential storm drainage problems both on the site of the development and downstream from the development~~Statement of suitability of the proposed drainage system and effect on abutters.~~
- g.h. Statement of noise control methods and procedures.
- h.i. Statement on the capacity of the school system; effect on school bus transportation and distance of the proposed subdivision from the nearest elementary school~~Statement of effect on the public school system.~~
- i. ~~Statement of effect on the municipal solid waste disposal facility.~~
- j. Fiscal impact statement analyzing the impact of the development on municipal, school and county revenues and expenditures, including estimated potential tax revenue and estimated number of

school children~~Fiscal impact statement which categorizes and analyzes the impact of the PUD on municipal, school and county revenues and expenditures.~~

- k. Statement on any special fire, police and public safety problems due to location and/or special conditions related to the site's proposed type of use~~Statement of impact on police and fire protection and public safety.~~

[...]

501.2 Planned Unit Residential Development (PURD).

[...]

B. Applicability.

1. Required. In the R-3, RL-1, RL-2, and RL-3 Districts, PURDs shall be required for any major subdivision, as defined in the Subdivision Regulations, and for any other development that would constitute a major subdivision but for the exception set forth in Section 6.2 of the Subdivision Regulations ~~in the R-3, RL-1, RL-2, and RL-3 Districts~~, where the property to be subdivided equals or exceeds the following sizes:

<u>District</u>	<u>Property Size</u>
R-3	10 acres
RL-1, RL-2	20 acres
RL-3	40 acres

In the RL-1, RL-2, and RL-3 Districts, a PRec may be proposed in accordance with Section 501.3 in lieu of a required PURD.

2. Permitted. In the R-1, R-2, R-3, R-O, and R-O-1 Districts where the property to be subdivided is 5 acres or more, and in the RL-1 and RL-2 Districts where the property to be subdivided is 10 acres or more, PURDs are permitted for any major subdivision, as defined in the Subdivision Regulations, and for any other development that would constitute a major subdivision but for the exception set forth in Section 6.2 of the Subdivision Regulations, ~~in the R-1, R-2, R-3, R-O, and R-O-1 Districts where the property to be subdivided is 5 acres or more, and in the RL-1 and RL-2 Districts where the property to be subdivided is 10 acres or more.~~

[...]

D. Density.

[...]

2. Gross Density. In determining the number of **dwelling units** allowed by the applicable zoning district, an applicant for a PURD may use either of the following two methods:

- a. Formula Method. Subtract some of the area covered by **wetlands** and/or slopes in excess of 25 percent from the total area of the property, pursuant to the following table:

% of property covered by wetlands and/ or steep slopes	% of wetlands and / or steep slopes to be subtracted
< 15%	0
15% - 25%	20%
25% - 35%	40%
35% - 55%	60%
55% - 70%	80%
> 70%	100%

Reduce the result by ten percent for the area that would be allocated to roads and streets. Apply the density of the applicable zoning district to the area resulting from the foregoing calculations to determine the number of **dwelling units** allowed.

Example: A 500-acre property with 30 acres of **wetland** and 70 acres of slopes greater than 25% located in the RL-3 District. (1) Since 20% of the property is covered by **wetlands** or steep slopes, the above table requires that 20% of the 100 acres so covered must be deducted, i.e., 500 acres - (20% of 100 acres) = 480 acres. (2) Deduct 10% of 480 for streets, i.e. 480 -(10% of 480) = 432. (3) 432 acres at RL-3 density of 10 acres per **dwelling units** = 43 **dwelling units** allowed in PURD. [A fractional number of permitted dwelling units of .5 or greater shall be rounded up to the next whole number.](#)

[...]

- c. Density Bonus. For a PURD, the number of **dwelling units** resulting from the above calculations may be increased by up to 12 percent at the discretion of the Planning Board, per Section 507. [In determining the maximum number of additional dwelling units that the Board may permit, a fractional number of bonus dwelling units of .5 or greater shall be rounded up to the next whole number.](#)

[...]

501.3 Planned Unit Recreational Developments.

[...]

- F. Minimum Open Space Preservation. In a PRec a minimum of 50 percent of the tract shall be allocated to outdoor recreation use and/or common open space. None of the area used to meet the 50 percent criteria shall be located within 50 feet of a **building**, or structure ~~or parking lot~~ that is part of the PRec.

[...]

501.4 Commercial or Industrial Planned Unit Developments.

[...]

- D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted or allowed by *special exception* or *conditional use* in the ~~Industrial~~IND-L, IND-RA, IND-H, CB, GC, or GC-1 Districts may be allowed in a Commercial PUD.

Any non-residential use permitted or allowed by *special exception* or *conditional use* permit in the IND-L and IND-RA Districts may be allowed in an Industrial PUD. Additionally, no more than 25 percent of the **gross floor area** in an Industrial PUD may be allocated to **hotels, restaurants, personal services** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

[...]

SECTION 506 MEDICAL CENTER COMPLEXES.

[...]

506.3 Allowed Uses

In addition to a hospital, the following uses are allowed within the Medical Center Complex:

[...]

3. ~~Congregate Living Facilities~~Medical Center Dormitory - A ~~congregate living facility~~medical center~~-or~~ dormitory is a housing facility provided by the Medical Center Complex which provides housing for ten or more of their adult health care students and/or staff in single or double living quarters.
4. Sanatorium, **nursing home**, congregate living facility, or convalescent home.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

SECTION 600 HOME BUSINESSES.

600.1 Performance Criteria.

A home business shall not materially disturb the total residential environment and shall comply with the criteria listed herein. When a home business grows beyond these limits, it shall be required to seek facilities other than the home. If more than one business is conducted on the premises, all of the businesses together shall not exceed these criteria.

[...]

- F. The business shall not detract from the residential character of the neighborhood. It shall not:

~~3. Require the use of on-street parking.~~

4. Require more than two (2) off-street parking spaces beyond those required by the dwelling (see Section 607, Table of Minimum Off-Street Parking).

[...]

SECTION 601 SPECIAL DESIGN STANDARDS.

The remodeling of a residential structure and other **buildings** existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the construction of new **buildings** for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions:

[...]

601.2 Parking & Access.

Adequate off-street parking shall be provided on the lot, unless off-premise parking is approved pursuant to Section 607.4. Such parking:

~~A. Shall not occupy the front yard except within **parking areas** existent as of the 2013 amendment to this section; and~~

~~B. Shall be screened from abutting properties.~~

[...]

~~601.9 Site Plan Review.~~

~~All such remodelings and changes or expansions of use shall be required to have Site Plan Review by the Planning Board.~~

[...]

SECTION 607 PARKING.

SECTION 607 PARKING

607.1 Table of Minimum Off-Street Parking Requirements~~General.~~

1. Except as otherwise provided below, a lot shall provide ~~M~~the minimum number of off-street parking spaces shall be provided as set forth in the following "Table of Minimum Off-Street Parking Requirements." For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the

Zoning Administrator. ~~The Planning Board, during site plan review of new uses or expansions of use, may allow a reduction of up to 30% in the number of required built parking spaces, provided an area is reserved on the approved site plan to accommodate the minimum number of required off-street parking spaces should they become necessary in the future. The construction of any unbuilt parking spaces shall be reviewed and approved by the Planning Board as a modification of the approved site plan.~~

2. The minimum number of required off street parking spaces for lots with more than one principal use ~~For developments having, for mixed use buildings, and for any development approved under Section 501.4 ("Commercial or Industrial Planned Unit Developments") or Section 508 ("Planned Business Parks"), the total minimum parking requirement shall be determined as per Section 607.6 ("Shared Parking").~~

~~For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the administrative official (or board) who is applying this section.~~

- ~~2.3.~~ The minimum number of required off-street parking spaces for **accessory uses** shall be calculated separately from the principal use where the minimum parking requirement for the accessory use is less than that required for the principal use.

(INSERT MIN TABLE HERE)

607.2 REDUCTION OF MINIMUM REQUIRED PARKING SPACES

The Planning Board may allow by **conditional use** permit a reduction of up to 30% in the number of off street parking spaces required to be built, provided an area is reserved on the approved site plan to accommodate the minimum number of required off-street parking spaces should they become necessary in the future. The construction of any unbuilt parking spaces shall be reviewed and approved by the Planning Board as a modification of the approved site plan.

~~————— Table of Minimum Off-Street Parking Requirements.~~

- A. ~~For developments having multiple separate business uses, for mixed use buildings, and for any development approved under Section 501.4 ("Commercial or Industrial Planned Unit Developments") or Section 508 ("Planned Business Parks"), the total minimum parking requirement shall be determined as per Section 607.6 ("Shared Parking").~~
- B. ~~For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the administrative official (or board) who is applying this section.~~

[...]

607.4 CB, LD and PB Parking.

Uses in the CB District, LD District, and the PB District are subject to the maximum off-street parking requirements of Section 607.3, but are exempt from ~~these~~ the minimum off-

street parking requirements of Section 607.1 because of the availability of public parking. However, parking requirements in these districts shall be as required by the Planning Board through its Site Plan Review of new uses or changes or expansion of use.

607.5 ~~Location and Layout of Required~~ Off-Lot Parking.

~~Required parking~~ Parking shall be provided on the same **lot** as the use for which the parking is ~~required~~ accessory, except as follows:

- A. In the IND-L, IND-H, IND-RA, GC, GC-1, CB~~D~~, LD, RO, RO-1, PB, and MC Districts, the Planning Board may approve private off-lot parking as a **conditional use** permit. Instead of the findings required by Section 302.4, the Board shall determine that: ~~during the Site Plan Review process, provided that:~~
1. The minimum number of required off-street parking spaces as calculated pursuant to Section 607.1, and per Section 607.4 for developments in the CB, LD, and PB Districts, cannot feasibly be accommodated on-site.
 2. The off-site use to be served is an allowed use in the zoning district in which the off-lot parking area will be located.
 3. The ~~Such~~ off-street lot parking area is in an appropriate location for the use served by the parking and will not be detrimental to abutting properties.
 42. Such parking arrangements are either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists.
 35. The off-lot parking will ~~Such shared parking arrangements do~~ not constitute a hazard to traffic or pedestrians.
- B. For conversions of one or two-family dwellings ~~residences~~ to **multi-family dwellings** or where adding additional dwelling units to an existing multi-family dwelling, the Planning Board may approve private off-lot parking, as a **conditional use** permit. Instead of the findings required by Section 302.4, the Board shall determine that:
1. The minimum number of required off-street parking spaces cannot feasibly be accommodated on-site.
 2. The off-lot parking area is on a lot that is (i) adjacent to the dwelling involved, and (ii) located in a zoning district that allows multi-family dwellings to the same extent as allowed in the zoning district where the multi-family dwelling is located; ~~and,~~
 23. The off-lot parking area is appropriately screened from abutting properties; ~~and,~~
 34. The off-lot parking will not be detrimental to abutting properties.

45. Such parking arrangements are permanently and irrevocably deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists~~by easement and recorded.~~
56. The off-lot parking will not constitute a hazard to traffic or pedestrians.
67. The adjacent lot shall not be in the same ownership, unless (i) the lot is already improved with a principal building and (ii) the lot line cannot be moved in compliance with the minimum dimensional requirements of the Zoning Ordinance.

[...]

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded ~~up~~ down to the nearest whole - See Section 607.2)

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
RESIDENTIAL		
[...]	[...]	[...]
Dormitory	Beds	1.0
[...]	[...]	[...]
COMMERCIAL		
[...]	[...]	[...]
Office, to include medical	Gross floor area	1.0/250 sq. ft.
[...]	[...]	[...]

SECTION 608 SIGNS.

[...]

608.3 Prohibited Signs.

The following are prohibited:

- A. **Off-premise signs**, except as may be permitted per Sections 608.6.A.1 and 2. A sign advertising an on-site use that has ceased operation or vacated the lot shall be considered an off-premise sign after a period of 180 consecutive days following the discontinuance of the use.
- B. **Signs** located within ~~public streets and public sidewalks~~, except as set forth in Section 608.4.A.5.b (projecting signs in the CB and LD Districts) and Section 608.6.A.6 (**sandwich board sign** regulations) and as may otherwise be allowed pursuant to Chapter 152 ("Streets and Sidewalks") of the Code of the City of Lebanon.

[...]

608.4 Non-Residential Uses.

- A. **Non-Residential Uses in Commercial and Industrial Districts.** Signage for non-residential uses in the **commercial** and **industrial districts** shall be subject to the following requirements:

1. **Maximum Permitted Sign Area.**

[...]

- f. Multiple Principal Facades. Where a building has multiple **principal facades**, the facades may be combined for purposes of calculating the maximum permitted sign area per Section 608.4.A.1.a.

[...]

4. **Freestanding Signs.** A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:

a. **Sign Area and Height Regulations.**

i. [...].

- ii. **Strip Plazas and Multi-Tenant Buildings.** A **freestanding sign** for a property improved with a strip plaza or multi-tenant building may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the CB and LD Districts. Such additional **sign area** shall not be deducted from the maximum **sign area** permitted on a **lot** under Section 608.4.A.1.a ("Maximum Sign Area").

iii. **Height.** [...]

- ~~iii.~~iv. The size of a freestanding sign may exceed the maximum sign area set forth in Section 608.4.A.4.a.i by up to 15 percent in order to accommodate numerals identifying the property address or building address, or for a freestanding sign on a property improved with a strip plaza or multi-tenant building, by up to 15 percent in addition to the increase in sign area allowed per Section 608.4.A.a.ii.

[...]

5. **Illumination.** **Signs** may have either **external illumination** or **internal illumination**, subject to the following:

- b. Lighting Plan. An applicant for a permit to illuminate a **sign** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.

~~b.c.~~ External Illumination. [...]

~~e.d.~~ Internal Illumination. *Internal illumination* of **signs** shall be designed with an opaque background so that only the lettering, symbols (i.e. logos), or design shall appear to be lighted. ~~An applicant for a permit to illuminate a **sign** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.~~

~~d.e.~~ Maximum Luminance. [...]

~~e.f.~~ Glare. [...]

~~f.g.~~ Shielding. [...]

~~g.h.~~ Hours of illumination. [...]

B. Non-Residential Uses in Residential and Mixed Use Districts. [...]

1. Freestanding Signs. *Freestanding signs* shall:

- a. Comply with the landscaping requirements set forth in Section 608.4.A.4.c.i ("Landscaping").
- b. Have a height of no greater than eight (8) feet for signs located in the mixed use districts, and no greater than four (4) feet for signs located in the residential districts.

[...]

608.5 Residential Uses.

For residential development projects including a PURD, PRec, or a **multi-family** development with greater than five (5) **dwelling units**, the development as a whole may have one **sign**, not to exceed sixteen (16) square feet in **sign area** and eight (8) feet in height, in addition to any other **signs** permitted by this Section.

[...]

SECTION 609 SEXUALLY ORIENTED BUSINESS.

[...]

609.3 Operational Standards.

- A. No Operator or Employee of any Sexually Oriented Business shall allow or permit any Employee or Patron to engage in any Specified Sexual Activity on the premises of the business, including **parking lots** areas or streets adjacent to the business which are used by Patrons of the business.

[...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

[...]

An **accessory dwelling unit** shall comply with the following criteria:

[...]

- D. The **ADU** must be located in the same **building** as the principal **dwelling unit** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district. If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached **accessory structure** such as a garage or barn, provided the existing **accessory structure** conforms with the minimum required **yard** requirements for the respective zoning district. An **ADU** may also be in a new **structure**. By special exception, the Zoning Board of Adjustment may allow an ADU to be located in a detached structure on a lot that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory structure that is legal non-conforming to the applicable minimum yard requirements.

[...]

- ~~F. If the ADU is located within or by an addition to the existing one-family dwelling, the ADU must be connected to the same utilities (except telephone and television) as the principal dwelling unit.~~

[...]

- ~~H. A detached ADU, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the principal building on the lot. An ADU may be permitted to be taller than the principal building by special exception. Detached ADU height shall not exceed the height of the principal building as measured to the eave line, with a maximum eave height of ten (10) feet for single-story and sixteen (16) feet for two-story detached ADUs.~~

- ~~I. Any necessary additional entrances or exits to the principal building, to serve the ADU, shall be located to the side or rear of the building. All new or altered structures, intended to be used as an ADU, must be located behind the front building line of the existing principal building except by special exception if the Zoning Board finds that the placement of the ADU on the lot will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.~~

- ~~J. In addition to the two (2) on-site parking spaces required for the principal residence, one (1) additional on-site parking space for the ADU must be provided.~~

- ~~K. An ADU located within the principal building shall have an interconnected fire alarm system.~~

[...]

ARTICLE VIII BOARD OF ADJUSTMENT

[...]

SECTION 801 POWERS AND DUTIES.

[...]

801.2 Variances.

[...]

C. Expiration.

1. For projects that require site plan review from the Planning Board, a **variance** shall expire:

a. If a complete site plan review application is not submitted to the Planning and Development Department and accepted by the Planning Board within two (2) years of the date of the **variance** approval;

b. If and when the site plan approval expires or is deemed void; or

c. If, following the issuance of a certification of occupancy for the approved site plan, or following the completion of all required site improvements where no certificate of occupancy is required, a **variance** shall also expire if the use is discontinued for any reason for more than two (2) years following the issuance of a certificate of occupancy, or for more than two (2) years following the completion of all required site improvements where no certificate of occupancy is required.

2. For projects not requiring site plan approval, a **variance** shall expire:

a. If the use is not in place within two years of the date of **variance** approval by the Planning Board; or

b. If the use is discontinued for any reason for more than two (2) years following the initial commencement of the use.

~~A variance shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a variance; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a variance must be completed.~~

801.3 Special Exceptions.

A. To hear and decide **special exceptions** to the terms of this Ordinance upon matters which the Board is required to pass under this Ordinance. In passing upon any application for a **special exception**, the Board shall make each of the following findings:

- A1.** That the **special exception** is specifically authorized by a provision of this Ordinance.
- B2.** That all special conditions required of the **special exception** have been met.
- C3.** That there are no existing violations of this Ordinance on the property that the granting of this **special exception** would not remedy.
- D4.** That the character of the area shall not be adversely affected.
- E5.** That no hazard or nuisance will be created.
- F6.** That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- G7.** That granting the **special exception** will not result in undue municipal expense.
- H8.** That the proposed **special exception** will be developed in a manner compatible with the spirit and intent of the Ordinance.
- I9.** That the general welfare of the City will be protected.

B. ~~A **special exception** shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a **special exception** or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a **special exception** must be completed.~~

Expiration.

- 1. For projects that require site plan review from the Planning Board, a **special exception** shall expire:
 - a. If a complete site plan review application is not submitted to the Planning and Development Department and accepted by the Planning Board within two (2) years of the date of the **special exception** approval;
 - b. If and when the site plan approval expires or is deemed void; or
 - c. If, following the issuance of a certification of occupancy for the approved site plan, or following the completion of all required site improvements where no certificate of occupancy is required, a **special**

exception shall also expire if the use is discontinued for any reason for more than two (2) years following the issuance of a certificate of occupancy, or for more than two (2) years following the completion of all required site improvements where no certificate of occupancy is required.

2. For projects not requiring site plan approval, a **special exception** shall expire:

a. If the use is not in place within two years of the date of **special exception** approval by the Planning Board; or

b. If the use is discontinued for any reason for more than two (2) years following the initial commencement of the use.

~~A special exception shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.~~

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

[...]

SECTION 901 ZONING PERMITS.

[...]

901.6 — Time Limit of Permit.

~~A zoning permit shall become void if construction is not begun thereunder within 2 years from the date of issuance of the permit or grant of a special exception or variance.~~

901.7 — Date of Issuance of Zoning Permit.

~~On approval by the Board of Adjustment of an administrative appeal, variance or special exception, the Zoning Administrator shall issue a zoning permit as of the date of approval of the Board of Adjustment. Zoning permits shall be conditioned upon receipt of Site Plan Review approval from the Planning Board, when such approval is required. When Site Plan Review is required, the date of the zoning permit for the purposes of SECTION 901.6 shall be the date of receipt of Site Plan Review approval.~~

901.8 — Revocation.

~~If any use or **structure** is begun or erected which does not conform to this Ordinance, or to the provisions of any permit, decision, **special exception**, or **variance** issued under this Ordinance, the Zoning Administrator, in addition to other types of enforcement authorized by law, may revoke the zoning permit. Such a revocation may be appealed to the Zoning Board of Adjustment as an Administrative Appeal pursuant to Section 801.1; however the permit shall remain revoked pending the outcome of such appeal.~~

APPENDIX A DEFINITIONS

[...]

FRONT BUILDING LINE: A line parallel to a lot line transecting that point in the building facade which is closest to the [front](#) lot line, except for minor projections as provided in Article II.

[...]

DRIVEWAY: A private off-street travelway used to provide vehicular access to lots, buildings, structures and/or **parking areas**. ~~A-Except for one- and two-family dwellings, a~~ driveway shall not be used for parking more than two vehicles unless it contains enough area to allow any vehicle to be parked without moving another. See also definitions of "[pParking aArea](#)" and "[off-street pParking sSpaces](#)."

[...]

FAÇADE, PRINCIPAL: The **façade** of a **building** which is adjacent to or fronts on a **public street**. [Interstate 89 shall not be considered a public street for purposes of identifying the principal façade.](#) If a **lot** does not have **frontage** on a **public street**, then the private road, **driveway**, or right-of-way that provides vehicular access to the **lot** shall be considered a **public street** for purposes of applying Section 608 ("Signs") to the **lot**. [Except as provided in Section 608.4.A.1.f,](#) ~~For~~ **buildings** with more than one **façade** adjacent to or fronting on a **public street**, the largest of such **façades** shall be considered the **principal façade**.

[...]

IMPERMEABLE COVERAGE: All that horizontal area of a **lot**, **parcel** or tract which cannot be penetrated by rainwater because of manmade alterations to the natural surface of the land, including building, parking ~~lot~~, and **driveway** areas.

[...]

NURSING HOME: [This term shall have the same meaning as "nursing facility" as set forth in RSA 151-E:2, as amended.](#) ~~As defined by RSA 151-C:2, a place providing, for two (2) or more persons, basic domiciliary services (room, board and laundry), continuing health supervision under competent professional medical and nursing direction and continuous nursing care as may be individually required. The except that the~~ term "nursing home" includes a "[skilled nursing facility,](#)" ~~as defined by RSA 151-C:2, but it does not include a-~~ "[rehabilitation services for the rehabilitation of injured chronically disabled or sick](#)" ~~rehabilitation facility~~" as defined by RSA 151-C:2.

[...]

PARKING AREA: Any part of a **lot** that is used for parking, other than **driveways** and areas necessary for vehicles to maneuver into or out of parking spaces. If a **driveway** is wide enough to provide both parking spaces and a circulation/ access land adjacent to the parking spaces, the part of the **driveway** used for parking spaces shall be considered a parking area.

[...]

PARKING LOT: Any ~~parking area~~ (as defined above) other than a ~~parking area~~ that is part of a driveway.

[...]

WAY: Any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, and ways provided and maintained by public institutions to which state funds are appropriated for public use, to any public or private **parking lot facility** which is maintained primarily for the benefit of paying customers.

[...]

YARD, FRONT (OR SETBACK): Yard between the front lot line and the front of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the street line to the front line of the building. ~~Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than 50 foot right-of-way, the front yard requirement shall be measured from the center line of the existing right-of-way and 25 feet shall be added to the front yard requirement.~~

[...]

DRAFT AMENDMENTS TO

THE CITY OF LEBANON ZONING ORDINANCE

Manufactured Housing

SECTION 209 MANUFACTURED ~~HOME~~HOUSINGS.

Manufactured ~~homes~~-housing units are permitted only in **manufactured ~~home~~housing parks** or in **manufactured home subdivisions or manufactured ~~home~~housing Planned Unit Residential Developments (*PURDs*)**. See ~~Sections:~~ Section 503 (**“MANUFACTURED HOUSING PARKS”**) and Section 504 (**“MANUFACTURED HOUSING PURDs”**). [...]

SECTION 308 RESIDENTIAL ONE DISTRICT (R-1). [...]

308.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> Manufactured homehousing park per Section 503 Manufactured home subdivision per Section 504 (or Manufactured homehousing PURD per Section 504)	[...]

SECTION 312 RURAL LANDS ONE DISTRICT (RL-1). [...]

312.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> Manufactured homehousing park per Section 503 Manufactured home subdivision per Section 504 (or Manufactured homehousing PURD per Section 504)	[...]

SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).

[...]

313.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> 1. Manufactured home housing park per Section 503 2. Manufactured home subdivision per Section 504 (or Mmanufactured home housing PURD per Section 504)	[...]

[...]

SECTION 314 RURAL LANDS THREE DISTRICT (RL-3).

[...]

314.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Planned Developments</u> 1. PRec per Section 501 2. PURD per Section 501 2.3. Manufactured housing PURD per Section 504	<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 3. Manufactured housing park per Section 503 [...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

SECTION 500 GENERAL.

[...]

Planned developments shall be permitted in accordance with the following table:

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	Manufactured Housing PURD per Section 501.2 / Manufactured HomeHousing Park per Section 503 and Manufactured Home Subdivision per Section 504	Recreational Camping Parks per Section 505	Medical Center Complexes per Section 506	Planned Business Park per Section 508
IND-L			P					P
IND-RA			P					P
GC				P				
GC-1				P				
CB				P				
LD								
R-1	P				P			
R-2	P							
R-3	P*							
R-O	P							
R-O-1	P							
PB						SE		
RL-1	P*	P			P	SE		
RL-2	P*	P			P	SE		
RL-3	P*	P			P / SE			
MC				P			P	

P = permitted

SE = **special exception** required

*Subject to Section 501.2.B.1.

[...]

501.2 Planned Unit Residential Development (PURD).

[...]

C. Uses Allowed in a PURD.

1. Residential Uses. A PURD may include **dwelling units** in **one-family**, **two-family** and **multi-family dwellings**. A mix of **dwelling** types may be permitted at the reasonable discretion of the Planning Board. In a

manufactured ~~home~~housing PURD only **manufactured ~~home~~housing units** are permitted and shall be on individual lots.

2. Non-Residential Uses. Certain non-residential uses may be established within a PURD, but not a **manufactured housing PURD**, subject to the following provisions:

[...]

3. All Other Uses in Underlying Zoning District. Any use permitted in the zoning district in which the PURD is located may be permitted within the PURD. Uses allowed by **special exception** or by **conditional use** permit in the underlying zoning district where the PURD is located may also be permitted within the PURD, and shall not require a **special exception** from the Zoning Board or a separate **conditional use** permit from the Planning Board. This provision shall not apply to a **manufactured housing PURD**.

D. Density.

[...]

2. Gross Density.

[...]

- c. Density Bonus. For a PURD (or **manufactured housing PURD**), the number of **dwelling units** resulting from the above calculations may be increased by up to 12 percent at the discretion of the Planning Board, per Section 507.

3. Property Located in Multiple Zoning Districts. Where a property is located in more than one zoning district, the total number of **dwelling units** (or **manufactured housing units**) allowed pursuant to Section 501.2.D.2 shall be determined separately for each zoning district. However, the increments may be aggregated to determine the total number of **dwelling units** allowed, and **dwelling units** may be located on the property, irrespective of the zoning boundary location(s).

[...]

SECTION 503 MANUFACTURED ~~HOME~~HOUSING PARKS.

503.1 Area.

A manufactured ~~home~~housing park shall have an area not less than 10 acres nor more than 50 acres.

503.2 Layout.

- A. A manufactured ~~home~~housing unit park shall provide:
1. Individually designated spaces for each manufactured ~~home~~housing unit.
 2. Interior access streets for all spaces. Such streets shall have a right-of-way at least 40 feet in width and a surface travel way at least 20 feet in width built on 12 inches of compacted gravel.
 3. All-weather walkways along streets.
 4. At least 20 percent of the total area for common open space or recreation, exclusive of **wetlands** and slopes of 25% or more. This area shall not include roads, streets, **parking areas**, **service areas**, non-recreation **accessory buildings** or similar facilities.
 5. A buffer at least 50 feet in width maintained as a landscape area abutting all manufactured ~~home~~housing unit property lines.
 6. Adequate facilities for recreation and/or playgrounds.
- B. A manufactured ~~home~~housing unit park shall have Site Plan Review approval from the Planning Board.

503.3 Manufactured ~~Home~~Housing Spaces.

- A. Each manufactured ~~home~~housing unit space shall be at least ~~40,000~~8,000 sq. ft. in area and shall front on an interior access street.
- B. Each space shall have a separate driveway.
- C. Each space shall include a **parking area** built on 12 inches of compacted gravel. Said **parking area** shall be large enough to accommodate two parking spaces, each 10 feet wide by 22 feet long.
- D. At least 100 sq. ft. of indoor storage.
- E. Manufactured ~~home~~housing unit spaces shall not be located on slopes having a natural grade of 15% or greater.

503.4 Utilities and Services.

- A. An attachment for water supply. The water supply source must meet all local and state regulations.
- B. An attachment for sewage disposal. The method of sewage disposal must be in compliance with all local and state regulations. It shall not be located on the manufactured ~~home~~housing unit space or any adjacent manufactured

~~home~~housing space unless the manufactured ~~home~~housing unit space is at least 1-1/2 acres in size.

- C. An electrical source supplying at least 60 amps, 120/240 volts. The installation shall comply with all applicable state and city electrical laws and regulations. Such electrical outlets shall be weatherproof. All electrical, television and other wired services shall be installed underground.
- D. Provisions for disposal of household garbage and rubbish.

503.5 Siting Manufactured ~~Home~~Housing Units.

- A. A nonporous pad shall be provided for each manufactured ~~home~~housing unit.
- B. No manufactured ~~home~~housing unit shall be closer than 50 feet to a public street right-of-way or to a property line of the manufactured ~~home~~housing park.
- C. A manufactured ~~home~~housing unit shall be located so that it is at least 20 feet from the right-of-way of the interior road and ten feet from any other manufactured ~~home~~housing unit space.

SECTION 504 MANUFACTURED ~~HOME~~HOUSING SUBDIVISIONS ~~PURDs~~.

Manufactured housing PURDs are allowed by conditional use permit per Section 501.1 and shall satisfy all requirements of Section 501.1 and Section 501.2. Notwithstanding the applicability standards set forth in Section 501.2.B.1, the minimum lot size for a manufactured housing PURD shall be 20 acres, and notwithstanding the density requirements of Section 501.2.D.2, the Planning Board may allow density of up to TBD manufactured housing units per acre. ~~Manufactured home subdivisions shall be at least 20 acres in size and shall have at least six (6) lots. Each lot shall have at least two (2) parking spaces. Manufactured Home PURDs are allowed, in accordance with Section 501.2.~~

SECTION 507 BONUSES FOR CERTAIN PLANNED DEVELOPMENT.

PUD's and manufactured housing ~~me parks and subdivisions~~ may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

<u>Type of Development</u>	<u>For Use of Technique</u>	<u>For Sensitivity to Environment</u>	<u>For Creating Affordable Housing</u>	<u>For Reducing Fiscal Impact</u>	<u>For Energy Efficient Design</u>	<u>For Renewable Energy Facilities</u>

PURD, <u>mfd housing PURD</u> , or PRec	12%	----	----	----		
<u>Mfd housing MH pPark</u> (or subdivision)	NONE	----	----	----		
<u>Traditional sSubdivision</u>	NONE	----	----	----		

507.2 Criteria for Award of Bonus.

The Planning Board may allow a gross density of development greater than allowed under Article III of this Ordinance for PURD's, manufactured housing PURDs, ~~(or PRec's)~~, **manufactured home housing parks**, ~~(or subdivisions)~~ or **traditional subdivisions** up to a maximum bonus allowed by Table 507.1. The following guidelines shall be used in determining whether a bonus shall be awarded.

[...]

APPENDIX A DEFINITIONS

CLASSIFICATION (CLASSES) OF LOTS: Whether a *lot* is classified as "1", "2", or "3" depends on the provisions for water supply and sewage disposal, as follows:

CLASSIFICATION	DESCRIPTION
CLASS 1	Municipal water and municipal sewerage, <u>or community water and sewer system approved by NHDES</u>
CLASS 2	Municipal sewerage, <u>or community sewer system approved by NHDES</u>
CLASS 3	Water and sewerage service that is neither Class 1 or Class 2

DWELLING: A *building* designed for and used primarily by one or more families for living quarters, but not including *manufactured housing* homes, trailers of any kind, *hotels*, *motels*, *group residences*, *lodging houses*, institutional homes, residential clubs, or other commercial accommodations offered for occupancy.

DWELLING UNIT: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or *dwelling units* which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. The term includes sectional homes and modular units but does not include *manufactured home housing*, *motel*, *hotel*, *lodging house* or similar structures.

MANUFACTURED HOME HOUSING PARK: Any tract of land on which two or more *manufactured homes housing units* are parked and occupied for living purposes.

MANUFACTURED HOME HOUSING PURD: A Planned Unit Residential Development (PURD) for two or more manufactured homes housing units and consisting exclusively of manufactured housing. ~~home subdivision which meets all applicable requirements of Section 501.~~

MANUFACTURED HOME SUBDIVISION: ~~A subdivision of land which allows individual ownership of lots on which can be located only a manufactured home.~~

MANUFACTURED HOUSING: This term shall have the meaning as set out in RSA 674:31, as may be amended.

TRADITIONAL SUBDIVISION: Any subdivision of land which meets all applicable dimensional requirements of the zoning district in which it is located and is not approved as either a PUD per Section 501, ~~a manufactured home subdivision per Section 504,~~ or a *planned business park* per Section 508.

**Agenda
Planning Board
September 27, 2021**

**Agenda Item #5A
Approval of Minutes**

August 23, 2021

DRAFT

LEBANON PLANNING BOARD
Work Session
Monday, August 23, 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), Karen Zook (Council Representative), Gregorio Amaro, Kim Chewning, Joan Monroe, Jeremy Rutter, Kathie Romano, Michael Smith (Alternate)

MEMBERS ABSENT: Laurel Stavis

STAFF PRESENT: David Brooks (Planning Director), Jay Cairelli (DPW Assistant Director), Brian Vincent (City Engineer)

1. Call to Order

Chair Garland called the meeting to order at 6:32 PM. Chair Garland introduced Michael Smith as a new alternate member of the Board but noted that he would not be voting on any motions tonight.

2. Study Items

A. Department of Public Works Presentation Re: Water/Sewer allocation process, capacity updates

In response to requests from Board members for additional knowledge of the City sewer system, the presentation was arranged by Mr. Brooks, who introduced Mr. Cairelli and Mr. Vincent. Mr. Cairelli gave the presentation and explained the capacity and projects related to the City sewer and water management system.

Mr. Vincent explained the sewer permitting process and the Sewer Use Permit Application for Allocation calculations and information.

The Board members' questions were asked and answered.

B. Impact fee discussion continued from July 26, 2021

Superintendent of Schools Joanne Roberts and School Board Chair Dick Milius attended online for the discussion.

Mr. Brooks stated that Bruce Mayberry gave his presentation in July. The focus of the presentation was on increasing the impact fee for the school district from only the middle school to all K-12 facilities. The table of possible impact fees was shown.

Chair Garland recapped the previous debate. Mr. Mayberry's letter of July 27, 2021 was referenced.

Mr. Hall suggested that the current economic trends would not favor raising the impact fees at this time. His recommendation was to revisit this in six months with a better view of the economy. Chair Garland noted that a new subdivision under construction would be minimally impacted by raising the fees.

Ms. Romano stated that she was opposed to any exemption from the impact fees and noted that the decision would be to both include all grades K-12 and possibly raise the fees. Mr. Rutter commented on the impact to the buyer and the low level of that impact. Ms. Chewning noted that the taxpayers would be covering the remaining costs from the impacts of new development.

Chair Garland asked for a show of hands on changing from middle school only to all K-12 facilities. All Board members agreed on that change.

The Board members discussed the issue of raising the fees. Mr. Brooks explained the impact to residential versus commercial properties.

Mr. Hall explained his rationale for maintaining the current fees and asserted that taxpayers should be making funding decisions for the school district. Ms. Monroe stated that the current housing construction limitations would benefit from some increase in the impact fees.

Mr. Brooks stated that the increase would be an equal percentage for both the single family detached and all other housing types based upon the maximum recommended by Mr. Mayberry.

Ms. Romano explained her rationale for some increase in the impact fees.

Chair Garland asked for a show of hands for those in favor of increasing the fees by various increments. The Board members agreed on setting the fee at \$2.00/SF for a single-family residence, which represents approximately 62.7% of the maximum supportable fee increase with a vote of 5 in favor and 3 opposed. Mr. Hall, Ms. Monroe, and Ms. Romano were against the level of increase. Mr. Brooks noted that the maximum supportable fee for multi-family residences would be reduced by the same percentage to keep the fees equitable.

3. Committee Reports

A. City Council Subcommittees:

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

--Lebanon Energy Advisory Committee (J. Monroe)

Energy aggregation is proceeding, and it will take many months to be completed. The City Council has expressed its approval of the process. There is a plan to purchase a digester for waste products. The latest national report on climate change indicates that the change is happening faster than anticipated. LEAC is offering to give presentations to the other boards and committees as well as civic groups.

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)

1 --UV SubCommittee of the Connecticut River Joint Commissions (B. Garland)
2 --Upper Valley Transportation Management Association (VACANT)
3 --Mascoma River Local Advisory Committee (K. Romano)
4 New members are still needed from Enfield and Canaan.
5
6 --Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J.
7 Monroe)
8 --West Lebanon Revitalization Advisory Committee (L. Stavis)
9 --Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

4. Other Business

14 Mr. Brooks reported that the CIP process went well, and the results will be presented at the next meeting
15 on September 13, 2021. The annual zoning amendments will be brought to the Board in late September.

5. Approval of Minutes

A. July 12, 2021

Page 6, line 23, to read, "...owners consider avoiding the use of pesticides and other chemicals."

*A MOTION by Jeremy Rutter to approve the Planning Board minutes of July 12, 2021, as amended.
The motion was seconded by Joan Monroe.*

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

B. July 26, 2021 (Non-public session)

*A MOTION by Jeremy Rutter to approve the Planning Board minutes of July 26, 2021 non-public
session as presented.
The motion was seconded by Kathie Romano.*

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

C. July 26, 2021

*A MOTION by Jeremy Rutter to approve the Planning Board minutes of July 26, 2021 as presented.
The motion was seconded by Kim Chewning.*

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

6. Adjournment

*A MOTION by Matthew Hall to adjourn the meeting.
The motion was seconded by Jeremy Rutter.*

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

2

3 The meeting was adjourned at 8:57 PM.

4

5 Respectfully submitted,

6 Holly Howes

7 Recording Secretary

**Agenda
Planning Board
September 27, 2021**

**Agenda Item #5B
Approval of Minutes**

August 3, 2021 CIP Minutes

DRAFT

**LEBANON PLANNING BOARD
AUGUST 3, 2021 - 5:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

MEMBERS PRESENT: Bruce Garland (Chair), Kim Chewning, Matthew Hall, and Laurel Stavis

STAFF PRESENT: David Brooks (Planning and Zoning Director), Shaun Mulholland (City Manager), Vicki Lee (Finance Director), Christina Hall (City Engineer), Everett Hammond (Assistant Director of Public Works), Jay Cairelli (Assistant Director of Public Works), Marc Morgan (Solid Waste Manager), Kelly Crate

1. CALL TO ORDER – Chair Garland called the meeting to order at 5:36 PM.

2. PROJECT REVIEW: 2022-2027 CIP PROJECTS

Mr. Brooks gave an overview of the CIP scope, process, and criteria.

City Manager Mulholland noted that the project schedule is going to change based upon the new debt management policy and the funds involved. Additional plans are being created to address City needs. The nature and availability of funding for City and School District projects was explained.

Chair Garland commented on Page 3 of the CIP document regarding the school district budget and the dollar amount required for capital projects under the School Board as compared with capital projects under the City budget as approved by the City Council.

Mr. Hall inquired if this year's review would be considered academic. Mr. Mulholland stated that the City must pay all of its debt, which is currently very high at 7% of such bonded debt in the State. Ms. Stavis referred to Mr. Hall's comment, noting that the City is spending the money, and the amounts are not presented separately to the public for the City and School District expenditures. Mr. Mulholland stated that the School District has to participate in the CIP program to manage the debt load and property taxes. The members and Staff present discussed the impact of the differences in the budgeting process for the City and the School District.

A. Public Works:

City Hall Renovation – Everett Hammond

The planned renovations will include a number of lower priority items to be addressed under year 2028, but some work could be undertaken if funding becomes available prior to that year.

Appropriation: \$1,457,500 in 2021; \$1,740,000 in 2028

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2
3 The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for
4 this project, which is a low priority for the department.
5

6 **Property Acquisition – Mascoma Street** – Everett Hammond
7

8 This project is expected to potentially generate \$1,156,200 in revenue from burial and cremation costs at
9 Lebanon Valley Cemetery. It is viewed as a high priority project by the DPW.
10

11 Appropriation: \$235,000
12

13 The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for
14 this project.
15

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17 **Hanover Street Reconstruction** – Jay Cairelli
18

19 This project is one portion of the planned improvements on Hanover Street. The improvements to
20 Hanover Street will include the design and reconstruction of the roadway, drainage infrastructure, water
21 and wastewater infrastructure improvements, pedestrian and biking accommodations, landscaping and
22 streetlights. The DPW has rated this project of a lower priority.
23

24 Appropriation: \$1,949,487
25

26 The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for
27 this project.
28

29 **South Main Street Bridge Replacement #062-117** – Christina Hall
30

31 The purpose of this project is to replace and widen the South Main Street Dry Bridge (Rt. 12A) over the
32 railroad right-way. It is a NHDOT Red listed Bridge, which is a high priority. If the project is not
33 undertaken and completed, the road might need to be closed. There are long term cost savings.
34

35 Appropriation: \$1,089,222
36

37 The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for
38 this project.
39

40 **Mechanic St/Slayton Hill Rd Intersection** – Christina Hall
41

42 This project is the second phase of the Mechanic Street improvements to improve traffic flow at the
43 Mechanic Street/Mascoma Street/Slayton Hill Road Intersection area. The railroad overpass would be
44 raised with sidewalks and a roundabout on Mechanic Street. The appropriation represents the City's
45 matching requirement for State funding. The DPW states that this is a higher priority project.
46

47 Appropriation: \$891,000
48

49 The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for
50 this project.

Mt. Support Road/Lahaye Drive Intersection

During the course of Planning Board review for several large development projects in the Mt. Support Road corridor, traffic studies prepared on behalf of the applicants have highlighted that the intersection of Lahaye Drive and Mt. Support Road is operating at near capacity overall and that certain turning movements are already over capacity and failing. These additional developments will result in traffic impacts that will place this intersection into a decreased low level of service. The proposed improvements will include additional turning lanes and the possibility of a round-about to alleviate traffic congestion. The project will be primarily funded through a Special Assessment District created by the City Council earlier this year.

Appropriation: \$2,250,000

The Committee discussed and Mr. Brooks recorded the Planning Board composite scores for this project.

Water System Improvements – Jay Cairelli

This project is intended to upgrade the watermains, gate valves and fire hydrants throughout the water system. The upgrade will replace aged water system components. The plan provides for a portion of money each year in order to complete the project.

Appropriation: \$5,215,908

The Committee discussed and Mr. Brooks recorded the Planning Board composite scores for this project.

New Water Supply Source Study – Jay Cairelli

Phase 2 of this project will further investigate treatment requirements and piping needed to tie the new source into the existing system if the initial phase of the study proves the potential new well site to be viable. DPW Staff expressed the high priority for this project as it impacts City drinking water and would prevent higher expenditures in the future.

Appropriation: \$100,000

The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for this project.

Lebanon Sewer System Rehabilitation – Jay Cairelli

This project will be a multi-year project to physically address segments of key areas in which to continually gain increased sewer capacity.

Appropriation: \$1,000,000

The Committee discussed and Mr. Brooks recorded the Planning Board composite scores for this project.

Septage Receiving Facility – WWTP Upgrade – Jay Cairelli

This project is intended to improve operations to accommodate increases in septage and grease receiving to the WWTP. These upgrades will improve receiving functionality and efficiency. Increases in septage and grease receiving will result in increased revenues to cover project costs.

Appropriation: \$550,000

The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for this project.

Landfill Phase 3-4 Design and Permitting – Marc Morgan

This project is a high priority as the Lebanon Regional Solid Waste Facility (Landfill) has an estimated remaining life capacity of 9-12 years. It is imperative that the City start a design and permitting phase to obtain approval from NHDES in accordance with their Solid Waste Rules to increase the Landfill's lifespan.

Appropriation: \$900,000

The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for this project.

Landfill Phase 3 Construction - Marc Morgan

This project is a high priority as the Lebanon Regional Solid Waste Facility (Landfill) has an estimated remaining life capacity of 10-12 years. It is important that the City start construction at least 2 years before the end of its current life capacity/expectancy of the existing cell capacity as construction schedule will be a two-year period for the new Phase 3 cell.

Appropriation: \$3,000,000

The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for this project.

Landfill Gas Collection & Control System – Marc Morgan

Adding additional landfill gas collection infrastructure is required by the City's permit with the NHDES and the approved operating plan. This is a multi-year project with the initial design performed in 2020 and with the GCCS installed by a contractor in years 2020 through 2025 and construction coordination by DPW-Solid Waste staff.

Appropriation: \$434,400

1 The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for
2 this project.

3
4
5 **Landfill Gas-to-Energy Project (Liberty Utilities Upgrades)** – Marc Morgan
6

7 Upgrades to the substation are needed to connect LF gas project to the “grid”. The Lebanon Solid Waste
8 Division – LF Gas to Energy Project is underway and upgrades have been identified by Liberty Utilities
9 and National grid in order for the project to connect to the electrical distribution system and substation.
10 The recommended upgrades are necessary to connect the LF gas generator to the distribution grid.
11 Installation of equipment is estimated to take 12 months.
12

13 **Appropriation:** \$250,000
14

15 The Committee discussed the project, and Mr. Brooks recorded the Planning Board composite scores for
16 this project.
17

18
19 Mr. Brooks stated that the committee would meet again on August 19, 2021, at 5:30 PM to review the
20 remaining projects. The meeting ended at 7:35 PM.