



**LEBANON CITY COUNCIL
OCTOBER 6, 2021 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via WebEx](#) or call 415-655-0001 (access code: 2633 334 6418). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The October 6, 2021 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. A MOTION TO approve the minutes as presented in the October 6, 2021 agenda packet

7. Appointments

- A. Lebanon Energy Advisory Committee, Gregory Ames (Reappointment Regular Member)
Lebanon Energy Advisory Committee, F. Woody Rothe (Reappointment Regular Member)

8. Public Hearing Items

- A. AMEND ORDINANCE 18, SALARY PLAN: Public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article III, C. Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent Association (NEPBA)
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business: None

10. New Business

- A. Discussion & Set Public Hearing for November 3, 2021: Request by

Edwards Properties to discontinue portions of Edwards Street, Foch Avenue, and Little Heater Road, Lebanon.

- B. Discussion & Set Public Hearing for October 20, 2021: Ordinance #2021-10 to amend City Code Chapter 31, Boards, Committees & Commissions, Article XIII, Diversity, Equity and Inclusion Commission, to include one (1) alternate City Council representative and up to four (4) alternate public representatives.
- C. Presentation of 2022 Proposed Zoning Amendments (Ballot & Council Adoption)
- D. Community campaign to promote & encourage mask wearing and vaccination

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

15. 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](https://lebanonnh.gov/live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Arts & Culture Commission

Position: Regular Member

Applicant: B. Van Vliet

Assigned Councilor G. Sykes

Assigned Date: 08/10/2021

Board/Committee: Board of Cemetery Trustees

Position: Regular Member

Applicant: F. Hanchett

Assigned Councilor K. Zook

Assigned Date: 07/21/2021

Board/Committee: Conservation Commission

Position: Regular Member

Applicant: S. Riley

Assigned Councilor C. Below

Assigned Date: 09/13/2021

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list is not considered all-inclusive.

OCTOBER 20, 2021

PUBLIC HEARING ITEMS:

A. AMEND ORDINANCE 2021-10: Public hearing for the purpose of receiving public input and taking action to amend Ordinance 2021-10, City Code Chapter 31, Board, Committees & Commissions, Article XIII, Diversity, Equity and Inclusion Commission, to include one (1) alternate City Council representative and up to four (4) alternate public representatives.

NEW BUSINESS:

Lebanon City Council Agenda
October 6, 2021

- A. Presentation of 2020 Audit
- B. Review and Discussion of 2021 3rd Quarter Budget Report and Release of Collected Public Schools Impact Fees
- C. Presentation of First Reading and Set Public Hearing for November 17, 2021: Amend Ordinance #18 Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to add the position of Chief Innovation Officer.
- D. Discuss and approve lease agreement with SDC 49 Plainfield, LLC for lease of land within the Lebanon Airport Tech Park (Tentative)
- E. Review and Approval of City Manager Job Description

NOVEMBER 3, 2021

OLD BUSINESS:

- A. Presentation of Second Reading to amend Ordinance #18 Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to add the position of Chief Innovation Officer.

WORK SESSION SCHEDULE – 2022 BUDGET REVIEW (All meetings begin at 5:30 pm)

Tuesday, November 2, 2021
Tuesday, November 9, 2021
Wednesday, November 10, 2021
Monday, November 15, 2021
Monday, November 29, 2021
Tuesday, November 30, 2021

**AGENDA
LEBANON CITY COUNCIL
OCTOBER 6, 2021**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- September 15, 2021 (Regular Meeting)

MOVED, to approve the minutes as presented in the October 6, 2021 agenda packet.

DRAFT

LEBANON CITY COUNCIL
MINUTES

Wednesday, September 15, 2021, 7:00 p.m.

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, George Sykes, Douglas Whittlesey, Devin Wilkie, and Jim Winny

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Finance Director Vicki Lee, HR Director Gloria Leskiewicz, Human Services Director Lynne Goodwin

1
2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.

3
4 **2. PLEDGE OF ALLEGIANCE:** Councilor Wilkie led the Council in the Pledge.

5
6 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

7
8 **4. OPEN TO PUBLIC:** Councilor Wilkie requested the Council discuss how to better encourage and
9 educate people about the importance of wearing face masks and getting vaccinated at the end of the
10 meeting.

11
12 **5. RECOGNITIONS:**

13 **A. Resolution in Honor and Memory of Terri Dudley**

14
15 **RESOLUTION IN HONOR AND MEMORY OF TERRI DUDLEY**

16
17 **WHEREAS** Terri Dudley served as a member of the City Council from 1991 to 2001; 2004 to 2006; and
18 again from 2007 to 2009; serving as Mayor in 1997 and 1998; and

19
20 **WHEREAS** Terri Dudley served the City of Lebanon as a member of at least 15 different
21 boards/committees/commissions between 1982 and 2009; and

22
23 **WHEREAS** Terri Dudley served the State of New Hampshire and the City of Lebanon as a State
24 Representative from 1999 to 2005; and

25
26 **WHEREAS** Terri Dudley was the recipient of Lebanon's Citizen of the Year award in 1994; and

27
28 **WHEREAS** Terri Dudley served as a board member for organizations to include the Alice Peck Day
29 Memorial Hospital Board of Trustees, United Way of the Upper Valley, Grafton County Senior Citizen
30 Council, and LISTEN Center; and

31
32 **WHEREAS** Terri Dudley was the first woman president of the Lebanon Rotary, and the first woman
33 president of the Lebanon Chamber of Commerce, serving for 20 years as a Chamber board member; and
34

1 **WHEREAS** Terri Dudley’s many contributions and years of representation and service to the citizens of
2 the City of Lebanon and State of New Hampshire were evident with the dedication of a bridge in her
3 name in 2009 that physically and symbolically connects Lebanon and West Lebanon – one of Terri’s
4 lifetime goals.

5
6 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council on behalf of the citizens of
7 Lebanon extend their sincere appreciation and gratitude to the family of Terri Dudley in honor of her
8 lifetime service to the Lebanon community and the State of New Hampshire as a whole.

9
10 **BE IT FURTHER RESOLVED**, that this resolution be written upon the minutes of the Lebanon City
11 Council meeting.

12
13 Dated this 15th day of September 2021.

14
15

Timothy J. McNamara, Mayor
16 *on behalf of the Lebanon City Council*
17

18 Terri Dudley’s family accepted the Resolution in her honor.

19
20 **Councilor Liot Hill arrived at 7:10 PM.**

21
22 **6. ACCEPTANCE OF MINUTES:** September 1, 2021 (Regular Meeting)

23 Amendments: Page 14, Lines 7- 8: Delete ~~“Back in May/June one of 8 the criteria was when 1 in 50~~
24 ~~eases, on a rolling 14 day average, was below 100K population”~~ and change to read: “ Back in May/June
25 one of the 8 criteria was when the number of new cases was below 50 per 100K population on a rolling
26 14 day average.

27
28 **Councilor Heistad MOVED** to approve the September 1, 2021 minutes as amended and presented
29 in the September 15, 2021 City Council agenda packet.

30 **Seconded by Assistant Mayor Below.**

31 ***The Vote on the Motion was approved (8-0).**
32

33 **7. APPOINTMENTS:**

- 34 • **Zoning Board of Adjustment, David Newlove (Regular Member)**

35 **Councilor Whittlesey** put forth the **NOMINATION** of David Newlove as a Regular Member of the
36 **Zoning Board of Adjustment.**

37 **Seconded by Councilor Liot Hill.**

38 ***The Vote on the NOMINATION was approved (8-0).**
39

- 40 • **Board of Cemetery Trustees, Caitlyn Hauke (Reappointment as At-Large Representative)**

41 **Councilor Whittlesey** put forth the **NOMINATION** of Caitlyn Hauke for Reappointment as At-
42 **Large Representative to the Board of Cemetery Trustees.**

43 **Seconded by Councilor Heistad.**

44 ***The Vote on the NOMINATION was approved (8-0).**
45

46 **8. PUBLIC HEARING ITEMS:**

47 **A. AMEND ORDINANCE 18, SALARY PLAN:** Public hearing for the purpose of receiving public

input and taking action to amend Ordinance #18 Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to add the position of Community Nurse, Grade 10.

Deputy City Manager Paula Maville reviewed the amendment to Ordinance #18.

The City began funding the Community Nursing Program in 2019 with an allotment of \$15,000. Funding continued in 2020 with an allotment of \$23,260 which increased to \$75,000 in 2021, pending approval of a Mobile Integrated Health (MIH) Agreement with Dartmouth Hitchcock Medical Center. The MIH Agreement was signed by the City and DHMC in December 2020 and is in effect until December 31, 2023. Funding is included in the agreement for the Community Nursing Program for up to 40 hours of nursing service each week. There are currently two to three nurses participating in the program sharing the 40-hour workload. The MIH Program will be assessed in 2023 to determine if the program will continue for an additional three-year term.

The Community Nurses will be regular part-time employees of the city which requires an amendment to Ordinance #18 to include the position in the wage and classification scale. After review of the job description and the completion of a local market analysis, the position is proposed to be classified as a Grade 10.

Process to Amend Ordinance No. 18

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The first presentation was recognized by the Council on August 18, 2021; the second was September 1, 2021. The Council was asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

Mayor McNamara opened the Public hearing. Hearing no comments from the public, the Public Hearing was closed.

ACTION:

1. PRESENTATION:

***Councilor Winny MOVED*, that the Lebanon City Council acknowledges the third of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to include the position of Community Nurse, Grade 10 as referenced in table show in red on page 46 of 248 of the City Council agenda packet.**

Changes in the table below shown in red.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES					
10	Assistant City Engineer**	\$30.50	\$41.18	-	-
	Cemetery Sexton**	-	-	-	-

Financial Analyst	-	-	-	-
Fleet Maintenance Supervisor**	-	-	-	-
Community Nurse	-	-	-	-
Maintenance Superintendent**	-	-	-	-
Utilities Maintenance Superintendent**	-	-	-	-
Police Communications Supervisor**	-	-	-	-
Recreation Program Coordinator**	-	-	\$1,220.15	\$1,647.20

**denotes LPASE Positions

2. RESOLUTION:

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council amends Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to include the position of Community Nurse, Grade 10.

Seconded by Councilor Wilkie.

****The Vote on the MOTION was approved (8-0).***

9. OLD BUSINESS

A. Action to authorize appropriation and bond issuance for purchase of 38 Main Street, West Lebanon (public hearing held August 18, 2021).

Included in agenda packet: NH RSA 33:8-a, Procedure for Authorizing Bonds or Notes in Excess of \$100,000 (**Page 50**)

The City Council reviewed the proposal to purchase this property at its meeting on July 21, 2021, and subsequently scheduled a public hearing to receive public input regarding a possible supplemental appropriation and bond issuance in the amount of Seven Hundred Seventy-Five Thousand Dollars (\$775,000) for the purchase. Administration brought the proposal forward to the City Council for the purpose of purchasing property for the relocation of the West Lebanon Fire Station. When the Council acted to schedule the public hearing, they did so specifically by removing the reference to the relocation of the fire station, focusing attention at the public hearing on the purchase of the land for a yet to be decided potential future use.

Mayor McNamara noted that while this is not a Public Hearing, the Council would be accepting the public comments on this issue. He, along with other Councilors, have received a lot of comments from the public. The following people came forth:

Mr. Donald Hemenway (Lebanon resident): He spoke about his reasons against the purchase of 38 Main Street, West Lebanon, noting the City should set a goal of how they will reduce taxes for seniors so they can stay in their homes.

Councilor Liot Hill did not support the purchase of 38 Main Street noting the overwhelming feedback the Council received from residents who thought this was not a good idea for the City to pursue at this time for a variety of reasons such as: the residential nature of the neighborhood; the purchase of land without first having a very specific purpose in mind; and, the need for the City to look at other properties and locations that would be more suitable for a fire station.

Assistant Mayor Below concurred with Councilor Hill's remarks and felt there was not a compelling case for the City to purchase this property at this time, noting there are active, potential (property) alternatives for a fire station.

1
2 Councilor Whittlesey did not support the purchase of this property. The City's residents have clearly
3 shown they are not interested, noting the Council has heard, over their last couple of meetings, about the
4 City's debt load. While he initially agreed this would be a good investment, the City has a laundry list of
5 other investment opportunities for West Lebanon.
6

7 Councilor Wilkie did not support the purchase of 38 Main Street. While he initially agreed this would be
8 a great opportunity for the City, he would like to see more affordable housing and noted the
9 overwhelming majority of the public did not believe 38 Maple Street is suitable for City use.
10

11 Councilor Sykes did not support the purchase of 38 Maple Street. The City should be taking a far more
12 active role in trying to provide workforce housing and taking an active role in supporting our public
13 safety personnel and their needs. They are important and we need to be mindful of that.
14

15 Councilor Winny did not support this purchase. He thanked the various residents of Ward 1 who reached
16 out to him. He found their comments helpful, and it is always nice to know what the people he is
17 representing want.
18

19 Councilor Heistad did not support the purchase of 38 Maple Street. He concurred with the thoughts
20 expressed by other Councilors and noted the debt load the City is carrying is significant and the Council
21 needs to do whatever it can to manage this in a less assertive way for the residents of Lebanon. He would
22 like to see West Lebanon invest in recreation facilities or other programs, such as workforce housing.
23

24 Mayor McNamara did not support purchasing this property at this point in time. He concurred with what
25 the Councilors have expressed and did not feel 38 Maple Street was an appropriate site for a fire station.
26 The City does have other options that we will continue to look at.
27

28 Mayor McNamara, after hearing the comments from Councilors, felt there was no support from the
29 Council in making a motion but offered the opportunity to any Councilors who might be willing to do so.
30

31 **ACTION:**

32 *No Councilor came forth to make a Motion authorizing the appropriation and bond issuance for the*
33 *purchase of 38 Main Street, West Lebanon. MOTION FAILED (0-8).*
34

35 **B. Presentation of second reading to amend Ordinance No. 18, Salary Plan, Article III, C.**
36 **Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent**
37 **Association (NEPBA).**
38

39 Included in agenda packet:

40 Excerpt of Ordinance No. 18, Salary Plan, as adopted December 16, 2020 – Article III, Bargaining Unit
41 Employees, Section C, 2021 Wage Scale for Lebanon Police Benevolent Association (LPBA) / New
42 England Police Benevolent Association (NEPBA) (*Page 56*)
43

44 Deputy City Manager Paula Maville gave an overview of the second reading to amend Ordinance #18:
45 Salary Plan - Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent
46 Association (NEPBA).
47

48 The City Council is not directly responsible for the negotiation of collective bargaining agreements; it is
49 the City policy making body and the legislative body with authority to raise and appropriate tax revenues
50 to fund labor agreements. Under the City Manager form of government, the City Manager is responsible
51 for administering the affairs of the City, including the appointment of employees and the negotiation of

labor agreements. The City Manager’s statutory obligation is to bargain in “good faith.” In the collective bargaining context, “good faith” negotiation “... involves meeting at reasonable times and places to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.” Failure to bargain in good faith constitutes an unfair labor practice.

The City and the Lebanon Police Benevolent Association (LPBA) / New England Police Benevolent Association (NEPBA) have reached a tentative three-year (2022 - 2024) labor agreement.

Negotiations with LPBA/NEPBA included the provision of an independent Salary Market Analysis for positions to include Patrol Officers, Corporals, and Sergeants. Municipal Resources Incorporated (MRI) was contracted to perform the study which compared the salaries for ten (10) cities and towns that are comparable to the City of Lebanon. Results of the study showed that Lebanon is paying well below the market for these three positions. To bring salaries to a competitive level in the market and increase recruitment/retention of police personnel, management is proposing to raise wages over a two-year cycle (2021 and 2022). Action in 2021 will bring positions to the 25th percentile with costs totaling \$34,000. There will be no need for supplemental funding to cover these costs as vacancies and retirements in the PD will allow the 2021 budget to absorb the additional burden. Proposed increases in 2022 will bring positions to the 50th percentile with costs totaling \$96,000. Funding for the increases will be included in the City Manager’s proposed 2022 municipal budget.

State law requires that only cost items be submitted to the City Council for approval. Cost item means any benefit acquired through collective bargaining whose implementation requires an appropriation by the legislative body of the public employer (City of Lebanon) with which negotiations are being conducted. Cost items shall be submitted within 30 days to the City Council for approval. Within 30 days of the receipt of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or part of the entire agreement. Please see attached memo from City Manager Mulholland for a summary of cost items associated with the tentative labor agreement.

Legislative bodies may only raise and appropriate funds for the current fiscal year. Many collective bargaining agreements cover several fiscal years. The New Hampshire Supreme Court held (Appeal of Sanborn Regional School Board) that a public employer was not bound by a collective bargaining agreement where the legislative body, when approving and funding the cost items in the current year of the labor agreement, were not warned of the cost of the successive years.

According to the tentative three-year labor agreement, annual General Wage Increases (GWI’s) for the life of the contract will be based on the % change in the Northeast Urban CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 4.6% increase in the CPI as of June 2021, the GWI for 2022 will be 3%. The estimated wage and statutory benefit costs for 2022 is \$96,000. Costs for years two (2023) and three (2024) will include up to a 3% GWI in 2023 (no step increases) and up to a 3% GWI in 2024 with step increases for all eligible staff.

LEBANON POLICE BENEVOLENT ASSOCIATION - 2022 SALARY GRADES							
<u>Position Title</u>	<u>Minimum</u>			<u>Maximum</u>			
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$27.87	\$29.49	\$30.51	\$32.02	\$33.63	\$35.33	\$36.84
Corporal	\$37.90						
Sergeant	\$37.90	\$38.70	\$39.69	\$40.71	\$41.70	\$42.69	\$43.74

Corresponding schedules for the subsequent two-years are not provided as the GWI for 2023 and 2024 will not be known until July of those years.

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The first presentation was recognized by the Council on September 1, 2021. The Council is now asked to recognize the second of three presentations to amend the Ordinance. The third presentation will follow on October 6, along with a public hearing to adopt the amendments as proposed.

ACTION:

1. ACKNOWLEDGE SECOND PRESENTATION:

Councilor Sykes MOVED, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) by replacing the current (2021) wage scale with the following:

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) – Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and the LPBA/NEPBA (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering all remaining pay periods in 2021 following adoption by the City Council as provided in that agreement, and as placed on file in the office of the City Clerk as referenced on page 55 of the City Council agenda packet.

LEBANON POLICE BENEVOLENT ASSOCIATION – 2021 REVISED SALARY THROUGH THE LAST PAY PERIOD OF 2021.							
Position Title	Minimum						Maximum
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Patrol Officer	\$26.86	\$28.20	\$29.17	\$30.38	\$31.62	\$32.93	\$34.08
Corporal	\$36.60						
Sergeant	\$36.60	\$37.32	\$38.03	\$38.76	\$39.49	\$40.20	\$41.22

Seconded by Assistant Mayor Below.

**The Vote on the MOTION was approved (8-0).*

C. Review and adoption of City Council Policy CC-107, Debt Management.

Included in agenda packet:

1. Proposed revised Council Policy CC-107 Debt Management (*Pages 59-65*)
2. Existing Debt Policy, 99-02-C (*Pages 66-93*)
3. City debt statistics (*Page 94*)
4. PowerPoint Presentation – Debt Management Policy (*Pages 95-117*)
5. Examples of Debt Policies from Nashua, Keene, Concord, and Dover
6. GFOA Guidance regarding debt management (*Pages 118-126*)

City Manager Shaun Mulholland began review of proposed City Council Policy CC-107, Debt Management, at the August 18, 2021, City Council meeting. Review continued on September 1, 2021,

1 with an overview of debt management principles for the City's enterprise funds. Review will be recapped
2 during this meeting, at the close of which, Council will be asked to consider adopting the policy as
3 proposed.

4
5 The Council adopted the present debt management policy, 99-02-C in January of 1999. The policy needs
6 to be revised to address the circumstances the City currently operates in. Since the inception of this
7 policy, the City was issued an Administrative Order by the US Environmental Protection Agency
8 regarding the separation of the City's sewer system from its stormwater system. This required the City to
9 authorize long-term debt in the amount of approximately \$71 million dollars. The cost of the debt service
10 was apportioned to the General Fund, Sewer Fund and Water Fund. The present debt load regarding the
11 General Fund is in compliance with the requirements of state statute; however, it is not in compliance
12 with the previously approved policy.

13
14 The proposed revisions reformat and re-number the policy to comply with the new policy format and
15 numbering system. The policy adopts a new structure and standards for the General Fund. The revised
16 policy for the first time proposes the adoption of specific provisions for the Water, Sewer, and Solid
17 Waste enterprise funds.

18
19 A review was conducted of similar policies in other cities in New Hampshire, as well as other states. The
20 Government Finance Officers Association standards were also incorporated into the policy. The proposed
21 policy complies with the provisions of state and federal law. City staff working with consultants Dave
22 Fox of Raftelis and Doug Smith assisted in the development of the policy and analysis of the financial
23 data.

24
25 The goal of the policy revisions is to assist the City in long-term financial planning to meet its
26 infrastructure needs and ensure the City's financial health. The provisions of the plan would take effect
27 immediately upon approval regarding debt management in the General Fund and Solid Waste Fund. The
28 provisions relative to the Water and Sewer Funds would take effect in January of 2024 when the present
29 rate plan developed by Raftelis ends at the end of 2023. The specific percentage rates for the Sewer Fund
30 will need to be added in 2022 when the long-term sewer infrastructure plan is finalized.

31
32 Adoption of the policy would be used to develop the present 6 Year Capital Improvement Plan under
33 consideration by the City Manager and the Planning Board this year. Adoption of this policy would not
34 change the process which requires the Council to make appropriations on an annual basis, as well as the
35 setting of water, sewer, and solid waste rates. The appropriation of funds and the rate setting process will
36 continue to occur on an annual basis while the CIP will continue to be re-adopted and projected out for
37 the subsequent 6 years.

38
39 It is important to note that the projections for debt service are based upon the 6 Year CIP being proposed.
40 The actual debt service will change for a number of reasons to include:

- 41 1. Some projects will come under budget while others will exceed their budget estimates.
- 42 2. The timing of when debt service is due changes based upon when the bonds are actually sold.
43 Some project schedules change and the need to borrow the funds also changes depending
44 upon the project.
- 45 3. We estimate what interest rates will be however the actual amount is not known until the bond
46 sale actually occurs.
- 47 4. Some projects anticipate grant funding that may not actually be received while others are the
48 recipients of grant funds that were not initially anticipated.

49
50 This policy focuses on the amount of debt principal that is owed, not the annual debt service payments
51 which will fluctuate for the reasons indicated above.

1
2 Assistant Mayor Below noted this is a complex issue and it is clear that our existing Debt Management
3 Policy is quite dated. The proposed policy is well crafted and the Council should move ahead with the
4 adoption of this policy.

5
6 Mayor McNamara concurred with Assistant Mayor Below and noted the existing Debt Management
7 Policy predates the CSO Program, which is not relevant at this point. The proposed draft policy is a
8 prudent way to keep the City's debt under control by only doing new projects when existing debt is
9 retired.

10
11 Councilor Whittlesey suggested revisiting the Debt Management Policy in a year, before the budget
12 process begins, to see how it is working.

13
14 **ACTION:**

15 ***Councilor Liot Hill MOVED, that the Lebanon City Council adopts City Council Policy CC-107, Debt***
16 ***Management, as presented in the September 15, 2021, City Council Agenda packet, to be effective upon***
17 ***passage.***

18 ***Seconded by Councilor Whittlesey.***
19

20 Assistant Mayor Below proposed two minor amendments to the Debt Management Policy, noting he and
21 City Manager Shaun Mulholland reviewed these amendments, which were incorporated into the
22 document, but the version presented in the agenda packet does not include these amendments.

23
24 ***Assistant Mayor Below MOVED to amend the MOTION as presented in the agenda packet with the***
25 ***following two minor changes:***
26

27 **1. 4.1 Debt Limits: Legal Restrictions: (page 60 of the Council packet.) modify the first sentence to**
28 **read: "Debt legally permitted to be issued by the City is typically General Obligation Debt,**
29 **supported by the full-faith-and-credit of the City."**
30

31 **2. Under 4.1.1. subparagraph 3, to read "New projects or portions of new projects that involve long**
32 **term debt that either result in or are projected to generate revenue to substantially offset the debt**
33 **service payments or substantially offset operating costs that would substantially pay for the debt**
34 **service payments no included in that ceiling."**
35

36 ***Seconded by Councilor Liot Hill.***
37

38 Assistant Mayor Below spoke to his motion noting the following:

39 #1. The word ***typically*** was added because Municipal Revenue Bonds are not General Obligation Debt.
40 Municipal Revenue Bonds are only backed by the facility that is producing revenue. ***Typically***, we have
41 used General Obligation Debt for the landfill or water/sewer enterprise accounts, but we could actually
42 use Revenue on debt for the facility that was financed, which would then be collateral.
43

44 #2. Just clarifies that if a project is going to pay for itself (i.e., energy efficiency savings), we would not
45 have to count that against the debt limit. It also corrects the word dept. to debt.
46

47 ****The Vote to Amended the MOTION was approved (8-0).***
48

49 For the benefit of those who were not present at the other discussions, Councilor Liot Hill gave a brief
50 summarization of how the proposed Draft Debt Management Policy came to be, noting this is a result of

1 the City's high debt load (due to the combined storm water/sewer separation CSO project mandated by
2 the Federal Government), which created a burden for the City's taxpayers. What we are doing is
3 establishing the debt load for the City moving forward and will only be taking on as much debt as we are
4 retiring.

5
6 City Manager Shaun Mulholland wanted to make clear the City will only be borrowing as much money as
7 it is retiring so the debt load stays level. However, with the General Fund, while we will still be retiring
8 debt, the City's debt load is allowed to grow according to the CPI (Consumer Price Index). For the water
9 fund, it is critically important to note we were looking at a 37% increase (in taxes) that would have
10 allowed funding for a generation of significant projects (\$25M) the City has, and this cost does not even
11 include a new well.

12
13 He wanted to make sure everyone understands the City is now looking at a 5% increase (with a ceiling of
14 8%) in Debt Service plus a potential increase in the CPI. What this means is :

- 15 1. The City will not be able to afford drilling a new well (for water) unless funds come from some other
16 source. We will have to maintain the one water source the City has on the Mascoma River.
- 17 2. The City may not be able to meet all the needs of the \$25M Water Improvements Plan so we will
18 continue to have water main breaks and the issues that go along with that.

19
20 What the City is doing here is setting limits on how much it can afford to spend, but some things are not
21 going to get done. He also spoke about the City's infrastructure compared to other cities/towns, and the
22 status of the Sewer/Solid Waste facilities.

23
24 **The Vote on the Main Motion as amended was approved (8-0).*

25 26 **10. NEW BUSINESS**

27 **A. Presentation and Adoption of Lebanon Community Power Aggregation Plan**

28
29 Included in the agenda packet: September 15, 2021 Lebanon Community Power proposed Electric
30 Aggregation Plan (*Pages 127-183*)

31
32 Assistant Mayor Below came forth and summarized the Lebanon Community Power Aggregation Plan.

33 34 **Purpose of this Electric Aggregation Plan**

35
36 On October 5, 2016, the Lebanon City Council voted unanimously to designate LEAC, the Lebanon
37 Energy Advisory Committee, as the City's Electric Aggregation Committee pursuant to RSA 53-E and
38 tasked LEAC to prepare this Electric Aggregation Plan, which sets forth Lebanon's policy goals for our
39 Community Power program, summarizes program governance and implementation processes, and
40 commits Lebanon Community Power to comply with applicable statutes and regulations in terms of:

- 41
42 • Providing universal access, reliability, and equitable treatment of all classes of customers subject to any
43 differences arising from varying opportunities, tariffs, and arrangements between different electric
44 distribution utilities in their respective franchise territories; and
 - 45 • Meeting, at a minimum, the basic environmental and service standards established by the Public
46 Utilities Commission and other applicable agencies and laws and rules concerning the provision of
47 service under Community Power.
- 48

1 This plan does not otherwise commit Lebanon to any defined course of action, including participation in
2 the Coalition for the purposes of launching the program, and does not impose any financial commitment
3 on the City.

4
5 The City Council retains the power to contract for all required program services and electricity supplies,
6 to set rates, and to pursue related projects independently of the Coalition.

7 8 **Approval Process for Lebanon Community Power**

9
10 This Electric Aggregation Plan was developed by LEAC with due input from the public, as required
11 under RSA 53-E. Public hearings were held on July 15, 2021 and August 18, 2021.

12
13 LEAC has determined that this Electric Aggregation Plan satisfies applicable statutory requirements and
14 is in the best, long-term interest of the City and its residents, businesses, and other ratepayers. At its
15 August 19, 2021 meeting LEAC voted unanimously to recommend the City Council adopt the Plan, with
16 minor updating edits, including the recommended logo for Lebanon Community Power, updating the list
17 of other jurisdictions where the governing body has voted to join the Community Power Coalition, an
18 added paragraph on p. 23 providing clarifying details on how group net metering may be handled, and
19 adding the last two paragraphs on p. XXIII, completing the description of the City's public planning
20 process.

21
22 Adoption of this Plan by the City Council, by majority approval of those present and voting, establishes
23 Lebanon Community Power as an approved aggregation with statutory authorities defined under RSA 53-
24 E:3 (to be exercised with due oversight and local governance, as described herein), and authorizes the
25 City Council to arrange and contract for the necessary professional services and power supplies to launch
26 Lebanon Community Power.

27
28 The Council discussed who the Board members would be; how they would be appointed, and what their
29 responsibilities would be. They also praised the many years of hard work that Assistant Mayor Below
30 and LEAC have done on this project.

31 32 **ACTION:**

33 ***Councilor Wilkie MOVED, that the Lebanon City Council hereby approves the Lebanon Community***
34 ***Power Electric Aggregation Plan as presented (pages 129-18) in the September 15, 2021 City Council***
35 ***agenda packet.***

36 ***Seconded by Councilor Whittlesey.***

37
38 Before a vote on the Motion was taken, Assistant Mayor Below reviewed/read the Lebanon Community
39 Power objectives/goals as listed below: (Complete details can be found on pages 147-147, agenda
40 packet).

- 41
42 1. **Save Customers Money:** Lebanon Community Power will only launch if it can initially offer a rate
43 lower than the default energy service rate offered by Liberty Utilities, and its long-term stability
44 depends on maintaining rate options competitive with Liberty's default service rate.
45 2. **Provide Green Power.**
46 3. **Plan for Rate Stability.**
47 4. **Consumer Protections & Public Advocacy:** Including the legislature and the Public Utilities

Commission on matters pertaining to Community Power, ratepayer protection, local energy generation and resiliency of the grid.

5. Assist Customers to Lower Total Energy Costs.

6. Promote Renewable Energy.

7. Develop Energy Resilience: By encouraging local energy production, local storage strategies, and developing microgrids to supply critical facilities.

8. Regional Collaborations.

9. Grid Modernization.

**The Vote on the MOTION was approved (8-0).*

B. Authorization for City Manager to sign the Joint Powers Agreement with the Community Power Coalition of New Hampshire

Included in the agenda packet:

1. Joint Powers Agreement, Community Power Coalition of New Hampshire, August 25, 2021 (**Pages 185-239**)
2. August 2, 2021 memorandum from Assistant Mayor Below on behalf of the CPCNH Organizing Group

At its February 3, 2021 meeting, the City Council adopted the following motion on an 8-0 vote:

ACTION: Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into an intermunicipal agreement known as the “Joint Powers Agreement” under the provisions of New Hampshire RSA 53-A to create the Community Power Coalition of New Hampshire (CPCNH) for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to RSA 53-E, as well as related statutory authorities.

BE IT FURTHER MOVED, that the Mayor, in consultation with the City Manager, is authorized to appoint a City representative and an alternate to the CPCNH Membership and Board of Directors.
Seconded by Councilor Heistad.

Since that time, after numerous reviews of the Joint Power Agreement (JPA) by various attorneys and others, a few housekeeping items and somewhat more substantive lack of clarity of conflicting provisions have been brought forth. A thorough review was made and proposed edits were suggested, in consultation with Attorney Michael Postar of the law firm DWGP. Over the course of August, a consensus was reached among representative of the municipalities that have voted to enter into the JPA to proceed with adopting the revisions, prior to final execution of the JPA. On August 25, 2021, the revised version was sent to the Attorney General’s Office for their approval for conformity with New Hampshire law in accordance with RSA 53-A:3, V.

Included in the agenda packet:

1. Revised version of the JPA, preceded by slides that highlight and index key points.
2. Memo dated 8/2/21 from Assistant Mayor Below on behalf of the ad hoc organizing group explaining the proposed changes.

For legal clarity, the Council was asked to approve the City entering into the revised version of the JPA.

ACTION:

Councilor Winny MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into an intermunicipal agreement known as the “Joint Powers Agreement” (JPA) under the

provisions of RSA 53-E to create the Community Power Coalition of New Hampshire (CPCNH) for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to RSA 53-E, as well as related statutory authorities, referencing the revised version of the JPA as it appears in the September 15, 2021 City Council agenda packet.

Seconded by Councilor Sykes.

**The Vote on the MOTION was approved (8-0)*

C. Appointment of City representative and alternate representative to the Community Power Coalition of New Hampshire

Included in the agenda packet:

1. Clifton S. Below, Assistant Mayor, NSF Biographical Sketch (*Pages 241- 242*)
2. Thomas Gregory Ames, III, Vice Chair of Lebanon Energy Advisory Committee, NSF Biographical Sketch. (*Pages 243-244*)

At its February 3, 2021 meeting, the City Council acted to authorize the Mayor to make appointments of the City's representative and alternate to the Community Power Coalition of New Hampshire, in consultation with the City Manager. The Joint Power Agreement (JPA) calls for the governing body (the City Council) to make the appointments. While a vote to delegate that authority may be legally acceptable, out of an abundance of caution it would be better for the Council to vote to make such appointments.

The Mayor, after consulting with the City Manager and Assistant Mayor recommends that Assistant Mayor Clifton Below be appointed to serve as the City's representative to the Community Power Coalition of New Hampshire (CPCNH) and Lebanon Energy Advisory Committee (LEAC) Vice Chair T. Gregory Ames, III be appointed to serve as the City's alternate representative. Bio sketches for each are attached. These were part of a National Science Foundation proposal related to Lebanon Community Power that was proposed by Professor Amro Farid at the Thayer School of Engineering at Dartmouth that the City was collaborating with. Unfortunately, the proposal was not selected for funding, but the bio sketches are useful.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby appoints Assistant Mayor Clifton Below to serve as the City's primary representative to the Community Power Coalition of New Hampshire and appoints Lebanon Energy Advisory Committee Vice Chair T. Gregory Ames, III to serve as the City's alternative representative.

BE IT FURTHER MOVED, that these appointments are effective until further action by the Council to rescind or replace with other appointees.

Seconded by Councilor Winny.

**The Vote on the MOTION was approved (8-0)*

D. Discussion of Interview and Selection Process for Members of the Diversity, Equity & Inclusion Commission

Included in the agenda packet: Ordinance 2021-07 (*Pages 246-248*)

1
2 On July 21, 2021, the City Council acted to create a commission to address the issues of diversity, equity,
3 and inclusion in the City with the objective of educating and developing conversations in the community
4 regarding these issues, specifically by:

5
6 1. Enhancing the City's support for a welcoming environment encouraging cooperation, tolerance, and
7 respect among and by all persons living, working, and visiting the city;

8
9 2. Serving as a resource for City government and the community by providing information, education,
10 and communication that facilitates a better understanding and celebrates differences; and

11
12 3. Advising the City government to ensure the community is united amongst diversity, where everyone is
13 equally respected, valued, needed, and cherished.

14
15 The appointment of commissioners will be very important. In communities where DEI commissions, or
16 similarly named bodies have been effective, members include those who have a desire to bring the
17 community together. Commission members who have credibility in the community and a reputation for
18 working with others who may have a different point of view will be critical to the success of a DEI
19 commission in the City of Lebanon.

20
21 Councilors Liot Hill and Wilkie have been working extensively on the details for Lebanon's first ever
22 Diversity, Equity & Inclusion (DEI) Commission and requested the Council to consider the following
23 suggestions:

- 24 • To date, there are seven (7) applicants.
- 25 • Add a provision for alternates in the Ordinance since this was not included in the original
- 26 Ordinance when the DEI Commission was created. It is possible there may be other people who
- 27 may still be interested.
- 28 • Since September 15, 2021 was the date announced as the deadline for the first round of
- 29 applicants, the Council was asked to consider keeping applications open until the end of the
- 30 month (September 2021) to see if there is additional interest.
- 31 • For DEI Commission interviews: have 2-3 City Councilors interview applicants to ensure we
- 32 have the best representative candidates.
- 33 • While there is a standard interview form that Councilors typically use, it might be worth
- 34 discussing some additional questions to augment that form.
- 35 • Since the City Manager has been having discussions with the National League of Cities (NLC), it
- 36 might be worth him asking the NLC if they have some resources the Council/DEI Commission
- 37 can use.

38
39 In response to Councilor Sykes question regarding whether or not a Public Hearing to amend the
40 Ordinance needs to be set, Deputy City Manager Paula Maville noted we have to propose to amend
41 Chapter 31 of the Ordinance to include alternates, and then set the Public Hearing. If this proposal is
42 brought before the Council on October 6, 2021 for their approval, then the Public Hearing could be set for
43 October 20, 2021.

44
45 The Council discussed and agreed the application process should proceed as follows:

- 46 • Applications (both as a regular member or alternate member of the DEI) will continue to be taken
- 47 through the end of September 2021.

- 1 • Interviews: 2-3 Councilors will participate in the interview process using blocks of time (i.e.,
- 2 Saturday mornings). For candidates who are not able to meet during these blocks of time,
- 3 Councilors will make themselves available at other times.
- 4 • All candidate interviews will be done by the end of October 2021 so the DEI Commission can be
- 5 appointed at the 1st City Council meeting on November 3, 2021.
- 6 • The DEI Commission's first meeting should take place before the end of 2021, if possible.
- 7 • City Manager Mulholland will reach out to his colleagues at the NLC to see what resources they
- 8 have that would be useful for the Council/DEI Commission. He will put together a packet of
- 9 information for the Councilors who will be doing the interviews.
- 10 • It was suggested that no more than 2-3 Councilors be assigned for candidate interviews. Keeping
- 11 the same Councilors during the interview process would be helpful.
- 12 • Councilors Wilkie and Liot Hill volunteered to be part of the DEI Commission interview process.
- 13 The Mayor was also interested, but deferred to other Council members.
- 14 • Mayor McNamara will reach out to Councilor Zook to see if she might be available to do
- 15 interviews as an alternate.
- 16 • At the October 6, 2021 City Council meeting, the Council will vote on amending the DEI
- 17 Commission Ordinance.
- 18 • A Public Hearing will be scheduled on October 20, 2021 to amend the DEI Commission
- 19 Ordinance.

20
21 At the request of Deputy City Manager Paula Maville, the Council's consensus was there should be up to
22 four (4) public alternates and one (1) City Council alternate added to the DEI Commission.

23
24 **ACTION:**

25 *No formal action took place. Topic was for discussion purposes only.*

26
27 **ADDED TOPIC: MASKING & VACCINATIONS**

28
29 Councilor Wilkie requested the Council to consider what the City might be able to do to better promote
30 mask wearing and vaccinations without relying on enforcement, which has been a challenge, a strain on
31 our resources, and has not been particularly effective. He knows there has been a lot of discourse at the
32 national level, especially by private businesses about mandating vaccinations or regular testing, but felt
33 there are other methods the City should consider in order to encourage community masking/vaccinations
34 as part of the Public Health response to the COVID Pandemic.

35
36 The Council discussed what could be used to further inform/educate the public on masking/vaccinations.
37 Suggestions included putting messages on the City's bulletin boards; advertising the pop-up vaccination
38 clinics being planned by Fire Chief Christopoulos, which includes the Lebanon Farmers' Markets;
39 Partnering with Advance Transit to include billboard advertisements on their buses (i.e., Lebanon Loves
40 You and that is why.....etc.); having businesses, who may be willing, hang signs; the need for the City
41 to support frontline/essential workers and others who are having difficulties with enforcement; how
42 having a campaign that creates multiple impressions for the public might be helpful; a new State Law
43 (LRA) that is being discussed which would allow the prosecution of those who are committing abuses to
44 frontline/essential workers; and, asking LISTEN if they would be willing to support/help the City
45 promote this (campaign) since data shows lower income folks are not vaccinating at the rates other groups
46 might be vaccinating at.

1
2 This topic will be discussed again at the Council's next meeting on October 6, 2021
3

4 **11. CITY MANAGER REPORT:**

5 Deputy City Manager Paula Maville updated the Council on the following:

- 6 • Tax Deeding on properties.
- 7 • Westboro Yard: Councilor Winny noted the contract has finally been approved.
- 8 • Councilor Liot Hill thanked the LFD & LPD for organizing the solemn and moving September
9 11th ceremony honoring the lives lost.

10
11 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**
12

13 **13. FUTURE AGENDA ITEMS:**

- 14 • October 6, 2021: TOPIC: Masking/Vaccination Discussion
- 15 • Workforce Housing:
 - 16 A. Accessory Dwellings
 - 17 B. Loan Fund Update

18 **14. NON-PUBLIC SESSION: NONE**
19

20 **15. ADJOURNMENT:**
21

22 *Heistad MOVED for adjournment.*

23 *Seconded by Councilor Winny.*

24 **The Vote on the MOTION was unanimously approved (8-0)*
25

26 **The meeting was adjourned at 8:43 PM.**
27

28 Respectfully submitted,

29 Dona E. Gibson

30 Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
OCTOBER 6, 2021**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Lebanon Energy Advisory Committee, Gregory Ames (Reappointment Regular Member)
- Lebanon Energy Advisory Committee, F. Woody Rothe (Reappointment Regular Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated September 29, 2021

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: September 29, 2021

TO: The Honorable Mayor & City Council

FROM: Kristin M. Kenniston, City Clerk

RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment. *Note: nominations do not need to be seconded.*

Lebanon Energy Advisory Committee

- **Gregory Ames**– Reappointment as regular member for a two-year term.
Interviewed by: Councilor Winny
Term (10/21-10/23)
- **F. Woody Rothe**– Reappointment as regular member for a two-year term.
Interviewed by: Councilor Hill
Term (10/21-10/23)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5282 for Board Member Application
Date: Tuesday, August 10, 2021 7:05:35 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, August 9, 2021 3:07 PM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5282 for Board Member Application

Board Member Application

Board Member Application
City of Lebanon board / committee member application.

Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
 - *Willingness to learn*
 - *Commitment to attend meetings*
 - *Treat people fairly*
 - *Consider the best interest of the community as a whole when making decisions*
 - *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*
-

(Section Break)

First Name	Greg
Last Name	Ames
Physical Address	22 Faraway Lane
City	West Lebanon
State	NH
Zip Code	03784
Is this your mailing address?	No
Mailing Address	PO Box 533

City	Hanover
State	NH
Zip Code	03755
Home Phone Number	603-277-2914
Work Number	508-259-1829
Email Address	tga@tga3.com
How long have you resided in Lebanon?	5 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Lebanon Energy Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	After 2 terms, I am excited to help the City continue striving to reach its energy goals. While we have done a lot in my time (City solar, streetlight conversion, championing the first municipal EV, starting work on Lebanon Community Power), there is still much to do - launch LCP, additional solar, further promotion of EV's within the City (both public and privately owned vehicles).
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	4-year LEAC member (plus prior experience as an alternate), current LEAC Vice-Chair
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Councilor Interview Report Form

Councilor Name: Jim Winny

Date of Interview: 9/9/21

Applicant Name: Greg Ames

Board(s) to Which Applied: LEAC

☒ Regular Seat ☐ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? ☒ Yes ☐ No

(If yes, indicate date of meeting.) Date: Currently vice chair of LEAC

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments: Currently vice chair of LEAC, also involved in another energy board, has strong background

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

To help reduce energy use, save taxpayer money, reduce emission and to be proactive and show leadership in conserving energy

2) Are you familiar with the meeting dates and time commitments of this Board/Committee?
Would you be available for additional meetings, site visits, or other official events when necessary?

Yes, currently a member and available for additional meetings etc

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Yes, has been on LEAC for several years and has worked on some projects in Lebanon as well as a solar program in MA

4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes, has attended Irving Energy Institute, willing to learn more

5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

No

6) What do you think are the key challenges for this Board/Committee?

Getting Lebanon Community Power up and running, continuing to develop/take advantage of electric vehicle technology

7) What do you think are the key opportunities for this Board/Committee?

Lebanon Community Power, solar phase 2, evolving electric vehicle technology and Landfill Gas to Energy

8) What you would like to see this Board/Committee accomplish in the next year?

Successful rollout of Lebanon Community Power, increase solar use, continue to take advantage of ev technology

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5209 for Board Member Application
Date: Monday, July 19, 2021 11:10:37 AM

Alesia Williams
Assistant City Clerk
City of Lebanon
(603)448-3054

CONFIDENTIALITY NOTICE

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Subscribe to Leb E-News at lebanonnh.gov/subscribe

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 19, 2021 11:09 AM
To: [cityclerk](mailto:cityclerk@lebanonnh.gov) <cityclerk@lebanonnh.gov>; [webmaster](mailto:webmaster@lebcity.com) <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5209 for Board Member Application

Board Member Application

Board Member Application
City of Lebanon board / committee member application.

Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

(Section Break)

First Name Woody

Last Name	Rothe
Physical Address	61 Elm Street
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6034485310
Work Number	<i>Field not completed.</i>
Email Address	Khaan2012@yahoo.com
How long have you resided in Lebanon?	42 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Lebanon Energy Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	To help Lebanon reach its sustainability goals.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I've served long enough to understand the issues and have made many necessary personal connections within the city.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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**AGENDA
LEBANON CITY COUNCIL
OCTOBER 6, 2021**

8. PUBLIC HEARING ITEMS:

**8.A – AMEND ORDINANCE #18, SALARY PLAN, ARTICLE III, C. LEBANON
POLICE BENEVOLENT ASSOCIATION (LBPA)/NEW ENGLAND POLICE
BENEVOLENT ASSOCIATION (NEPBA)**

BACKGROUND

The City Council is not directly responsible for the negotiation of collective bargaining agreements; it is the City policy making body and the legislative body with authority to raise and appropriate tax revenues to fund labor agreements. Under the City Manager form of government, the City Manager is responsible for administering the affairs of the City, including the appointment of employees and the negotiation of labor agreements. The City Manager's statutory obligation is to bargain in "good faith." In the collective bargaining context, "good faith" negotiation "... involves meeting at reasonable times and places to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession." Failure to bargain in good faith constitutes an unfair labor practice.

The City and the Lebanon Police Benevolent Association (LPBA) / New England Police Benevolent Association (NEPBA) have reached a tentative three-year (2022 - 2024) labor agreement.

Negotiations with LPBA/NEPBA included the provision of an independent Salary Market Analysis for positions to include Patrol Officers, Corporals, and Sergeants. Municipal Resources Incorporated (MRI) was contracted to perform the study which compared the salaries for ten (10) cities and towns that are comparable to the City of Lebanon. Results of the study showed that Lebanon is paying well below the market for these three positions. To bring salaries to a competitive level in the market and increase recruitment/retention of police personnel, management is proposing to raise wages over a two-year cycle (2021 and 2022). Action in 2021 will bring positions to the 25th percentile with costs totaling \$34,000. There will be no need for supplemental funding to cover these costs as vacancies and retirements in the PD will allow the 2021 budget to absorb the additional burden. Proposed increases in 2022 will bring positions to the 50th percentile with costs totaling \$96,000. Funding for the increases will be included in the City Manager's proposed 2022 municipal budget.

State law requires that only cost items be submitted to the City Council for approval. Cost item means any benefit acquired through collective bargaining whose implementation requires an appropriation by the legislative body of the public employer (City of Lebanon) with which negotiations are being conducted. Cost items shall be submitted within 30 days to the City Council for approval. Within 30 days of the receipt of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or part of the entire agreement. Please see attached memo from City Manager Mulholland for a summary of cost items associated with the tentative labor agreement.

Legislative bodies may only raise and appropriate funds for the current fiscal year. Many collective bargaining agreements cover several fiscal years. The New Hampshire Supreme Court held (Appeal of Sanborn Regional School Board) that a public employer was not bound by a collective bargaining agreement where the legislative body, when approving and funding the cost items in the current year of the labor agreement, were not warned of the cost of the successive years.

According to the tentative three-year labor agreement, annual General Wage Increases (GWI's) for the life of the contract will be based on the % change in the Northeast Urban CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 4.6% increase in the CPI as of June 2021, the GWI for 2022 will be 3%. The estimated wage and statutory benefit costs for 2022 is \$96,000. Costs for years two (2023) and three (2024) will include up to a 3% GWI in 2023 (no step increases) and up to a 3% GWI in 2024 with step increases for all eligible staff.

LEBANON POLICE BENEVOLENT ASSOCIATION - 2022 SALARY GRADES							
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$27.87	\$29.49	\$30.51	\$32.02	\$33.63	\$35.33	\$36.84
Corporal	\$37.90						
Sergeant	\$37.90	\$38.70	\$39.69	\$40.71	\$41.70	\$42.69	\$43.74

Corresponding schedules for the subsequent two-years are not provided as the GWI for 2023 and 2024 will not be known until July of those years.

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The first presentation was recognized by the Council on September 1, 2021; the second was September 15, 2021. The Council is asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

ACTION

The Council is requested to consider the following motion:

MOVED, that the Lebanon City Council acknowledges the third of three presentations to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) by replacing the current (2021) wage scale as described in the following resolution:

RESOLVED, that the Lebanon City Council ratifies the collective bargaining agreement between the City of Lebanon and Lebanon Police Benevolent Association (LPBA)/New England Benevolent Association (NEPBA) and further authorizes amending Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, by replacing the current (2021) wage scale with the following:

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) – Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and the LPBA/NEPBA (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering all remaining pay periods in 2021 following adoption by the City Council as provided in that agreement, and as placed on file in the office of the City Clerk.

LEBANON POLICE BENEVOLENT ASSOCIATION – 2021 REVISED SALARY THROUGH THE LAST PAY PERIOD OF 2021.

<u>Position Title</u>	<u>Minimum</u>						<u>Maximum</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$26.86	\$28.20	\$29.17	\$30.38	\$31.62	\$32.93	\$34.08
Corporal	\$36.60						
Sergeant	\$36.60	\$37.32	\$38.03	\$38.76	\$39.49	\$40.20	\$41.22

BE IT FURTHER RESOLVED, that the cost items associated with the new labor agreement result in an estimated increase in wages and statutory benefits above the cost of the last labor agreement. At the current staffing level and benefit rates, the total estimated wages and statutory benefits cost is \$34,000 in 2021 and \$96,000 in 2022.

BE IT FURTHER RESOLVED, that supplemental funding for estimated wage and statutory benefit costs for 2021 will not be required, as all costs will be offset by current department vacancies and retirements.

This Resolution shall be effective upon passage.

Included in this section:

1. Excerpt of Ordinance No. 18, Salary Plan, as adopted December 16, 2020 – Article III, Bargaining Unit Employees, Section C, 2021 Wage Scale for Lebanon Police Benevolent Association (LPBA) / New England Police Benevolent Association (NEPBA)
2. Notice of Public Hearing as Published in the September 25, 2021 Edition of the *Valley News*

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) - Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and the Lebanon Police Benevolent Association/New England Police Benevolent Association (effective January 1, 2019 to December 31, 2021) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2021 through the last pay period of 2021, as provided in that agreement, and as placed on file in the office of the City Clerk. (Last Amended 12/19/18).

LEBANON POLICE BENEVOLENT ASSOCIATION - 2020 SALARY GRADES							1.5% GWI
<u>Minimum</u>							<u>Maximum</u>
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$26.86	\$27.77	\$28.72	\$29.67	\$30.59	\$31.56	\$32.39
Corporal	\$33.10	\$33.56	\$34.04	\$34.51	\$34.98	\$35.46	\$35.90
Sergeant	\$36.60	\$37.07	\$37.53	\$38.00	\$38.49	\$38.95	\$39.37

The January 1, 2021 GWI shall be based on the NE Urban CIP for June 2019 – June 2020, but in no case shall be less than one and one-half percent (1.5%) nor greater than three percent (3%).

This resolution shall be effective upon passage.

This amendment was adopted by the City Council on December 16, 2020 and is hereby authenticated by the undersigned as required by Section C419:22 of the City Charter.

CITY OF LEBANON

DocuSigned by:

 By: E08A405F81504ED
 Timothy J. McNamara, Mayor

DocuSigned by:

 By: 73ADE3C8E5594A7
 Kristin M. Kenniston, City Clerk

Effective Date: December 16, 2020

First Presentation: November 18, 2020

Second Presentation: December 2, 2020

Third Presentation: December 16, 2020

Date of Publication of notice of Public Hearing: December 5, 2020

Date of Public Hearing: December 16, 2020

Date of notice of adoption and effective date: December 29, 2020

Date of recording of the ordinance by the City Clerk: December 29, 2020

September 27, 2021



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING**
Wednesday, October 6, 2021 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

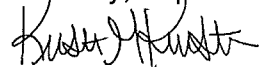
The Lebanon City Council will hold a public hearing on October 6, 2021, beginning at 7:00pm for the following:

A. AMEND ORDINANCE 18, SALARY PLAN: Public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article III, C. Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent Association (NEPBA)

The October 6, 2021 City Council agenda package and documents pertaining to the above described public hearing will be available on the City's website beginning October 1, 2021: LebanonNH.gov/Agendas

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.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, September 25, 2021.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
OCTOBER 6, 2021**

10. NEW BUSINESS:

**10.A – DISCUSSION AND SET PUBLIC HEARING FOR NOVEMBER 3, 2021:
DISCONTINUE PORTIONS OF EDWARDS STREET, FOCH AVENUE AND
LITTLE HEATER ROAD**

BACKGROUND

On July 23, 2021, the City received a request from Advanced Geomatics & Design on behalf of Edwards Properties to discontinue portions of Edwards Street, Little Heater Road, and the entirety of Foch Avenue. Edwards Properties has purchased the properties abutting the sections of roadway they are requesting to be discontinued and intend to combine the various parcels into one lot.

Attorney Barry Schuster who represents Edwards Properties has submitted documentation and a legal analysis regarding the status of the roadways. Attorney Schuster's conclusion is that the roads became public streets in the 1920's pursuant to RSA 229:1; the land under the streets belongs to the abutting property owner(s); and that the City has rights-of-way allowing the roadways. Attorney Christine Fillmore who represents the City concurs with this analysis.

Should the Council choose to act on this request, a public hearing would need to be scheduled to receive input from the general public and any abutting property owners who may be impacted by the discontinuances. Administration is requesting a public hearing be scheduled for November 3, 2021 to allow the time necessary under the law to properly notify abutting landowners.

If, after the public hearing, the Council decides to discontinue the roads as requested, the City Manager recommends an agreement between the City and Edwards Properties that would require Edwards Properties to construct appropriate hammer heads for turn around areas at the end of Edwards Street and Pershing Avenue, to install necessary signage; and to reserve all easements needed for City utilities, etc., at no cost to the City. The agreement should include financial assurances that the items in the agreement will be completed.

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 3, 2021, beginning at 7:00pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on a request by Edwards Properties to discontinue portions of Little Heater Road and Edwards Street, as well as the entirety of Foch Avenue. These streets are Class V roadways that may be discontinued by action of the City Council in accordance with the provisions of NH RSA 231:43.

Included in this Section:

1. July 23, 2021 Letter from Advanced Geomatics & Design requesting the discontinuance portions of Edwards Street, Little Heater Road, and Foch Avenue
2. September 27, 2021 Letter and related documents from Attorney Schuster regarding the analysis of the legal status of Edwards Street, Little Heater Road, and Foch Avenue
3. September 30, 2021 Memo from Attorney Christine Fillmore re: Legal Status of Edwards Street, Little Heater Road & Foch Avenue
4. NH RSA Chapter 231 Transportation; Sections 231:43 – 231:52 (Discontinuance of Class IV, V and VI Highways)



23 July 2021

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Road Discontinuances
Portions of Edwards Street, Little Heater Road, and Foch Avenue

Dear Mayor McNamara and Councilors:

On behalf of Edwards Properties, this letter is being written to request discontinuances of portions of 3 city streets. Edwards Properties has been purchasing properties in the Edwards Street area with the thought of combining them into one large parcel. As you may be aware, this area was an old neighborhood, cut up by the interstate construction in the 60's. The lots are primarily residential and are in an IND-L zone. Most of the lots are sub-standard for industrial zoning, as there is a 2.0Ac minimum lot size.

As shown on the attached plan, the discontinuances requested are segments of roads that pass between parcels owned by Edwards Properties. At Edwards Street, we propose to begin the discontinuance at the edge of Lot 78-55. This will allow that landowner to continue to have access to a public street. We also propose a TEE turn-around, a portion of which Edwards Properties will provide the land for from Lot 78-56. Edwards Properties also proposes to construct this leg of the TEE. At Foch Avenue, we request discontinuance of the remainder of this street up to Pershing Street. At the end of Little Heater Road, there is a segment between Edwards Street and the I-89 ROW that we request be discontinued. We proposed to provide needed easements for city utilities that are under the sections of road to be discontinued.

We hereby request your favorable consideration of these discontinuance requests.

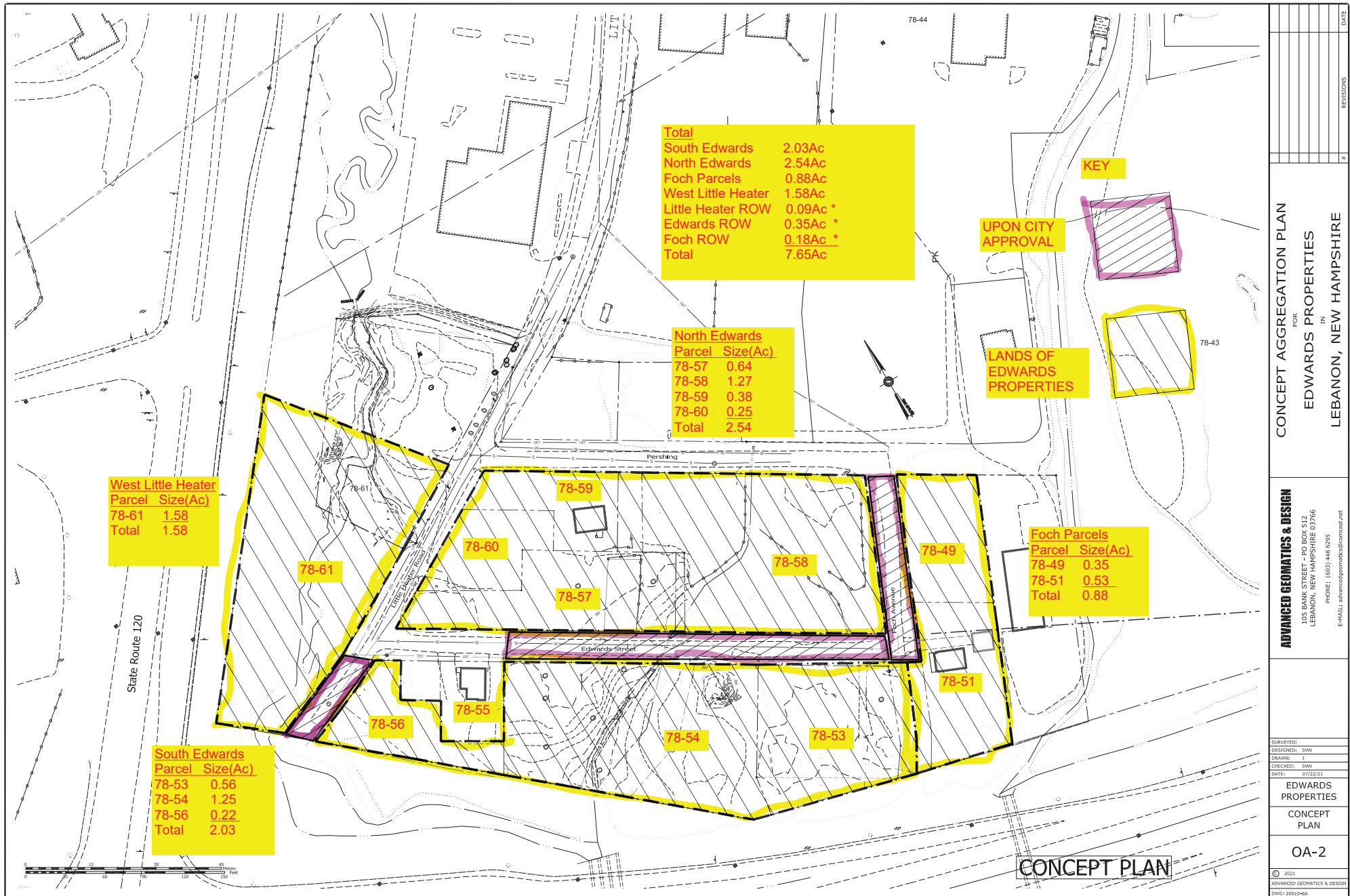
Sincerely,

Daniel A. Nash, PE
Principal

Attachments:
-Concept Plan, Edwards Properties

CC: J. Cicotte, Edwards Properties

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CONCEPT AGGREGATION PLAN
FOR
EDWARDS PROPERTIES
IN
LEBANON, NEW HAMPSHIRE

ADVANCED GEOMATICS & DESIGN
105 BANK STREET - PO BOX 512
LEBANON, NEW HAMPSHIRE 03766
PHONE: (603) 448-8295
E-MAIL: advancedgeomatix@comcast.net

SURVEYED: _____
DESIGNED: DAN
DRAWN: J
CHECKED: DAN
DATE: 07/22/21

EDWARDS PROPERTIES

CONCEPT PLAN

OA-2

© 2021
ADVANCED GEOMATICS & DESIGN
DWG: 20010-04

LAW OFFICES OF
SCHUSTER, BUTTREY & WING
Professional Association
79 Hanover Street
P.O. Box 388
Lebanon, New Hampshire 03766
Practice of Law in New Hampshire and Vermont

Barry C. Schuster
barry@ivylegal.com

Telephone
603-448-4780
Fax
603-448-3683

September 27, 2021

Mr. Shaun Mulholland, City Manager
City of Lebanon
North Park Street
Lebanon, NH 03766

Re: Discontinuance of Portions of Edwards St., Little Heater Road, and Foch Ave.

Dear Mr. Mulholland:

By letter dated July 23, 2021, Daniel Nash presented a request on behalf of Edwards Properties, LLC, to discontinue portions of the above name streets. A copy of that letter with attached plan are here included for reference. Exhibit 1. Based upon the research we have conducted and the information provided to us by the City, it is our conclusion that these roads were established in the 1920's, became public streets pursuant to RSA 229:1, that the City has a right of way over the streets and that the underlying fee is retained by the abutters to the streets.

In 1925, E. H. Dion developed the area and subdivided lots all of which are shown on a plan entitled "Heater Road Plat" which is recorded in Book 530, Page 192, of the Grafton County Registry of Deeds. Exhibit 2. The plan includes 245 lots, each about 20 feet in width and 100 feet in depth. The plan shows Pershing Street, Edwards Street, Roy Street, Foch Avenue and Marble Street. Over the years many of the lots were conveyed out, each deed making reference to the recorded plan. A sample of those deeds is attached. Exhibit 3. A search of the records at the Registry and inquiry to the City to examine its records found no deed of any of the roads to the then Town of Lebanon or now to the City.

Other documents on record do indicate that the roads were never conveyed in fee to the City. For instance, a "quiet title" action in 1989 brought by Louis Bill and Viola Bill sought to confirm their ownership to a number of lots on the south side of Edwards Street and to Roy Street. An Affidavit filed in that case by Louis Bill states that Roy Street was a "paper street" and was at "one time owned by Ellie [sic] H. Dion who, apparently, never conveyed the street to any third party." Copies attached as Exhibit 4.

E. H. Dion, also known as Ellie H. Dion and Elie H. Dion, had the subdivision plan prepared and the statement by Louis Bill that Dion never conveyed Roy Street to a third party is consistent with the fact that no deed to any of the roads has been found. Rather, all of the deeds

to the lots were simply conveyed by reference to the recorded plan.

When a lot is conveyed with reference to a plan,

[t]he rule that a conveyance of property bounded by a street is intended to convey title to the center of the street is based on two presumptions. The first is that the owners of property adjoining the street originally furnished the land for the right of way in equal proportions. The second presumption is that an owner selling land bounded by the highway did not intend to retain the narrow strip of land which constituted the road, and therefore intended to sell to the center line of the street. 6 G. Thompson, Commentaries on the Modern Law of Real Property § 3068, at 669-70 (1962 Replacement).

Avery v. Rancloes, 123 N.H. 233, 236 (N.H. 1983).

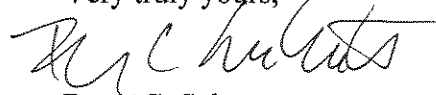
This same reasoning is referenced in the New Hampshire Practice treatise that discusses road law.

If a municipality has acquired fee simple ownership in a roadway as a result of the receipt of a deed to that roadway or as result of a condemnation proceeding in which the municipality acquired all fee in the particular parcel, there is no question about ownership. On the other hand, in instances where a roadway was established by dedication and twenty years public use, by prescription ... the municipality and public do not have a fee simple interest in the roadway.

16 Peter Loughlin, *New Hampshire Practice: Municipal Taxation and Road Law*, Ch. 45, §45.06.

The recent discontinuance of a portion of Foch Avenue at the request of William Corrette is consistent with the present request by Edwards Properties, LLC. At its August 5, 2020, meeting, the Council discontinued a portion of Foch Avenue adjacent to Mr. Corrette's property. Exhibit 5. Upon discontinuance of that portion of Foch Avenue, the underlying fee reverted to the abutting landowners. Edwards now requests that the same procedure be undertaken to discontinue the remaining portion of Foch Avenue, as well as the portions of Edwards Street and Heater Road shown on the plan submitted with the discontinuance request.

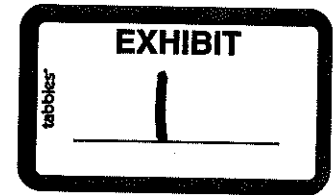
Very truly yours,



Barry C. Schuster

BCS/sf
encl.

cc: Edwards Properties, LLC



23 July 2021

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Road Discontinuances
Portions of Edwards Street, Little Heater Road, and Foch Avenue

Dear Mayor McNamara and Councilors:

On behalf of Edwards Properties, this letter is being written to request discontinuances of portions of 3 city streets. Edwards Properties has been purchasing properties in the Edwards Street area with the thought of combining them into one large parcel. As you may be aware, this area was an old neighborhood, cut up by the interstate construction in the 60's. The lots are primarily residential and are in an IND-L zone. Most of the lots are sub-standard for industrial zoning, as there is a 2.0Ac minimum lot size.

As shown on the attached plan, the discontinuances requested are segments of roads that pass between parcels owned by Edwards Properties. At Edwards Street, we propose to begin the discontinuance at the edge of Lot 78-55. This will allow that landowner to continue to have access to a public street. We also propose a TEE turn-around, a portion of which Edwards Properties will provide the land for from Lot 78-56. Edwards Properties also proposes to construct this leg of the TEE. At Foch Avenue, we request discontinuance of the remainder of this street up to Pershing Street. At the end of Little Heater Road, there is a segment between Edwards Street and the I-89 ROW that we request be discontinued. We proposed to provide needed easements for city utilities that are under the sections of road to be discontinued.

We hereby request your favorable consideration of these discontinuance requests.

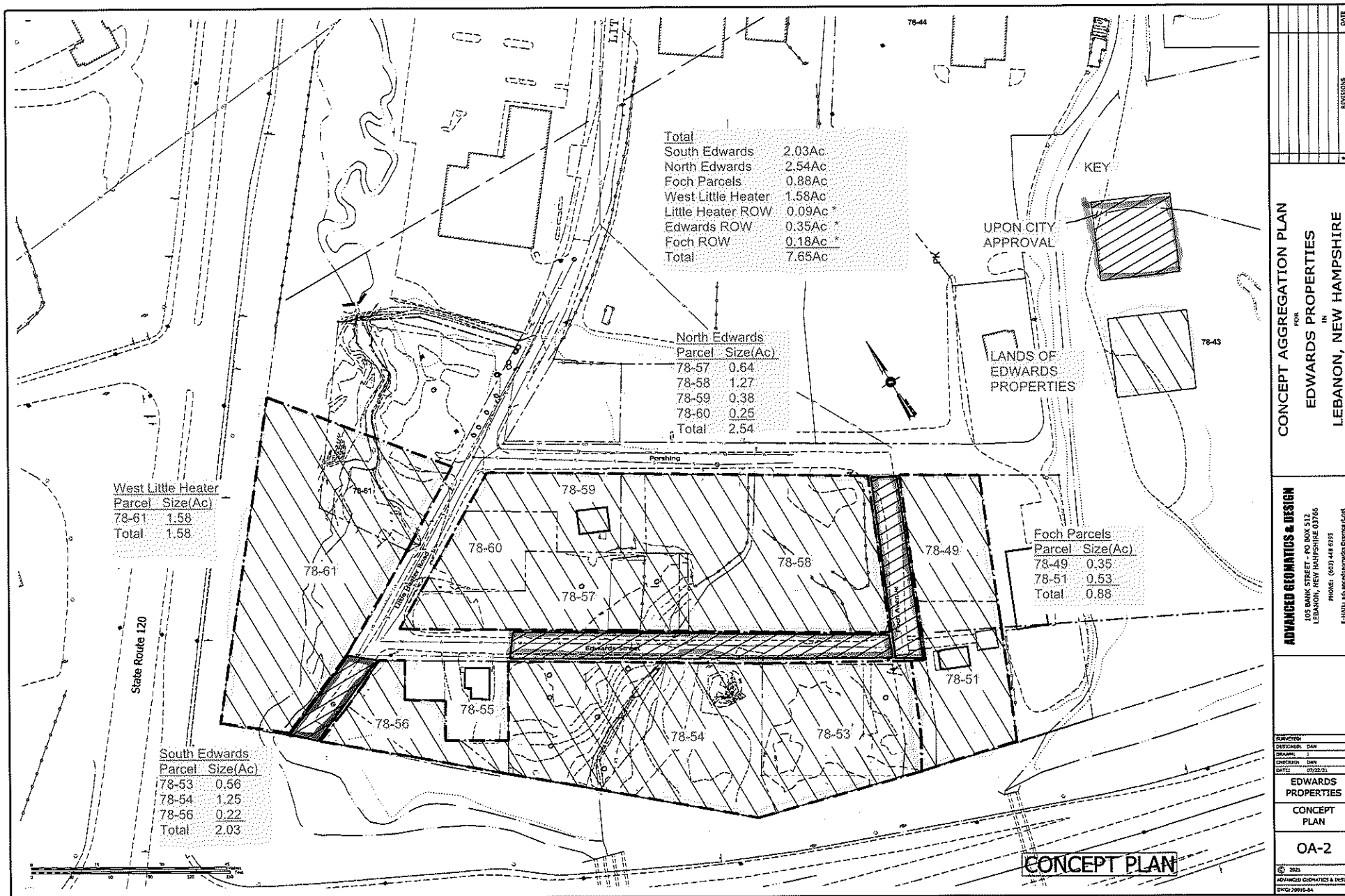
Sincerely,

Daniel A. Nash, PE
Principal

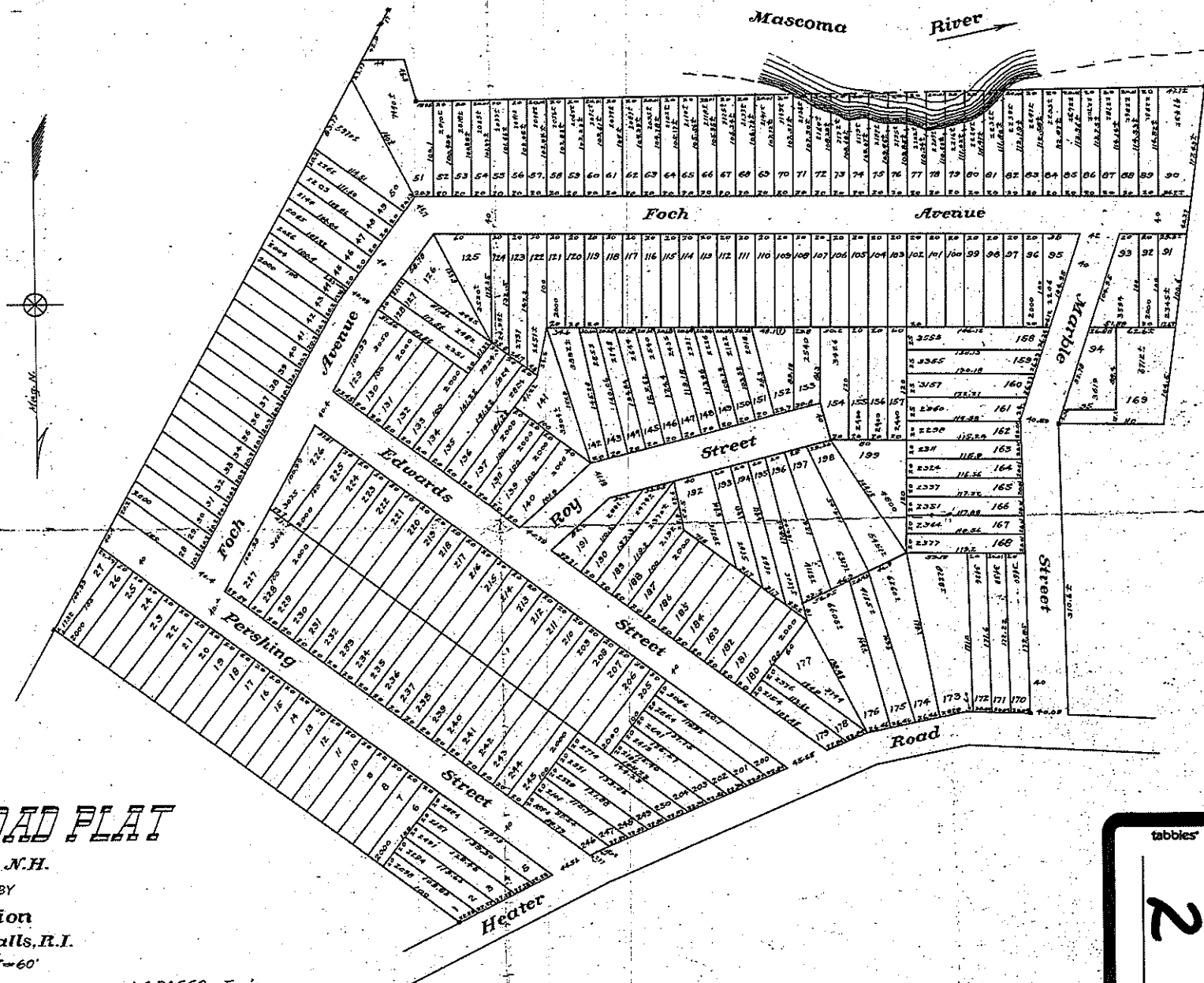
Attachments:
-Concept Plan, Edwards Properties

CC: J. Cicotte, Edwards Properties

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DATE	
REVISIONS	
CONCEPT AGGREGATION PLAN FOR EDWARDS PROPERTIES IN LEBANON, NEW HAMPSHIRE	
ADVANCED GEOMATICS & DESIGN 105 BANK STREET - PO BOX 512 LEBANON, NEW HAMPSHIRE 03766 PHONE: (603) 448-6393 E-MAIL: info@advancedgeom.com	
SURVEYED: DESIGNED BY: DAN DRAWN BY: J CHECKED BY: DAN DATE: 07/22/21	
EDWARDS PROPERTIES CONCEPT PLAN OA-2	
© 2021 ADVANCED GEOMATICS & DESIGN DWG: 20010-04	



HEATER ROAD PLAT

Lebanon, N.H.

OWNED BY

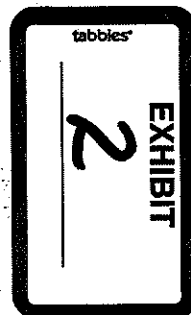
E. H. Dion

Central Falls, R.I.

Scale: - 1" = 60'

JULY 1925

L. G. BASSO Engr.
Springfield, Vt.



-140-

566

QUITCLAIM DEED
ANTONIA V. DION
TO
ROLAND L. DION
LEBANON

STATUTORY FORM OF QUIT-CLA

KNOW ALL MEN BY THESE PRESENTS, that I ANTONIA V. DION, of the City of Central Falls, County of Providence and State of Rhode Island, for consideration paid, grant to ROLAND L. DION, of Calumet, Michigan, with QUIT-CLAIM COVENANTS:

Those one hundred twenty-nine (129) certain lots or parcels of land situated in Lebanon, in the County of Grafton and State of New Hampshire, being numbered Fourteen to Thirty-five (14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35) both inclusive, Fifty-three to Fifty-nine (53-54-55-56-57-58-59) both inclusive, Sixty-seven to Eighty-four (67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84) both inclusive, Ninety-five to One Hundred Two (95-96-97-98-99-100-101-102) both inclusive, One Hundred Eight to One Hundred Twenty-six (108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126) both inclusive, One Hundred Thirty-seven to One Hundred Fifty-three (137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153) both inclusive, One Hundred Seventy-three to One Hundred Seventy-five (173-174-175) both inclusive, One Hundred Ninety-two to One Hundred Ninety-six (192-193-194-195-196) both inclusive, and Two Hundred Twelve to Two Hundred Forty-one (212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241) both inclusive, on plan of Heater Road Plat, made by L. G. Basso, C. E., dated July 1925, and recorded with the Grafton County Registry of Deeds, in Lib. 530, Fol. 192.

Said premises are conveyed subject to any and all assessments for improvements and betterments which have been made and which are in any manner directly or indirectly a lien or incumbrance upon the property herein described.

I, Antonia V. Dion, the above named grantor, further covenant that I am unmarried.

The consideration for this deed is such that no Revenue Stamps are required.

WITNESS my hand and seal this 11th day of October, 1955.

Witness
Catherine J. Mitchell
as to A.V.D.

Antonia V. Dion (L.S.)

STATE OF RHODE ISLAND

COUNTY OF PROVIDENCE

In Pawtucket on the 11th day of October, 1955, before me personally appeared the above named grantor, Antonia V. Dion, to me known and known by me to be the party executing the foregoing instrument, and she acknowledged said instrument, by her executed, to be her free act and deed.

George F. Treanor
Notary Public (SEAL)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

OFFICE OF THE CLERK OF THE
TENTH DISTRICT COURT

(SEAL)
Providence, sc.

Pawtucket, October 11 A.D. 1955

I, GEORGE F. TREANOR, clerk of the District Court of the Tenth Judicial District of said State, the same being a Court of Record and, having by

WARRANTY DEED

I, JAMES H. PEAVEY, unmarried, of Lebanon, in the County of Grafton and State of New Hampshire, for consideration paid, grant to RONALD R. DECATO and REBECCA L. DECATO, husband and wife, as joint tenants with right of survivorship, of Lebanon, in the County of Grafton and State of New Hampshire, whose mail address is 152 Hanover Street, Lebanon, New Hampshire, with WARRANTY covenants,

Certain lots or parcels of land, with the buildings thereon, situate in Lebanon, in the County of Grafton and State of New Hampshire on the southeasterly side of Little Heater Road and being Lots 242, 243, 244, 245, 246, 247 and the northeasterly half of Lot No. 248 as shown on a Plan of Heater Road Plot made by L. G. Basso, C.E., dated July 1925, and recorded in Grafton County Registry of Deeds, Book 530, Page 192 and recorded in the office of the Lebanon City Clerk as Plan 140, which Lots are together bounded and described, according to said Plan, as follows:

Beginning at the junction of the southeasterly line of the Little Heater Road and the southwesterly line of Pershing Street;

Thence southwesterly along the Little Heater Road 57.04 feet to the center line of Lot 248 which is a corner of land now owned by Howard E. and Barbara Parker;

Thence southeasterly following the center line of Lot 248 along said Parker land 116.29 feet to a point in the northwesterly line of Lot 245;

Thence southwesterly along Lots 248, 249 and 250 a distance of 50 feet to the northerly corner of Lot 207;

Thence southeasterly along Lots 207, 208, 209 and 210 a distance of 80 feet to the westerly corner of Lot 241;

Thence northeasterly along said Lot No. 241 a distance of 100 feet to the southwesterly side of Pershing Street;

And thence northerly along said Pershing Street 168.79 feet to the point of beginning.

All the distances given are more or less.

Lots 242 through 245 were conveyed to James H. Peavey by deed of Anita Pauze Stebbins dated February 10, 1968, recorded in Grafton County Registry of Deeds, Book 1067, Page 306 and deed of Joseph Pauze dated April 6, 1968, recorded in said Registry, Book 1069, Page 483.

Lot 246, 247 and one-half of Lot 248 were conveyed to the said James Peavey by deed of Marie Louise Daigle dated October 18, 1967, recorded in Grafton County Registry of Deeds, Book 1069, Page 413.

I, said Grantor, release to said Grantees all rights of curtesy and homestead and other interest therein.

WITNESS my hand and seal this 14th day of July 1977.

Witness:

Robert A. Jones

James H. Peavey
James H. Peavey

STATE OF NEW HAMPSHIRE: ss
COUNTY OF GRAFTON

The foregoing instrument was acknowledged before me this 14th day of July, 1977 by James H. Peavey.

James M. Rice
Notary Public

LAW OFFICE
ROBERT A. JONES
LEBANON, N. H.

Received and recorded: July 14, 1977 8:30 AM

Grafton County Registry of Deeds

Charles A. Wood, Register

015707

BK2053 PG0458

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That I, DAVID A. SABOSKI, unmarried widower, of the City of Lebanon, in the County of Grafton and State of New Hampshire for consideration paid, grant to WAYNE GREENWOOD, SR. and DENISE GREENWOOD, husband and wife, of the Town of Canaan, Grafton County and State of New Hampshire whose mailing address is Route 1, Box 268, Canaan, New Hampshire, 03741 as joint tenants with rights of survivorship with WARRANTY covenants,

A certain tract of land with the buildings thereon situate in Lebanon, in the County of Grafton and State of New Hampshire, on the easterly side of Foch Avenue, and being Lots Nos. 28, 29, 30, 31, 32, 33, 34 and 35 as shown on Plan entitled "Heater Road Plat, Lebanon, N.H. Owned by E.H. Dion" made in July 1925 by L.G. Basso, and recorded in Grafton County Registry of Deeds, Book 530, Page 192, said lots together being bounded and described as follows, to wit:

Beginning at the intersection of the easterly line of Foch Avenue with the southerly line of Pershing Street;

Thence southerly along the easterly line of Foch Avenue 161.6 feet;

Thence making a right angle and leading easterly a distance of 100 feet;

Thence northerly a distance of 161.6 feet to the southerly line of said Pershing Street;

And thence westerly along the southerly side of said Pershing Street 100 feet to the point of beginning.

Meaning and intending to convey hereby all and the same premises conveyed to David A. Saboski and Deborah A. Saboski, husband and wife, as joint tenants with right of survivorship but not as tenants in common by deed of Esther H. Decato dated July 18, 1974 and recorded in the Grafton County Registry of Deeds at Book 1228, Page 245. Deborah A. Saboski died in Burlington, Vermont on April 9, 1986.

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF REVENUE ADMINISTRATION		REAL ESTATE TRANSFER TAX	
THOUSAND -- 6 HUNDRED AND 50 DOLLARS			
MO	DAY	YE	AMOUNT
10	08	93	\$ 650.00
VOID IF ALTERED			

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

LOUIS BILL AND VIOLA BILL

V.

THE UNKNOWN HEIRS OF THE LATE REV. ROLAND L. DION,
THE UNKNOWN HEIRS OF THE LATE ELLIE H. DION AND MEDERIC DUBE

89-E-071

ORDER

Upon consideration of the plaintiffs' Motion for Default Judgment, the Military Affidavits filed in support thereof, and the Affidavit of Louis Bill dated May 30, 1990, and in further consideration of the other matters set forth in the file, including a representation by counsel for the late Clarice Dion that she was the sole heir of the late Roland L. Dion and the late Ellie H. Dion, and having further given consideration to the fact that Mederic Dube has not filed an appearance in this case, the court interposes the following order:

It is ordered, adjudged and decreed as follows:

I.

Plaintiffs are the owners in fee simple and entitled to the possession of certain real property situated in the City of Lebanon, County of Grafton and State of New Hampshire, Lots 137-141, portions of Lots 142-146, Lot 183, portions of Lots 192-195, Lots 212-214 and a portion of Roy Street, so-called, as shown on a plan entitled "Heater Road Plat, Lebanon, N.H., owned by E. H. Dion, Central Falls, R.I., done in July 1925, by L. G. Basso Engineer of Springfield, Vt." These lots are also shown on a survey plan prepared for Louis Bill and Viola Bill in November 1989 done by T&M Surveys, Inc. of Lebanon, New Hampshire as project no. 294389 (although the lot numbers are not shown on this latter plan).

II.

The claims of the defendants and all who claim title under them in and to the real property described above are without any right whatever and defendants have no estate, right, title, lien or interest whatever in or to the real property or any part of such property.

018760

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III.

Defendants, each of them, and all persons claiming under them, are hereby permanently enjoined from asserting any estate, right, title, lien or interest in or to the real property.

Dated at North Haverhill, New Hampshire this ^{11th} day of April, 1991.

Robert W. Grant
PRESIDING JUDGE

State of New Hampshire
Canton, SS

Certified to be a true copy

Walter Butler, Clerk

RECEIVED
Carol A. Collins
98 OCT -7 AM 11:06
GRAFTON COUNTY
REGISTRY OF DEEDS
Register of Deeds

BK2346 Pg0720

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

LOUIS BILL AND VIOLA BILL

V.

THE UNKNOWN HEIRS OF THE LATE REVEREND ROLAND L. DION,
THE UNKNOWN HEIRS OF THE LATE ELLIE H. DION AND MEDERIC DUBE

89-E-071

AFFIDAVIT OF LOUIS BILL IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT AGAINST MEDERIC DUBE

Comes now Louis Bill, having first been duly sworn, who deposes and says as follows:

1. My name is Louis Bill and I reside at Edward Street in Lebanon, New Hampshire.

2. I am married to Viola Bill.

3. Together with my wife, Viola Bill, we hold title, in fee simple, to two parcels of real estate situate in the City of Lebanon, County of Grafton, and State of New Hampshire which are described in the following deeds:

A. A warranty deed from Laurabelle C. Mulherin to Louis and Viola Bill, dated December 14, 1956, and recorded in the Grafton County Registry of Deeds at Book 886, Page 364.

B. A warranty deed from Marion Slayton to Louis and Viola Bill, dated September 17, 1962, and recorded in the Grafton County Registry of Deeds at Book 974, Page 600.

4. The parcels obtained from the warranty deeds described above reflect the acquisition of so-called "twenty foot lots" (referring to lots which are twenty feet in width). The lots have varying depths ranging from approximately fifty feet to slightly over one hundred feet. See attached survey which is incorporated herein by reference.

5. Since approximately 1956, I, my wife, and my immediate family (including sons and a daughter) have used the following lots (described in the attached survey plan) which adjoin the aforementioned parcels (as described in Paragraph 3A and B), namely: Lots 137-141, portions of Lots 142-146, Lot 183, portions of Lots 192-195, Lots 212-214, and a portion of Roy Street, so-called, which is nothing more than a "paper street" (laid out but never conveyed to the City of Lebanon or to any third party).

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6. We have put the aforementioned to a variety of uses but most of the uses would be agricultural in nature. We have stored wood on these lots, stored automobiles, have raised crops and have generally occupied and used the entire parcels under consideration.

7. Until recently we have never known who "owned" the aforementioned lots. We have since learned that the last record title owner to some of the lots is the late Reverend Roland L. Dion. The late Ellie H. Dion also appears the record title owner to some of the other lots. Finally, either Mederic Dube or Joseph S. Haas, Jr. (depending upon the validity of a purported conveyance from Mederic Dube to Joseph S. Haas, Jr.) is the record title owner to the remaining lot.

8. Roy Street (as indicated above, a so-called "paper street") was at one time owned by Ellie H. Dion who, apparently, never conveyed the street to any third party.

9. Legal title to Lot 183 is apparently held by Mederic Dube and/or Joseph S. Haas, Jr. This lot is twenty feet in width and one hundred feet in depth.

10. All remaining lots under consideration are apparently owned by the late Reverend Roland L. Dion. These lots include Lots 212-214, Lots 137-146, and Lots 192-195. Upon information and belief, Sister Clarice Dion was an heir to the Estate of the Reverend Roland L. Dion. It appears that Sister Clarice Dion is recently deceased and her estate may or may not continue to claim ownership to the subject lots.

11. The undersigned has commissioned a survey of the property under consideration. A copy of the survey is attached. With respect to this survey, the following should be noted: Lots 212-214 are located on the easterly side of Edward Street as shown on the plan done by T & M Associates, Inc. in November 1989. These lots have been merged with remaining lots owned by Louis and Viola Bill in fee simple.

12. Lot 183 and portions of Lots 137-140 and 192-194, are shown on the westerly side of Edward Street as shown on the T & M Associates, Inc. plan.

13. The undersigned has also attached a copy of the original subdivision map done by E. H. Dion in July 1925.

14. The undersigned knows of no factual issues in this particular controversy. The undersigned, his wife and his immediate family, including his children, have used all of these lots openly, continuously, notoriously, and adversely to the interests of all defendants named herein.

15. The undersigned notes that there is presently no guardian ad litem in this case, but further notes that Sister Clarice A. Dion is, apparently, the successor in interest to the late Reverend Roland L. Dion and a successor in interest to the late Ellie H. Dion. Because Sister Clarice A. Dion (and presumably, at this point, her estate) has succeeded to the interest of Ellie H. Dion and Reverend Roland L. Dion, it is respectfully submitted that no guardian ad litem is necessary.

16. With the assistance of my attorney, I have attached to this affidavit and to my accompanying Motion for Summary Judgment a proposed decree which, if signed by the Presiding Justice, would confirm title in my name and in the name of my wife to the property described herein.

17. All of the statements made herein are true to the best of my knowledge and belief.

Dated at Lebanon, New Hampshire this 30th day of May, 1990.

Louis P. Bill
LOUIS BILL

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON

On this the 30th day of May, 1990, before me, the undersigned officer, personally appeared LOUIS BILL, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he has executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

R. Peter Decato
Notary Public/Justice of the Peace

FINAL



**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, August 5, 2020, 7:00 p.m.
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

MEMBERS PRESENT: Assistant Mayor Clifton Below, Bruce Bronner, Erling Heistad, Karen Liot Hill, Suzanne Prentiss, George Sykes, Jim Winny, Karen Zook (arrived at 7:25PM)

MEMBERS ABSENT: Mayor Tim McNamara

STAFF PRESENT: City Manager Shaun Mulholland, City Clerk Kristin Kenniston, Finance Director Vicki Lee, HR Director Gloria Leskiewicz, Melonie McDonough (IT)

Assistant Mayor Below called the meeting to order at 7:00 p.m.

This meeting took place virtually due to the COVID-19 Pandemic and was conducted in accordance with the Emergency Orders issued by the New Hampshire Governor according to NH RSA 91-A "Right-to-Know."

A Roll Call of City Councilor was taken and all who attended the meeting are listed above. For the purpose of this remote meeting, each Councilor said they were alone.

1. **PLEDGE OF ALLEGIANCE:** Councilor Bronner led the Council in the Pledge.
2. **PUBLIC FORUM:** Assistant Mayor Below made the Public Forum announcement.
3. **OPEN TO PUBLIC:** No one from the public came forth.
4. **RECOGNITIONS:** NONE
5. **ACCEPTANCE OF MINUTES:** July 15, 2020 (Regular Meeting)

*Councilor Liot Hill MOVED to approve the July 15, 2020 (Regular Session) minutes as written and presented in the August 5, 2020 City Council agenda packet.
Seconded by Councilor Bronner.*

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Prentiss, Sykes, and Winny all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved by those present (7-0).*

6. APPOINTMENTS:

- *Alex Belensz* - Appointment as a Regular Member of the Pedestrian and Bicyclist Advisory Committee.

Councilor Sykes nominated Mr. Alex Belensz as a Regular Member of the Pedestrian and Bicyclist Advisory Committee. Three-year term (8/20-8/23)

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Prentiss, Sykes, and Winny all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved by those present (7-0).*

- **Kim Chewning** - Appointment as a Regular Member of the Planning Board.
City Manager Shaun Mulholland nominated Ms. Kim Chewning as a Regular Member of the Planning Board. Three-year term (8/20–8/23)

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Prentiss, Sykes, and Winny all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved by those present (7-0).*

- **Jeremy Katz** – Appointment as a Regular Member of the Zoning Board of Adjustment.
Councilor Winny nominated Mr. Jeremy Katz as a Regular Member of the Zoning Board of Adjustment. Three-year term (8/20-8/23)

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Prentiss, Sykes, and Winny all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved by those present (7-0).*

- **Gene Homicki** – Appointment as a Regular Member of the Lebanon Energy Advisory Committee.
Councilor Heistad nominated Mr. Gene Homicki as a Regular Member of the Lebanon Energy Advisory Committee. Three-year term (8/20-8/23)

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Prentiss, Sykes, and Winny all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved by those present (7-0).*

- **Fran Hanchett** - Appointment as City Historian/Alternate member of the Heritage Commission.

Assistant Mayor Below nominated Ms. Fran Hanchett as City Historian/Alternate Member of Heritage Commission. Three-year term (8/20-8/23)

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Prentiss, Sykes, and Winny all voting Yea.

None voted Nay.

****The Vote on the MOTION was unanimously approved by those present (7-0).***

7. PUBLIC HEARING ITEMS:

A. Complete Discontinuance of Western (Unbuilt) Portion of Foch Avenue Abutting Interstate-89, Lebanon

A public hearing for the purpose of receiving public input and taking action to discontinue completely, and in its entirety, the western (unbuilt) portion of Foch Avenue between parcels 78-51, 78-52, and 78-53, abutting Interstate-89 North, Lebanon

Included in the agenda packet were the GIS Map with Grid Coordinates and the GIS Map of utilities

City Manager Shaun Mulholland came before the Council representing the request to discontinue this portion of Foch Avenue that was presented by William Corrette. Mr. Corrette owns property located at 9 Foch Avenue, further identified as Tax Map 78, Lot 51, Lebanon. This portion of Foch Avenue has been maintained by Mr. Corrette and his current neighbor to keep from overgrowth.

Once discontinued, the right-of-way will be split down the center, and the land will be merged with the abutting properties identified as Tax Map 78, Lots 51, 52 & 53 (see map below for details).



There is a water main running under the length of Foch Avenue with a fire hydrant near the southeast corner of Parcel 78-53. An easement will be retained by the City for maintenance of the water line and hydrant.

Assistant Mayor Below opened the Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

ACTION:

Councilor Bronner *MOVED*, that the Lebanon City Council hereby discontinues completely and in its entirety, the western(unbuilt) portion of Foch Avenue, located between the parcels identified as City Tax Map 78, Lots 51, 52, and 53, as shown on the GIS (Utility Layer) Map and the GIS map showing grid coordinates (NAD 1983) provided as part of the August 5, 2020 City Council Agenda Packet.

***BE IT FURTHER MOVED*, that as part of the discontinuance of the Foch Avenue right-of-way, the City shall obtain an easement from property owners of Tax Map 78, Lots 51, 52, and 53 for the continued maintenance of an existing public water main and fire hydrant.**

Seconded by Councilor Prentiss.

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Prentiss, Sykes, and Winny all voting Yea.

None voted Nay.

****The Vote on the MOTION was unanimously approved by those present (7-0).***

B. Complete Discontinuance of East End of Fellows Hill Road Between Parcels 111-16 and 111-3-100, Lebanon

A public hearing for the purpose of receiving public input and taking action to discontinue completely, and in its entirety, the portion of Fellows Hill Road abutting New Hampshire Route 4, between Parcels identified as City Tax Map 111, lots 16 and 3-100, Lebanon

Included in the agenda packet was the GIS Map with Grid Coordinates.

City Manager Mulholland came before the Council to review the Robert G. and John T. Oakes owned property located at 92 Riverside Drive, further identified as Tax Map 111, Lot 16, Lebanon. They have expressed interest in the purchase of a City-owned parcel identified as Tax Map 111, Lot 3-100 located on Fellows Hill Road, and are requesting discontinuance of the portion of Fellows Hill Road that separates their property from parcel 111-3-100. At its June 16, 2020 meeting, the City Council authorized the City Manager to proceed with the sale of 111-3-100 to the Oakes.

The standard process for discontinuing a road results in the right-of-way being split down the center with each half going to the abutting property owners. In this case, the right-of-way would be split and the land merged with 111-16 and 111-3-100 (see map below for details).

Discontinuance of Class IV, V and VI Highways

Section 231:43

231:43 Power to Discontinue. –

I. Any class IV, V or VI highway, or any portion thereof, in a town may be discontinued by vote of a town; provided, however, that:

(a) Any highway to public waters, or portion of such highway, laid out by a commission appointed by the governor and council, shall not be discontinued except with the consent of the governor and council.

(b) Any class V highway established to provide a property owner or property owners with highway access to their property because of a taking under RSA 230:14 shall not be discontinued except by written consent by such property owner or property owners.

II. The selectmen shall give written notice by verified mail, as defined in RSA 21:53, to all owners of property abutting such highway, at least 14 days prior to the vote of the town. In the case of a petitioned warrant article calling for discontinuance of a class VI highway, the petitioners shall bear the cost of notice.

III. No owner of land shall, without the owner's written consent, be deprived of access over such highway, at such owner's own risk.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1; 121:1. RL 95:1. 1943, 68:1. 1945, 188:1, part 9:1. 1949, 13:1. RSA 238:1. 1981, 87:1. 1991, 36:1. 1995, 77:3, eff. June 8, 1995. 2014, 41:1, eff. July 26, 2014. 2019, 242:3, eff. Oct. 10, 2019.

Section 231:44

231:44 Notice Required. – When any class IV, V or VI highway, which joins a highway in another town, has been discontinued by vote of the town, the selectmen of the town wherein the highway has been so discontinued shall notify the selectmen of said adjoining town, by registered mail, of the fact of said discontinuance. Said notification shall be made within 15 days after the action of discontinuance has been taken.

Source. RSA 238:1-a. 1955, 107:1. 1981, 87:1, eff. April 20, 1981.

Section 231:45

231:45 Subject to Gates and Bars. – Any class IV, V or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars, by vote of the town. Such a discontinued highway shall not have the status of a publicly approved street.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1. RL 95:1. 1945, 188:1, part 9:2. RSA 238:2. 1969, 332:1. 1981, 87:1, eff. April 20, 1981.

Section 231:45-a

231:45-a Discontinuance of Highways Subject to Legislative Body Approval. –

I. No class IV or V highway shall be discontinued or discontinued subject to gates and bars without the vote of the local legislative body as required by RSA 231:43 or RSA 231:45.

II. No vote or other action of the governing body shall be effective to reclassify a class IV or V highway as a class VI highway, except for the failure to maintain and repair that highway in suitable condition for travel thereon for 5 or more successive years as provided by RSA 229:5, VII.

III. Any municipality which neglects to maintain and repair a class IV or V highway, without the vote of the legislative body, shall be subject to proceedings under RSA 231:90 or RSA 231:82 at any time prior to the lapse of the 5-year period under RSA 229:5, VII.

Source. 1990, 97:1. 1991, 124:1, eff. July 19, 1991.

Section 231:46

231:46 Authority to Reserve Existing Utility Easements. – When any class IV, V or VI highway, or any portion thereof, has been discontinued, any existing sewer, drain, water pipe or other utility easements or any permits or licenses previously established pursuant to RSA 231:159-182 shall be presumed to be reserved and shall remain in effect as an encumbrance upon the underlying land for so long as they remain in active use, unless such easements, permits or licenses are expressly included in the vote to discontinue the highway, or are subsequently discontinued by vote of the city or town.

Source. RSA 238:2-a. 1977, 22:1. 1981, 87:1. 1992, 59:2, eff. June 12, 1992.

Section 231:47

231:47 Consent of Court. – Towns may not discontinue or discontinue as an open highway and make subject to gates and bars any highway concerning which proceedings are pending in court against the town for neglect or refusal to lay out, make or repair such highway, without the consent of the court.

Source. RS 54:2. CS 58:2. GS 65:2. GL 71:2. PS 72:2. PL 79:2. RL 95:2. 1945, 188:1, part 9:3. RSA 238:3. 1981, 87:1, eff. April 20, 1981.

Section 231:48

231:48 Appeal From Discontinuance; Damages. – Any person or other town aggrieved by the vote of a town to discontinue any highway, or discontinue any highway as an open highway and made subject to gates and bars, may appeal therefrom to the superior court for the county in which such highway is situate by petition within 6 months after the town has voted such discontinuance and not thereafter. Whenever any such petition is filed in the superior court the clerk shall issue a summons, with a copy of the petition, to be served by the date specified by the court on the summons, and the petitioner shall cause a certified copy of the same to be given to or left at the places of abode of one of the selectmen and the town clerk of each town in which the highway proposed to be discontinued is located, and give notice to the owners of land

abutting on such highway in the same manner as required of selectmen in laying out highways, by the service date specified on the summons, and such other notice as the court shall order. Any person or town so notified may become a party to the proceedings by entering an appearance in such proceedings with the clerk of the superior court; and no person or town so notified shall after being so notified institute any additional appeal from the vote to discontinue such highway. Except as above provided, like proceedings shall be had on such petition as in the case of appeals in the laying out of class IV, V and VI highways, and if the county commissioners report for such discontinuance they shall assess the damages sustained by any person within the town in which the highway has been discontinued.

Source. GS 65:3. GL 71:3. PS 72:3. 1903, 14:2. PL 79:3. RL 95:3. 1945, 188:1, part 9:4. RSA 238:4. 1981, 87:1, eff. April 20, 1981. 2014, 204:10, eff. July 11, 2014.

Section 231:49

231:49 Petition for Assessment of Damages. – Any person who sustains damages by the discontinuance of a highway, or by the discontinuance as an open highway and made subject to gates and bars, by vote of the town, and from which no appeal has been taken, may petition for the assessment of damages to the superior court in the county in which the highway is situate within 6 months after the town has voted such discontinuance, and not thereafter, and like proceedings shall be had as in the case of appeals in the laying out of class IV, V and VI highways.

Source. RS 54:3. CS 58:3. GS 65:4. GL 71:4. PS 72:4. 1903, 14:3. PL 79:4. RL 95:4. 1975, 188:1, part 9:5. RSA 238:5. 1981, 87:1, eff. April 20, 1981.

Section 231:50

231:50 Towns Not Liable After Discontinuance. – Towns shall be relieved of all obligation to maintain, and all liability for damages incurred in the use of, discontinued highways or highways discontinued as open highways and made subject to gates and bars.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1. RL 95:1. 1945, 188:1, part 9:6. RSA 238:6. 1981, 87:1, eff. April 20, 1981.

Section 231:51

231:51 Dedicated Ways. – Any street, lane or alley within this state which has been dedicated to public use by being drawn or shown upon a plan of lands platted by the owner, and the sale of lots in accordance with such plan, may be released and discharged from all public servitude by vote of the governing body of a city or town if such street, lane, or alley has not been opened, built, or used for public travel within 20 years from such dedication.

Source. 1913, 121:1. PL 79:5. RL 95:5. 1945, 188:1, part 9:7. RSA 238:7. 1981, 87:1. 1989, 131:1, eff. July 16, 1989.

Section 231:52

231:52 Release by Town. – The mayor and aldermen of a city or the selectmen of a town may release and discharge any way dedicated as aforesaid from all public servitude at any time after such dedication, upon petition by any interested party and notice and hearing thereon, whenever in their opinion such way will not be needed for the accommodation of public travel. All proceedings shall be conducted in the manner provided for the laying out of highways, and any interested party may appeal to the superior court from the decision, as in the case of petitions for laying out highways.

Source. 1913, 121:2. PL 79:6. RL 95:6. 1945, 188:1, part 9:8. RSA 238:8. 1981, 87:1, eff. April 20, 1981.

TO: Lebanon City Council**FROM:** C. Christine Fillmore**DATE:** September 30, 2021**RE: Legal Status of Streets Proposed to Be Discontinued (Portions of Edwards Street, Little Heater Road, and Foch Avenue)**

Edwards Properties, LLC has proposed the formal discontinuance of portions of the three above-named streets in the City. Each street segment proposed to be discontinued runs between lots owned on either side by Edwards Properties, LLC. This memorandum addresses the legal status of the land constituting the street segments *after* discontinuance, should that occur.

A public street is technically an “easement for travel” over the underlying land. This public easement is a separate set of legal rights from the ownership of the title to the underlying land. In some cases, the municipality owns the underlying land as well as the street rights; in other cases, title to the land is owned by a different party. See Makepeace v. Worden, 1 NH 16 (1816); Troy v. Cheshire Railroad, 23 NH 83 (1851). The ownership of the underlying land is largely unimportant for the City’s purposes so long as a public street exists. However, when a street is discontinued, the City’s right of way is extinguished and the right to use and possession of the roadway returns to whichever party owns title to it. Sheris v. Morton, 111 NH 66 (1971).

In New Hampshire, title to the land constituting a street is presumed to belong to the abutters on either side of the street to the center line, unless there is evidence that someone else holds title. Makepeace v. Worden, 1 MH 16 (1816). Even if an abutter’s deed has a metes and bounds description that does not include the land to the centerline of the abutting street, or if the deed uses the street as the lot’s boundary line, it is still presumed to convey title to the center line of the street unless the developer indicates in the deed that they intend to retain title to the street area. Luneau v. MacDonald, 103 NH 273 (1961); Davis v. Lemire, 122 NH 749 (1982); Copp v. Neal, 7 NH 275 (1834). The same is true of lots shown fronting on a street on a subdivision plan which are later sold with reference to that plan. Gagnon v. Moreau, 107 NH 507 (1967). It is possible, of course, for a municipality to take title to the land underlying a street by deed from the developer, which would override the presumption that abutters own to the center of the street. Thus, the ownership of land beneath any particular street can only be determined by examining the history of the creation of that street and the conveyance of the lots around it.

With that in mind, I have reviewed Attorney Schuster’s September 27, 2021 letter and attachments regarding the history of these three streets. Based on the facts as he presented them in his letter, I agree with his conclusion that title to the underlying land is held by the abutters on either side of each street area proposed to be discontinued. The streets were first delineated on a 1925 subdivision plan, and the lots abutting those roads were conveyed out with reference to the plan, frequently using the streets as a boundary line. The representative deeds Attorney Schuster provided do not indicate that the developer intended to reserve any rights to the roadway. Additionally, he found no deeds purporting to convey title ownership of the street areas to the City or formal votes to accept ownership. As a result, I concur with his opinion.

**AGENDA
LEBANON CITY COUNCIL
OCTOBER 6, 2021**

10. NEW BUSINESS:

10.B – DISCUSSION & SET PUBLIC HEARING FOR OCTOBER 20, 2021:
ORDINANCE #2021-10 TO AMEND CITY CODE CHAPTER 31,
BOARDS, COMMITTEES & COMMISSIONS, ARTICLE XIII
DIVERSITY, EQUITY & INCLUSION COMMISSION

BACKGROUND

With the adoption of Ordinance 2021-07 on July 20, 2021, the City Council created a Diversity, Equity & Inclusion (DEI) Commission. As adopted, the membership currently consists of two (2) City Councilors and seven (7) members of the public with the City Manager or his/her designee being a permanent non-voting member of the commission.

During discussions at the September 15, 2021 City Council meeting, it was decided that the membership on the committee should also allow for alternate members (for both Council and Public representatives).

Ordinance 2021-10 proposes to amend the membership of the DEI Commission to include one (1) Council Alternate and up to four (4) alternate public representatives.

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 20, 2021, beginning at 7:00pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on Ordinance #2021-10, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to include one (1) alternate City Council representative and up to four (4) alternate public representatives on the Diversity, Equity & Inclusion Commission.

Included in this Section:

1. Proposed Ordinance 2021-10

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

ORDINANCE NO. 2021-10

An Ordinance to Amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, Article XIII, Diversity, Equity, and Inclusion Commission §31-52 Establishment; Membership; Qualifications.

Section 1. Chapter 31 of the Code of the City of Lebanon is hereby amended as follows:

ARTICLE XIII, DIVERSITY, EQUITY, and INCLUSION COMMISSION

§31-52. ESTABLISHMENT; MEMBERSHIP; QUALIFICATIONS.

Pursuant to Chapter C419:23 of the Lebanon City Charter, there is hereby established a Diversity, Equity and Inclusion Commission. The Commission shall be comprised of no more than nine (9) voting members appointed by the City Council, including: two (2) City Councilors, one (1) alternate City Council representative, ~~and~~ seven (7) members of the public, and up to four (4) alternate public representatives. The City Manager or his/her designee shall be a permanent non-voting member of the commission.

Section 2. Severability

The provisions of this ordinance are delated to be severable, and if any section, subsection, sentence, clause or part thereof, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective upon passage.

**AGENDA
LEBANON CITY COUNCIL
OCTOBER 6, 2021**

10. NEW BUSINESS:

10.C – REVIEW OF 2022 PROPOSED ZONING AMENDMENTS

BACKGROUND

It is staff's practice to present a set of proposed zoning amendments to the Council each fall for review and consideration. No amendments proposed as part of this year's review require voter approval.

Please see the attached September 28, 2021 Memo from the Planning Office which describes the amendments in detail and outlines the process to amend the Ordinance.

ACTION

If the Council decides to move forward with the proposed amendments, the following motion is offered for consideration:

MOVED, that the Lebanon City Council in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the Zoning Ordinance amendments as contained in the document titled, "2021-2022 Draft Zoning Amendments, September 28, 2021," to the Planning Board, Conservation Commission, and Zoning Board of Adjustment for the review and comment. The City Council hereby sets the following tentative review schedule:

Zoning Board of Adjustment – November 1, 2021

Conservation Commission – November 18, 2021

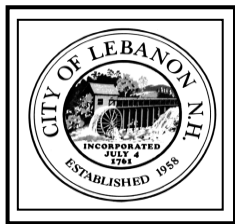
Planning Board – November 21, 2021

City Council Final Review – January 5, 2022

City Council Public Hearing – January 19, 2022

Included in this Section:

1. September 28, 2021 Memo from Planning Staff, including 2021-2022 Proposed Zoning Amendments



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
Paula Maville, Deputy City Manager

FROM: Planning & Development Department Staff

RE: 2021-2022 Proposed Zoning Amendments

DATE: September 28, 2021

Honorable Mayor and City Councilors,

The Planning and Development Department has prepared draft amendments to the Zoning Ordinance for consideration by the City Council, and requests that the proposed amendments be placed on the October 6, 2021 meeting agenda for discussion. The proposed amendments are summarized below and are highlighted in the attached redlined excerpt of the Zoning Ordinance. The new or revised text is blue and underlined. The text to be ~~deleted~~ is shown as red with a strike-out.

Please note that the proposed amendments may be adopted by the City Council per Section 1000.4.B of the Zoning Ordinance, and do not require approval by referendum vote. Per Section 1000.4, the Council does have the ability to voluntarily place any proposed amendment on the March Ballot for voter approval.

If the Council chooses to move forward with the proposal, the draft amendments will be sent to the City's legal counsel and land use boards for further review. Once the review process is complete, the amendments will be scheduled for a public hearing before the City Council.

OVERVIEW OF AMENDMENTS

Text Amendments:

1. West Lebanon Downtown Rezoning (Sections 201.7, 300, 306, 307, 500, 501.4, 607.4, 607.5, 608.3, 608.4, 608.6, 612.3, and Appendix A) – At its meeting on June 8, 2021, the West Lebanon Revitalization Advisory Committee unanimously adopted the following motion recommending that the zoning regulations applicable in those areas of West Lebanon that are currently zoned as Central Business District should be amended to match the regulations for the Lebanon Downtown District (Section 307 of the Zoning Ordinance):

A MOTION by Mr. Clem that the Planning Department consider applying all recent zoning updates that were done elsewhere in town in terms of downtown West Lebanon and other districts, with a starting point being that all those amendments be considered for West Lebanon, to create equity and consistency across the City when it comes to height, dimension, etc. in order to incentivize development equally across the City.

Seconded by Ms. Stavis.

Based on an analysis and comparison of the CB District and LD District regulations, staff recommends the following changes in furtherance of the Advisory Committee's request:

- a. Shorten the name of the "Lebanon Downtown District" to "Downtown District".
 - b. Rezone those portions of West Lebanon currently located in the CB District to the Downtown (DT) District. (see amendment #17 below)
 - c. Update the DT District regulations (Section 307) to refer to both downtown Lebanon and downtown West Lebanon, and to add Main Street, Bridge Street, and Railroad Avenue to the list of "primary streets" (Section 307.6.C.1).
 - d. Remove the CB District from the Zoning Ordinance (Section 306).
 - e. Remove references to the CB District throughout the Zoning Ordinance and update "LD District" references to "DT District".
2. **Add Section 105 ("Compliance With Site Plan Review Regulations and Subdivision Regulations")** to clarify that when a development is subject to the Site Plan Review and Regulations, it must comply with all applicable site design requirements when a site plan review regulation is more restrictive than what may be otherwise permitted by the Zoning Ordinance. (see p. 1 of the redline)
3. **Amend Section 201.7 ("Driveways and Parking Areas")** and definition of "driveway" in Appendix A to clarify that parking on a driveway in the front yard is allowed for one- and two-family dwellings provided that a minimum setback of 5 ft. is maintained from the front lot line. (see p. 1 and 23-24 of the redline)
4. **Amend Section 204 ("Lots in Two Zoning Districts")** to provide additional flexibility in the use of split-zoned properties by allowing uses that are permitted in the more restrictive zone encumbering the property to also be located within the portion of the property located in the less restrictive zoning district. For example, where a property is split-zoned between R-3 and GC, and where the property's frontage is located wholly within the R-3 district, and where the property meets the minimum lot size requirement of the R-3 district, the proposed amendment would allow a proposed one-family dwelling to be located in the GC portion of the property (which is not otherwise a permitted use in the GC district). (see p. 1 of the redline)
5. **Amend Section 213 ("Impact Fees")** to help encourage the creation of affordable housing units by (i) exempting accessory dwelling units less than 500 sq. ft. from assessment of impact fees, and (ii) allowing the Planning Board to grant a waiver from payment of the school impact fee for dwelling units of 500 sq. ft. or smaller. The proposed amendment to Section 213 also clarifies that the impact fee assessment schedule shall be reviewed *periodically* by the Planning Board (whereas the current language requires the Board to review the schedule on an annual basis). (see p. 2 of the redline)
6. **Amend Section 215 ("Location of Accessory Use")** to (a) allow a driveway to cross over one property to access another provided that the driveway serves a use that is also allowed on the property over which the driveway crosses, and (b) allow a shared driveway to access up to two adjacent properties, consistent with what is already permitted by the Site Plan Review and Subdivision Regulations, but which is not clearly permitted under the current language of the Zoning Ordinance. (see p. 2 of the redline)
7. **Add Section 302.4.H, amend Sections 801.2.C and 801.3, and remove Sections 901.6-8** to (a) add criteria for the expiration of conditional use permits, (b) update the expiration criteria for variances and special exceptions for consistency with the conditional use permit expiration provisions, and (c) eliminate the requirement that zoning permits are

issued contemporaneously with the approval of a variance or special exception. Instead, a zoning permit for projects relating to a Zoning Board approval will be issued in accordance with the procedures set forth in Section 901 ("Zoning Permits"). (see p. 3 and 21-23 of the redline)

8. **Amend Section 311.2, the R-O District Table of Uses** to remove "conversion" from "multi-family dwelling" in both the Permitted Uses column and Special Exception Uses column. The proposed amendment would allow new construction of multi-family dwellings in the R-O District in addition to allowing multi-family dwellings by conversion of existing buildings. (see p. 11 of the redline)
9. **Amend Section 501 ("Planned Unit Development")** (see p. 11-14 of the redline) to:
 - a. **Amend Section 501.1.E.1** to require PUD applicants to demonstrate that the PUD plan was prepared in accordance with the steps outlined in Section 501.1.E.1.a-d.
 - b. **Amend Section 501.1.E.2** to update the PUD impact statement requirements for consistency with the impact statement requirements found in the Site Plan Review Regulations and Subdivision Regulations.
 - c. **Amend Section 501.2.B** in response to a recent amendment to the Subdivision Regulations that exempts certain developments from subdivision review. The amendment to Section 501.2.B clarifies that these developments are still subject to the thresholds for when a PURD is required or permitted.
 - d. **Amend Section 501.2.D** to clarify that if a PURD density calculation for a proposed development results in a fraction, the number of units may be rounded up in certain instances. For example, if 32.6 dwelling units are allowed within a proposed PURD utilizing the formula method set forth in Section 501.2.D.2.a, the number of permitted dwelling units would be rounded up to 33.
 - e. **Amend Section 501.4.D** to clarify that (a) all non-residential uses whether permitted, allowed by special exception, or allowed by conditional use permit, may be included within a Commercial PUD, and (b) all non-residential uses in both the IND-L and IND-RA District may be included within an Industrial PUD.
10. **Amend Section 600 ("Home Businesses")** by removing Section 600.1.F.3 which prohibits home businesses from utilizing on-street parking. Note that home businesses will still need to demonstrate compliance with the minimum on-site parking requirements of Section 607 in order to obtain a zoning permit. (see p. 15 of the redline)
11. **Amend Section 601 ("Special Design Standards")** to remove (i) Section 601.2.B which requires parking areas to be screened from abutting properties, and (ii) Section 601.9 which automatically requires site plan review regardless of whether the project would otherwise trigger such review per the jurisdictional thresholds set forth in the Site Plan Review Regulations. (see p. 15 of the redline)
12. **Amend Section 607 ("Parking")** (see p. 15-18 of the redline) to:
 - a. Allow parking for accessory uses to be calculated separately in order to reduce the amount of required parking spaces.
 - b. Clarify that the Planning Board may approve the reduction of the minimum number of parking spaces to be constructed by means of a *conditional use permit*.

- c. Clarify that the maximum parking requirements apply in the LD (DT) and PB Districts.
- d. Refine and augment the standards in Section 607.5 for the approval of off-lot parking, and add Section 302.5 to clarify that off-lot parking is allowed by conditional use permit. (*see p. 5 of the redline*)

13. Amend Section 608 (“Signs”) and Appendix A (*see p. 18-20 and 24 of the redline*) to:

- a. Clarify when on-premise signs become off-premise signs following the departure of a tenant.
- b. Allow additional sign area for buildings with multiple frontages, but excluding frontage on I-89.
- c. Allow additional freestanding sign area to accommodate the numeric property address.
- d. Provide a maximum height of 4 ft. for non-residential freestanding signs in residential districts, and a maximum of 8 ft. for residential development freestanding signs.

14. Amend Section 610 (“Accessory Dwelling Unit (ADU)”) (*see p. 20-21 of the redline*) to:

- a. Allow detached ADUs to be located on non-conforming lots and in non-conforming structures by special exception.
- b. Allow a detached ADU to be taller than the principal dwelling by special exception.
- c. Eliminate requirements that the ADU share utilities with the principal dwelling and that the ADU and principal dwelling have an interconnected fire alarm system.

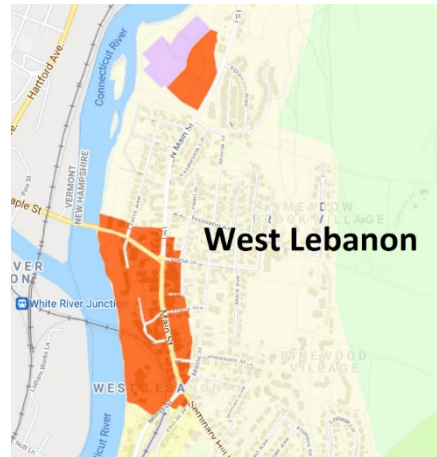
15. Amend Appendix A (“Definitions”) (*see p. 23-24 of the redline*) to:

- a. Update definition of nursing home to reference current statute and statutory language.
- b. Remove the term “parking lot” which is redundant given the definition of “parking area”.
- c. Remove the enhanced front setback requirements for properties with frontage on streets with less than a 50 ft. right-of-way.

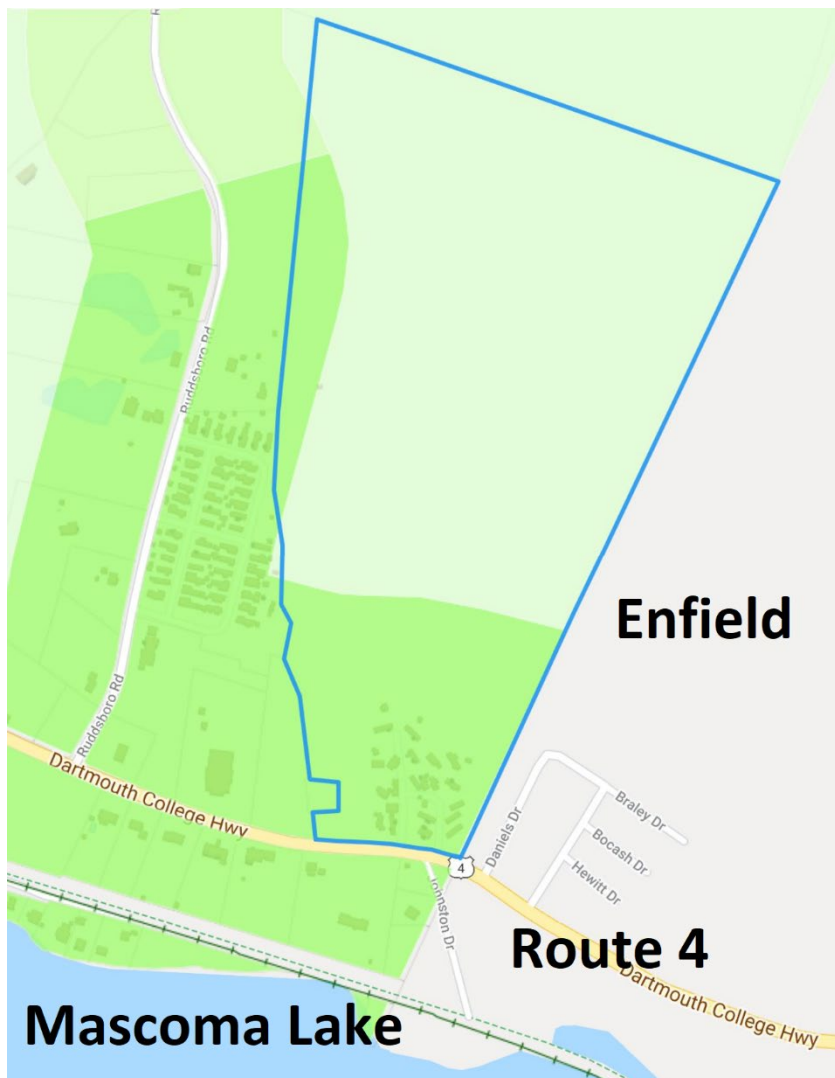
16. Miscellaneous minor amendments to clarify existing language and to make certain editorial changes to Section 213 (“Impact Fees”), Section 310.2 (R-3 District Table of Uses), Section 501 (“Planned Unit Development”), Section 506.3 (conditional use permit criteria for non-accessory renewable energy systems), Section 608 (“Signs”), Section 610 (“Accessory Dwelling Unit (ADU)”), and Appendix A (“Definitions”).

Map Amendments:

17. Lebanon Downtown District: The areas of downtown West Lebanon currently zoned Central Business District (shown in dark orange in the figure to the right) are proposed to be rezoned to the Lebanon Downtown District (which is proposed to be shortened to “Downtown District” – see amendment #1 above):



18. 695 Dartmouth College Highway (Tax Map 99, Lot 8): The subject property is a +/-90-acre lot improved with a 19-unit manufactured housing park and is split-zoned RL-1 and RL-3. Staff proposes to rezone the entire property to the RL-1 District, which would increase the permitted density on the property and allow the park to expand by approximately 11 additional manufactured housing units.



SCHEDULE

The procedure to adopt zoning amendments is set forth in Section 1000 of the Zoning Ordinance and is summarized below:

1. Staff presents amendments to City Council for initial consideration - *scheduled for the October 6, 2021 Council meeting*. Section 1000.2.A.
2. If Council decides to move forward with the amendments, they will set a tentative schedule including review by legal counsel, review before the City's land use boards, and a public hearing before the Council. Section 1000.3.A.
3. The amendments will be forwarded to the City's attorney for review. *Legal opinion expected to be received by the end of October*. Section 1000.3.B.2.
4. The amendments are forwarded to the City's land use boards for review. Sections 1000.3.B.1 and C.
 - a. Zoning Board – *expected to be scheduled for the November 1, 2021 meeting*.
 - b. Conservation Commission – *expected to be scheduled for the November 18, 2021 meeting*.
 - c. Planning Board - *expected to be scheduled for the November 21, 2021 meeting*.
5. Council will then hold a work session to review the amendments as modified based on legal input and land use board feedback – *expected to be scheduled for the January 5, 2022 Council meeting*.
6. Finally, the Council will hold a public hearing followed by a vote on whether to adopt the amendments - *expected to be scheduled for January 19, 2022 Council meeting*. Section 1000.3.D.

ATTACHMENT

- Redline excerpt of current Zoning Ordinance (redline last revised 9/28/21)

2021-2022 DRAFT PROPOSED
ZONING AMENDMENTS
SEPTEMBER 28, 2021



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.

Driveways may occupy required **yard** areas. **Parking areas** may occupy 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-DT~~ 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 **building line**, but in no case less than five (5) feet. [...]

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** with a **gross living area** of 500 sq. ft. or less.

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

213.8 Waivers.

The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed: [...]

B. An assessed property may apply for a full or partial waiver of public school impact fees for those residential units that have a **gross living area** of 500 sq. ft. or less.

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 300 ESTABLISHMENT OF USE DISTRICTS.

The City of Lebanon is hereby divided into the following use districts: [...]

~~CB~~ ~~Central Business~~
~~LDI~~ ~~Lebanon Downtown~~ [...]

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 the use is discontinued for any reason for more than two (2) years following the issuance of a certificate of occupancy, or is discontinued 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.

302.5 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 306 CENTRAL BUSINESS DISTRICT (CB).~~

~~306.1 Purpose.~~

~~The purpose of the CB District is to provide in-town areas for retail and service businesses, banks, offices and government facilities in West Lebanon. Other related commercial activities and higher density residential uses should be encouraged.~~

306.2 Table of Uses:

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 306.5) 3. Senior housing complex <u>Commercial/Non-Residential</u> 4. Amusements (indoor) 5. Community center 6. Drycleaning pick-up station 7. Financial institution 8. Funeral home 9. Health club 10. Hotel 11. House of worship 12. Laundromat 13. Library 14. Local government use 15. Membership club 16. Motel 17. Museum 18. Office 19. Personal service 20. Radio or TV studio 21. Renewable energy system per Section 612 22. Restaurant , sandwich shop 23. Retail store 24. Social service center 25. Theater, concert hall, movie theater <u>Planned Developments</u> 26. Commercial PUD per Section 501	<u>Commercial/Non-Residential</u> 1. Craftsman's shop 2. Drive-through facility 3. Educational facility, college/university 4. Group day care facility per Section 604 <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 1. Essential service 2. Other uses per Section 306.4 3. Parking facility 4. Publishing/printing 5. Recreational facility, indoor 6. Recreational facility, outdoor

~~306.3 Table of Area, Dimensions and Coverage.~~

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
3,000 square feet	50'	NONE	NONE	10' (*)	NONE	45'

*May be reduced or eliminated by **conditional use** permit.

~~306.4 Other Uses.~~

Other uses include any use not identified in Section 306.2 that will contribute positively to the vibrancy of the Central Business District. Such other uses shall be permitted by **conditional use** permit from the Planning Board pursuant to Section 302.4 provided the applicant demonstrates that the proposed use:

- ~~1. Will encourage the presence of the public in the Central Business District and/or create regular and sustained opportunities for members of the public to utilize the Central Business District. Examples include, but are not limited to, providing a retail, **personal service**, and/or **restaurant** component which is accessory to the primary use.~~
- ~~2. Will not be incompatible with abutting properties and uses. An example of incompatibility includes, but is not limited to, credible evidence that the proposed use will negatively impact the value of any abutting property and/or the viability of any existing abutting use.~~
- ~~3. Meets the standards set forth in Section 302.4.~~

~~306.5 Dwelling Unit Density.~~

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

SECTION 307 LEBANON DOWNTOWN DISTRICT (LDDT).

307.1 Purpose. The purpose of the ~~Lebanon~~ Downtown District is to provide in-town areas for retail and service businesses, banks, offices, and government facilities in downtown Lebanon and downtown West Lebanon, and to encourage other related commercial activities and higher density residential uses. The district regulations are intended to promote an active pedestrian environment consistent with the mixed-use character of the district by providing for continuity of building setbacks and limiting parking in front yards to promote an environment that is safe for walking and biking.

307.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
<u>Residential</u> Multi-family dwelling (see Section 307.5) Dwelling unit(s) above or below the street level story <u>Commercial/Non-Residential</u> Amusements (indoor) Community center Financial institution Health club Hotel - House of worship - Library or museum Local government use Membership club <u>Museum</u> 13. <u>Office</u> 14. <u>Personal service</u> 15. <u>Radio or TV studio</u> 16. <u>Renewable energy system</u> per Section 612 17. <u>Restaurant</u>, sandwich shop 18. <u>Retail store</u> 19. <u>Senior housing complex</u> 20. <u>Social service center</u> 21. <u>Theater, concert hall, movie theater</u>	<u>Commercial/Non-Residential</u> Craftsman's shop, art studio - Dry cleaning pick up station Educational facility, college/university Essential service Group day care facility per Section 604 - Laundromat - Other uses per Section 307.4 Parking facility - Publishing/printing Recreational facility, indoor Recreational facility, outdoor

307.3 Table of Dimensional Requirements.

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Building Height
3,000 square feet	40' (*)	NONE, except as may be required per Section 307.7	NONE, except as may be required per Section 307.7	10' (*), except as may be required per Section 307.7	NONE	55', except as may be permitted by conditional use permit per Section 307.8

*May be reduced by **conditional use** permit per Section 302.4.

307.4 Other Uses.

Other uses include any use not identified in Section 307.2 that will contribute positively to the vibrancy of the ~~Lebanon~~-Downtown District. Such other uses shall be permitted by **conditional use** permit from the Planning Board pursuant to Section 302.4 provided the applicant demonstrates that the proposed use:

1. Will encourage the presence of the public in the ~~Lebanon~~-Downtown District and/or create regular and sustained opportunities for members of the public to utilize the ~~Lebanon~~-Downtown District. Examples include, but are not limited to, providing a retail, **personal service**, and/or **restaurant** component which is accessory to the primary use.
2. Will not be incompatible with abutting properties and uses. An example of incompatibility includes, but is not limited to, credible evidence that the proposed use will negatively impact the value of any abutting property and/or the viability of any existing abutting use.
3. Meets the standards set forth in Section 302.4.

307.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site plan review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

307.6 Non-Residential Uses.

A. Buildings with Frontage on Primary Streets.

1. If a **building** is located on a **lot** with **principal frontage** on a primary **street**, a minimum of 1,000 square feet or 1/3 of the **gross floor area**, whichever is less, of the **street level story** of the **building**, shall be reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the primary **street**.
2. All **buildings** on a **lot** shall comply with the requirement set forth in subsection 1, unless the **building** located closest to the primary **street** has a total **gross floor area** of 50% or more of the total **gross floor area** of the largest **building** on the **lot**, in which case the non-residential use requirement set forth in subsection 1 shall only apply to the **building** located closest to the primary **street**.

B. Buildings with Frontage on Secondary Streets.

1. If a **building** equal to or greater in size than 20,000 gross square feet is located on a **lot** with **principal frontage** on a secondary **street**, a minimum of 1,000 square feet or 1/3 of the **gross floor area**, whichever is less, of the **street level story** of the **building**, shall be reserved for a non-

residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the secondary **street**. In the case of multiple **buildings** on a **lot** with **principal frontage** on a secondary **street**, the non-residential use shall be located in the **building** closest to the secondary **street**.

2. Notwithstanding the above requirements, the Planning Board may waive the requirement for non-residential uses on **the street level story** and permit residential uses on the entire **street level story** in these locations by **conditional use** permit pursuant to Section 302.4 provided the applicant demonstrates that:
 - a. Non-residential uses on the **street level story** are inappropriate given the unique characteristics of the subject property.
 - b. The proposed development provides improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program.
 - c. The proposed development includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

C. Definitions. For purposes of this subsection, primary and secondary **streets** are defined as follows:

1. Primary Streets. The Downtown Mall, Taylor Street within 500 feet of the Downtown Mall, Hanover Street from Hough Street to Church Street, Mascoma Street, Court Street, West Park Street, ~~and~~ North Park Street, Main Street, Bridge Street, and Railroad Avenue.
2. Secondary Streets. Hanover Street from NH Route 120 to Hough Street, Foundry Street, Church Street, High Street, Mechanic Street, Water Street, East Park Street, Bank Street, Taylor Street more than 500 feet from the Downtown Mall, Campbell Street, and Spencer Street.
3. For any street that is located in more than one zoning district, the above designation as a primary or secondary street shall only apply to the segment of the street located within the ~~LD~~-DT District.

307.7 Additional Front Yard, Side Yard, and Rear Yard Requirements.

A. Additional Front Yard Requirements.

1. Minimum Front Yard.
 - a. For **buildings** with residential uses located on the **street level story** at the **building front line**, a **front yard** of at least ten (10) feet shall be required, except that features required by Section 6.10.B.10.c of the Site Plan Review Regulations for ground floor residential uses (e.g. raised landings, weather protection, stoops, porches, and/or decks, or entrance features for each lobby or unit accessed from the exterior at

the ground-floor level) may project into the minimum required **front yard** provided that such features do not project into the **front setback** along the **building's frontage** more than 35 percent of that **building's frontage**; and

- b. For all buildings with **street level stories** occupied by non-residential uses at the **building front line**, no **front yard** is required, except as required to meet the provisions of (c) below.
 - c. The placement of a **building** on a **lot** shall provide a **front yard** sufficient for the construction of streetscape improvements, including but not limited to sidewalks, curbing, drainage, street trees, and pedestrian improvements as may be required through Site Plan Review and by the Site Plan Review Regulations.
2. Maximum Front Yard. No **front yard** shall be greater than 15 feet, except that a **front yard** with a depth greater than 15 feet may be provided when such **front yard** provides usable streetscape improvements, public ways, or other amenities on site that are accessible to the public and is approved by the Planning Board through Site Plan Review and the Site Plan Review Regulations.

B. Additional Side and Rear Yard Requirements.

1. All **principal buildings** with a **building height** of 45 feet or greater shall maintain a minimum **setback** of 15 feet from any side or rear lot line that is directly adjacent to a **residential district**.
2. All **principal buildings** with a **building height** of less than 45 feet shall maintain a minimum **setback** of 10 feet from any side or rear lot line that is directly adjacent to a **residential district**.

C. Notwithstanding the above requirements, the Planning Board may waive the additional **front yard**, **side yard**, and **rear yard** requirements by **conditional use** permit pursuant to Section 302.4 provided the applicant demonstrates that the proposed **yard**:

1. Will provide an adequate **buffer** to abutting residential properties through site layout, landscaping, or fencing.
2. Meets the standards set forth in Section 302.4.

307.8 Building Height.

A. Maximum Height. By **conditional use** permit per Section 302.4, the Planning Board may allow a maximum **building height** of 65 feet if the Planning Board determines that the proposal conforms to the following standards:

1. The **building front line** of the top **story** is set back at least ten (10) feet from the **building front line** of the **story** below when built within thirty feet of the front lot line.
2. The proposal provides improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study,

- and the Capital Improvement Program.
3. The proposal includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

- B. Minimum Height. A **principal building** shall have a minimum height of not less than two (2) **stories**. For the purposes of this requirement, a second **story** shall have a **gross floor area** of no less than 50% of the **gross floor area** of the **street level story**. The Planning Board may waive these requirements by **conditional use** permit pursuant to Section 302.4.
- C. Minimum Story Height. The **street level story** of a **building** shall not be less than twelve (12) feet in height as measured between finished floors. All other **stories** shall be no less than ten (10) feet in height as measured between finished floors. The Planning Board may waive these requirements by **conditional use** permit pursuant to Section 302.4.

307.9 Driveways, Parking Areas, and Circulation Areas.

- A. A driveway intersecting a street that constitutes the **principal frontage** of a **lot** is not permitted when the **lot** abuts another **street** or is accessed by an existing shared driveway.
- B. No **parking area** or circulation area for vehicles shall be located in the **front yard**. For improved surfaces in existence as of January 20, 2021, the Planning Board may waive these requirements by **conditional use** permit pursuant to Section 302.4 if the Board find that there is no other location on the **lot** to provide parking. Where a **lot** abuts more than one **street**, this restriction shall only apply to the **front yard** along the **principal frontage**.

307.10 Site Plan Review Regulations.

Development proposals and projects located in whole or in part within the **Lebanon** Downtown District are also subject to additional guidelines regarding building design and site design as established by the Planning Board in its Site Plan Review Regulations.

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3). [...]

310.2 Table of Uses.

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

[...]

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

311.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</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 [...]

[...]

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 Home 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
[...]								
GB				P				
LD DT								

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 [General Requirements.](#) [...]

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 and/or the Subdivision Regulations, as applicable, 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-a~~ through ~~3-c~~ 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. [...]
- b. [...]
- c. [...]
- 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 [...]

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: [...]

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. 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. [...]

- B. Location. Commercial or Industrial Planned Unit Developments are permitted uses in the Industrial, ~~CB~~, GC, and GC-1 Districts, in accordance with the provisions of this section.
- C. Tract Size. All Commercial and Industrial PUDs shall have a minimum tract size as follows:

<u>District</u>	<u>Minimum Tract Size</u>
Industrial	10 acres
CB	10 acres
GC	10 acres
GC-1	10 acres [...]

- 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~~ 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. [...]

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

~~3. Require the use of on-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.

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.

(*TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS TO BE INSERTED 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-DT~~ and PB Parking.

Uses in the ~~CB District, LD-DT 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, ~~CBD~~, 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.
 - ~~6.~~ ~~The adjacent lot shall not be in the same ownership.~~ [...]

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-DT~~ 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. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District					
Maximum	GC & GC-1	GB	LDDT	IND-L	IND-RA	IND-H
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

- ii. Strip Plazas and Multi-Tenant Buildings. ~~A~~ **Freestanding signs** 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 ~~GB and LDD~~ 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. Projecting Signs. [...]

- a. ~~GB and LDDT~~ Districts. Because of **building coverage** and development density in the ~~GB and LD-DT~~ Districts, businesses located therein may not be able to erect **freestanding signs** or **projecting signs** which do not hang over a public sidewalk. Thus, within the ~~GB and LDDT~~ Districts **projecting signs** may hang over a public sidewalk, subject to the following limitations: [...]

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

- a. 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.

~~a.~~b. External Illumination. [...]

- ~~b.~~c. 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.~~

(editing note: continue renumbering subsections 608.4.A.6.c-f)

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.

608.6 Temporary signs.

- A. Permitted Temporary Signs. The following **temporary signs** are permitted in addition to any other signs permitted under this Ordinance: [...]
 5. **Sandwich board signs** are permitted in the **commercial** and **industrial districts**, subject to the following limitations: [...]
 - c. In the **CB and LDDT** Districts, sandwich board signs may be placed on a public sidewalk provided that a minimum of five (5) feet of clearance is maintained. [...]

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. [...]

SECTION 612 RENEWABLE ENERGY SYSTEMS. [...]

612.3 Non-Accessory Renewable Energy Systems. [...]

- C. Conditional Use Permits. If required per Table 612.3, a renewable energy system shall obtain a **conditional use** permit (CUP) prior to construction and installation. [...]
3. The Planning Board may require a reasonable **setback** from the side and front lot lines for a renewable energy system located in the ~~CB and LDDT~~ Districts.

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 the use is discontinued for any reason for more than two (2) years following the issuance of a certificate of occupancy, or is discontinued 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.

(editing note: continue renumbering subsections 801.3.B-801.3.I)

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 the use is discontinued for any reason for more than two (2) years following the issuance of a certificate of occupancy, or is discontinued 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. [...]

DISTRICTS, COMMERCIAL: The GC, GC-1, ~~CB, LDDT~~, and MC Districts. [...]

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 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.~~ [...]

**AGENDA
LEBANON CITY COUNCIL
OCTOBER 6, 2021**

10. NEW BUSINESS:

**10.D – COMMUNITY CAMPAIGN TO PROMOTE & ENCOURAGE
MASK WEARING & VACCINATION**

BACKGROUND

This topic was brought forth by Councilor Wilkie at the September 15, 2021 City Council Meeting. After a brief discussion, the Council asked that the item be listed for further discussion on October 6th.

ACTION

No motion is offered for consideration as action will be based on the outcome of discussion at the meeting.