



**LEBANON PLANNING BOARD
NOVEMBER 22, 2021 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

2. Public Hearings

- A. **Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2), zoned R-3:** Pursuant to Section 14.1.B.1.c of the Subdivision Regulations, a request for an extension of time to achieve active and substantial development of Phase II of a project identified as Prospect Hills, a 171 unit Planned Unit Residential Development located off Moulton Drive and Prospect Street, Tax Map 108 Lot 2 (phase 2) and Lot 14 (phase 1). PB2021-02-EXT *The public hearing for this application closed on March 8, 2021. The Board denied the extension request and the applicant appealed. Pursuant to an Interim Order of the Housing Appeals Board, the public hearing was reopened on November 8, 2021, for the Planning Board's reconsideration of the extension request. - Continued from November 8, 2021*

3. Committee Reports

- A. **City Council Subcommittees:**
--Class VI Roads Advisory Committee (J. Monroe)
--Lebanon Energy Advisory Committee (J. Monroe)
- B. **Planning Board Subcommittees:**
--Planning Board Capital Improvement Program (B. Garland/L. Stavis/M. Hall/K. Chewning)
--Planning Board Development Regulations Update (M. Hall/K. Romano/J. Rutter/ J. Monroe)
- C. **Other Subcommittees:**
--City Council Representative (D. Whittlesey/K. Zook)
--Heritage Commission (J. Rutter)
--Pedestrian & Bicyclist Advisory Committee (G. Amaro)
--Upper Valley Lake Sunapee Regional Planning Commission (B. Garland)
--UV SubCommittee of the Connecticut River Joint Commissions (B. Garland)
--Upper Valley Transportation Management Association (VACANT)
--Mascoma River Local Advisory Committee (K. Romano)
--Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)
--West Lebanon Revitalization Advisory Committee (L. Stavis)
--Planning & Development Department – Task Status (D. Brooks/ M.

Goodwin/T. Corwin/R. Owens)

4. Other Business

- A. Review of Zoning Amendments
- B. UVLSRPC Nomination - Dan Nash
- C. Review of 2022 Meeting Calendar
- D. UVLSRPC Draft Regional Corridor Transportation Plan

5. Approval of Minutes

- A. October 25, 2021

6. Adjournment

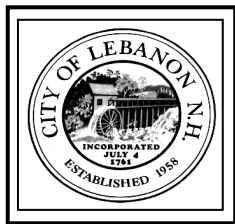
The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

**Agenda
Planning Board
November 22, 2021**

**Agenda Item #4A
Other Business**

Review of Zoning Amendments



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Zoning Board of Adjustment

FROM: Planning and Development Department Staff

RE: 2021-2022 Proposed Zoning Amendments

DATE: November 9, 2021

On October 6, 2021, Planning and Development Department staff presented to the City Council a set of proposed Zoning Ordinance amendments for initial consideration. Following the presentation, the City Council agreed to move the proposed amendments forward for further review. Pursuant to the amendment process outlined in Section 1000 of the Zoning Ordinance, the City's land use boards will be reviewing the proposed amendments at the following meetings:

- Zoning Board of Adjustment – November 1, 2021
- Conservation Commission – November 18, 2021
- Planning Board - November 22, 2021

Section 1000.3 ("Amendment Procedures"), subsection C requires review and comment by the Planning Board and the Conservation Commission of any proposed zoning amendment:

All proposed [zoning] amendments shall be forwarded to the Planning Board and Conservation Commission. Planning Board and Conservation Commission shall place the proposed amendment on their agenda for discussion and comment at least thirty (30) days prior to the City Council public hearing. The Planning Board and Conservation Commission shall forward their comments and recommendations to the City Council at least seven (7) days prior to City Council public hearing.

For the Board's reference and review, please find attached the following:

- A legal opinion from Christine Fillmore, Esq., dated November 4, 2021.
- A staff memo to the City Council, dated September 28, 2021, providing a description of the proposed amendments.
- A redline of the current Zoning Ordinance (redline last revised November 2, 2021).

Since the initial presentation to the Council on October 6th, the redline has been updated to incorporate minor suggestions and recommendations from the City's legal counsel. Consequently, the page references in the attached staff memo may no longer match the updated redline that is attached to this memo.

Once review has been completed by the land use boards, the City Council will hold a public hearing followed by a vote on whether to adopt the amendments and/or to place them on the March 2021 ballot for voter approval.

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; provided, however, that neither set of Regulations shall be construed as permitting anything prohibited by this Ordinance.

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 site plan review application is not submitted to the Planning and Development Department and accepted as complete 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 **conditional use** is not exercised 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	<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

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
25. Theater, concert hall, movie theater <u>Planned Developments</u> 26. Commercial PUD per Section 501	

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> 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
<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>12. Museum</u> 12.13. <u>Office</u> 13.14. <u>Personal service</u> 14.15. <u>Radio or TV studio</u> 15.16. <u>Renewable energy system</u> per Section 612 16.17. <u>Restaurant</u>, sandwich shop 17.18. <u>Retail store</u> 18.19. <u>Senior housing complex</u> 19.20. <u>Social service center</u> 20.21. <u>Theater, concert hall, movie theater</u>	

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.

[...]

307.6 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**.

[...]

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**.

[...]

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.

[...]

307.10 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.A (5–10 acre lots)</u> <u>8. Home-based agricultural business per Section 600B.3.B (10+ acre lots)</u> 7.9. <u>Nursing home</u>

[...]

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
[...]								
CB				P				
LBDT								

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, ~~GB~~, 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
GB	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, ~~GB~~, GC, or GC-1 Districts ~~may be~~ is allowed in a Commercial PUD. Such uses allowed by special exception or conditional use shall be considered permitted uses when included as part of a proposed Commercial PUD and shall not require separate special exception or conditional use approval.

Any non-residential use permitted or allowed by **special exception** or **conditional use** permit in the IND-L and IND-RA Districts ~~may be~~ is allowed in an Industrial PUD. Such uses allowed by special exception or conditional use shall be considered permitted uses when included as part of a proposed Industrial PUD and shall not require separate special exception or conditional use approval. Additionally, no more than 25 percent of the **gross floor area** in an Industrial PUD may be allocated to **hotels, restaurants, personal services** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees). [...]

SECTION 506 MEDICAL CENTER COMPLEXES. [...]

506.3 Allowed Uses

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

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

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

SECTION 600 HOME BUSINESSES.

600.1 Performance Criteria.

A home business shall not materially disturb the total residential environment and shall comply with the criteria listed herein. [...]

- 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	CB	LD-DT	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 ~~CB and LD-DT~~ 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. ~~CB and LD-DT~~ Districts. Because of **building coverage** and development density in the ~~CB 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 ~~CB and LD-DT~~ 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 legally 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 **smoke and carbon monoxide alarms**~~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 site plan review application is not submitted to the Planning and Development Department and accepted as complete 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 **variance** is abandoned.
2. For projects not requiring site plan approval, a **variance** shall expire:
 - a. If the **variance** has not been exercised within two (2) years of the date of **variance** approval by the Planning Board; or
 - b. If the **variance** is abandoned.

~~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 site plan review application is not submitted to the Planning and Development Department and accepted as complete 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 **special exception** is abandoned.
2. For projects not requiring site plan approval, a **special exception** shall expire:

- a. If the **special exception** has not been exercised within two years of the date of **special exception** approval by the Planning Board; or
- b. If the **special exception** is abandoned.

~~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
Planning Board
November 22, 2021**

**Agenda Item #4B
Other Business**

UVLSRPC Nomination – Dan Nash

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5368 for Board Member Application
Date: Wednesday, September 8, 2021 12:42:36 PM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 8, 2021 9:17 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5368 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	daniel
Last Name	nash
Physical Address	387 poverty lane
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6034486023

Work Number	6034486295
Email Address	advancedgeomatrics@comcast.net
How long have you resided in Lebanon?	40 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?	Other (please fill in blank)
Other Committee	UVLSRPC
Why would you like to serve?	I would like to continue to serve on this board to further the regional interests and well being of our community.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have been a member for some time and am familiar with the procedures and practices of this commission. As a civil engineer, i have expertise in some of the major issues that confront the commission.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

Email not displaying correctly? [View it in your browser.](#)

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

**Agenda
Planning Board
November 22, 2021**

**Agenda Item #4C
Other Business**

2022 Meeting Calendar

LEBANON PLANNING BOARD 2021 MEETING & REVIEW SCHEDULE A

*for applications not requiring an escrow for engineering review fees
(see reverse side for more information)*

MEETING DATE* <i>(completeness review & commencement of public hearing)</i>	APPLICATION DEADLINE*	STAFF REVIEW*
JANUARY 11, 2021	DECEMBER 14, 2020	DECEMBER 21, 2020
FEBRUARY 8, 2021	JANUARY 11, 2021	JANUARY 19, 2021 (Tuesday)
MARCH 8, 2021	FEBRUARY 8, 2021	FEBRUARY 16, 2021 (Tuesday)
APRIL 12, 2021	MARCH 8, 2021	MARCH 15, 2021
MAY 10, 2021	APRIL 12, 2021	APRIL 19, 2021
JUNE 14, 2021	MAY 10, 2021	MAY 17, 2021
JULY 12, 2021	JUNE 14, 2021	JUNE 21, 2021
AUGUST 9, 2021	JULY 12, 2021	JULY 19, 2021
SEPTEMBER 13, 2021	AUGUST 9, 2021	AUGUST 16, 2021
OCTOBER 12, 2021 (Tuesday)	SEPTEMBER 13, 2021	SEPTEMBER 20, 2021
NOVEMBER 8, 2021	OCTOBER 12, 2021 (Tuesday)	OCTOBER 18, 2021
DECEMBER 13, 2021	NOVEMBER 8, 2021	NOVEMBER 15, 2021

**All dates are Mondays except where otherwise noted*

Site Plan Review Regulations Section 4.7 & Subdivision Regulations Section 7.7

Upon submission of an application, the Planning Director will determine whether the application requires engineering review, and whether the fees shall be paid in advance and placed in an escrow account.

SCHEDULE A applies to (i) applications that do not require engineering review, and (ii) applications that require engineering review and will be billed. Schedule A applications will typically include:

- boundary line adjustments,
- minor subdivisions,
- small-scale site plans, and
- conditional use permits.

SCHEDULE B applies to applications that require engineering review and that require engineering review fees to be paid in advance and placed in escrow. Schedule B applications will typically include:

- preliminary major subdivisions,
- final major subdivisions, and
- large-scale site plans.

The Planning Department will endeavor to notify the applicant as to which Schedule applies and whether engineer fees will be billed or paid in advance by no later than the Friday following the application submission deadline. If applicable, staff will also notify the applicant at that time the amount required for engineering review fees to be placed in escrow.

PLANNING WORK SESSIONS

JANUARY 25, 2021	APRIL 26, 2021	JULY 26, 2021	OCTOBER 25, 2021
FEBRUARY 22, 2021	MAY 24, 2021	AUGUST 23, 2021	NOVEMBER 22, 2021
MARCH 22, 2021	JUNE 28, 2021	SEPTEMBER 27, 2021	DECEMBER (Cancelled)

ALL MEETINGS BEGIN AT 6:30PM UNLESS OTHERWISE NOTED ON THE AGENDA

Planning Sessions are the 4th Monday of each month, unless a Monday holiday (see note above), there is no December Planning Session

**Agenda
Planning Board
November 22, 2021**

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

October 25, 2021

DRAFT

LEBANON PLANNING BOARD
Work Session
Monday, October 25, 2021, 6:30 PM
City Council Chambers, City Hall
or Remote Via Webex
LebanonNH.gov/Live

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

MEMBERS ABSENT:

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

1. Call to Order

Chair Garland called the meeting to order at 6:40 PM.

Mr. Corwin explained an amendment to RSA 676:4-b II regarding third-party inspections adopted during the latest session of the legislature and in effect as of October 22, 2021. A scope of project plan is required to be developed by the Planning Board in consultation with an applicant if a third-party inspection is required.

2. Public Hearing Items

A. **Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD:** Request for Site Plan Review to construct a 15,000 sq. ft. addition to an existing warehouse building. PB2021-13-SPR - Continued from October 12, 2021

Shawn Mason of Mason Storage and Dan Nash of Advanced Geomatics appeared in support of the application.

Mr. Mason began the discussion, commenting on the colors of the building, which are white and gray. Mr. Corwin explained the changes to the conditions of approval. Mr. Mason inquired about the third-party inspection. Mr. Nash confirmed that the city has required those inspections in the past. Mr. Rutter inquired about condition 4.H requiring a floor plan. Mr. Corwin explained that changes to the floor plan would require an amendment to the approved site plan.

Chair Garland invited public comment. There was none.

Mr. Corwin suggested voting on the waivers as a block.

Ms. Romano inquired about some recommendations from the Fire Department. Mr. Corwin stated that those are references to sections of the fire code that are site-related safety requirements as recommended by the Fire Department. Mr. Brooks stated that there are requirements stated in Condition #4 that must be satisfied before applying for a building permit.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** waivers for the site plan application of Mason Storage, LLC, regarding 38 Spencer Street (Tax Map 78, Lot 39), PB2021-13-SPR, from the following sections of the Site Plan Review Regulations as set forth in the Staff Memo:

- **Section 6.10.B.9** – *requiring that a minimum percentage of the building’s façade is comprised of windows or glass doors.*
- **Section 6.10.C.2.b** – *establishing front yard design requirements.*
- **Section 6.5.B.5** – *“Minimum access requirements shall include a 50-foot turning radius and 22-foot fire lanes at the rear of the buildings.”*
- **Partial Waiver of Section 6.2.D.1** – *“Landscaping around buildings shall be provided to a minimum width of 10 feet and planted with trees, shrubs, and ground cover appropriate to the architecture in order to buffer parking areas, define entrances, provide foundation planting, and soften large expanses of walls or long roof lines.”*
- **Section 6.2.B.3** – *requiring understory trees to be provided in landscaped areas.*
- **Section 6.10.B.3** – *“Areas of opaque or blank wall without windows or doors shall extend no more than 20 feet horizontally on or along any building facade that faces a public way, park, or plaza and shall be mitigated by design strategies like varied materials, contrasting textures or depths, decorative reliefs, green walls, murals, or other architectural and landscaping strategies.”*
- **Section 6.2.B.10** – *establishing design requirements for roofs.*
- **Section 6.10.B.8** – *requiring trees along the front of the property, spaced no more than 40 ft. apart.*
- **Section 6.5.B.6** – *“Entrance walks must provide direct access between the primary public pedestrian corridor and at least one primary building entrance.”*

The motion was seconded by Laurel Stavis.

***The motion was approved (9-0).**

Chair Garland invited Public Comment. Hearing none, he closed the Public Hearing.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of Mason Storage, regarding 38 Spencer Street (Tax Map 78, Lot 39), PB2021-13-SPR, for Site Plan Review to construct a 15,000 sq. ft. addition to an existing warehouse building, as shown on a plan set titled “Mason Storage, LLC” prepared by Daniel A. Nash, PE, dated April 11, 2021, last revised September 27, 2021, PN: 19-003, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to Application for a Building Permit

1. The applicant shall obtain a Floodplain Permit from the Floodplain Administrator pursuant to Chapter 74 of the City Code.
2. Address the following to the satisfaction of the City Engineer:
 - a. Demonstrate that the proposed infiltration practice construction detail provides a minimum of 1-foot vertical separation from estimated seasonal high-water table (SHWT). In addition:
 - i. Revise the drainage report to (i) address saturated hydraulic conductivity of the existing receiving soils, (ii) include stormwater modeling of each proposed

- 1 infiltration practice, and (iii) include a discussion of the proposed vegetative filter
2 strips; and
- 3 ii. Revise the plans to show or articulate the locations, lengths, and grading of these
4 proposed pre-treatment practices.
- 5 b. The stormwater leaving 38 Spencer Street to the west shall be controlled using the above-
6 described infiltration practices. Stormwater flow crossing the property line shall be
7 substantially minimized by adding two properly sized infiltration systems west of the
8 proposed parking area and west of the proposed building addition.
9
- 10 3. To the satisfaction of the Fire Department, the applicant shall (a) demonstrate compliance with the
11 exit requirements of the Life Safety Code, 2015 Edition, Sections 3.3.83, 3.3.83.1, 3.3.84, 3.3.85,
12 and 3.3.85.1, and (b) adopt measures to sufficiently secure the underground tank given its location
13 in the flood plain and provide additional bollards at the surface.
14
- 15 4. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning
16 and Development Department, the City Engineer, and the Fire Department:
17 a. Incorporate any changes made pursuant to condition of approval #2.
18 b. Incorporate any changes made pursuant to condition of approval #3.
19 c. Amend the cover sheet to:
20 i. Provide description of plan revisions (5.1.E.4.d).
21 ii. Note that the plan was approved to the Site Plan Review Regulations adopted May
22 13, 1991, last revised March 23, 2021.
23 d. Add note to plan to address the requirements of Section 6.10.B.5, consistent with
24 representations made in the application materials.
25 e. As required by Section 5.1.E.10, the plan shall indicate the width of all proposed
26 driveways.
27 f. Provide information required by Sections:
28 i. 5.1.E.2 ("The names and mailing addresses of the Applicant; the Owner(s) of
29 record of the site; the Owners of abutting properties; and the Holders of any
30 easements, rights of way, or other restrictions, based on the current records of the
31 City Assessor available at City Hall, not more than 5 days before the date of filing
32 of the application.")
33 ii. 5.1.E.5 ("A current survey certified by a land surveyor licensed in New
34 Hampshire").
35 iii. 5.1.E.7 ("The shape, size, height, and location of all existing structures, located on
36 the site and within 200 feet of the site.")
37 iv. 5.1.E.9 ("The Zoning District, Tax Map and Lot number, and use of abutting
38 properties within 200 feet of the site boundary; the locations of streets, pedestrian
39 paths/trails, and bicycle routes within 200 feet of the site boundary; and the
40 location of curb cuts and vehicle accesses within 200 feet of the site boundary.")
41 g. Remove floor plan sheet and update table of contents on cover sheet and the plan set
42 pagination.
43 h. Clearly identify all improvements and/or utilities or portions thereof proposed to be
44 conveyed to, owned by, and/or maintained by the City of Lebanon, and delineate all
45 easement areas, if needed.
46 i. If the water curb stop is located on-site outside of the Spencer Street right-of-way, the
47 applicant shall delineate the proposed easement area to be conveyed to the City for the
48 purpose of maintaining the water line. See also condition #13.
49
- 50 5. The applicant shall provide the Planning and Development Department with one (1) complete full-
51 size copy of the revised plan set, and a digital copy of the revised plan set saved a PDF format.

6. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, to help streamline the building permit review process and to review applicable code requirements.
7. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
8. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

Conditions to be Satisfied Prior to the Issuance of a Building Permit

9. The City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to the construction of sewer and water both on-site and work within the City's right-of-way (water, sewer, road, drainage), in accordance with Chapters 136 and 182 of the City Code and Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall sign a Water & Sewer Extension and Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City Code.
10. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on August 13, 2018. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.
11. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
12. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals including, but not limited to, the following:
 - a. NHDES Sewer Connection Permit, if necessary

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy

13. The impact fee calculated pursuant to Condition of Approval #9 shall be paid.
14. If the water curb stop is located outside of the Spencer Street right-of-way, the applicant shall dedicate any completed on-site water mains and hydrants, excluding service connections beyond the curb shut-off valves, to the City for ownership and maintenance, subject to appropriate easements. Said conveyance and easements shall be approved by the City Attorney and the Department of Public Works and recorded in the Grafton County Registry of Deeds prior to the issuance of a final Certificate of Occupancy for the project and prior to the acceptance of the utility improvements.

15. All improvements depicted on the plan shall be completed and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Site Plan Review Regulations.

General Conditions

16. The applicant shall obtain an Excavation Permit from the Department of Public Works for any site work in the public right-of-way prior to any work in the right-of-way.
17. All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.
18. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
19. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

The motion was seconded by Jeremy Rutter.

Mr. Brooks noted that Item 4.C relating to the color of the building should not be a condition of approval unless the condition indicates that the colors were proposed by the applicant. Mr. Hall agreed to remove that condition from the motion. Mr. Rutter concurred.

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

3. Committee Reports

A. City Council Subcommittees:

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

Ms. Monroe stated that two additional roads have been reviewed, and one more meeting will likely be necessary.

--Lebanon Energy Advisory Committee (J. Monroe)

The aggregation plan is moving forward.

B. Planning Board Subcommittees:

--Planning Board Capital Improvement Program (B. Garland/L. Stavis/M. Hall/K. Chewning)

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

C. Other Subcommittees:

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

--Heritage Commission (J. Rutter)

Mr. Rutter noted that a report on the Colburn Park historic district has been posted on the city website.

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

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

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

--Upper Valley Transportation Management Association (VACANT)

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

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

1 Monroe)

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

3 A successful event was held on October 23, 2021, with over 100 residents attending. The Westboro
4 project is moving along.

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

6
7 **4. Other Business**

8
9 A. 195 Mechanic Street (Tax Map 105, Lot 114), zoned GC: Review of a minor alteration to an
10 approved site plan - PB2019-28-SPR

11
12 Mr. Corwin stated that the applicant, Ed Kerrigan, is asking for approval to change from 26 to 27
13 dwelling units and noted that a minor change can be administratively approved. Ms. Romano noted that it
14 would allow an additional dwelling unit without any change in the overall square footage. Mr. Corwin
15 stated that Staff has no objection to the change. The Board expressed no concern.

16
17 B. Master Plan overview and discussion

18
19 Chair Garland opened a discussion of the Master Plan. Mr. Brooks gave a presentation on the Master
20 Plan, explaining its background, purpose, scope, and process. Every Planning Board is required to create a
21 Master Plan, and it is the legal foundation for City documents, including zoning and capital improvement
22 programs. The City has made good progress on implementation, but tracking and reporting has been
23 incomplete to date. The Planning Department and City Manager are working on a plan to review three or
24 four chapters per year by meeting with the related boards or committees to determine if the vision is still
25 accurate and relevant or if changes need to be made.

26
27 Mr. Hall inquired if the Master Plan is too specific in stating goals. Mr. Brooks agreed that it could be,
28 but it is an essential document that may be approached in a number of ways.

29
30 Ms. Stavis commented that it is essentially a public relations document, but it doesn't have an assessment
31 of Lebanon's problems that would create related committees and task forces. She added that there are real
32 life problems that are not reflected in the document. Mr. Hall agreed with Ms. Stavis and wondered if it
33 would be better to start again. Ms. Monroe observed that there is only so much the Planning Board can do
34 regarding the actual needs of the city's residents, noting that the Master Plan has done well as a guiding
35 document to express the vision for the City. Mr. Amaro inquired about the definition and fluidity of the
36 Master Plan and the vision statement. Mr. Brooks noted the importance of the updates and the need for a
37 simpler updating process. Ms. Romano commented on issues related to development that are not in sync
38 with the Master Plan. Mr. Brooks stated that a review is overdue, and each related committee or board
39 could begin the review process.

40
41
42 **5. Approval of Minutes**

43
44 A. September 27, 2021

45
46 Page 1, line 17-18, to read, "...increasing the public sewer system throughout the area, not just in
47 Lebanon, to serve additional housing."

48
49 Page 1, line 27, to read, "Ms. Romano recommended taking the property on Seminary Hill out of the
50 Downtown District."

1 *A MOTION by Laurel Stavis to approve the Planning Board Minutes of September 27, 2021, as*
2 *amended.*

3 *The motion was seconded by Matthew Hall.*

4
5 **The MOTION was approved (9-0).*
6

7
8 **6. Other Business**
9

10 Mr. Hall suggested inviting the representatives for Brady Sullivan to attend their rehearing in person.
11

12 Mr. Brooks stated that the owner of the properties behind the Volvo dealership has been given one month
13 until November 18, 2021, to comply with City statutes.
14

15 Mr. Rutter inquired if there could be additional time to discuss the Brady Sullivan rehearing. Mr. Brooks
16 suggested calling a member of the Planning Department.
17

18 Ms. Chewning stated that it would not be advisable to require Brady Sullivan to attend in person.
19
20

21 **7. Adjournment**
22

23 *A MOTION by Matthew Hall to adjourn the meeting.*

24 *The motion was seconded by Jeremy Rutter.*

25
26 **The MOTION was approved (9-0).*
27

28 The meeting was adjourned at 8:36 PM.
29
30

31 Respectfully Submitted,
32

33 Holly Howes

34 Recording Secretary