



**LEBANON PLANNING DEVELOPMENT
REGULATIONS SUBCOMMITTEE
OCTOBER 30, 2020 - 12:30 PM
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.
 - 2. Approval of Minutes**
 - A. June 19, 2020
 - B. August 7, 2020
 - C. August 27, 2020
 - 3. Study Items**
 - A. Proposed amendments to Subdivision Regulations - first review
 - B. Proposed amendments to Site Plan Review Regulations relative to Mobility and Access improvements - final review
 - 4. Future Agenda Items**
 - A. Proposed amendments to Site Plan Review Regulations relative to Minor Site Plans
 - 5. Adjournment**

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend 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 Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY’S WEBSITE AT [LEBANONNH.GOV](https://LebanonNH.gov)

The Order of Agenda Items is Subject to Change.

Agenda
Planning Board Development Regulations Subcommittee
October 30, 2020

Agenda Item #2A
Approval of Minutes

June 19, 2020

DRAFT

MINUTES
PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE
Friday, June 19, 2020 – 12:30pm
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live

Members Present: Matthew Hall (Chair), Joan Monroe, Tom Martz, Kathie Romano
Staff present: Rebecca Owens (Associate Planner), David Brooks (Planning Director)
Others present: Clifton Below (City Councilor)

1. CALL TO ORDER:

Chair Hall called the meeting to order at 12:30 pm.

A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.

Ms. Owens reviewed the requirements for remote meetings, including noting that all votes must be roll call votes and asked participants to identify themselves prior to asking questions or making comments.

Chair Hall conducted attendance by roll call vote.

Councilor Below asked to get on an upcoming agenda of the Development Regulations Subcommittee to present a proposed amendment to the Site Plan Review Regulations to require that all outdoor lighting be 3000K or warmer for correlated color temperature.

2. APPROVAL OF MINUTES:

A. May 8, 2020

P2, L23 – change ‘as’ to ‘asked’

B. May 22, 2020

P1, L31 – change ‘April 2’ to ‘April 24’; P1, L51 – change ‘May 22’ to ‘May 8’; P2, L15 – add ‘to’ after ‘apply’; P2, L50 – change ‘architectural’ to ‘architecture’ and remove ‘it’; P3, L8 – add ‘see the’ after ‘can’; P3, L9 – correct spelling of ‘porches’

C. June 5, 2020

No comments.

***A Motion by Ms. Monroe to approve the minutes of May 8, May 22, and June 5.
Seconded by Mr. Martz.***

Roll Call Vote:

*Members voting in favor included: Mr. Hall, Ms. Monroe, Ms. Romano, and Mr. Martz.
The vote on the Motion was unanimous (4-0). The Motion was approved.*

1 **3. STUDY ITEMS:**

2
3 Ms. Owens addressed questions about the process for adopting new regulations and when they
4 become enforceable. Ms. Romano noted that various projects are being reviewed under various
5 revisions of the Board's regulations and it is important that the Board have copies of all of the
6 applicable regulations.

7
8 Ms. Monroe expressed frustration that subcommittee was spending time reviewing ped/bike-related
9 amendments and noted that the subcommittee and the full Board need to be working on other parts
10 of the development regulations related to environmental protection and land use.

11
12 **A. Review potential amendments to Site Plan Review Regulations relative to**
13 **Pedestrian and Bicyclist improvements**

14
15 Ms. Owens started reviewing proposed amendments to Section 6.5.E.2. Committee
16 members expressed concern about the potential impact on certain uses. Ms. Romano
17 suggested the language be applied only to the LD and CBD districts, but not to General
18 Commercial and multi-family districts. Mr. Martz suggested that some of the
19 recommendations should not be lost and may be appropriate for broader application. Mr.
20 Hall suggested that perhaps this section should be a "should" instead of a "shall".

21
22 Ms. Owens reviewed proposed amendments to Section 6.5.E.3. Ms. Romano noted that
23 many local paving companies do not supply porous pavement applications, so cost and
24 availability could make this requirement difficult to comply with. She recommended that
25 there be a minimum size project threshold to which this requirement applies rather than to
26 every project subject to Site Plan Review. Committee members recommended that
27 additional education and training on LID would be a good work session topic for the full
28 Planning Board.

29
30 Ms. Monroe left the meeting at 1:31pm.

31
32 Ms. Owens reviewed proposed amendments to Section 6.5.E.5. Mr. Hall supported the
33 proposed amendment and liked that it was permissive (may) rather than required. Ms.
34 Romano asked for bus rapid transit station to be defined and whether there are any in
35 Lebanon; Mr. Brooks indicated that it often incorporates rail. Mr. Brooks also recommended
36 moving this section to the Zoning Ordinance, where other parking regulations are provided,
37 as the Planning Board does not currently have the ability to change the parking minimum
38 requirement and recommended consulting with zoning staff, Tim Corwin, to see if such
39 criteria could be part of conditional use permit processes. Ms. Romano asked if there are
40 organizations in Lebanon that have rideshares; staff responded that DHMC and Hypertherm
41 do, among likely others. Ms. Romano asked for clarification about the definition of transit
42 stations. Ms. Owens noted that (c) regarding rail or bus rapid transit could be removed if
43 members feel it is not relevant to Lebanon, though she cited that there is an Amtrak station
44 just over the river in White River Junction that is .5 miles walking distance.

45
46 Ms. Owens reviewed proposed amendments to Section 6.5.E.7 regarding potential
47 incentives for preferred parking. Committee members expressed concern about providing
48 preferential status for people who can afford certain vehicles and having so many
49 designated spaces already for handicapped spaces and similar, that it increases the walking
50 distance for people without qualified vehicles. Ms. Owens suggested a pared down version
51 of the section to focus on electric vehicle charging capacity. Mr. Hall asked if saying
52 "dedicated" rather than "preferred" parking would make sense and Ms. Romano agreed. Ms.
53 Owens noted that in editing the section, consideration will be important as to what language

provides effective incentivization. Mr. Hall indicated concern about creating policy. Ms. Owens responded that the goals of such incentives are consistent with adopted City policy to support actions that facilitate cleaner air, reduced carbon emissions, reduced roadway congestion and similar goals. Ms. Romano suggested to not discourage EVs and charging spaces but to clarify what thresholds of developments would require them, such as if 100 or more parking spaces are planned, to then require installation or capacity for EV charging. Ms. Owens took note of the need to modify the text with a threshold. Mr. Martz said he likes the idea of having EV charging stations and recalled some examples in neighboring towns, especially in commercial areas, and thinks there is a role for incentivizing such features in developments to complement what is being done voluntarily by some businesses.

Ms. Owens reviewed proposed amendments to Section 6.5.E.10 and noted that the proposed permissive requirement for shared parking is associated to existing zoning requirements, and that it will be based on the project scale. Ms. Romano asked if it should be based on building size or parking requirements according to the use. Mr. Hall said he accepts this change as is.

Ms. Owens reviewed proposed amendments to bike parking requirements and recalled an informational supplement that was provided to members as a backgrounder regarding similar existing requirements in other NH municipalities. Committee members expressed concern about significant requirements applying to all development projects or just larger projects. There was also concern about requiring other facilities such as lockers. There was agreement to consider removing the smallest requirement for shower and changing facilities.

Mr. Hall commented on 6.5.H.8 and 6.5.H.9 should have additional specificity. He recommended more consolidation of requirements. Ms. Owens suggested that regulations could also incorporate references to guiding documents instead of spelling out every detail.

B. Discussion of process for identifying and reviewing other potential amendments to Development Regulations

There was no discussion.

4. ADJOURNMENT:

The Committee discussed holding its next meeting for Friday July 10th

***A Motion by Mr. Martz to adjourn the meeting.
Seconded by Ms. Romano***

Roll Call Vote:

*Members voting in favor included: Mr. Hall, Ms. Romano, and Mr. Martz.
The vote on the Motion was unanimous (3-0). The Motion was approved.*

The meeting was adjourned at 2:31 pm

Minutes recorded by Rebecca Owens.

Agenda
Planning Board Development Regulations Subcommittee
October 30, 2020

Agenda Item #2B
Approval of Minutes

August 7, 2020

DRAFT

MINUTES
PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE
Friday, August 7, 2020 – 12:30pm
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live

Members Present: Matthew Hall (Chair), Joan Monroe, Tom Martz, Kathie Romano

Staff Present: Rebecca Owens (Associate Planner), Tim Corwin (Senior Planner)

Other Participants Present: Clifton Below

1. CALL TO ORDER:

Chair Hall called the meeting to order at 12:30 pm.

A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.

Procedures were reviewed by Ms. Owens

Chair Hall conducted attendance by roll call vote in order of the above-listed Members Present.

2. APPROVAL OF MINUTES:

A. July 10, 2020

No comments.

***A Motion by Mr. Martz to approve the minutes of July 10, 2020.
Seconded by Mr. Hall.***

Roll Call Vote:

*Members voting in favor included: Mr. Hall, Ms. Monroe, Ms. Romano, and Mr. Martz.
The vote on the Motion was unanimous (4-0). The Motion was approved.*

Chair Hall requested discussion of a date for the next meeting. The sub-committee agreed on Thursday, August 27, 2020.

3. STUDY ITEMS:

A. New review of proposed amendments to Site Plan Regulations relative to Lighting

Mr. Below presented highlights from his memo to the Sub-Committee, as presented in the meeting packet. He detailed the benefits of LED lighting that is a warmer temperature (lower Kelvin rating) when used for outdoor lighting and recommended text amendments to Site Plan regulations. The memo identified the UHAUL property on Hanover Street, which Mr. Below explained is an example of the disability glare created by cooler temperature lighting that additionally lacks cut-off fixtures. This type of lighting is not dark-sky compliant, for which there are national standards and the State of New Hampshire has adopted RSA references that support these standards, he emphasized.

1
2 Mr. Hall asked about the costs and potential exceptions for the proposed 3000 Kelvin
3 threshold. Mr. Below responded that the industry has matured and warmer and cooler
4 temperature lighting products have cost parity. He shared examples from an NHDOT
5 contract's deliberations on the matter when several communities that already had warm-
6 temperature regulations requested matching specifications for an NHDOT project that would
7 impact them if the originally proposed 4000 Kelvin products were selected and NHDOT
8 ended up buying 3000 Kelvin-rated products.

9
10 Regarding potential exceptions that the Planning Board might anticipate waiver requests for,
11 Mr. Below and Ms. Owens noted sports arenas/stadiums as well as some indoor uses like
12 grocery, manufacturing and warehouses where high acuity and color intensity are important
13 but that those are outside the purview of the proposed amendments. As relates to stadiums,
14 Ms. Owens noted that one reference indicated the cooler temperatures were in part for HD
15 videography, and that would be a less common need in Lebanon.

16
17 Ms. Romano shared that she liked the clarity of the proposed language. She also asked if
18 there is an existing regulation about uplighting to support correction of the current UHAUL
19 lighting non-conformance to cut-off and light trespass requirements. Mr. Corwin responded
20 that as a previously approved site plan, it could be suggested but might be debatable. Mr.
21 Below suggested that a new City ordinance or amendment to the existing ordinance on
22 public lighting could help address retrofit compliance in cases where properties are not
23 going through site plan review but may warrant upgrades. Staff indicated that they would
24 look into potential strategies, including notification to UHAUL.

25
26 Ms. Monroe related her recent experience buying residential outdoor lighting fixtures at a
27 local retailer and that while she was surprised that the bulk of options are non-dark sky
28 compliant, she was able to locate products that were clearly labeled with the 3000 Kelvin
29 temperature rating. Ms. Monroe also recalled a UPS site plan proposal in Lebanon that
30 asked for waivers on lighting requirements to support security camera optics for their
31 shipping trucks. She observed that the City's skating rink located on Bank Street extension
32 has several pole-mounted lights that are of a cool temperature and not dark-sky friendly, in
33 addition to being operated when the rink was not in use, causing necessary glare impacts
34 on the neighborhood. She suggested that the lights be retrofit or at least set on timers or
35 motion sensors similar to what a facility at Dartmouth has done.

36
37 Mr. Hall inquired if it would be helpful to consult with Lebanon Police about the proposed
38 changes. Mr. Below recalled that when Lebanon Police was consulted about the parallel
39 requirements for lower (warmer) Kelvin products as part of the City Ordinance adopting
40 public lighting standards, they did not share concern so he does not anticipate the need for
41 additional outreach. There was some discussion about the data and science of lighting in
42 urban areas and lack of demonstrated correlation between crime rates and lighting, in part
43 as high lighting levels can create shadow effects. Mr. Below noted that some communities
44 have managed to provide low-level lighting during early and late hours, using dimmers, to
45 find a middle-ground.

46
47 Mr. Martz agreed with previous comments including suggestions to address UHAUL. He
48 submitted that dark sky requirements have widespread adoption by communities and for
49 development, and have been around for at least twenty years, hence he supports Lebanon
50 following suit. He asked if there can be enforcement, or otherwise mechanisms to spur
51 retrofits to more dark sky-friendly fixtures. Mr. Martz also noted that many vehicles have high
52 power LED lights so whatever Lebanon can do to reduce other disability glare on and near
53 roads would help.

1 Ms. Monroe further recommended review of National Park Service standards for lighting,
2 which recently deceased Planning Board member Gregory Schwarz had been a strong
3 advocate for.

4
5 Ms. Owens pointed members to a non-lighting amendment, to re-locate Multifamily
6 Recreational Facilities from the Lighting section of Site Plan Regulations to Section 6.5.
7 There was no related discussion.

8
9 Sub-committee members unanimously accepted the proposed text amendments to the Site
10 Plan regulations, with one change to indicate acceptable lighting of 3000 Kelvin or less
11 rather than the 2700 Kelvin or less that staff had presented. The reason for the change is
12 that in state proceedings that Mr. Below has been party too, research found adequate
13 market availability for products rated 3000 Kelvin and limit availability for products offering
14 less than that. It is anticipated that if the market evolves, the Planning Board can re-visit the
15 threshold. Members collectively recommended to bring the proposed amendment to the next
16 available full Planning Board agenda for review.

17
18 **B. New review of potential amendments to Subdivision Regulations**

19
20 Continued to the meeting of August 27th.

21
22 **4. FUTURE AGENDA ITEMS:**

23
24 Ms. Romano indicated that she would like to see continued address of options to create a
25 Minor Site Plan Review process, such as for smaller residential projects.

26
27 Mr. Corwin stated that he may present a proposal the Planning Board procedures and or
28 Site Plan regulations about acceptance and distribution of supplementary and revised
29 application materials post-application intake and completeness decisions.

30
31 ***A Motion by Ms. Romano to adjourn the meeting.***
32 ***Seconded by Mr. Martz***

33
34 *Roll Call Vote:*

35 *Members voting in favor included: Mr. Hall, Ms. Romano, Ms. Monroe, and Mr. Martz.*
36 *The vote on the Motion was unanimous (4-0). The Motion was approved.*
37

38 The meeting was adjourned at 1:32 pm

39
40 Minutes recorded by Rebecca Owens.

Agenda
Planning Board Development Regulations Subcommittee
October 30, 2020

Agenda Item #2C
Approval of Minutes

August 27, 2020

1 **DRAFT**

2
3 **MINUTES**
4 **PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE**
5 **Thursday, August 27, 2020 – 12:30pm**
6 **REMOTE VIA MICROSOFT TEAMS**
7 **LebanonNH.gov/Live**
8

9 Members Present: Matthew Hall (Chair), Tom Martz, Kathie Romano

10
11 Staff present: Rebecca Owens (Associate Planner), David Brooks (Planning Director),
12 Tim Corwin (Senior Planner)
13

14
15 **1. CALL TO ORDER:**

16
17 Chair Hall called the meeting to order at 12:33 pm.

18
19 **A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.**

20
21 Mr. Brooks reviewed the State directive and participation details for the online meeting in
22 Microsoft Teams. All members identified themselves.
23

24 **2. APPROVAL OF MINUTES:**

25
26 **A. June 19, 2020**

27
28 No comments.

29
30 **B. August 7, 2020**

31
32 No comments.

33
34 ***A Motion by Mr. Martz to approve the June 19, 2020 and August 7, 2020 minutes as***
35 ***presented.***

36 ***Seconded by Mr. Hall***

37
38 ***Roll Call Vote:***

39 ***Members voting in favor included: Mr. Hall, Ms. Romano, and Mr. Martz.***

40 ***The vote on the Motion was unanimous (3-0).***
41

42 **3. STUDY ITEMS:**

43
44 **A. New review of potential amendments to Subdivision Regulations**

45
46 Mr. Corwin introduced the potential amendments to the Subdivision Regulations. He noted
47 that the state statutes relative to subdivisions can be contradictory and confusing. Mr. Corwin
48 noted that there are several issues driving the interest in revisiting the City’s definition and
49 jurisdiction relative to subdivisions, including conversions of condominiums and rental projects
50 consisting of multiple separate buildings under single ownership.
51

52 The committee members reviewed and discussed the state statute and the City’s definitions
53 as interpreted and applied to various types of projects. Mr. Martz expressed concerns that the
54 current exception incentivizes single buildings over multiple building developments in order to

1 avoid the subdivision review process. He said that incentive can result in larger, less attractive
2 developments, which the City should be concerned about. Mr. Brooks suggested that the
3 committee should also be planning to update the Site Plan Review Regulations to still provide
4 for a complete and thorough review of larger projects that might become exempt from
5 subdivision review.

6
7 The committee reviewed and agreed with the proposed changes to the City's definitions of
8 major and minor subdivision.

9
10 The committee reviewed and agreed with the proposed amendments to Section 6.3 relative
11 to condominium conversions.

12
13 The committee reviewed and discussed the proposed changes to Section 6.1 (Subdivision)
14 and 6.2 (Exceptions). There was concern about whether exempting potentially large projects
15 from subdivision review could cause problems for the community. Staff noted that such
16 projects would still be required to go through site plan review and that the Site Plan Review
17 Regulations should be bolstered accordingly to address design and construction issues.

18
19 **4. FUTURE AGENDA ITEMS:**

20
21 It was noted that staff will begin discussing the best way to bring proposed amendments to
22 the full Planning Board for review, discussion and, ultimately, adoption.

23
24 **5. ADJOURNMENT:**

25
26 The Committee agreed to hold its next meeting at 12:30 pm on Friday, September 18, 2020.

27
28 ***A Motion by Mr. Martz to adjourn the meeting.***
29 ***Seconded by Ms. Romano***

30
31 ***Roll Call Vote:***
32 ***Members voting in favor included: Mr. Hall, Ms. Romano, and Mr. Martz.***
33 ***The vote on the Motion was unanimous (3-0).***

34
35 The meeting was adjourned at 1:57 pm

Agenda
Planning Board Development Regulations Subcommittee
October 30, 2020

Agenda Item #3A
Approval of Minutes

**Proposed amendments to
Subdivision Regulations –
first review**

OCTOBER 30, 2020
DEVELOPMENT REGULATIONS SUBCOMMITTEE
Multi-Family Development Review

I. SUBDIVISION REGULATIONS

SECTION 6 – JURISDICTION

[...]

6.2 Exceptions

- A. Subdivision review shall not be required for ~~building~~ developments consisting of more than one (1) building erected on a lot in single ownership ~~in a commercial, industrial, institutional, or mixed-use zoning district~~ including, but not limited to, a multi-family dwelling complex or a shopping mall ~~or industrial park~~.

II. SITE PLAN REVIEW REGULATIONS

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

[...]

An application for Site Plan Review shall include the following information:

[...]

- G. The following supporting documents and information:

[...]

4. For multi-family dwelling complexes and mixed-use developments resulting in a net increase of 25 dwelling units or more, the application shall include the information and impact statements identified in Section 6.9.B.

Section 5.2 – Additional Information

The Board may require such additional information as may be reasonably necessary for the purpose of these Regulations including, but not limited to, the information noted below:

[...]

- D. For all developments other than multi-family dwelling complexes and mixed-use developments resulting in a net increase of 25 dwelling units or more, the Planning Board may, in its reasonable discretion, require the information and impact statements identified in Section 6.9.B.

ARTICLE VI – DESIGN AND CONSTRUCTION REQUIREMENTS

The Planning Board shall approve the proposed site plan only upon determination that the following requirements have been met:

Section 6.9 – Premature and Scattered Development

A. GENERAL

The Planning Board may disapprove a site plan application that proposes development that is scattered or premature, so as to involve danger or injury to health, safety, or prosperity of the community by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

For purposes of this section, a development shall be considered scattered or premature if it will cause, or poses an undue risk of causing, a substantial or appreciable adverse impact upon any of the factors or parameters set forth in the General or Specific Purposes of Site Plan Review, as outlined in Sections 1.4 and 1.5 of these Regulations, or as set forth in Section 6.9.B if such information is required to be submitted per Section 5.1.E.G.4 or 5.2.D.

B. AREAS OF STUDY AND INFORMATION

The following areas shall be considered in such studies and such information provided to the Board to determine the effect of the proposed ~~subdivision~~development. The Planning ~~Office &~~ Development Department may provide administrative guidelines to assist the ~~subdivider~~developer in providing appropriate information.

1. Statement of impact of the proposed development on natural resources and environmental quality including, but not limited to, water quality, air quality, wetlands, soil erosion and agricultural soils and a statement of pollution control and environmental impact mitigation measures.
2. Capacity of the school system; effect on school bus transportation and distance of the proposed subdivision from the nearest elementary school.
3. Adequacy of streets and/or sidewalks in the general area of the ~~subdivision~~development including major intersections providing access, and such other areas as requested by the Board.
4. Sufficiency, availability and capacity of utility services to provide water, fire protection, and sewer, and further, the impact of the ~~subdivision~~development on the municipal solid waste disposal facilities.

5. (If applicable) The 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.
6. Any special fire, police and public safety problems due to location and/or special conditions relative to the type of use.
7. Impact of drainage from the ~~subdivision~~-development on abutting properties and potential drainage problems both on the site of the ~~subdivision~~ development and downstream from the ~~subdivision~~development.
8. Fiscal impact statement analyzing the impact of the ~~subdivision~~-development on municipal, school and county revenues and expenditures, including estimated potential tax revenue and estimated number of school children.

C. ~~PROHIBITION OF APPROVAL OF SCATTERED OR PREMATURE SUBDIVISIONS~~REMEDIAL ACTION:

~~The Planning Board shall not approve a subdivision if such subdivision constitutes premature or scattered subdivision as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services or necessitate an excessive expenditure of public funds for the supply of such services. If a ~~subdivision~~-development is determined by the Planning Board to be premature and scattered, the ~~subdivider~~ applicant may show through both on and off-site improvements made at the expense of the ~~subdivider~~applicant, that the ~~subdivision~~-development is not premature or scattered or, if so, is overcome by remedial action of the ~~subdivider~~applicant.~~

~~D. BOARD'S DETERMINATION AS TO PREMATURE OR SCATTERED:~~

~~The Board shall determine based on the information presented and other information available and made part of the record whether or not the amount of development contained in the proposed subdivision in relation to the quantum of services available will pose a danger to the public through insufficiency of services.~~